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PforR

KP- SPENDING EFFECTIVELY FOR ENHANCED DEVELOPMENT

(P175727)

ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT (ESSA)

Governance Global Practice
South Asia Region

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List of Acronyms

BHU	Basic Health Unit
C&W	Communication & Works Department
E&S	Environmental and Social
EA	Environmental Assessment
EIA	Environmental Impact Assessment
ESSA	Environmental and Social Systems Assessment
FD	Finance Department
GBV	Gender Based Violence
GoKP	Government of Khyber Pakhtunkhwa
GRS	Grievance Redress Service
IA	Implementing Agency
IEE	Initial Environmental Examination
IFMIS	Integrated Financial Management Information System
IPF	Investment Project Financing
KP	Khyber Pakhtunkhwa
KP-EPA	Khyber Pakhtunkhwa Environmental Protection Act 2014
KPESED	KP Elementary and Secondary Education Department
KPPRA	KP Public Procurement Regulatory Authority
KVDA	Kalash Valley Development Authority
LAA	Land Acquisition Act
NMDs	Newly Merged Districts
OGP	Open Government Partnership
P&DD	Planning & Development Department
PAHs	Polycyclic Aromatic Hydrocarbons
PAP	Program Action Plan
PAPs	Project affected Peoples
PCRs	Physical Cultural Resources
PDO	Program Development Objective
PEPA	Pakistan Environmental Protection Act
PforR	Program for Results
PIO	Public Information Officer
POPs	Persistent Organic Pollutants
SCIM	Supply Chain Information Management
SEAH	Sexual Exploitation and Abuse/Sexual Harassment
SOPs	Standard Operating Procedures
SPEED	Spending Effectively for Enhanced Development
SSU	Shared Services Unit
TA	Technical Assistance
ToR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization

EXECUTIVE SUMMARY

Introduction

1. This Environmental and Social Systems Assessment (ESSA) has been prepared by a prepared by the World Bank team (hereafter ESSA Team) for the proposed Khyber Pakhtunkhwa Spending Effectively for Enhanced Development (SPEED), which will be supported by the World Bank's Program for Results (PforR) financing instrument. In accordance with the requirements of the World Bank Policy Program-for-Results Financing (PforR Policy), PforRs rely on country-level systems for the management of environmental and social effects.¹

2. World Bank staff prepared this ESSA to: (i) identify the Program's environmental and social effects, (ii) assess the legal and policy framework for environmental and social management, including a review of relevant legislation, rules, procedures, and institutional responsibilities that are being used by the Program; (iii) assess the capacity to implement requirements under the system; and (iv) recommend specific actions to address gaps in the program's system and implementation capacity. Through this process, the ESSA Team assessed the extent to which the Program's environmental and social management systems are consistent with six core environmental and social principles (hereafter Core Principles) contained in the PforR Policy and corresponding Key Planning Elements.

3. This ESSA report is organized into the following five sections:

- I. **Introduction:** This includes a description of the ESSA's purpose and objectives summarizes the methodology used for the ESSA.
- II. **Program Description and Potential Environmental and Social Effects:** This section describes the Program and its context, including the Program's scope, the Program Development Objective (PDO), and key results areas. The ESSA describes the actions that the Program will support and the environmental and social effects that such actions are likely to produce.
- III. **Assessment of Environmental and Social Management Capacity:** This section includes a summary assessment of the adequacy and consistency of the program's environmental and social management systems and related implementation capacity against the Core Principles and Key Planning Elements. (A more in-depth description of the program's environmental and social management systems and implementation capacity are included in Annex 2.)
- IV. **Consultations and Disclosure:** This section describes the key formal and informal consultations undertaken as part of the ESSA process, important input and recommendations received, and how and when the ESSA was disclosed.
- V. **Recommended Actions:** This section lists the actions that the ESSA Team recommends be undertaken to address the system and capacity gaps and shortcomings identified in Section III, which are grouped into two categories: (a) those that have been mainstreamed into Program design and (b) those that are to be included in the Program Action Plan (PAP).

¹ "Effects" is used throughout this document to refer collectively to benefits, impacts, and risks. The term "benefits" refers to positive consequences and the term "impacts" refers to adverse or negative consequences of actions taken. Risk is used to denote the potential for loss or damage of something of environmental and social value. Risk is typically expressed in terms of probability and severity of consequences occurring in the future.

Program Description and Potential Environmental and Social Effects

Program Description

4. Khyber Pakhtunkhwa (KP) province—Pakistan’s third-largest region, by population— faces service delivery challenges in both health and education despite recent improvements. It is also one the most affected by the COVID-19 pandemic with over 1,000 pandemic related deaths (as of November 2020) and close to 1.2 million pushed out of employment. The Government of Khyber Pakhtunkhwa (GoKP) faces several challenges the management of public finances including the following: policy-driven planning and budgeting; comprehensive, credible, and transparent budget; predictability and control in budget execution; resource mobilization; asset and liability management; and accountability for results. GoKP has been implementing a program comprising strategic objectives derived from key plans amounting to US\$1 billion. These include: (i) The Public Financial Management Strategy (2017-2020); (ii) The Health Policy (2018-2025); and (iii) The Education Sectoral Plan (2020-2025).

5. The World Bank is currently working with the Government of Khyber Pakhtunkhwa to prepare a Program titled KP Spending Effectively for Enhanced Development (SPEED), which will use the “Program for Results (PforR)” financing instrument as lending tool for investment, in accordance with the Bank’s PforR Policy. SPEED will respond to the GoKP’s post COVID 19 recovery agenda and also deal with long standing deficiencies in public financial management. The Program will support selected actions selected from the above strategies with an overall cost of US\$ 600 million. The Bank will finance a portion of the Program up to US\$375 million and the GoKP will finance the balance.

6. **The Program Development Objective is to improve the availability and management of public resources for accountable delivery of education and health services.** The Operation will support measures to improve the quality of funding in the health and education sectors by ensuring funds are released on time and reach the intended beneficiaries to achieve last mile actions that will transform service delivery and improve social outcomes. The PforR instrument innovatively links the disbursement of funds directly to the delivery of defined results and strengthens government program systems. By achieving the PDO, the Operation is expected to contribute to the World Bank’s over-arching goals of ending extreme poverty and promoting shared prosperity by supporting the Country Partnership Strategy (CPS) Results Area 4 on Service Delivery, and specifically Objective 4.1: Improved Public Resources Management, which aims to help GoKP to improve public expenditure to create fiscal space for spending on public services. The Program is also aligned with the key IDA 18 theme on Governance, and the Sustainable Development Goal 16 on governance and institutions.

7. The proposed PforR will seek to achieve its PDO through activities grouped under the following three key results areas:

Results Area 1: Providing adequate resources for service delivery

8. Under this results area, the Program will support the following activities: (i) development of a costed medium-term expenditure plan to deliver education and health; (ii) preparation of notification of a minimum threshold for non-wage recurrent financing for health and education sectors; (iii) revision of pension rules; and (iv) formulation of a plan for implementation of pension reform including supporting institutional infrastructure.

Results Area 2: Improved management of public finances for better service delivery

9. Under this results area, the Program will support: (i) development and implementation of policies for an integrated e-procurement system linked with the NFMIS; (ii) decentralization of government accounting processes; (iii) empowering the line departments in approval and reporting of financial transactions; (iv) functional integration of budget preparation processes through transmission of a single integrated budget call circular and a single ceiling to the provinces; (vi) a plan to expand IFMIS functionality for budget execution/ payment and reporting across departments; and (vii) develop measures to provide budget execution autonomy to service delivery units (primary health care centers and Clusters Head High Schools); (viii) development and testing of e-office solutions interoperable with IFMIS and e-procurement in one department; and has notified e-office solution across all of government; (ix) prepare notification on the requirement for an approved procurement plan for budget releases; (x) modification budget call circular to include a procurement plan for all procuring entities.

Results Area 3: : Improved availability of inputs and accountability for delivery of education and health services

10. Under this results area, the Program will support: (i) basic minimum staffing norms for schools and health care facilities and prepared a province wide staff deployment plan; (ii) developed a plan for providing climate resilient and environmental friendly basic facilities to primary and secondary schools and primary health care centers (including in Newly Merged Districts) that do not currently have those facilities; and (iii) increased allocation for repairs and maintenance expenditure.

Social and Environmental Effects

11. Consistent with the requirements of the Bank PforR policy, the proposed PforR operation does not support activities that pose high social and environmental risks. The activities to be supported by the Program are likely to provide significant social benefits and pose minimal environmental and social impacts and risks. Hence the ESSA finds the program suitable for PforR operation.

12. All the above-mentioned activities under Result Area 2 would require the procurement of several types of IT equipment and devices for use by the different implementing departments of the program. By virtue of ICT equipment use, electronic waste (e-waste) is expected to be generated at the start of the Program and by the end-of-life service of the procured equipment.

13. Low environmental risk is expected from e-waste generated at the end of use of ICT equipment, used by the implementing departments. Environmental, health and safety impacts occur during the recycling and disposal of the e-waste. E-waste is recycled under improper extraction facilities (for example for copper and gold etc.) and disposal arrangements will result in environment and the health and safety impacts in the form of discharge of heavy metals and occupational risks to the health of the workers and surrounding communities. Improper recycling arrangements result in air and water pollution as well as soil contamination from release of pollutants such as persistent organic pollutants (POPs) including flame retardants (poly brominated biphenyl), dioxins (polychlorinated dibenzodioxins and dibenzofurans), perfluoroalkyles, polycyclic aromatic hydrocarbons (PAHs), and heavy metals (lead, chromium or hexavalent chromium, cadmium, mercury, zinc, nickel, lithium, beryllium) during dismantling, burning, chemical processing and disposal. Most of these hazardous chemicals are found in the plastic housing of the electronic equipment, insulating material, solder of printed circuit boards, glass panels, gaskets of computer monitors, connectors, and hard drives. However, due to small quantities of e-waste that can be attributed to the Program, such risks are low.

14. Activities under Result Area 3 require that the schools and health facilities be fully equipped with boundary walls, water supply, electricity, and toilets. These activities will involve construction activities which can pose environmental risks such as noise and dust pollution, waste, temporary disruption of day-to-day activities and occupational health and safety (OHS) risks such as injuries to workers without proper monitoring and mitigation plan. The water supply and its quality, disposal of sewage from toilets and safe electricity supply will also be challenges for the implementing departments. Water microbial pollution is one of the serious problems in rural as well as urban areas for various reasons including intrusion of contaminated sewerage water into water supplies. Sewage can be a source of pathogens especially waterborne diseases and can be a potential health risk for the school children, patients, staff and the community.

15. In terms of social benefits, the Program through better allocation and execution of budgets for schools and health facilities, construction of missing facilities and improved staffing will encourage higher enrollment and student retention especially of girls and encourage local populations to access primary health care. These social benefits will be especially pronounced for post war, fragile NMDs and neighboring districts and will also help the communities improve trust in government interventions. Reducing the rising cost of pensions will create additional fiscal space for more investment to improve services to citizens. Increased use of IFMIS, e-procurement and e-office solutions will improve efficiency, reduce processing times, and allow for greater transparency in service delivery for citizens.

16. Moderate social risks are associated with supported activities across all Results Areas, namely the following: i) increased use of the IFMIS, ii) establishment of e-procurement and e-office solutions, iii) increased expenditure for repairs and maintenance of public investment assets, iv) provision of basic facilities in schools and health care centers, and v) recruitment of teachers and health care workers. There is a moderate risk of inequitable access to program benefits for indigenous peoples and vulnerable groups which include women and disabled, Kalash indigenous peoples of Chitral district, and communities in NMDs, remote and historically underserved districts.

17. Indigenous people of Kalash live in remote valleys of a far flung, underserved district of Chitral with a Muslim majority. Increased financing to, improved staffing and provision of basic facilities in schools and health centers without catering for the needs of IPs may further perpetuate the issue of unequal access and inequitable benefits. Also, by not having primary and high school education catered to the Kalash, a threat persists to their culture, when their younger population is exposed and educated through regular systems. . Women and girls across KP do not have equitable access to health and education facilities due to limited resources, distances, availability of dedicated facilities and quality of services available, since male and mix facilities take priority, the risk of which may continue through the Program. There is a risk that remote and historically underserved districts including Kohistan, Tor Ghar, Tank, D I Khan, Battagram, Upper Dir, Shangla and Hangu which have traditionally received lesser shares in PFC awards due to scattered and low populations, may receive similar lesser benefits from the Program (for both male and females). Increased use of the IFMIS and integration of e-procurement and e-office systems poses a risk of excluding government staff who have lower levels of IT literacy and knowledge, especially older employees and women who tend to be less well-versed in the use of technology, as well as smaller traders and women owned businesses. Government facilities and businesses located in NMDs and remote areas with zero or low network connectivity may also be excluded from Program benefits. By reinforcing existing inequities or grievances in NMDs and neighboring fragile districts the Program may risk exacerbating social conflict and greater mistrust for the government.

18. Low scale construction of basic facilities in schools and health centers pose a moderate risk of workers health and safety, and community health and safety, especially for students and patients, including risk of child labor, and sexual exploitation and abuse (SEAH) for children, young girls, female teachers, female

health workers and female patients. There is a risk of economic or physical displacement from forced evictions of encroachers on public land to be used for construction activities.

19. These risks are manageable if the recommended actions to strengthen the environmental and social management systems and implementation capacity described below are implemented.

Assessment of Environmental and Social Management Systems and Implementation Capacity

20. This section provides a summary assessment of whether the client's environmental and social management systems are adequate for and consistent with the core principles and key planning elements contained in the PforR Policy, as relevant to the Program. It also assesses whether the involved institutions have the requisite capacity to implement these systems' requirements. An in-depth description and analysis of the Program's systems and implementation capacity are found in Annex 2.

21. The environmental and social management under the Program will be largely based on the existing legal, regulatory, and institutional system in Pakistan and in the province of Khyber Pakhtunkhwa.

22. The applicable environmental and social management systems need to be improved to address underlying environmental and social risks. The ESSA identified gaps in some areas, as summarized below, which will need to be addressed through the Program Action Plan (PAP).

23. The current available systems and associated gaps under **Core Principle 1** - Environmental and Social Management; **Core Principle 2** – Natural Habitats and Physical Cultural Resources; and **Core Principle 3** – Public and Worker Safety are summarized below:

- (a) For the environmental risks, the provincial environmental protection aspects are governed by the KP Provincial Environmental Protection Act, 2014.
- (b) Major findings indicate that current regulations at both provincial and federal levels, lack specific provisions, pertinent to e-waste management. Hazardous substances mentioned under Hazardous Substance Rules, 2003 do not include e-waste. However, different hazardous chemicals and heavy metals are mentioned which can be part of the e-waste and are released during dismantling, burning, chemical processing or disposing on the land. Enforcement of these provisions are weak in the country due to lack of enforcement infrastructure and resources
- (c) There are no certified e-waste disposal and recycling facilities in KP for environmentally sound recycling of e-waste generated in the country. In absence of such facilities, the program implementing departments will have to rely on alternative ways to dispose obsolete and discarded IT equipment.
- (d) Under KP Provincial Environmental Protection Act 2014, communities are consulted, and concerns are recorded through socioeconomic surveys and consultations as part of the EIA. Public hearing is also carried out prior to granting NOC. However, these requirements are only for the infrastructure projects. The KP Right to Information Act 2013 ensures the access to information for citizens. As such, government departments are not required to consult vulnerable groups for their inputs into any interventions that can have perceivable impacts on them.
- (e) EPA and Implementing departments do not have specific environmental and occupational health and safety (OHS) standards and guidelines for construction, provision of water, toilets and electrification at schools and health facilities. Water and sanitation are included in the school/health facilities monitoring/inspection system, but it is not effectively used. Drinking water quality is not checked.

- (f) Regarding sewage generation and disposal from toilets, EPA does not conduct environmental monitoring of existing schools and health facilities. EPA focus is on industries only. No environmental approvals are required for the construction activities at schools and health facilities.
- (g) The Pakistan Citizens Portal, Government of KP Online Portal (Rasai 1800 & Khpal Wazirala) and Provincial Ombudsmen office are available for citizens to lodge grievances. The implementing agencies do not have any formal, dedicated GRMs, with the exception of the KPESD which has a complaints hotline.
- (h) Generally, environment and social management is not included in the mandate of the implementing agencies. The FD has dedicated environmental and social management specialists housed in the Shared Services Unit (SSU) to identify mitigation measures to manage E&S risks associated with the Program activities. However, at present the position of environmental specialist in SSU is vacant. There is no dedicated E&S staff in other implementing agencies.
- (i) As mentioned above, there are no provincial laws to ensure workers OHS or community safety during construction activities. The KP Protection Against Harassment of Women at Workplace Act 2020 is present to address risks for female teachers and health workers. Employment of children in construction activities is governed by the KP Prohibition of Employment of Children Act, 2015 and the Child Labour Policy 2018.
- (j) Overall implementing agencies are limited by human resources availability, capacity, and infrastructure to target and respond to risks faced by communities during construction activities. There are Committees set up in most agencies for preventing harassment of women at workplace, mostly chaired by the respective Secretaries. There is also a KP Ombudsperson for Protection Against Harassment of Women at the Workplace.

24. The current available systems and associated gaps under **Core Principle 4 – Land** are summarized below:

- (k) The main legal tool used for land acquisition in KP is the Land Acquisition Act (LAA) 1894, which has clear provisions and procedures for compensation in this regard when it comes to land titleholders under its Sections 23 and 24. Replacement costs for assets, and livelihood compensations, improvement or restoration measures are not a consideration under the Law. The Law does not cover non-titleholders and encroachers for any type of compensation.

25. The current available systems and associated gaps under **Core Principle 5 – Indigenous Peoples and Vulnerable** are summarized below:

- (l) The Constitution of Pakistan 1973 does not recognize Indigenous Peoples as a category, but the state of Pakistan recognizes Kalash as an ethnic and religious minority. The Kalash Valley Development Authority (KVDA) has been established to preserve the ancient culture of Kalash in Chitral. The government is also going to introduce Kalash Marriage Act keeping to provide legal protection to the traditions of Kalash tribe and also promote mutual coexistence and interfaith harmony.
- (m) As such, government departments are not required to consult indigenous people or vulnerable groups for their inputs into any interventions that can have perceivable impacts on them. Under the Open Government Partnership (OGP) initiative, KP government commits to establish an open communication with citizens, promoting participatory processes, improving transparency and access to open data, and strengthening accountability.

- (n) Under the Local Government Act of 2013, Village and Neighborhood Councils are to be set up across all districts and tehsils of the KP province. Their membership includes representation of vulnerable groups to a certain extent. The Local Government Department has developed a Communications Strategy with ICT and social media at its center.
- (o) Right to Public Services Commission has been set up in KP under an Act to facilitate improved service delivery of 24 services for the citizens including OPD and emergency medical services and scholarships.
- (p) KP has enacted a Women Empowerment Policy 2017 aiming at improving overall status of women in KP through their socio-economic, political, and legal empowerment. The provincial government has also passed the KP Protection Against Harassment of Women at Workplace Act 2020. Provincial Commission on Status of Women Act 2016 has also been enacted, and setup in Peshawar, with offices in districts across KP. The Commission has been constituted and given an autonomous status for effective and improved performance, efficiency, and responsiveness, to provide effective services for promoting women rights and to eliminate all forms of discrimination against women and for matters connected therewith. BOLO Helpline 0800-22227 is established at the Provincial level for the victims of Gender Based Violence (GBV) and persons with disabilities at Directorate of Social Welfare and Women Empowerment KP. The pilot phase of the Program is accessible in Districts of Peshawar, Mardan, Swat, Nowshera, Swabi and Abbottabad. There is a Senior Citizens Act 2014 in KP, which provides preferential treatment for the elderly.
- (q) In the P&DD a Social Protection Reform Cell was set up in the Sustainable Development Unit by ILO with the support of JICA and GIZ, in order to assist vulnerable groups against external shocks. Under Special Initiative Schemes, the P&DD has provided a block allocation in 17 of the province's least developed districts.
- (r) The KPESED Education Blueprint 2018-2023 has special provisions for improving access to and state of schools in newly merged areas. The Special Initiative for Kohistan and Tor Ghar is geared towards improving enrolment in these districts through Alternate Learning Pathways. The KPESED has also committed that 70% of all newly constructed schools will be girls schools. Since 2018, all new schools being constructed are required to have dedicated disability friendly toilets and accessible classrooms. The KP Elementary Education Foundation has established 1700 Girl's Community Schools to provide primary and middle school education to out of school children in rural and remote areas without government primary schools.
- (s) Overall implementing agencies are limited by human resources availability, capacity, and infrastructure to target and respond to risks and challenges faced by indigenous people and vulnerable groups such as encroachers, ethnic minorities and disabled. The FD has a dedicated Social Specialist in the SSU to ensure management of social risks. Social Protection Reforms Cell in the SDU of P&DD is mandated to work towards the welfare of vulnerable people but has limited staff and budget.
- (t) Regarding the use of IFMIS and e-procurement systems, the IFMIS is currently in use at the FD and other departments. KPESED has been successfully using the EMIS for education monitoring and Health Department uses an MIS for monitoring of EPI activities. The KPPRA has a Directorate of Capacity Building which conducts trainings for departments and bidders in the use of the e-systems.

26. The current available systems and associated gaps under **Core Principle 6 – Social Conflict** are summarized below:

- (u) KP government has put in place GRM systems online and through the Provincial Ombudsman. There are also Village and Neighborhood Councils across all districts of KP to help resolve conflicts out of courts and Police jurisdiction. There are no platforms for resolving conflicts within departments, except for the cabinet, provincial assembly and assemblies elected under the multi-tiered Local Government institutions at the district level. Also, there are no platforms available for government employees to file a complaint against their own superiors or against the departmental policies.

Disclosure and Consultations

27. The SPEED ESSA preparation process involved extensive stakeholder consultations. During ESSA preparation, World Bank environmental and social specialists undertook recurrent meetings and consultations with different stakeholders, including relevant government institutions at the provincial level. Key details from the formal and informal consultations held as part of the ESSA process, particularly the Multi-Stakeholder Workshop (held in Peshawar on 21st and 22nd January 2021), are summarized in Section IV. Over 25 stakeholders and experts from government, academia, the private sector, and civil society representing citizens, women and disabled participated in the Multi-Stakeholder Workshop.

28. The ESSA Team received key inputs and recommendations concerning the program design; citizens' engagement, GRM, transparency and accountability; inclusion of women, disabled and transgenders; e-waste management; and capacity of government departments in managing environmental risks. These contributed to the improvement and finalization of the draft ESSA and the design of the Program Action Plan (PAP). Further details of participants can be found in Annex 4.

29. In addition to the formal Bank-sponsored multi-stakeholder workshop that was held in Peshawar on 21st and 22nd January 2021, the Bank has and will continue to engage in other formal and informal consultations as needed prior to finalization of this ESSA and the PforR. Multiple meetings, interviews and checklists were used to gather information from the relevant implementing agencies to identify and validate the risks mentioned in earlier sections of this ESSA, and to agree upon the mitigation measures. Due to COVID-19 pandemic, institutional consultations to identify risks and assess institutional social management capacity and associate social management systems of the implementing agencies were held virtually on 2nd, 3rd, 4th and 10th December 2020. A checklist was used to ascertain positive impacts and risks against Core Principles 3, 4, 5 and 6. Virtual Meetings were held with FD, KP Health Department, KPESED, KPPRA, P&DD, C&W.

30. During these consultations, the ESSA Team received key inputs and recommendations concerning lagging districts, citizens facilitation, engagement, identification and targeting of vulnerable groups, presence of GRMs, and use of e-systems. These contributed to the design of the Program Action Plan (PAP).

Inputs to the Program Action Plan (PAP)

31. To address the institutional and capacity gaps identified through the ESSA process, the ESSA Team offers the following recommendations, which are Inputs to the PAP:

- (a) **Recommendation 1:** Agencies responsible for the implementation of the Program develop internal procedures for the handling of environmental and social risks related to the Program, appoint/nominate staff for the implementation of these procedures, and ensure capacity building of key Program staff in the management of environmental and social risks.

- (b) **Recommendation 2:** FD, with the assistance of KPITB, should prepare Guidelines for environmental management of e-waste under the Technical Assistance component. The Guidelines should include procedures for: inventory based record keeping of ICT equipment by the departments at the time of procurement of new equipment and sale of used equipment, material safety data sheets of new and old equipment, terms and conditions for the buyback of equipment at the end of life of the equipment, EPA licensed buyers of used equipment, proposed conditions for the environmentally sound recycling and disposal arrangements, etc. These Guidelines may be shared with EPA for their consent and its expanded use by EPA in KPK province. Guidelines will also help EPA in incorporating e-waste management procedures in the existing Hazardous Waste regulations. The EPA needs to regulate e-waste recycling facilities by registering and issuing licenses and monitoring their operations. FD should also secure approval from EPA for the use of EHSS guidelines in the province.
- (c) **Recommendation 3:** Implementing agencies in consultation with provincial EPA should prepare the climate resilient and environment friendly Policy Framework (PF) for the Program activities. PF should focus on mitigations and monitoring system for various types of construction activities for their facilities including water supply, electrification and safe disposal of sewage from toilets etc.
- (d) **Recommendation 4:** The program teams in FD, P&D, KPPRA, and KPITB departments along with EPA staff should be made aware of Guidelines and PF by organizing e-waste management and PF guidelines training as part of the capacity-building activities under the program.
- (e) **Recommendation 5:** Secure EPA's approval for e-waste Guidelines and PF. FD should secure provincial EPA's consent and its expanded use by EPA in future in KP province. Guidelines will also help EPA in incorporating e-waste management procedures in the existing Hazardous Waste regulations and develop e-waste management policy for KP province.
- (f) **Recommendation 6:** Prepare an Occupational Health and Safety Plan, Community Health and Safety Plan and GBV Action Plan for the Program activities. Program focal points at each implementing agency be trained on community health and safety, child labor and SEAH as master trainers. Ensure all construction contracts include community health and safety, labor safety child labor and SEAH prevention clauses.
- (g) **Recommendation 7:** Review the Land Acquisition Act, 1894 according to the recommended local, regional, and international practices to prepare SOPs to respond to all system and capacity gaps on resettlement and encroachment
- (h) **Recommendation 8:** Prepare SOPs for engaging and consulting with Indigenous People for this Program activities as per guidance of ESS7 of the World Bank ESF
- (i) **Recommendation 9:** Review the performance of the existing KP forums on Social Protection, RTI, RTS, Status of Women and others in order to improve the inclusion the vulnerable groups for promoting equity and inclusion.
- (j) **Recommendation 10:** Provide assistance to conduct opinion surveys, citizen score cards, citizen budgeting, gender responsive budgeting and communications, etc. to facilitate FD in strengthening and expanding their Open Government Partnership initiatives.
- (k) **Recommendation 11:** Conduct a gender assessment to guide the Program on initiating change and change management for improved access of women to basic service delivery systems (health and education).

- (l) **Recommendation 12:** Conduct a social assessment to establish a baseline of access to health and education services by communities in remote and historically underserved districts including NDMs; to monitor and establish a midline and an end-line on the same indicators.
- (m) **Recommendation 13:** Conduct social conflict analysis based on exclusion and inequity for NMDs. The assessment will be carried out to assess the vulnerability, impediments, and susceptibility of the people of NMDs with regards to health and education services delivery.
- (n) **Recommendation 14:** Integrate multiple GRM's into a single provincial level GRS.

32. Section 92 provides more detailed descriptions of the scope of these recommendations and provides indicative costs and timetables for implementation. If these inputs to the PAP are successfully implemented, the overall environmental and social management system for the program will have been considerably strengthened and set on a more sustainable path. This is also true for Khyber Pakhtunkhwa since the improvements in environmental and social management systems and capacity are likely to extend beyond the life of the Program.

I. INTRODUCTION

A. Environmental and Social Systems Assessment: Purpose and Objectives

1. This Environmental and Social Systems Assessment (ESSA) has been prepared by a World Bank ESSA Team for the proposed Khyber Pakhtunkhwa Spending Effectively for Enhanced Development (SPEED), which will be supported by the World Bank's Program for Results (PforR) financing instrument. In accordance with the requirements of the World Bank Policy Program-for-Results Financing (PforR Policy), PforRs rely on country-level systems for the management of environmental and social effects. The PforR Policy requires that the Bank conduct a comprehensive ESSA to assess the degree to which the relevant PforR Program's systems promote environmental and social sustainability and to ensure that effective measures are in place to identify, avoid, minimize, or mitigate adverse environmental, health, safety, and social impacts. Through the ESSA process, the Bank ESSA Team develops recommendations to enhance environmental and social management within the Program, which are included in the overall management action plan.

2. The main purposes of this ESSA is to: (i) identify the Program's environmental and social effects, (ii) assess the legal and policy framework for environmental and social management, including a review of relevant legislation, rules, procedures, and institutional responsibilities that are being used by the Program; (iii) assess the implementing institutional capacity and performance to date to manage potential adverse environmental and social issues; and (iv) recommend specific actions to address gaps in the Program's environmental and social management system, including with regard to the policy and legal framework and implementation capacity.

3. This ESSA assesses or considers the extent to which the Program's environmental and social management systems are adequate for and consistent with six core environmental and social principles contained in paragraph of Section III of the PforR Policy (hereafter, Core Principles), as may be applicable or relevant under PforR circumstances. The Core Principles are listed below. They are further given greater defined through corresponding Key Planning Elements that are included under each Core Principle in Section III.

- (a) **Core Principle 1: *Environmental and Social Management*:** Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in Program design, (b) avoid, minimize, or mitigate against adverse impacts; and (c) promote informed decision making relating to a Program's environmental and social effects
- (b) **Core Principle 2: *Natural Habitats and Physical Cultural Resources*:** Environmental and social management procedures and processes are designed to avoid, minimize, and mitigate any adverse effects (on natural habitats and physical and cultural resources) resulting from the Program.
- (c) **Core Principle 3: *Public and Worker Safety*:** Program procedures ensure adequate measures to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the Program and (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials
- (d) **Core Principle 4: *Land Acquisition*:** Land acquisition and loss of access to natural resources are managed in a way that avoids or minimizes displacement, and affected people are assisted in improving, or at least restoring, their livelihoods and living standards.

- (e) **Core Principle 5: Indigenous Peoples and Vulnerable Groups:** Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.
- (f) **Core Principle 6: Social Conflict:** Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

4. An additional purpose of this ESSA is to inform decision making by the relevant authorities in the borrower country and to aid the Bank's internal review and decision process associated with SPEED. The findings, conclusions and opinions expressed in this document are those of the World Bank. The recommended actions that flow from this analysis have been discussed and agreed with KP Government counterparts and will become legally binding agreements under the conditions of the new loan.

B. ESSA Methodology

5. The World Bank undertook the following actions as part of the assessment from November 2020 to January 2021: (a) a comprehensive review of government policies, legal frameworks and program documents, and other assessments of KP Government's environmental and social management systems (b) interviews and consultations were done with relevant experts and officials from Finance Department (FD); Planning & Development Department (P&DD); KP Health Department, KP Elementary and Secondary Education Department (KPESED), Communication & Works Department (C&W) and KP Public Procurement Regulatory Authority (KPPRA).

6. This report was prepared by World Bank staff and consultants through a combination of reviews of existing Program materials and available technical literature, interviews with government staff, and consultations with key stakeholders and experts. Findings of the assessment will be used in the formulation of an overall Program Action Plan (PAP) with key measures to improve environmental and social management outcomes of the Program. The findings, conclusions, and opinions expressed in the ESSA document are those of the World Bank. Recommendations contained in the analysis have been discussed and agreed with the concerned Program implementing agencies before finalization and disclosure of the ESSA.

7. The ESSA review process seeks to describe and assess the systems for managing environmental and social effects of a proposed Program. Between November 2020 and January 2021, the World Bank drew on a wide range of data, sources, and inputs during the ESSA review process, including the following actions:

- (a) **Assessment of the environmental and social effects of the Program:** The ESSA Team assessed the potential for the Program to cause adverse environmental and social effects, either due to its design and Program components or due to gaps in Program systems.
- (b) **Comprehensive desk review of policies, legal framework, Program documents, and other assessments of environmental and social management systems:** The review examined the set of national policy and legal requirements related to environment and social management. The review also examined technical and supervision documents from previous and ongoing World Bank projects and programs whereby ESSA's were produced (KP Revenue Mobilization and Public Resource Management Program, Punjab Public Resource Management Program, Punjab Cities, Federal Public Financial Management, Punjab Green Development Program, etc.)
- (c) **Institutional analysis:** An institutional analysis was carried out to identify the roles, responsibilities, and structure of the relevant institutions responsible for implementing the SPEED funded activities, including coordination between different entities at the national, provincial, and local levels. The

assessment of the capacity of key institutions to implement required environmental and social management actions was assessed. An important input for this assessment was an evaluation of these institutions' previous track record in managing such risks in the context of previous projects and programs.

- (d) **Consultations and Interviews:** interviews and consultations were done with relevant experts and officials from Finance Department (FD); Planning & Development Department (P&DD); KP Health Department, KP Elementary and Secondary Education Department (KPESED), Communication & Works Department (C&W) and KP Public Procurement Regulatory Authority (KPPRA).

8. This document is being made publicly available prior to Board consideration of the related Program for Results. This does not imply a presumed outcome. This document may be updated following Board consideration of the relevant PforR, and the updated document will be made publicly available in accordance with the Bank's policy on Access to Information.

II. PROGRAM DESCRIPTION AND POTENTIAL ENVIRONMENTAL AND SOCIAL EFFECTS

A. Program Context

9. Khyber Pakhtunkhwa (KP) province—Pakistan’s third-largest region, by population— faces service delivery challenges in both health and education despite recent improvements. It is also one the most affected by the COVID-19 pandemic with over 1,000 pandemic related deaths (as of November 2020) and close to 1.2 million pushed out of employment. The GoKP faces several challenges the management of public finances including the following: policy-driven planning and budgeting; comprehensive, credible, and transparent budget; predictability and control in budget execution; resource mobilization; asset and liability management; and accountability for results. KP’s annual budget is not guided by a strong fiscal management function—an issue that is exacerbated by the fragmentation of the budget preparation and execution processes. There is no overarching medium-term fiscal framework against which the annual or medium-term budget estimates are prepared, primarily because the province relies mostly on federal transfers for its revenue. Moreover, the Budget Strategy Paper only gives broad-brush overview of the priority sectors but does not provide any bottom-up or top-down priorities within these sectors. There is also considerable budget variation as budget execution differs widely from the approved original budget due to the frequent approval of supplementary budgets throughout the year.

10. These structural weaknesses affect allocation of resources as well as the use of these resources to facilitate delivery of health and education services and are manifested in various ways. First KP does not allocate enough to these sectors compared to other provinces. KP lags behind its provincial counterparts in per student education expenditure (PKR28,000) and per public health unit bed health expenditure (PKR 2 million).² Similarly, allocation to capital expenditure (measured as development expenditure) has been declining as a share of total expenditure, leading to poor school and health center facilities. Despite several measures to devolve service delivery to local levels, the management of public finances remain heavily centralized and dependent on manual processes. The lack of defined sector plans linked to school budgets lead to inadequate allocations to schools and hospitals. The centralization of the budget allocation process at the District level causes delays in availability of funds to schools and primary health care centers after budget process. Additionally, payment processes are manual and funds release of funds takes time. Releases are also subject to discretionary powers on the part of District Accounts Officers and District Health Officers thereby causing delays in vendor payments. Procurement is fragmented and manual. For example, the health sector has multiple supply chains, sometimes leading to duplication of efforts and wastage of resources, including cases of oversupply of medicine. Finally, the absence of staffing norms across BHU and elementary school levels leads to variations in allocation of staff. Some schools and health centers have more staff than are needed, while others remain understaffed.³

11. A large and increasing pension bill poses a considerable fiscal challenge for the Government of Khyber Pakhtunkhwa as it reduces the fiscal space to finance essential services such as education and health. Civil Service pension expenditures increased from about 3.2 percent of provincial fiscal revenues in 2009-10 to 20.6 percent in 2017-2018.

2 : *Pakistan Education Statistics FY17 (AEPAM); Social Sector statistics (PBS); Controller General of Accounts and World Bank staff estimates*

3 Focus Group Discussions with frontline staff of education and health sectors (various dates in December 2020)

B. The Government's Program

12. The Government program comprises strategic objectives derived from key GoKP plans amounting to US\$1 billion. These include: (i) The Public Financial Management Strategy (2017-2020); (ii) The Health Policy (2018-2025); and (iii) The Education Sectoral Plan(2020-2025).

C. Bank Financed PforR Scope, Objectives, and Key Results Areas

13. In response to the government's request for support, the World Bank has prepared KP Spending Effectively for Enhanced Development (SPEED) to support/enhance the aims of the government's program. The Bank and Government of KP agreed to develop and support SPEED using the World Bank's PforR instrument. SPEED will respond to the GoKP's post COVID 19 recovery agenda and also deal with long standing deficiencies in public financial management. The Program will support selected actions selected from the above strategies with an overall cost of US\$ 600 million. The Bank will finance a portion of the Program up to US\$375 million and the GoKP will finance the balance.

14. A Technical Assistance Project will support the PforR Program by financing activities to strengthen capacity for transparent management of public finances; improve public financial management for delivery of education and health services; and provide a budget for program implementation and accountability for performance and delivery of services.

15. The PforR Program includes three results areas, which are summarized below with their relevant PDO indicators.

(a) Results Area 1: Providing adequate resources for service delivery

The Program will support the following activities: (i) development of a costed medium-term expenditure plan to deliver education and health; (ii) preparation of notification of a minimum threshold for non-wage recurrent financing for health and education sectors; (iii) revision of pension rules; and (iv) formulation of a plan for implementation of pension reform including supporting institutional infrastructure.

(b) Results Area 2: Improved management of public finances for better service delivery

The Program will support: (i) development and implementation of policies for an integrated e-procurement system linked with the NFMIS; (ii) decentralization of government accounting processes; (iii) empowering the line departments in approval and reporting of financial transactions; (iv) functional integration of budget preparation processes through transmission of a single integrated budget call circular and a single ceiling to the provinces; (vi) a plan to expand IFMIS functionality for budget execution/ payment and reporting across departments; and (vii) develop measures to provide budget execution autonomy to service delivery units (primary health care centers and Clusters Head High Schools); (viii) development and testing of e-office solutions interoperable with IFMIS and e-procurement in one department; and has notified e-office solution across all of government; (ix) prepare notification on the requirement for an approved procurement plan for budget releases; (x) modification budget call circular to include a procurement plan for all procuring entities.

(c) Results 3: Improved availability of inputs and accountability for delivery of education and health services

The Program will support: (i) basic minimum staffing norms for schools and health care facilities and prepared a province wide staff deployment plan; (ii) developed a plan for providing climate resilient

and environment friendly basic facilities to primary and secondary schools and primary health care centers (including in Newly Merged Districts) that do not currently have those facilities; and (iii) increased allocation for repairs and maintenance expenditure.

16. The Program Development Objective (PDO) of SPEED is to improve the availability and management of public resources for accountable delivery of education and health services. The following indicators will measure the achievement of the PDO:

- i. Increased use of the Integrated Financial Management Information System (Text)
- ii. Procurement conducted through e-procurement platform (%)
- iii. Revenue allocated to pension costs (%)
- iv. Total non-wage recurrent financing for education and health (Text)
- v. Districts that comply with defined performance standards for education and health service delivery (Number)
 - of which in Newly Merged Districts
- vi. Direct project beneficiaries (number),
 - of which, girls completing primary education (%)
 - of which, in Newly Merged Districts(%)
 - of which, patients attended to in Maternal, New Born and Child Health Clinics (%)

17. The Program comprises seven DLIs, four of which are PDO indicators, that represent critical milestones towards achieving the DLIs. A TPVA will verify achievement of DLIs based on verification protocols

Table 1: Disbursement Linked Indicators and Rationale

Result Area (RA)	DLI	Contribution to Program Outcomes
RA1: Providing efficiently allocated and reliable resources for delivery of education and health services	DLI1: Adequate, efficient and reliable financing for health and education service delivery	This DLI incentivizes the GoKP to provide sufficient financing allocated based on a costed sector plan including for climate resilient and women friendly facilities and protects the funds for providing primary education and health service delivery
	DLI2: Reduction in pension expenditure	This DLI supports parametric reforms to reduce and stabilize growing pension costs, thereby contributing to sustainable fiscal space for spending on education and health service delivery
	DLI3: Increased recurrent expenditure for repairs and maintenance of public investment assets	The DLI incentivizes the GoKP to allocate budget resources for repairs and maintenance. At present, most capital investment deteriorate due to lack of maintenance and repairs, and in some cases the result of climate related shocks such as flooding.
RA2: Improved management of public finances for delivery of education and health services	DLI4: Timely availability of essential supplies in schools and hospitals and transparency of payments through e-office solutions	This DLI incentivizes automation to improve supply chain management for supply of essential medicine; improve transparency in payment for services; and ensure business continuity in case of disaster
RA3: Improved availability of core inputs for delivery of education and health services	DLI5: Primary schools that meet agreed staffing norms	This DLI incentivizes the provision of teaching professionals in adequate numbers to enhance delivery of primary education services
	DLI6: Primary health care centers that meet agreed staffing norms	This DLI incentivizes the provision of medical professionals in adequate numbers to enhance delivery of primary health services
	DLI7: Primary schools and Primary health care centers that have basic infrastructure facilities	The DLI incentivizes the provision of climate resilient basic infrastructure in primary schools and health centers.

18. The results chain (see Table 2 below) includes a description of activities within each of the results areas, which collectively aim to achieve the PDO. Indicators and outcomes within each of the Results Areas have been defined to monitor the progress of the Program. A set of these indicators will be used as the Program's DLIs, which are bolded in Table 1. The remainder will be monitored through the Program Results Framework. More detailed descriptions of the activities under each results area are included in Section II.

Table 2: Program Results Chain

Results Area	Activities	Outputs	Intermediate Outcomes
Results Area 1: Providing adequate resources for service delivery	<ul style="list-style-type: none"> • Introduce MTFF • Conduct mid-year expenditure reviews • Develop pension reform plan • Prepare PIM guidelines • Define threshold for repairs and maintenance expenditure 	<ul style="list-style-type: none"> • MTFF implemented • Mid-year expenditure reviews conducted • Pension reform plan prepared • PIM guidelines prepared • Repairs & Maintenance expenditure defined 	<ul style="list-style-type: none"> • Adequate financing for health and education service delivery (DLI1) • Increased non-wage recurrent financing for education and health(PDO3) • Reduction in pension expenditure (DLI2) • Increased expenditure for repairs and maintenance (DLI5)
Results Area 2: Improved management of public finances for better service delivery	<ul style="list-style-type: none"> • Conduct BPR for E-procurement • Establish Supply Chain Information Management (SCIMS) for health and education • Equip warehousing facilities • Automate payment process • Establish asset registry 	<ul style="list-style-type: none"> • BPR for E-procurement • E-procurement established • SCIMS in operation • Warehousing facilities functional • Payment process automated • Asset registry developed 	<ul style="list-style-type: none"> • E-procurement system fully interoperable with IFMIS (DLI3) • Government procurement conducted through e-procurement(PDO2) • Increased use of the IFMIS (DLI4/PDO1)
Results 3: Improved availability of inputs and accountability for delivery of education and health services	<ul style="list-style-type: none"> • Timely release of funds • Improve health and education facilities • Develop staffing norms for education sector • Develop staffing norms for health sector • Develop integration plans for vertical programs in health sector • Recruit teacher and health-workers • Introduce Key Performance Indicators for service delivery 	<ul style="list-style-type: none"> • Funds release procedures revised • Missing facilities provided • Staffing norms developed for education sector • Staffing norms developed for health sector • integration plan for parallel run vertical programs in health sector developed • Teacher and health-workers hired • Performance Indicators developed and approved 	<ul style="list-style-type: none"> • Proportion of districts which receive conditional grants within 60 days of budget approval (IRI). • School and health care centers fully equipped with four basic facilities (including in Newly Merged Districts) (DLI6) • Schools and health facilities meet staffing norms (DLI7) • Direct project beneficiaries (PDO5) • Primary schools and health care centers that comply with defined performance indicators (%)

D. Program Implementation Arrangements

19. The KP Finance Department (FD) will oversee overall Program implementation. The Minister of Finance will preside over the PFM Steering Committee overseeing Program implementation. The Shared Services Unit (SSU) in the FD will be responsible for day to day Program management in collaboration with other implementing agencies.

20. The indicators and the institutional arrangements for data collection are defined in the Results Framework. The M&E arrangements are designed to reflect the shared responsibility for implementation of the two strategies that support this Program. The SSU will be staffed with relevant M&E technical resources to manage the monitoring of Program implementation. The SSU has experience in carrying out monitoring of similar Programs but will need additional to monitor Program performance. The M&E plan details the specific responsibility for data collection for each indicator.

E. Description of Program Activities and Identification of Environmental and Social Effects

21. This sub-section describes the activities to be implemented under each of the Results Areas followed by a discussion of the potential environmental and social effects that could arise from each activity. Overall, the proposed Program is expected to pose moderate environmental and moderate social risks.

22. The environmental risks of the Program from e-waste are rated as low because e-waste volumes that can be attributed to this project in comparison with overall country-wide e-waste is minimal. However, risks associated with construction and civil works (boundary walls and toilets), water supply schemes and electrification of schools and health facilities are localized and short term. However, identified risks if not addressed adequately can impact proportionately large portion of target population. Hence, overall environmental risk rating is moderate.

1. Results Area 1 – Providing adequate resources for service delivery

23. The DLIs under Results Area 1 are listed below:

- Adequate financing for health and education service delivery (DLI1)
- Reduction in pension expenditure (DLI2)
- Increased expenditure for repairs and maintenance of public investment assets (DLI5)

(a) Environmental Effects

24. Under Results Area-1, the program activities are mostly planning activities and it is assessed that these will not cause environmental impacts.

(b) Social Effects

25. The activities supporting this results area are expected to produce social benefits and social risks, summarized below and expanded upon in the table.

- (1) **Benefits:** These activities are likely to directly benefit the social wellbeing of citizens of KP. They will improve the quality of health and education services across the province. Improving funding to and increased expenditures on schools and health facilities in the NMDs and neighboring districts will benefit the overall wellbeing of the local communities and improve trust in government interventions. Reducing the rising cost of pensions will create additional fiscal space for more investment to improve services to citizens.
- (2) **Risks:** There is a moderate risk of inequitable access to program benefits for indigenous peoples and vulnerable groups which include women and disabled, Kalash indigenous peoples of Chitral district, and communities in NMDs, remote and historically underserved districts. Accordingly, Core Principles 5 and 6 are relevant for further analysis.

Table 3: Results Area 1- Social Effects Assessment

RA and DLIs	Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.	Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
Results Area 1: Improved capacity to manage public expenditure allocation for better service delivery		
<p>DLI 1 Adequate financing for health and education service delivery</p> <p>DLI 5 Increased expenditure for repairs and maintenance</p> <p>Responsible IAs: FD, KPESD, Health Dept</p>	<p>Positive Impacts The Program will ensure increased financing and improved quality of funds in the health and education sectors by ensuring funds are released on time and reach the intended beneficiaries to achieve last mile actions that will transform service delivery and improve social outcomes. Better allocation and execution of budgets for schools and construction of missing facilities will improve the state of schools therefore encouraging higher enrollment and student retention especially of girls. Better allocation and execution of budgets for health facilities will improve the quality of health care provided at these facilities and encourage the population to access them locally for primary health care. This will benefit the social wellbeing of the people of KP.</p> <p>Social Risk Indigenous people of Kalash live in remote valleys of a far flung, underserved district of Chitral with a Muslim majority. The provision of schools and health facilities in the Kalash Valleys is lacking. Existing government education systems in the Kalash Valleys do not have any provisions for safeguarding the Kalash culture and religion. Increased financing to, improved staffing and provision of basic facilities in schools and health centers without catering for the needs of IPs may further perpetuate the issue of unequal access and inequitable benefits. By not having primary and high school education catered to the Kalash, a threat persists to their culture, when their younger population is exposed and educated through regular systems.</p> <p>Remote and historically underserved districts including Kohistan, Tor Ghar, Tank, D I Khan, Battagram, Upper Dir, Shangla and Hangu have traditionally received lesser shares in Provincial Finance Commission (PFC) awards due to scattered and low populations. Risk that inequitable provision of funds</p>	<p>Positive Impacts Newly Merged Districts (NMDs)/erstwhile FATA have for years suffered from war and conflict. The communities in the NMDs are post war, fragile and have a general distrust for the state- and state-run services. Districts neighboring NMDs (including D I Khan, Tank, Buner, Hangu, Bannu etc.) have suffered impacts of conflict and war situations in the NMDs, including increased pressure on health and education facilities (catering to additional displaced people during the conflict). Improving funding to and increased expenditures on schools and health facilities in the NMDs and neighboring districts will benefit the social wellbeing of the communities and improve trust in government interventions.</p> <p>Social Risks Risk of reinforcing existing inequities or grievances in NMDs and neighboring fragile districts can lead to social conflict and greater mistrust for the government.</p>

RA and DLIs	Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.	Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
	<p>to such remote and historically underserved districts will be further perpetuated and the populations of these districts (both male and female) will receive lesser Program benefits.</p> <p>Women and girls across KP do not have equitable access to health and education facilities due to limited resources, distances, availability of dedicated facilities and quality of services available, since male and mix facilities take priority, the risk of which may continue through the Program.</p>	
DLI 2 Reduction in pension expenditure	<p>Positive Impact Reducing the rising cost of pensions will create additional fiscal space for more investment to improve services to citizens. This will directly benefit the social wellbeing of citizens.</p> <p>Social Risk No social risk as the Program does not intend to reduce pension amounts per beneficiary.</p>	

2. Results Area 2 - Improved management of public finances for better service delivery

26. The DLIs under Results Area 2 are listed below:

- E-procurement system fully interoperable with Integrated Financial Management Information System (IFMIS) (DLI3)
- Increased use of the IFMIS (DLI4)

27. Under Results Area 2, the program will support development and implementation of policies for an integrated e-procurement system linked with the NFMIS, development and testing of e-office solutions interoperable with IFMIS and e-procurement in the government departments.

(a) Environmental Effects

28. Activities under Results Area 2 would require the procurement of several types of IT equipment items and devices for use by the different implementing departments of the program. By virtue of ICT equipment use, electronic waste (e-waste)⁴ is expected to be generated at the start of the program as a result of replacing obsolete and discarded ICT equipment and by the end of life service of the procured equipment.

29. **Environmental Risk** is expected from e-waste generated at the end of use of ICT equipment, used by the implementing departments. Environmental, health and safety impacts occur during the recycling and disposal of the e-waste. E-waste is recycled under improper extraction facilities (for example for copper and gold etc.) and disposal arrangements will result in environment and the health and safety impacts in the form of discharge of heavy metals and occupational risks to the health of the workers and surrounding communities. Improper recycling arrangements result in air and water pollution as well as soil contamination from release of pollutants such as persistent organic pollutants (POPs) including flame retardants (poly brominated biphenyl), dioxins (polychlorinated dibenzodioxins and dibenzofurans), perfluoroalkyles, polycyclic aromatic hydrocarbons (PAHs), and heavy metals (lead, chromium or hexavalent chromium, cadmium, mercury, zinc, nickel, lithium, beryllium) during dismantling, burning, chemical processing and disposal. Most of these hazardous chemicals are found in the plastic housing of the electronic equipment, insulating material, solder of printed circuit boards, glass panels, gaskets of computer monitors, connectors, and hard drives. Persistent toxic substances (PTSs), including both POPs and toxic metals, released in the environment can enter the food webs. Several PTSs are known to be endocrine disrupters, posing adverse health effects such as reproductive disorders, developmental deformities, and cancer in both humans and wildlife.

30. It is assessed that the risk will be low due to small quantities of e-waste attributed to the Program. Long and variable life of each equipment also further reduce defuse risks associated with e-waste from the project. However, it establishes the need to develop Guidelines for the sale/disposal of old ICT equipment and purchase of new ICT equipment under the Program Action Plan. Guidelines should include clauses for buyback based on lifecycle of the ICT in the contracts of ICT vendors.

31. Detailed e-waste management status in Pakistan is presented in Annex-3.

4 According to the OECD, e-waste is “any appliance using an electric power supply that has reached its end-of life”

(b) **Social Effects**

32. The activities supporting this results area are expected to produce social benefits and social risks, summarized below and expanded upon in the table.

- (1) **Benefits:** These activities are likely to directly benefit the social wellbeing of citizens of KP. Increased use of IFMIS and e-procurement will improve efficiency, reduce rent seeking and processing times, and allow for greater transparency, resulting in improved disbursement of funds and eventually better service delivery for citizens.
- (2) **Risks:** There is a risk of exclusion or redundancy of government employees with low or zero IT literacy, especially older and female staff. E-procurement may also exclude small and women owned businesses from using the system. Government offices in remote areas with low or zero network connectivity may also be excluded from using these systems. Hence, Core Principles 5 and 6 are relevant for further analysis.

Table 4: Results Area 2- Social Effects Assessment

RA and DLIs	Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.	Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
Results Area 2 - Improved management of public finances for better service delivery		
<p>DLI 3 E-procurement system fully interoperable with IFMIS</p> <p>DLI 4 Increased use of the Integrated Financial Management Information System to facilitate district and facility level financial autonomy</p>	<p>Positive Impact Increased use of IFMIS will improve efficiency, reduce processing times, and allow for greater transparency. This will tend to improve the disbursement of funds and result in better service delivery for citizens. Integration of e-procurement process will improve fairness and transparency in the public procurement processes and reduce redundancies and multiple steps in payment authorization. It will tend to increase bidder participation in public tenders and competition for government contracts (due to ease of access), which over time will result in better quality and lower prices, thereby helping in providing better services for citizens.</p> <p>Social Risk Increased use of the IFMIS and integration of e-procurement systems poses a risk of excluding employees and staff who have lower level of IT literacy and knowledge, especially older employees and women who tend to be less well-versed in the use of technology. Government facilities located in remote areas with zero or low network connectivity may also be excluded from Program benefits.</p> <p>Risk that smaller traders and women owned businesses with zero or low levels of IT literacy may face challenges in using the e-procurement system.</p>	<p>Social Risk NMDs and historically underserved districts have low or zero internet connectivity. Risk that increased use of IFMIS and e-procurement may lead to sense of deprivation for government offices in these areas, increasing the risk for conflict.</p>

3. Results Area 3 - Improved availability of inputs and accountability for delivery of education and health services

33. The DLIs/PDOs under Results Area 3 are listed below:

- School and health care centers fully equipped with four basic facilities (including in Newly Merged Districts) (DLI6)
- Schools and health facilities meet staffing norms (DLI7)

34. Under Results Area 3, the program will support development of a plan to provide basic facilities to primary and secondary schools and primary health care centers (including those in Newly Merged Districts) that do not currently have those facilities; and increase allocation for repairs and maintenance expenditure. These activities are further elaborated in DLI-6: School and Health Care Centers Fully Equipped with Four Basic Facilities (including in Newly Merged Districts) i.e Boundary Walls, Water Supply, Electricity and Toilets.

(c) Environmental Effects

35. Activities mentioned above will involve construction activities which will pose environmental risks if these activities are not properly managed. The water supply and its quality, disposal of sewage from toilets and safe electricity supply will also be challenges for the implementing departments.

36. **Environmental Risks:** Under Result Area 3 and DLI-6, construction works will be carried out within the school and health facilities' premises. Land acquisition will not be required, and it is not part of the Program. Any loss or conversion of natural habitats and any changes in land or resource use are not expected. Localized and short-term environmental impacts may occur in the form of drainage clogging/wastewater ponding, air pollution from dust and stack emissions, noise pollution, soil contamination, occupational health hazards due to improper management of sanitary and hazardous waste. Construction activities will cause temporary disruption of school and health facilities activities. There will be also low level of risk to public and worker health and safety at construction sites.

37. **Water Supply:** Pakistan is already water-stressed country, a situation which is going to degrade into water scarcity due to high population growth⁵. Pakistan is heading towards a situation of water shortage and by corollary, a threat of food insecurity. Per capita surface water availability has declined from 5,260 m³ per year in 1951 to around 1,000 m³ in 2016. This quantity is likely to further drop to about 860 m³ by 2025 marking Pakistan's transition from a "water stressed" to a "water scarce" country⁶. Safe water and availability of required level of water at schools and health facilities, particularly in the rural areas of KPK will be a challenge for the management.

38. **Treatment and Disposal of Sewage:** School and health facilities toilets will generate sewage which can be the source of pathogens if it is not treated properly and dumped openly without developing proper treatment or disposal mechanism especially in rural settings. There is a potential health risk for the school children, patients, staff and the surrounding community, if this sewage is not properly treated and disposed of through sewers or closed drains at appropriate disposal site. The open disposal of sewage will result into breeding of mosquitoes and flies, the source of outbreak of diseases in the community. This sewage can also

5 World Bank, Pakistan's Economy Running Dry

6 National Water Policy, April 2018

contaminate water resources and the source of waterborne diseases such as diarrhea, typhoid, cholera, dysentery, and hepatitis.

39. *Drinking Water Quality:* In Pakistan, water in most of the areas, is contaminated with microbiological and chemical contaminants. Microbial pollution is one of the serious problems in rural as well as urban areas. Such high level of contamination is mostly attributed to the intrusion of pollution from sewage lines into drinking water supplies.⁷

40. Safe water supply is a challenge for most of the schools and health facilities in Pakistan in general, and particularly in the underground brackish water zones. It is mandatory under the environmental protection acts (federal and provincial) for the municipalities and Water and Sanitation Authorities (WASAs) to supply safe drinking water to the consumers. The performance of schools and health facilities to ensure safe drinking water quality is not satisfactory.

41. *Electrical Safety:* Improper electrical designing and installation of electricity distribution system at schools and health facilities can pose health and safety risks to the school children, patients, and staff. Earthing of electrical system is not commonly practiced in Pakistan leading potential risks of electric shocks as well as fires. The choice of earthing system can also affect safety and electromagnetic compatibility of the system.

(d) Social Effects

42. The activities supporting this results area are expected to produce the social benefits and social risks, summarized below and expanded upon in the table.

- (1) **Benefits:** These activities are likely to directly benefit the social wellbeing of citizens of KP. Provision of staff and basic facilities at schools and health facilities will improve the services provided at these facilities and provide an improved environment for women and children, encouraging communities, especially women and girls to use them. Construction of basic facilities and improved staffing at schools and health facilities in the NMDs and neighboring districts will benefit the social wellbeing of marginalized and vulnerable communities and improve trust in government interventions.
- (2) **Risks:** There is a moderate risk of inequitable access to program benefits for indigenous peoples and vulnerable groups which include women and disabled, Kalash indigenous peoples of Chitral district, and communities in NMDs, remote and historically underserved districts. Risk to community safety including risk of injury, child labor, and sexual exploitation and abuse/sexual harassment (SEAH) for children, young girls, female teachers, female health workers and female patients during construction activities. There is a risk of economic or physical displacement from forced evictions of encroachers on public land to be used for construction of basic facilities in schools and health facilities.

7 M.K. Daud, et.al., Review Article 'Drinking Water Quality Status and Contamination in Pakistan'

Table 5: Results Area 3 - Social Effects Assessment

RA and DLIs	Core Principle 3 – E&S management systems are designed to protect public and worker safety against the potential risks associated with the construction and/or operation of facilities or other operational practices under the Program	Core Principle 4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards	Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.	Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
Results Area 3: Improved availability of inputs and accountability for delivery of education and health services				
<p>DLI 6 School and health care centers fully equipped with four basic facilities (including in Newly Merged Districts)</p> <p>DLI 7 Schools and health facilities meet staffing norms</p>	<p>Positive Impact Provision of female staff and basic facilities at schools and health facilities will provide an improved environment for women and children.</p> <p>Social Risk Risk to community safety during low scale construction of basic facilities in schools and health facilities, especially for students and patients. Risk of child labor, and sexual exploitation and abuse/sexual harassment (SEAH) for children, young girls, female teachers, female health workers and female patients during construction activities.</p>	<p>Social Risk There is a risk of economic or physical displacement from forced evictions of encroachers on public land to be used for construction of basic facilities in schools and health facilities</p>	<p>Positive Impacts Construction of missing facilities and hiring of teachers will improve the state of schools therefore encouraging higher enrollment and student retention especially of girls. Construction of missing facilities and hiring of staff will improve the quality of medical services and encourage the local population to access primary health care facilities locally. This will also reduce the burden on tertiary health care facilities and benefit the social wellbeing of the people of KP.</p> <p>Social Risk The provision of schools and health facilities in the Kalash Valleys is lacking. Existing government education systems in the Kalash Valleys do not have any provisions for safeguarding the Kalash culture and religion. Provision of basic facilities and improved staffing without catering for the needs of IPs</p>	<p>Positive Impacts Construction of basic facilities and improved staffing at schools and health facilities in the NMDs and neighboring districts will benefit the overall wellbeing of the communities and improve trust in government interventions.</p> <p>Social Risks Risk of reinforcing existing inequities or grievances in NMDs and neighbouring fragile districts may lead to social conflict and greater mistrust for the government.</p>

RA and DLIs	Core Principle 3 – E&S management systems are designed to protect public and worker safety against the potential risks associated with the construction and/or operation of facilities or other operational practices under the Program	Core Principle 4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards	Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.	Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
			<p>may further perpetuate the issue of unequal access and inequitable benefits. Remote and historically underserved districts including Kohistan, Tor Ghar, Tank, D I Khan, Battagram, Upper Dir, Shangla and Hangu receive lesser government funding as compared to the mainstream districts (central KP), and so have inadequate schools and primary health care facilities. Risk that selection of schools and health care facilities for construction of basic facilities and improved staffing by the Program will remain focused on central KP and continue to exclude these remote and historically underserved districts from receiving benefits.</p> <p>Women and girls across KP do not have equitable access to health and education facilities due to limited resources, distances, availability of dedicated facilities and quality of services available, since male and mix facilities take priority. Risk that conventional selection criteria of schools and health care facilities for construction of basic facilities</p>	

RA and DLIs	Core Principle 3 – E&S management systems are designed to protect public and worker safety against the potential risks associated with the construction and/or operation of facilities or other operational practices under the Program	Core Principle 4: Program E&S systems manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards	Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to rights and interests of indigenous peoples and to the needs or concerns of vulnerable groups.	Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.
			and improved staffing will increase the inequitable access for women and girls.	

III. ASSESSMENT OF ENVIRONMENTAL AND SOCIAL MANAGEMENT SYSTEMS AND IMPLEMENTATION CAPACITY

A. Introduction

43. As noted earlier, the PforR Policy requires the proposed Program to operate within an adequate environmental and social management system that can manage environmental and social effects (particularly adverse impacts and risks) identified during the ESSA process. This includes (a) an adequate legal and regulatory framework and institutional setting to guide environmental and social impact assessment and the management of environmental and social effects, and (b) adequate institutional capacity to effectively implement the requirements of the system.

44. This section assesses whether the Program’s environmental and social management systems are consistent with the core principles and key planning elements contained in the PforR Policy and whether the involved institutions have the requisite capacity to implement these systems’ requirements. Both elements (e.g., Program systems and capacity) are necessary towards ensuring that the environmental and social effects identified in Section II are effectively managed. Through both analyses, the ESSA team has identified gaps in both areas, which are addressed in Section 92: Inputs to the Program Action Plan.

A *Program system* is constituted by the rules and “arrangements within a Program for managing environmental and social effects,”⁸ including “institutional, organizational, and procedural considerations that are relevant to environmental and social management”⁹ and that provide “authority” to those institutions involved in the Program “to achieve to achieve environmental and social objectives against the range of environmental and social impacts that may be associated with the Program.”¹⁰ This includes existing laws, policies, rules, regulations, procedures, and implementing guidelines, etc. that are applicable to the Program or the management of its environmental and social effects. It also includes inter-agency coordination arrangements if there are shared implementation responsibilities in practice.¹¹

45. *Program capacity* is the “organizational capacity” the institutions authorized to undertake environmental and social management actions to achieve effectively “environmental and social objectives against the range of environmental and social impacts that may be associated with the Program.”¹² This ESSA has examined the adequacy of such capacity by considering, among other things, the following factors:

- (a) Adequacy of human resources (including in terms of training and experience), budget, and other implementation resources allocated to the institutions;
- (b) The adequacy of institutional organization and the division of labor among institutions;
- (c) Effectiveness of interagency coordination arrangements where multiple agencies or jurisdictions are involved; and

⁸ Drawn from *Program-for-Results Financing: Interim Guidance Notes on Staff Assessments*, “Chapter Four: Environmental and Social Systems Assessment Interim Guidance Note,” Page 77, paragraph 1.

⁹ Ibid, page 82, paragraph 12.

¹⁰ Ibid., Page 77, paragraph 2, and page 82 paragraph 12.

¹¹ Based “Chapter Four: Environmental and Social Systems Assessment Interim Guidance Note,” *Program-for-Results Financing: Interim Guidance Notes on Staff Assessments*.

¹² Ibid., Page 77, paragraph 2, and page 82 paragraph 12.

- (d) The degree to which the institutions can demonstrate prior experience in effectively managing environmental and social effects in the context in projects or programs of similar type and magnitude.

46. This ESSA examines and discusses only those aspects of the Proposed Program's environmental and social management systems and related capacity that the ESSA Team found to be relevant considering its identified environmental and social effects. This section provides a *summary assessment* of the Program's systems and capacity as they relate to each of the core principles and key planning elements. The text and tables below clarify the instances in which one or more of the Core Principles or Key Planning Elements are not relevant to the Program and are thus inapplicable. More in depth discussion and analysis of the Program's systems and capacity are found in annex 2.

B. Core Principle 1 - Environmental and Social Management

47. As indicated below, and in greater detail in annex 2, the assessment of Program systems under this principle determined that there are social risks related to exclusion of indigenous peoples, vulnerable groups and communities in historically underserved areas from Program benefits, and community health and safety during low scale construction of basic facilities in schools and health facilities.

48. In terms of Program capacity, the main findings indicate that specific environmental and social monitoring systems do not exist in the relevant government departments. Environmental and social assessment studies are not carried out to evaluate and manage environmental and social risks associated with **low scale** construction activities and operations of schools and health facilities. The Finance Department has dedicated environmental and social management specialists housed in the Shared Services Unit (SSU). Other implementing agencies do not have specific personnel for environmental and social management.

49. The assessment of program systems under this principle determines that there are likely environmental risks associated with e-waste generation if such waste is not handled and disposed in an environmentally sound manner. E-waste would be generated at the start of the program when already existing obsolete and redundant ICT equipment will be replaced with advance ICT equipment, and at the end of use of the new ICT equipment procured in this program. Though environmental impact would be insignificant based upon expected small quantity of ICT equipment but still such e-waste would need to be managed in an environmentally sound manner.

50. There are also likely environmental and health risks associated with the construction activities for the boundary walls, toilets and laying water supply pipelines, disposal of sewage from the toilets, and supply of water and electricity supply. Lack of supply of sanitation and drinking water can pose health implications. Improper treatment and disposal of sewage from toilets can result in environmental and health problems for children, patients, staff and nearby communities. The construction activities can pose environmental risks in terms of air, water, soil and noise pollution and safety concerns for the workers. Improper electrical designing and installation of electricity distribution system at schools and health facilities can pose health and safety risks to the school children, patients, and staff.

51. Electronic Waste

Environmental pollution control associated with hazardous waste is addressed in The Khyber Pakhtunkhwa Environmental Protection Act 2014 . Under Section 14 'Prohibition of Import of Hazardous Waste', *No person shall carry, import, bring , transport or deliver hazardous waste or cause to carry, import, bring, transport or delivery of hazardous waste into the territorial jurisdiction of the Province of the Khyber Pakhtunkhwa.* Under

Section 15 'Handling of Hazardous Substances', *no person shall generate, collect, consign, transport, treat, dispose of, store, handle or import any hazardous waste except under a license or in accordance with the provision of any other law or of any international treaty, convention, protocol, code, standard, agreement or other instruments to which Pakistan or Province KPK is a party.* Similarly, under the Hazardous Substance Rules, 2003, made under Pakistan Environmental Protection Act 1997 (PEPA 97), license is required for the import and transportation of hazardous substance from Federal or Provincial agency. The application for the grant of license for the industrial activity involving generation, collection, consignment, transport, treatment, disposal, storage, handling or import of hazardous substances, will also be accompanied with EIA report and safety plan. The validity of the license will be for three years from the date of issue. The licensee will notify any major accident occurring at licensed facility to provincial and federal agencies. There are packing and labelling requirement, safety precautions for the premises and workers which will have to be followed. The licensed facility may be inspected by the provincial or federal staff.

The Pakistan Penal Code discusses offences where public or private properties and/or human lives are affected due to intentional or accidental misconduct of an individual or body of people. The Code defines the penalties for violations concerning pollution of air, water bodies and land.

The Khyber Pakhtunkhwa Local Government Act, 2013 addresses the environmental pollution control for the waste under i) Fourth Schedule, Part I (Sr. No: 8): discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain or sewer, public water course or public land; ii) Fifth Schedule (Sr, No: 26): Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.

In terms of program systems and capacity, the major findings indicate that current regulations at both provincial and federal levels, lack specific provisions pertaining to e-waste management. Hazardous substances mentioned under Hazardous Substance Rules, 2003 do not include e-waste. However, different hazardous chemicals and heavy metals are mentioned which can be the part of the e-waste or released during dismantling, burning, chemical processing or disposing on the land. Enforcement of these provisions are weak in the country due to lack of enforcement infrastructure and resources. There are no certified e-waste disposal and recycling facilities in Pakistan and KPK province for environmentally sound recycling of e-waste generated in the country. In the absence of such facilities, the program implementing departments will have to rely on alternative ways of dispose obsolete and discarded IT equipment.

52. Water and Sanitation

The Education Policy (2009) puts special emphasis on the need to address school WASH, identifying the provision of missing facilities, and in particular toilets and drinking water facilities, as critical for retention and quality education. KPK Schools Sector Plan (2015-20) under policy group of Better Schools and Facilities ensures that all government schools in the province have the basic facilities of a boundary wall, running water, lavatories, and electricity in place and functioning.

One of the policy measures under National Environmental Policy (2005) focuses on to provide sustainable access to safe water supply and effectively manage and conserve the country's water resources. The National Climate Change Policy recommends enactment and enforcement of legislation for water resource management in industry and domestic sectors with special focus on groundwater, conduct awareness campaigns to underscore the importance of conservation and sustainable use of water resources. Under Pakistan Climate Change Act (2012), Climate Change Authority approves guidelines for the protection and conservation of renewable and non-renewable resources.

National Water Policy (2018) provides a national framework within which the provinces can develop their master plans for sustainable development and management of water resources. The National Drinking Water Policy (2009) stresses that a lack of adequate drinking water facilities in schools is one of the contributing factors to both low enrolment and high drop-out rates.

Under Provincial Local Government Acts, the provision and maintenance of water supply schemes and public sources of drinking water are the responsibilities of municipal corporations/committees. The Khyber Pakhtunkhwa Drinking Water Policy (2015) envisions a better quality of life for the people of KPK through universal access to adequate quantities of potable water. Specific objectives of the policy are to enhance the drinking water supply coverage in the province, introduce reforms in the drinking water supply sector, ensure protection and conservation of water resources, promote cost effective and appropriate technological options for water supply systems, increase public awareness about water protection and conservation, safe hygiene practices and the nexus between sanitation and safe water supply services.

There are different authorities responsible for the supply of adequate quantity and quality of water to the citizen of Pakistan in all the four provinces. In KPK, MCs supply water in all the districts of the province.

There are national and provincial drinking water quality standards in Pakistan. The water supply authorities have the mandate to ensure water quality as per the prescribed standards. Pakistan Council of Research in Water Resources (PCRWR) is the focal agency for water quality monitoring in Pakistan. The water supply authorities do not have resources and capacity to monitor and maintain required water quality.

The National Sanitation Policy (2006) seeks to promote community-led Total Sanitation and facilitate access for all citizens to basic level services in sanitation, including the installation of sanitary latrines in each household, schools, bus stations and important public places, and also community latrines in densely populated areas. The Pakistan Approach to Total Sanitation is the government's tool to implement the National Sanitation Action Plan 2010-2015. It includes school-led total sanitation as one of its key components, tapping into the potential of children as agents of change to help shift perceptions at community level.

53. Sewage from Toilets

Under national and provincial environmental protection acts, the wastewater discharge is controlled. Under these acts, no person can discharge or emit any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the specified Environmental Quality Standards (EQS). These EQS provide limits for the wastewater. Compliance of EQS for the sewage treatment and disposal from schools and health facilities is not satisfactory. The environmental authorities are mainly focusing on the industries for the compliance of environmental law and the enforcement for houses, public and commercial buildings and schools are given minimal consideration.

54. Construction Activities

The national and provincial environmental protection acts require that no proponent of a project shall commence construction or operation unless an initial environmental examination or environmental impact assessment has been completed for the proposed activity and an No Objection Certificate has been obtained from the relevant environmental protection agency. The Review of IEE and EIA Regulations of Federal and KPK do not require filing of IEE or EIA for the construction or expansion of schools and health facilities.

55. Recommendations: Based on the gaps identified through the assessment, the ESSA Team recommends that:

- The agencies responsible for the implementation of the Program develop internal procedures for the handling environmental and social risks related to the Program, appoint/nominate staff for the implementation of these procedures, and ensure capacity building of key Program staff in the management of environmental and social risks.
- Prepare Guidelines for environmental management of e-waste under the Technical Assistance component

Table 6: Core Principle 1 - Environmental and Social Management

Core Principle 1: Environmental and social management procedures and processes are designed to (a) avoid, minimize, or mitigate adverse impacts; (b) promote environmental and social sustainability in Program design; and (c) promote informed decision-making relating to a Program's environmental and social effects.			
Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
1.1 Program procedures are backed by an adequate legal framework and regulatory authority to guide environmental and social impact assessments at the programmatic level.	<ul style="list-style-type: none"> • Legal and regulatory framework exists at national and provincial level to assess the environmental and social impacts at the program level. • Hazardous materials are regulated in PEPA 97 and KPK Environmental Protection Act, Pakistan Penal Code, and KPK Local Government Act. • The concerned regulatory authorities include Environmental Protection Agency (EPA) and local government. • There are no specific provisions for e-waste management in these regulations. • There is no certified or licensed e-waste recyclers and their facilities in the country and the provinces. • The implementing departments do not have SOPs and buyback clauses in contracts with vendors for safe handling, storage and disposal of e-waste. • Current policy and regulations at provincial and federal levels, lack specific provisions pertinent to the construction, water supply, toilets, and electricity at schools and health facilities. The enforcement 	<ul style="list-style-type: none"> • The implementing departments don't have awareness regarding e-waste hazards and its environmentally safe recycling and disposal practices. • e-waste is treated along with other wastes and sold to waste contractor without any environmental consideration for its disposal. • The regulators do not have awareness and capacity to establish and enforce e-waste management rules. • Overall, the regulators are lacking in infrastructure, capacity and resources to enforce environmental regulations in the country. • Implementing departments do not have specific standards and guidelines for construction, provision of water, toilets and electricity at schools and health facilities. Water and sanitation is included in the school/health facilities monitoring/inspection system, but it is not effectively used. Drinking water quality is not checked as per the required frequency. • Regarding sewage generation and disposal from toilets, EPA does not 	<ul style="list-style-type: none"> • Prepare Guidelines for environmental management of e-waste under the Technical Assistance component. Guidelines should be inclusive of buyback clauses in the contracts with ICT vendors • Secure EPA approval for e-waste Guidelines. • Train implementing agencies and EPA staff for compliance with e-waste Guidelines under capacity building activities of Technical Assistance component. • The implementing departments should prepare climate resilient and environment friendly Policy Framework for schools and health facilities to cover following: <ul style="list-style-type: none"> ▪ Ensure compliance with local government and development authorities building bylaws and safety standards and confirm environmental and safety risks of the construction activities are mitigated ▪ Ensure regular supplies of water and safe drinking water. ▪ Construction and operation of proper treatment and

	<p>of environmental law on education and health facilities is weak.</p> <ul style="list-style-type: none"> • Under national and provincial environmental protection acts, the wastewater discharge is controlled. In practice, the sewage is generally not properly treated and disposed at schools and health facilities. • NOC is required prior to construction and operation of any project from the Federal and Provincial environmental agencies by submitting IEE/EIA or environmental screening checklist. Environmental and social impact assessment of the project activities is the part of IEE and EIA reports. There is no environmental approval requirement for construction activities at schools and health facilities. Local governments and development authorities building bylaws and safety standards apply to school and health facilities' buildings. 	<p>conduct environmental monitoring of existing schools and health facilities. EPA focus is on industries only.</p> <ul style="list-style-type: none"> • No environmental approvals are required for the construction activities at schools and health facilities. • Implementing departments don't have any procedure, rules/guideline to enforce and monitor environmental health and safety safeguards during construction and for the provision of toilets, water and electricity at schools and health facilities. 	<p>disposal of sewage from toilets.</p> <ul style="list-style-type: none"> ▪ Ensure safety provisions are considered during electrical designing and installation of electrical system at schools and health facilities
<p>1.2. Incorporate recognized elements of environmental and social assessment good practice, including the following: 1.2 (a) Early screening of potential effects</p>	<ul style="list-style-type: none"> • Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA) is carried out for the new projects prior to their construction and operation under Clause 13 of KPK Environmental Protection Act, as per Review of IEE and EIA Regulations 2016. • KPK Review of IEE and EIA Regulations do not require filing of 	<ul style="list-style-type: none"> • The Finance Department has dedicated environmental and social management specialists housed in the Shared Services Unit (SSU) to evaluate and manage E&S risks associated with the Program activities. There is no dedicated E&S staff in other implementing agencies. • Generally, the regulator EPA has adequate capacity for review and 	<ul style="list-style-type: none"> • EPA needs capacity building for the review and approval of e-waste specific IEE/EIA and monitoring of its compliance. • Implementing departments should consult EPA for the development of Policy Framework. Policy Framework need to be approved by EPA Appoint/nominate staff for E&S management in IAs

	<p>IEE or EIA for the construction of schools and health facilities.</p> <ul style="list-style-type: none"> • Program activities don't come under these regulations, thus requiring no screening or impact assessment due to no major construction activities in the program. • However, EIA will be required for the e-waste recycling facilities. 	<p>approval of IEE/EIA and monitoring of its compliance requirements.</p> <ul style="list-style-type: none"> • However, EPA is lacking in capacity for the review and approval of e-waste specific IEE/EIA and monitoring of its compliance. • EPA does not conduct the environmental and social assessment of schools and health facilities. 	<ul style="list-style-type: none"> • Development of capacity-building programs for Key Program staff in IAs on E&S assessments and management
1.2 (b) Consideration of strategic, technical, and site alternatives (including the 'no-action' alternative)	<ul style="list-style-type: none"> • Site alternatives are considered during environmental impact assessment under Review of IEE and EIA Regulations 2016. The type of activities under the program does not require site alternatives as there is no major construction activity. Most of the program activities involve system improvement. • Under the program only boundary walls and toilets will be constructed and water supply pipelines will be laid for which there is no requirement of submitting environmental assessment document to the agency • However, site alternative will be considered in the EIA of recycling facilities. 	<ul style="list-style-type: none"> • As Above 	<ul style="list-style-type: none"> • Not Applicable
1.2 (c) Explicit assessment of potentially induced, cumulative, and transboundary impacts	<ul style="list-style-type: none"> • Under Hazardous Substance Rules, 2003, hazardous waste is regulated by issuing license to the recyclers. • The application for the license is accompanied with EIA and safety plan. 	<ul style="list-style-type: none"> • The regulators lack in awareness and capacity to establish and enforce e-waste management rules/guidelines. • Generally, the capacity of EPA is adequate regarding EIA but it needs 	<ul style="list-style-type: none"> • EPA under its own procedures may include e-waste in the hazardous substance list. EPA may develop and enforce e-waste management rules (EIA and safety plan will be part of the licensing procedure under these rules). This recommendation is not

	<ul style="list-style-type: none"> • However, e-waste is not mentioned in the hazardous substance list, rather chemicals and heavy metals are mentioned which are the part of the e-waste and released during recycling, therefore these rules are not specifically applied to e-waste. • The e-waste recyclers and their facilities are not regulated and no EIA is carried out. • Environmental assessment is not required for the construction of boundary walls and toilets, laying of water supply pipelines and electricity at schools and health facilities under the law. 	<p>capacity building for e-waste specific EIA.</p> <ul style="list-style-type: none"> • Implementing departments do not have specific standards and guidelines for construction, provision of water, toilets and electricity at schools and health facilities. While water and sanitation is included in the school/health facilities monitoring/inspection system, it is not effectively used. Drinking water quality is not checked. 	<p>part of the Program Action Plan for SPEED.</p> <ul style="list-style-type: none"> • Staff of the implementing departments should be trained on climate resilient and environment friendly Policy Framework and its implementation
1.2 (d) Identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized	<ul style="list-style-type: none"> • Currently e-waste and its recyclers are not regulated through existing laws. There are no e-waste management rules/guidelines in the country and provinces. • In all the implementing departments, no system and procedures currently in place for managing e-waste in an environmentally sound manner. • Currently the construction activities, and provision of water and electricity at schools/health facilities are not regulated through existing laws. There is no system of environmental management at the implementing departments regarding these aspects. 	<ul style="list-style-type: none"> • The regulators lack awareness and capacity to establish and enforce e-waste management rules. • The implementing departments don't have awareness regarding e-waste hazards and its environmentally safe disposal and recycling practices. • e-waste is treated along with other wastes and sold to waste contractor without any environmental consideration for its disposal. • Approvals are required under the law for the construction activities and for the provision of water and electricity at schools/health facilities. • Implementing agencies have neither capacity nor the system to propose and implement mitigation measures 	<ul style="list-style-type: none"> • Prepare Guidelines for environmental management of e-waste under the Technical Assistance component. Guidelines should be inclusive of buyback clauses in the contracts with ICT vendors based on lifecycle of ICTs • Secure EPA approval for e-waste Guidelines. • Environmental management and implementation of e-waste Guidelines training to implementing departments and EPA staff under capacity building activities of Technical Assistance component. • The implementing departments should prepare climate resilient and environment friendly Policy Framework for schools and health facilities to cover construction, and water and electricity aspects.

		for construction and provision of water and electricity aspects.	
1.2 (e) Clear articulation of institutional responsibilities and resources to support implementation of plans	<ul style="list-style-type: none"> KPK Environmental Protection Agency is the concerned regulatory and monitoring institution responsible for environmental management in the province. The implementing departments are responsible for handling e-waste in environmentally safe manner and ensuring environmental, health and safety compliance during construction activities, for water and electricity supply and disposal of sewage from toilets. 	<ul style="list-style-type: none"> The regulators lack in awareness and capacity to establish and enforce e-waste management rules/guidelines. The implementing departments don't have awareness regarding e-waste hazards and its environmentally safe disposal and recycling practices. No SOPs developed for e-waste management in the implementing departments. Implementing departments do not have specific standards and guidelines for construction, provision of water, toilets and electricity at schools and health facilities. The Finance Department has dedicated environmental and social management specialists housed in the Shared Services Unit (SSU) to identify mitigation measures to manage E&S risks associated with the Program activities. There is no dedicated E&S staff in other implementing agencies. 	<ul style="list-style-type: none"> Prepare Guidelines for environmental management of e-waste under the Technical Assistance component. Guidelines should be inclusive of buyback clauses in the contracts with ICT vendors based on lifecycle of ICTs Secure EPA approval for e-waste Guidelines. Environmental management and implementation of e-waste Guidelines training to implementing departments and EPA staff under capacity building activities of Technical Assistance component. Climate resilient and environment friendly Policy Framework for school and health facilities will define the institutional responsibility. Appoint/nominate staff for E&S management in IAs Development of capacity-building programs for Key Program staff in IAs on E&S assessments and management.
1.2 (f) Responsiveness and accountability through stakeholder consultation, timely dissemination of Program information, and through responsive grievance redress measures	<ul style="list-style-type: none"> All investment projects are duly approved by the national and provincial assemblies as a part of annual budget which are disclosed on web sites of respective ministries and departments. The KP government does not have any formal stakeholder's consultation process for the 	<ul style="list-style-type: none"> Adequate processes exist for information dissemination and disclosure. KP Government hosts an online portal with information on KP's Annual Development Plan, Citizens Budget, tenders published by GoKP, administrative departments, educational institutions, 	Appoint/nominate staff in IAs for handling timely consultations, disclosure, dissemination of information and grievance redress measures

	<p>activities of the Program. However all investment projects are duly approved by the provincial assembly as a part of annual budget which are disclosed in websites of respective IA(s).</p> <ul style="list-style-type: none"> • Guidelines for Public Consultation, 1997 address possible approaches to public consultation and techniques for designing an effective Program of consultation that reaches all major stakeholders and ensures the incorporation of their concerns in any impact assessment study, specifically EIAs. • The KP Right to Information Act 2013, was passed by the provincial legislature with the objective to ensure the access of citizens to information in government departments. The law places crucial duties and responsibilities on the designated Public Information Officer (PIOs), to liaise between the public and government institutions under the RTI Law. 	<p>employment and other similar schemes. There is also a province level online GRM www.complaint.kp.gov.pk</p> <ul style="list-style-type: none"> • No formal setups exists for grievance redress measures in the implementing agencies. 	
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C. Core Principle 2 – Natural Habitats and Physical Cultural Resources

56. Environmental and social management procedures and processes are designed to avoid, minimize, and mitigate against adverse impacts on natural habitats and physical cultural resources resulting from the program.

57. Given the scope of the proposed program’s activities, the ESSA team concludes that the program is unlikely to have any adverse impacts or pose any risk for natural habitats and physical cultural resources.

D. Core Principle 3 – Public and Worker Safety

58. As indicated below, and in greater detail in annex 2, the assessment of Program systems under this principle determined that there are moderate social risks related to workers health and safety, and community safety during low scale construction of basic facilities in schools and health facilities. As per the details provided by the KP Health Department, KPESD and C&W Department, works for basic facilities such as boundary walls, toilets and provision of electricity and water are carried out during regular operations of schools and health centers. This poses a moderate risk to community health and safety, especially for staff, students and patients. There is also a risk of child labor, and sexual exploitation and abuse (SEAH) risk for children, young girls, female teachers, female health workers and female patients during construction activities. The C&W does not have any policies for ensuring safety of workers during construction activities. **Any provisions for workers and community health and safety required by multilateral or bilateral donors are added to construction contracts by C&W.**

59. ESSA team assessed that the program may result in generation of hazardous waste associated with the disposal of obsolete IT equipment replaced by IT equipment purchased under this project as well as at the end of use life of the equipment procured under this project. This waste could result in negative impacts to workers and public health if not disposed of in an environmentally safe manner. However, the life of the equipment exceeds the project implementation phase.

60. ESSA team assessed that the sewage generated from the toilets can be the source of pathogens. It will be a potential health risk for the school children, patients, staff and the community, if this sewage is not properly treated and disposed through sewers or closed drains at appropriate disposal site and dumped openly without any treatment. The open disposal of sewage will result in breeding of mosquitoes and flies and may become a source of outbreak of diseases in the community. This sewage can also contaminate water resources and the source of waterborne diseases such as diarrhea, typhoid, cholera, dysentery, and hepatitis.

61. Construction of boundary walls and toilets as well as laying of water supply pipelines at schools and health facilities are envisioned under the program. These construction activities can pose safety risks to the workers. In case, if workers do not follow safety protocols, there are chances of accidents not only for construction workers but also for the nearby community.

62. In terms of system assessment, national and provincial regulations are lacking in providing specific provisions on e-waste management. There are no specific rules and guidelines to regulate e-waste recyclers and their facilities and its disposal. The e-waste is not included as a hazardous substance in the Hazardous Substance Rules, 2003. Consequently, e-waste recyclers are not required to get license from the authority and regulate their facilities. There are also no safe disposal and formal recycling facilities in KP and other provinces of Pakistan to allow safe and sound management of the e-waste. Furthermore, implementing departments have not developed any procedures to handle e-waste in safe manner. The current procedure is to store obsolete IT equipment and auction them to private sector at periodic intervals. Nor do the departments track final destination of auctioned equipment.

63. Different hazardous materials are released during e-waste recycling. These materials include hazardous chemicals and heavy metals which are released into the environment and pose health and safety risks. Hazardous materials are released when e-waste is dismantled, plastic parts are burnt, metals are recovered through chemical processes and discarded parts are disposed on land and water in unsafe and untreated manner. Recycling is carried out mostly by informal sector with limited or no use of PPEs and disregard to occupational health and safety issues. Owing to unsafe recycling practices, health and safety of

workers involved in the e-waste recycling operations and communities living in the vicinity of e-waste recycling operations are at risk.

64. Wastewater discharge is controlled under national and provincial environmental protection acts. Under these acts, no person is allowed to discharge or emit any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the specified Environmental Quality Standards (EQS). These EQS provide limits for the wastewater. However, the environmental authorities mainly focus on the industries for the compliance of environmental law whereas the enforcement for houses, public and commercial buildings including health facilities and schools are not the priority. Implementing departments do not have specific standards and guidelines for ensuring environmental, health and safety safeguards for construction activities, treatment and disposal of sewage and provision of water and electricity at schools and health facilities.

65. In terms of capacity assessment, as discussed under Core Principle 1, the regulators are lacking in awareness and capacity to regulate e-waste. The implementing departments are also not aware of the e-waste management. Recommendations made for the compliance of ESSA Core Principles 1 & 2 are also relevant for the compliance of Core Principle 3. The main findings indicate that the KP Health Department and KPESD do not have specific provisions and staffing for managing community health and safety in schools and health facilities. However, there are Committees set up in most agencies for preventing harassment of women at the workplace, mostly chaired by the respective Secretaries.

66. Recommendations: Based on the gaps identified through the assessment, the ESSA Team recommends that:

- a) Implementing Agencies in consultation with provincial EPA should prepare the climate resilient and environment friendly Policy Framework for the Program activities. Policy Framework should focus on mitigations and monitoring system for various types of construction activities for their facilities including water supply, electrification and safe disposal of sewage from toilets etc.
- b) FD should secure provincial EPA's approval for e-waste Guidelines and PF and its expanded use by EPA in future in KP province
- c) Train IAs on e-waste Guidelines and PF
- d) Prepare an Occupational Health and Safety Plan, Community Health and Safety Plan and GBV Action Plan for the Program activities. Program focal points at each implementing agency be trained on community health and safety, child labor and SEAH as master trainers. Ensure all construction contracts include community health and safety, labor safety, child labor and SEAH prevention clauses.

Table 7: Core Principle 3 – Public and Worker Safety

Core Principle 3: Program procedures ensure adequate measures to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the Program and (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials.			
Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
3 (a) Promotes community, individual, and worker safety through the safe design, construction, and O&M of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed.	<ul style="list-style-type: none"> • The KP Protection Against Harassment of Women at Workplace Act 2020 is present to address risks for female teachers and health workers. • Employment of children in construction activities is governed by the KP Prohibition of Employment of Children Act, 2015 and the Child Labor Policy 2018. • Local government and development authorities building bylaws and safety standards are applied while extending approval. • The performance of implementing departments is not satisfactory to ensure safety of the construction workers and the community. 	<ul style="list-style-type: none"> • Overall implementing agencies are limited by human resources availability, capacity and infrastructure to target and respond to risks faced by communities during construction activities. Implementing agencies capacity is low to apply building bylaws and safety standards for the safety of workers and community during construction, provision of water, toilets and electricity at schools and health facilities. • OHS measures required by donors or financing entities are ensured by the C&W Dept by adding them to procurement contracts for contractors. • There are Departmental Committees constituted in most agencies for preventing harassment of women at workplace, mostly chaired by the respective Secretaries (heads of the departments). There is also a KP Ombudsperson for Protection Against Harassment of Women at the Workplace. 	<ul style="list-style-type: none"> • Section on occupational health and safety of the workers and the community should be part of the EHSS Guidelines. Implementing departments' staff should be trained in these guidelines. • Prepare Community Health and Safety Plan • Prepare GBV Action Plan • Ensure all construction contracts include community health and safety, labor safety, child labor and SEAH prevention clauses. • Train Program focal points on community health and safety, child labor and SEAH as master trainers

<p>3 (b) Promotes the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through Program construction or operations; promotes the use of IPM practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.</p>	<ul style="list-style-type: none"> • Current regulations do not cover specific provisions on e-waste management. KPK Environmental Protection Act 2014 Section 15 includes general provision on the handling of hazardous substances including: generation, collection, consignment, transportation, treatment, dispose of, any hazardous substance. General provisions are mentioned in KPK Local Government Act 2013 for hazardous material. Hazardous Substance Rules 2003 don't mention e-waste as a hazardous substance and so no rules are applied on it. No pertinent guidelines or rules are drafted. Pakistan is party to the Basel Convention and Stockholm Convention on POPs for controlling trans-boundary movement of hazardous waste and their disposal and unintentional release of POPs. • There is no mechanism for the training of the workers involved in e-waste handling. • No regulated recyclers and recycling facilities in the country. • There are no SOPs for e-waste handling in the implementing departments. 	<ul style="list-style-type: none"> • <u>Regulators</u>: Lack of awareness and capacity to develop and enforce e-waste management guidelines/rules in the country. • <u>Implementing agencies</u>: Lack of awareness about e-waste management 	<ul style="list-style-type: none"> • Prepare Guidelines for environmental management of e-waste under the Technical Assistance component. Guidelines should be inclusive of buyback clauses in the contracts with ICT vendors based on lifecycle of ICTs • Secure EPA approval for e-waste Guidelines. • Environmental management and implementation of e-waste Guidelines training to the implementing departments and EPA staff under capacity building activities of Technical Assistance component.
<p>3 (c) Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when Program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or</p>	<ul style="list-style-type: none"> • No assessment is required as the program activities do not involve major construction activities which could be affected by severe weather or climate events. 	<ul style="list-style-type: none"> • Not Applicable 	<ul style="list-style-type: none"> • Not Applicable

other severe weather or climate events.			
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E. Core Principle 4 – Land Acquisition

67. Given the scope of the proposed Program’s activities, the ESSA Team concludes that the Program is unlikely to have any large scale adverse impacts or pose any risks caused by the acquisition of land or the restriction of use or access to land or natural resources, including the loss of income caused by such actions. All construction activities for provision of basic facilities in schools and health facilities and warehouses will be done on lands owned by the KP Health Department/KPESED. However, this principle is applicable with regard to possible physical and/or economic displacement of the landless poor encroaching public lands.

68. As indicated below, and in greater detail in annex 2, the assessment of Program systems under this principle determined that most often public lands are encroached upon by the landless, poorest segments of the society. Construction of basic facilities such as boundary walls and toilets may cause forced evictions by public authorities, without compensations as the current law does not allow for compensating non-titleholders/encroachers/slum dwellers/street hawkers.

69. In terms of Program capacity, the main findings are that the Land Acquisition Act 1894 does not allow compensations for any economic displacement of encroachers and non-title holders. This is a major gap between WB requirements and the country systems. However, in the construction of the recent Bus Rapid Transit Project in Peshawar, in partnership with Asian Development Bank, Government of KP did provide compensations for economic displacement to the shop owners, hawkers (non-titleholders) etc. who were affected by remodeling and construction of underpasses.¹³ A grievances redressal system was also placed under the Land Acquisition and Resettlement Committee who was also the focal point for providing compensation. So, in the shape of BRT, precedence of a recommended practice for equitable land acquisition and resettlement exists.

70. Recommendations: Based on the gaps identified through the assessment, the ESSA Team recommends to review the Land Acquisition Act, 1894 according to the recommended local, regional and international practices to prepare SOPs to respond to all system and capacity gaps on resettlement and encroachment.

¹³ The World Bank, Environmental and Social System Assessment, Khyber Pakhtunkhwa Revenue Mobilization and Public Resource Management, May 20, 2019

Table 8: Core Principle 4 – Land Acquisition

Core Principle 4: Land acquisition and loss of access to natural resources are managed in a way that avoids or minimizes displacement, and affected people are assisted in improving, or at least restoring, their livelihoods and living standards.			
Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
4 (a) Avoids or minimizes land acquisition and related adverse impacts	The main legal tool used for land acquisition in KP is the Land Acquisition Act (LAA) 1894. The Law takes into consideration the genuineness of the public purpose involved, the minimum requirements of the acquiring agency, and suitability of the area proposed for requisition keeping in view its alternative uses if any.	Performance in this regard varies and needs significant improvement. As such, cases where land acquisition was minimized due to adverse social impacts, are minimal. Measuring social impacts is usually not on the radar of the implementing agencies.	Review the Land Acquisition Act, 1894 according to the recommended local, regional and international practices to prepare SOPs to respond to all system and capacity gaps on resettlement and encroachment
4 (b) Identifies and addresses economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy	LAA 1894 has clear provisions and procedures for compensation in this regard when it comes to land titleholders under its Sections 23 and 24. The use of Section 17 under LAA leads to further issues due to emergency acquisition of land without prior public consultation.	The Law does not cover non-titleholders and encroachers for any type of compensation. There is a strong resistance to this as most public officials consider encroachments as organized crime where influential individuals occupy public land and lease/rent it out to the landless.	
4 (c) Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid before taking of land or restricting access	According to LAA 1894, compensation is paid for all assets at market value rather than replacement cost. The process for the determination of market price relies on recent land sale transactions of similar nature in the nearby area. The market rates are also notified by the relevant deputy commissioner on an annual basis.	Replacement costs for assets not considered. One of the reasons cited has been the antiquity of the Law. Such concepts were not present in the colonial rule of 1894.	
4 (d) Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (for example, loss of crop production or employment)	Livelihood improvement or restoration measures are not a consideration under the Law.	A serious short coming in the Law. The law is silent on such compensations for even the titleholders.	

4 (e) Restores or replaces public infrastructure and community services that may be adversely affected.	Relevant department for whom the public land has been acquired, or whose impact is on public infrastructure and community services, restores and replaces it.		
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F. Core Principle 5 – Indigenous Peoples and Vulnerable Groups

71. The ESSA team has ascertained that the Indigenous People of Kalash residing in the Rambur, Birir and Bamburet valleys of the remote and underserved District Chitral will be affected by the Program. Accordingly, portions of this principle pertaining to Indigenous People's will be applicable. The Kalash valleys lack adequate health facilities and schools. There is a risk of exclusion of the Kalash from the Program benefits related to provision of improved health and education services and facilities. There are approximately 4000 Kalash people residing in 15 villages.¹⁴ Each of the Kalash valleys have one primary health care facility each to cater to the local populations. There is a Basic Health Unit in Bamburet, a civil dispensary in Rambur and a civil dispensary in Birir, each of which are staffed by a Medical Officer and midwife. The nearest secondary health care center is the Rural Health Center (RHC) in Ayun, which is understaffed. As per data provided by the Health Department, the RHC has sanctioned posts for 11 doctors, 6 of which are vacant. Details of the staffing of health facilities in Kalash Valleys and RHC in Ayun are shown in Table 9.

72. As per data provided by the KPESD, there are 11 government schools in the Kalash Valleys, 3 of which are high schools. A total of 1480 students are enrolled in the government schools, details of which are shown in Table 10. Four of the schools lack boundary walls, and one primary school in Bamburet lacks a boundary wall, toilets and water supply. Although school enrolment is very high at the primary level (the community claimed close to 100% male and female children were attending school), there are no exclusive secondary schools in the Kalash Valleys. Hence, they have to join the existing government secondary schools, where majority of the pupils are Muslims and the religious curriculum focuses exclusively on Islam. Although there is no visible animosity between the Kalash and the Muslims, the Kalash believe that sending their children to schools with the Muslim majority students can compromise their culture and way of life.¹⁵ There is a boys high school in Birir valley, and one in Rambur. There is only one Girls High School located in Bamburet valley, which caters to all three valleys. By not having primary and high school education catered to the Kalash, a threat persists to their culture, when their younger population is exposed and educated through regular systems.

Table 9: Government Health Facilities in Kalash Valleys

Health Facility Name	Medical Staff Details			
	Name of the Post	Sanctioned	Filled	Vacant
Civil Dispensary Birir	Medical Officer	1	1	0
	CT Pharmacy	1	1	0
	Dai/Midwife	1	1	0
Civil Dispensary Rambur	Medical Officer	1	1	0
	CT Pharmacy	1	1	0
	Dai/Midwife	1	1	0
BHU Bamburet	Medical Officer	1	1	0
	Medical Tech	1	1	0
	LHV	1	1	0
	Dai/Midwife	1	1	0
RHC Ayun	Medical Officer	11	5	6
	Dental Surgeon	1	1	0

¹⁴ Khyber Pakhtunkhwa Integrated Tourism Development Project; Indigenous Peoples Planning Framework (IPPF), 2019

¹⁵ ibid

	PHC Technologist (MP)	1	0	1
	Chief PHC Tech (MP)	1	1	0
	SPHC Tech (MCH)	1	1	0
	CT Dental	1	1	0
	CT Pathology	1	1	0
	CT Radiology	1	1	0
	CT Surgical	1	0	1
	PHC Tech (MCH)	4	4	0
	PHC Tech (MP)	4	4	0

Table 10: Government Schools in Kalash Valleys

Level	Gender	Valley	No.of Schools	Total Enrollment	Availability of Basic Facilities
Primary	Boys	Birir	3	305	2 schools are missing boundary walls
Primary	Boys	Bamburet	2	173	1 school is missing boundary walls, toilet and water
Primary	Boys	Rambur	2	155	All schools have basic facilities
Primary	Girls	Birir	1	89	All basic facilities available
High	Boys	Birir	1	272	All basic facilities available
High	Boys	Rambur	1	251	Boundary wall is missing
High	Girls	Bamburet	1	235	Boundary wall is missing

73. As indicated below, and in greater detail in annex 2, the assessment of Program systems under this principle determined that DLI 1, DLI 5, DLI 6 and DLI 7 pose a high social risk to vulnerable groups which include women and communities in remote and historically underserved districts. As per the Provincial Finance Commission (PFC) Award of the Government of KP, the share of each district in development funds is determined using a formula based on a ratio of 60:20:20, where 60% weightage is for population, 20% for poverty, and 20% for lag in infrastructure. Given the low and scattered populations in historically underserved districts, the formula has perpetuated lesser investment in lagging districts. If the Program uses the same formula for distribution of funds in health and education, there is a high risk that such districts including Kohistan, Tor Ghar, Tank, D I Khan, Battagram, Upper Dir, Shangla and Hangu will not get equitable access to the Program benefits. Aware of this, the KP Planning & Development Department (P&DD) has made a block allocation of PKR 4614 Million for Special Initiative Schemes in 10 of the province's least developed districts and 7 Newly Merged Districts (NMDs) in 2020-21. The KPESD has a special initiative for Kohistan and Tor Ghar districts to improve enrolment using Alternate Learning Pathways. The KP Health Department does not have any special initiatives for historically underserved districts.

74. Since male and mix facilities take priority, women and girls across KP do not have equitable access to health facilities due to limited resources, distances, availability of dedicated facilities and quality of services available. There is a high risk that women and girls will be excluded from Program benefits related to improved health and education facilities.

75. Primary health facilities in remote districts are fewer in number, and where available are lacking basic facilities such as water, toilets, electricity and boundary walls. In discussion with key officials at the KP Health Department, it was revealed that due to their locations and missing facilities (especially for residences), Basic Health Units (BHUs) in remote areas struggle to retain doctors and lack supply of medicines. Residents of

rural and remote areas are forced to travel 2-3 hours to access these primary care facilities, which are not equipped to provide quality medical care. Given the distance and status of the facilities and the conservative/patriarchal social fabric of the communities in these areas, women and girls are excluded from receiving primary health care. There is a high risk that this will be further perpetuated through the Program. The KP Health Department does not have any special initiatives to ensure better access for women and girls.

76. Similarly, girls do not have equitable access to education facilities in KP, with only 40% of the total government schools in the province being girls schools. Approximately 12,000 schools in KP do not have basic facilities.¹⁶ Girls are especially negatively impacted by this situation, having to travel longer distances to attend school, resulting in lower enrollment. Furthermore, lack of basic facilities such as toilets and boundary walls, reinforce lower enrollment as parents find the schools unsafe and against conservative norms. The Gross Enrollment Ratio of girls in primary schools in lagging districts such as Kohistan, Hangu and Tor Ghar is less than 50%.¹⁷ The presence of secondary schools is even worse, with only one high school for girls in the entire district of Tor Ghar. To tackle this issue, the KPESD is undertaking initiatives to improve the enrollment of girls in school. Consultations with KPESD reveal the department has committed that 70% of all newly constructed schools will be girls schools. The KP Elementary Education Foundation has established Girl's Community Schools to provide primary and middle school education to out of school children in rural and remote areas without government primary schools. There are a total of 1700 Girls Community Schools in rural and remote areas across the province where government primary schools are not present. Over 99,000 students are enrolled in these schools, of which over 65% are girls.¹⁸

77. Under DLI 3 and DLI 4, increased use of the IFMIS and integration of e-procurement systems poses a risk of excluding employees and staff who have lower level of IT literacy and knowledge, especially older employees and women who tend to be less well-versed in the use of technology. Government facilities located in remote areas with zero or low network connectivity may be excluded from Program benefits. There is also a risk of smaller traders and women owned businesses with zero or low levels of IT literacy facing challenges in using the e-procurement system. However, consultations with staff of key government departments reveal that social risks related to use of IFMIS and e-systems are low. The relevant departments are well versed in the use of IFMIS and e-bidding systems, with little to no issues faced due to technological prowess of employees. These systems are used and maintained by dedicated staff with adequate IT skills. Monitoring of schools and EPI by KPESD and KP Health Department is electronic, with monitoring staff submitting data from remote areas by travelling to locations with network access. As yet, the departments do not report facing significant problems with running MIS systems across the province.

78. In terms of Program capacity, the main findings conclude that there are guidelines available to consult project affected people under the KP Environment Protection Act 2012. But these remain focused on large scale infrastructure projects. As such, government departments are not required to consult indigenous people or vulnerable groups for their inputs into any interventions that can have perceivable impacts on them. These include improving expenditures in service delivery and provision of basic facilities in health and education facilities. However, under the Open Government Partnership (OGP) initiative, KP government commits to establish an open communication with citizens, promoting participatory processes, improving transparency and access to open data, and strengthening accountability. Local Government Department has developed a Communications Strategy with ICT and social media at its center. These initiatives are promising as they are by design inclusive and consultative. While the P&DD and KPESD have some initiatives for

16 KP SPEED Project Appraisal Document (PAD), December 2020

17 GoKP (2018). Annual Statistical Report: Education Management Information System.

18 GoKP (2020); www.kpese.gov.pk

inclusion of underserved areas and vulnerable groups in receiving education, other departments do not have such policies.

79. Recommendations: Based on the gaps identified through the assessment, the ESSA Team recommends the following:

- a) Prepare SOPs for engaging and consulting with Indigenous People for decision making in this Program activities as per guidance of ESS7 of the World Bank ESF.
- b) Review the performance of the existing KP forums on Social Protection, RTI, RTS, Status of Women and others in order to improve the inclusion the vulnerable groups for promoting equity and inclusion.
- c) Provide assistance to conduct opinion surveys, citizen score cards, citizen budgeting, gender responsive budgeting and communications, etc. to facilitate FD in strengthening and expanding their Open Government Partnership initiatives.
- d) Conduct a gender assessment to guide the Program on initiating change and change management for improved access of women to basic service delivery systems (health and education).
- e) Conduct a social assessment to establish a baseline of access to health and education services by communities in remote and historically underserved districts including NDMs; to monitor and establish a midline and an endline on the same indicators.

Table 11: Core Principle 5 - Indigenous Peoples and Vulnerable Groups

Core Principle 5: Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of indigenous peoples and the needs or concerns of vulnerable groups.			
Key Planning Elements	System Assessment	Capacity Assessment	Recommendations
5. (a) Undertakes free, prior, and informed consultations if indigenous peoples are potentially affected (positively or negatively) to determine whether there is broad community support for the Program.	<ul style="list-style-type: none"> The Constitution of Pakistan 1973 does not recognize Indigenous Peoples as a category. However, the Kalash Indigenous People are recognized as an ethnic and religious minority by government. There is no law for consultation of indigenous peoples or to ensure broad community support for the Program. However, the following laws are present related to the Kalash in District Chitral, who are the only recognized indigenous people in the province. In 2018, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has listed a tradition of the minority Kalash community in Pakistan on the list of intangible cultural heritage in need of urgent safeguarding. The KP government has approved the establishment of Kalash Valley Development Authority (KVDA) to preserve the ancient culture of Kalash in Chitral. The authority will ensure that no construction of unapproved building should take place residential areas of the valley and all development schemes by the government for the ancient tribe do not damage their culture. 	<ul style="list-style-type: none"> By law, consultations are only required under KP Environment Protection Act. However, these have been carried out by various government departments under projects and initiatives led by bilateral and multilateral donors. In most cases, consultants are hired from the private sector to lead these, while government partners help organize and coordinate. But these were more a self initiative and is not required by their rules. The implementing agencies have limited capacity to undertake free prior and informed consultations with indigenous peoples, nor is it required by law. 	<ul style="list-style-type: none"> Prepare SOPs for engaging and consulting with Indigenous People for decision making in this Program activities as per guidance of ESS7 of the World Bank ESF

	<ul style="list-style-type: none"> The government is also going to introduce Kalash Marriage Act keeping in view the traditions and rituals being followed by the Kalash community members. The marriage act would provide legal protection to the traditions of Kalash tribe and also promote mutual coexistence and interfaith harmony. 		
5. (b) Ensures that indigenous peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the indigenous peoples.	<ul style="list-style-type: none"> There are no laws to ensure participation and consent of indigenous peoples in Program benefits. Under the Local Government Act of 2013, Village and Neighborhood Councils are to be set up across all districts and tehsils of the KP province. Their membership includes representation of vulnerable groups to a certain extent. This will apply to the representation of the Kalash in Village and Neighbourhood Councils in District Chitral. 	<ul style="list-style-type: none"> The implementing agencies have limited capacity to devise opportunities for and ensure consent of indigenous peoples, nor is it required by law. 	<ul style="list-style-type: none"> Prepare SOPs for obtaining free, prior and informed consent of Indigenous People's as per ESS7 of the World Bank ESF
5. (c) Gives attention to groups vulnerable to hardship or disadvantage, including, as relevant, the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable access to Program benefits.	<ul style="list-style-type: none"> KP has enacted a Women Empowerment Policy 2017 aiming at improving overall status of women in KP through their socio-economic, political and legal empowerment. Salient features of the policy include provision of quality health care, reducing gender gap in education, creation of employment and income generation opportunities to encourage their equal participation in all political processes and to ensure elimination of all forms of 	<ul style="list-style-type: none"> A flagship initiative, the Shared Services Unit (SSU), housed in the KP Finance Department, provides technical and cross cutting assistance to projects funded by the World Bank, including support for social safeguards through a dedicated Social Specialist. As such, other implementing agencies do not have dedicated services for vulnerable groups, including women, disabled and marginalized ethnic groups. Therefore, the 	<ul style="list-style-type: none"> It is recommended to review the performance of Social Protection, RTI, RTS, Status of Women and others in order to improve the inclusion of vulnerable groups for promoting equity and inclusion. Specifically, by capitalizing upon GPP's efforts of improving citizens engagement, GRM systems and efficiency, this Program can become more inclusive and responsive towards the vulnerable people.

	<p>discrimination and violence against women and girls through legislation and its effective implementation.</p> <ul style="list-style-type: none"> • The provincial government has also passed the KP Protection Against Harassment of Women at Workplace Act 2020. Provincial Commission on Status of Women Act 2016 has also been enacted, and setup in Peshawar, with offices in districts across KP. The Commission has been constituted and given an autonomous status for effective and improved performance, efficiency and responsiveness, to provide effective services for promoting women rights and to eliminate all forms of discrimination against women and for matters connected therewith. • BOLO Helpline 0800-22227 is established at the Provincial level for the victims of Gender Based Violence (GBV) and persons with disabilities at Directorate of Social Welfare and Women Empowerment KP. The pilot phase of the Program is accessible in Districts of Peshawar, Mardan, Swat, Nowshera, Swabi and Abbottabad. • There is a Senior Citizens Act 2014 in KP, which provides preferential treatment for the elderly. Under the act, people who reached 60 years of age can apply and would be issued senior citizens cards under which these cardholders would be extended free access to parks, libraries, other picnic and recreational places, financial assistance, concession in 	<p>capacity to mitigate the mentioned risks in preceding sections is limited in the implementing agencies other than Finance Department.</p> <ul style="list-style-type: none"> • Overall implementing agencies are limited by human resources availability, capacity and infrastructure to target and respond to risks and challenges faced by the vulnerable groups such as encroachers, ethnic minorities and disabled. However, there are Committees set up in most agencies for preventing harassment of women at workplace, mostly chaired by the respective Secretaries. Social Protection Reforms Cell in the SDU of P&DD is mandated to work towards the welfare of vulnerable people, but has limited staff and budget, and requires support to mobilize enough resources to set up SWS across the province. • RTS Commission with support from GPP has ample capacity to deliver its mandate, and is working diligently to improve the service delivery and outreach to citizens across KP. • Regarding the use of IFMIS and e-procurement systems, the IFMIS is currently in use at the FD and other departments. KPESED has been successfully using the EMIS for education monitoring and Health Department uses an MIS for monitoring of EPI activities. 	<ul style="list-style-type: none"> • Provide assistance to conduct opinion surveys, citizen score cards, citizen budgeting, gender responsive budgeting and communications, etc. to facilitate FD in strengthening and expanding their Open Government Partnership initiatives. • Conduct a gender assessment to guide the Program on initiating change and change management for improved access of women to basic service delivery systems (health and education). • Conduct a social assessment to establish a baseline of access to health and education services by communities in remote and historically underserved districts including NDMs; to monitor and establish a midline and an endline on the same indicators.
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	<p>medicines, setting up separate medical wards for them in public.</p> <ul style="list-style-type: none"> • Under the Local Government Act of 2013, Village and Neighborhood Councils are to be set up across all districts and tehsils of the KP province. Their membership includes representation of vulnerable groups to a certain extent. • A Social Protection Reform Cell was set up in the Sustainable Development Unit of P&DD by ILO with the support of JICA and GIZ, in order to assist vulnerable groups against external shocks. Single Window Services were proposed in order to inform citizens of all the social protection programs and services the GoKP has to offer. • Right to Public Services Commission has been set up in KP under an Act to facilitate improved service delivery of 24 services for the citizens including OPD and emergency medical services and scholarships. The Commission receives complains and grievances and coordinates with the service delivery agencies to provide relief to the citizens. • The KPESED Education Blueprint 2018-2023 has special provisions for improving access to and state of schools in newly merged areas under Policy Area 6. The Special Initiative for Kohistan and Tor Ghar is geared towards improving enrolment in these districts through Alternate Learning Pathways. The KPESED has 	<ul style="list-style-type: none"> • The KPPRA has a Directorate of Capacity Building which conducts trainings for departments and bidders in the use of the e-bidding system. More than 57 capacity building trainings have trained more than 1800 government staff and 400 bidders. Specific trainings for NMDs have are also underway. 	
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	<p>also committed that 70% of all newly constructed schools will be girls schools. Since 2018, all new schools being constructed are required to have dedicated disability friendly toilets and accessible classrooms. The KP Elementary Education Foundation has established 1700 Girl's Community Schools to provide primary and middle school education to out of school children in rural and remote areas without government primary schools.</p> <ul style="list-style-type: none"> • Under Special Initiative Schemes, P&DD has provided a block allocation in 17 of the province's least developed districts. 		
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G. Core Principle 6 - Social Conflict

80. As indicated below, and in greater detail in annex 3, the assessment of Program systems under this principle determined that there is a risk of exacerbating existing social conflicts in NMDs. Having suffered from war, conflict and social and economic exclusion for years, the communities in the NMDs are post war, fragile and have a general distrust for the state and state run services. Schools and primary health facilities in the NMDs were targeted during the insurgency, and many were either destroyed completely or were rendered dysfunctional. Nearly 22% of schools without restrooms, walls, electricity, and clean drinking water are located in the Newly Merged Districts.¹⁹ Districts neighboring NMDs (including D I Khan, Tank, Buner, Hangu, Bannu etc.) have suffered impacts of conflict and war situations in the NMDs, including increased pressure on health and education facilities. Selection criteria of schools and health care facilities for the Program that do not proportionately target those in the NMDs and neighboring fragile districts may reinforce existing inequities or grievances leading to social conflict and greater mistrust for the government. Network and internet connectivity in the NMDs is lacking.

81. In terms of Program capacity, the main findings conclude that there are formal conflict resolution platforms available across the province in the shape of Village and Neighborhood Councils. These Councils provide effective forum for out-of-court (and Police Stations) amicable settlement of disputes by constituting panels of members as conciliators. Every Village and Neighborhood Council comprises of ten to fifteen members on the basis of population with some reserve seats for women, peasants/workers, youth and minorities. There are GRM platforms at the provincial level such as KP Grievance Redressal System, e-complaint and Provincial Ombudsmen office, which serve the citizens at large.

82. There are no platforms for resolving conflicts within departments, except for the cabinet, provincial assembly and assemblies elected under the multi-tiered Local Government institutions at the district level. These assemblies may not cater for interdepartmental conflicts or for conflicts within elected and administrative setups as perceived under this Program. Also, there are no platforms available for government employees to file a complaint against their own superiors or against the departmental policies. Government servants are reluctant to file such complaints due to fear of repercussions (such as hindrance in promotions, chance of being transferred into unpopular positions and areas, undue victimization by superiors, negative publicity amongst colleagues, etc.). In extreme cases, government servants go to civil courts for dispute resolution which is cumbersome and expensive, barring entry to low scale, lower grade employees.

83. Recommendations: Based on the gaps identified through the assessment, the ESSA Team recommends the following:

- a) Conduct social conflict analysis based on exclusion and inequity for NMDs. The assessment will be carried out to assess the vulnerability, impediments and susceptibility of the people of NMDs with regards to health and education services delivery.
- b) Integrate multiple GRM's into a single provincial level GRS.

¹⁹ KP SPEED Project Appraisal Document (PAD), December 2020

Table 12: Core Principle 6 – Social Conflict

Core Principle 6: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.		
Key Elements	System Requirements	Key Findings
Considers conflict risks, including distributional equity and cultural sensitivities	<p>There are no specific laws related to the NMDs.</p> <p>KP government has put in place GRM systems at the provincial level, which are online and can be accessible by any individual. KP Government portal allows filing complains by any aggrieved individual and is housed under the Chief Secretary's office. In addition, service delivery departments have their own GRM in place focusing on their own performance.</p> <p>Also, Provincial Ombudsman Office is mandated to receive and resolve complaints against any public institution, and has a user friendly system in place.</p> <p>There are Village and Neighborhood Councils across all districts of KP to help resolve conflicts out of courts and Police jurisdiction.</p>	<p>There are multiple GRM platforms at the provincial level such as KP GRS, individual GRM of service delivery departments, and Provincial Ombudsmen office, which serve the citizens at large. However, these are not integrated, hence increasing the response time, with a chance of a 'slip' due to multiple systems. Also there are no platforms for resolving conflicts within departments, except for the elected assemblies under the multi tiered Local Government institutions at the district level. These assemblies may not cater for interdepartmental conflicts or for conflicts within elected and administrative setups as perceived under this Program. Also, there are no platforms available for government employees to file a complaint against their own superiors or against the departmental policies.</p> <p>While there are no specific laws related to the NMDs, the government has specific programs for the districts. KPESED in 2019-2020 has through a dedicated Program established and upgraded 89 new schools in the NMDs. In addition, 122 community schools have been made operational benefiting 5,000 students. Under Special Initiative Schemes, P&DD has provided a block allocation of funds for project over and above the ADP for NMDs. The KPPRA Directorate of Capacity Building is conducting specific trainings for NMDs in the use of e-bidding systems. KP Health Department has plans to run specific trainings for staff in NMDs in the use of EPI MIS and VL MIS.</p>

IV. DISCLOSURE AND CONSULTATION

A. Disclosure

84. The draft ESSA was disclosed in-country and on the World Bank's external website on [date]. A public multi-stakeholder workshop on the draft ESSA took place on January 21-22, 2021. Following incorporation of the feedback received from the workshop and other sources, the revised ESSA was disclosed in-country and on the World Bank's external website on [date].

B. Stakeholder Consultations

85. Consultations with relevant institutions, program affected peoples, experts, and beneficiaries are essential in the proper planning and preparation of development projects and programs, to ensure effective identification and assessment of environmental and social effects, and to recommend measures to improve environmental and social management capacity. Stakeholder consultations were an integral part of the ESSA process and were carried out consistent with applicable World Bank principles.

86. In addition to the formal Bank-sponsored multi-stakeholder workshop that was held in Peshawar on January 21-22, 2021, the Bank has and will continue to engage in other formal and informal consultations as needed prior to finalization of this ESSA and the PforR. Multiple meetings, interviews and checklists were used to gather information from the relevant implementing agencies to identify and validate the risks mentioned in earlier sections of this ESSA, and to agree upon the mitigation measures.

87. This sub-section highlights important consultations conducted during the process, and the following sub-sections summarize major findings and recommendations received. Consultations and meetings with key relevant stakeholders at the provincial level, particularly with those involved in environmental and social assessment and management as well as planning, implementation and monitoring of the Program were conducted as follows:

88. Due to COVID-19 pandemic, institutional consultations to identify risks and assess institutional social management capacity and associate social management systems of the implementing agencies were held virtually on 2nd, 3rd, 4th and 10th December 2020. A checklist was used to ascertain positive impacts and risks against Core Principles 3, 4, 5 and 6. Virtual Meetings were held with FD, KP Health Department, KPESED, KPPRA, P&DD, C&W.

89. The World Bank subsequently held a multi-stakeholder workshop on the proposed Program in Peshawar on January 21-22, 2021.

C. Summary of Multi-Stakeholder Workshop

90. The Bank-sponsored multi-stakeholder workshop in Peshawar on January 21-22, 2021 was attended by a total of 26 stakeholders from government, academia, the private sector, and civil society representing citizens, women and disabled as shown below. A detailed list of participants is provided in Annexure 4:

- (a) **Government Departments:** KP Finance Department, KP C&W Department, KP-EPA, KP RTPSC, KP Health Department, KPESED, KP P&DD, KP Social Welfare Department, KPITB.
- (b) **Civil Society & NGOs:** Sarhad Rural Support Program (SRSP), Blue Veins, Special Persons Association with Disabilities, Da Hawa Lur.

- (c) **Private Sector:** Sarhad Chamber of Commerce & Industry, Women Chamber of Khyber Pakhtunkhwa, Small and Medium Enterprise Development Authority (SMEDA).
- (d) **Academia:** Agriculture University Peshawar, IM Sciences University, Shaheed Benazir Women University, Islamia College University.

91. Major points raised by the participants can be summarized as follows:

- (a) **Feedback on Program Design:** Government representatives highlighted that there is a mismatch between investments in the health and education sector and the impact. Planning for education projects is done primarily at the management level. Gathering feedback, data and evidence from teachers through an App can help the KPESD plan projects and monitor progress more effectively. Program targets and indicators must be measured and monitored to ensure impact. DLIs related to IFMIS and e-procurement at the cluster level and in NMDs will be a challenge to achieve given capacity issues. SMEDA is working with KPPRA to propose e-procurement models, and endorses the idea of introducing e-procurement, especially for health and education sectors.
- (b) **Feedback on ESSA Recommendations:** Participants expressed that the ESSA recommendations should be institutionalized across government departments so that they can have an impact beyond the Program.
- (c) **Citizens' Engagement:** Feedback received from CSOs largely focused on ensuring transparency and accountability of the Program through citizens' engagement and monitoring. Participation of local communities in health and education projects through Parent Teacher Committees and Health Management Committees can enhance the sustainability of the interventions. However, these platforms are lacking in NMDs.
- (d) **GRM:** An exercise by IM Sciences University on RTS identified that majority complaints received by the platform are related to Police, health and education. Given the high volume of complaints, it may be helpful to have separate GRMs for health and education. The Pakistan Citizen's Portal is a very popular tool used by citizens for lodging complaints and should be incorporated into the Program.
- (e) **Inclusion:** Participants from the private sector expressed that the Program should include activities to help women overcome impediments and hurdles in doing business, especially in lagging areas. Disability CSOs highlighted that most primary schools in the province are not accessible for children with disabilities. Transgenders face challenges in accessing health and education facilities, which can be addressed by the Program.
- (f) **Environmental Risks:** Addressing the issues of e-waste, participants recommended vendors who supply the electronics to take back the e-waste at end of life. Functioning electronics may also be donated to schools instead of disposing them as e-waste. While environmental management laws are present, KP-EPA lacks the capacity to implement and monitor these laws. The Program should include interventions for capacity building of KP-EPA.

D. Summary of Other Consultations

92. During additional consultations mentioned above, important input regarding the following issues was also received:

- (g) **Social Management System:** Consultations and meetings were held with all implementing agencies and other relevant departments were held to ascertain and understand the current social management system vis-à-vis laws and regulations in place. This information was sought to learn about the policy and legislative framework which could help respond and mitigate the social risks associated with the Program. Moreover, information on institutional setups to manage the social effects of the Program was also gathered using these consultations.
- (h) **Social Management Capacity:** Similar to the above, consultations and meetings with the agencies also helped assess the existing capacity of the departments and agencies to manage the social risks identified by the ESSA Team. Details on both are provided in Annex 2.
- (i) **Other Projects and Initiatives:** Consultations with FD and P&DD also revealed other similar initiatives which can be relevant to implementation of SPEED ESSA recommendations. Noteworthy initiatives are the Governance and Policy Project (being implemented by FD and P&DD), the Social Protection Reforms Unit housed within the Sustainable Development Unit of P&DD and the Special Initiative Schemes for 17 least developed districts by P&DD . Under these initiatives, increased funding for lagging districts, citizens facilitation, engagement, identification and targeting of vulnerable groups, integration of multiple GRM and other similar actions are underway. In addition to the above the KP Health Department and KPPRA are conducting specific trainings for staff in NMDs on the use of MIS and e-systems.

V. INPUTS TO THE PROGRAM ACTION PLAN

A. Introduction

93. This section summarizes the measures that the ESSA Team recommends be taken during Program implementation to address important gaps identified above between the Program system and the PforR core principles and key elements as well as to address any capacity shortcomings.

94. As noted in Section III, the ESSA identified the following issues as needing additional action:

95. No specific legal provisions are available for e-waste management. Currently, regulations on e-waste management are lacking in the country. Furthermore, the implementing departments do not have any rules/ procedures for the safe handling and disposal of end-of-life ICT equipment. The e-waste recycling facilities are operating in informal sector and are not regulated under any regulations.

96. Construction activities, provision of water and electricity and disposal of sewage from toilets at schools and health facilities are not effectively covered by the system and system lacks capacity to monitor these activities. The implementing departments do not have specific standards and guidelines for construction activities, provision of water and electricity supply to schools and health facilities and treatment and disposal sewage from toilets of schools and health facilities to ensure environmental, health and safety safeguards for these aspects. Provincial EPA only takes actions after complaints are registered. It is rare for EPA to undertake environmental monitoring of schools and health facilities in the province. There is no OHS law in KP which focuses on the safety of the construction workers.

97. Implementing Agencies lack systems and capacity to ensure equitable access for indigenous peoples and vulnerable groups and ensure community health and safety. As explained in detail in the earlier sections, implementing agencies lack policies and plans for ensuring equitable access to Program benefits for the Kalash Indigenous People, and vulnerable groups such as women and girls; communities in NMDs, remote areas and historically underserved districts; and government staff and businesses with low or zero ICT literacy. Similarly, IAs lack the capacity to identify and address risks to community health and safety including risk of SEAH, child labor and forced labor during construction activities.

98. Legal provisions on land acquisition do not cover compensations for encroachers. Physical or economic displacement of encroachers or non-title holders due to construction of basic facilities in schools and health centers are not covered by the Land Acquisition Act 1894.

99. The recommendations and proposed actions for the above are described in detail below.

100. During the preparation and appraisal process for the PforR, the actions recommended below will be clarified through consultations with Program counterparts and specific agreements will be made to address recommendations by including them in the Program Action Plan (PAP)

101. During implementation, the World Bank will continue to consult with Program counterparts and provide support to help resolve implementation issues. The Bank will also monitor PAP implementation as part of Program performance.

B. Recommendations to be Included in the PAP.

102. Recommendation 1: IAs to develop internal procedures handling of environmental and social risks related to the Program

Agencies responsible for the implementation of the Program develop internal procedures for the handling of environmental and social risks related to the Program, appoint/nominate staff for the implementation of these procedures, and ensure capacity building of key Program staff in the management of environmental and social risks.

103. Recommendation 2: Prepare Guidelines for environmental management of e-waste under the Technical Assistance component

Finance Department is overall responsible for the implementation of the program. FD, with the assistance of KPITB, should develop Guidelines for the procurement and disposal of e-waste based on current World Bank's Environment, Health and Safety (EHS) Guidelines, which include general and industry specific examples of Good International Industry Specific Practices (GIIPs). For OHS aspects, SOPs can also rely on internationally recognized management and specification standards such as OSHA, ANSI, and others. Guidelines should be prepared as one of the activities under Technical Assistance component for the capacity development. The Guidelines should include among other aspects procedures for: inventory based record keeping of ICT equipment by the departments at the time of procurement of new equipment and sale of used equipment, material safety data sheets of new and old equipment, terms and conditions for the repurchase of new equipment at the end of life of the equipment, provisions of buy back by vendors in the procurement contract, EPA licensed buyers of used equipment, proposed conditions for the environmentally sound recycling and disposal arrangements, etc.

104. Recommendation 3: The implementing departments in consultation with provincial EPA will prepare the climate resilient and environment friendly Policy Framework for the Program. PF will focus on providing guidelines, mitigations, and monitoring system for following:

- Management of environmental and safety risks of the construction activities at schools and health facilities covering workers and community safety. PF must include specific measures for identifying, handling and disposing of hazardous material during construction activities. The international best practices for construction activities can be considered while developing the PF. PF related with construction activities should be part of all the construction contracts.
- These toilets will be constructed and operated as per the PF. PF will provide the standard requirement for the number of toilets to be constructed at specific school and health facility. It must contain provision for the proper treatment (septic tanks), transport through sewers and disposal at the designated location.
- PF will focus on the supplying, monitoring and ensuring sufficient quantity of water for the sanitation and drinking purposes and its required quality.
- PF will include electrical safety aspect as well to ensure safety during electrical designing and installation of electricity distribution system at schools and health facilities. PF will include i) provision of earthing at each facility to avoid any hazard (electrocution), ii) installation of ELC (Earth Leakage Circuit Breaker) or RCCB (Residual Current Circuit Breaker) at distribution boxes to avoid safety hazard due to moisture (electrocution), iii) installation of MCB (Miniature Circuit Breaker) or MCCBs (Molded Case Circuit Breakers) to avoid overloading or short circuiting, iv) proper cabling through cable trays and conduits, v) use of thimbles/termination lugs to avoid sparking due to loose connections, vi) installation of surge/lightning arrestor to protect against lightning, vii) installation of fire protection system, and viii) use of standard cables with proper insulation to avoid fire hazard etc.

105. Recommendation 4: Secure EPAs approval for e-waste Guidelines and PF

FD should secure provincial EPA's consent and its expanded use by EPA in future in KP province. Guidelines will also help EPA in incorporating e-waste management procedures in the existing Hazardous Waste regulations and develop e-waste management policy for KP province. The EPA needs to regulate e-waste recycling facilities by registering and issuing licenses and monitoring their operations. The implementing departments need to hand over e-waste to the licensed e-waste recyclers. FD should also secure approval from EPA for the use of PF in the province.

106. Recommendation 5: Training on e-waste Guidelines and PF

The program teams in the implementing departments (FD, P&D, KPPRA, KPITB) along with EPA staff should be made aware of Guidelines and PF by organizing e-waste management and PF training as part of the capacity-building activities under the program.

107. Recommendation 6: Prepare and implement Occupational and Community Health and Safety Plans

Prepare an Occupational Health and Safety Plan, Community Health and Safety Plan and GBV Action Plan for the Program activities related to construction and operation of basic facilities in schools and health centers, based on World Bank ESF guidelines and international good practices. These plans are to be implemented by each IA and construction contractors. IAs to ensure all construction contracts include community health and safety, labor safety child labor and SEAH prevention clauses. Program focal points at each implementing agency be trained on community health and safety, child labor and SEAH as master trainers.

108. Recommendation 7: Review LAA 1894 and prepare SOPs to respond to system and capacity gaps

Review the Land Acquisition Act, 1894 according to the recommended local, regional and international practices to prepare SOPs to respond to all system and capacity gaps on resettlement and encroachment.

109. Recommendation 8: Prepare SOPs for engaging and consulting with Indigenous People for Program activities

Following the guidance of ESS7 of the World Bank ESF, the Program will prepare SOPs for ensuring meaningful engagement and consultations with the Kalash Indigenous Peoples in Chitral District. The engagement will gather feedback of the IPs on challenges related to access of health and education facilities, and how the Program activities can work towards improving this access while preserving the indigenous culture of the Kalash. These SOPs would then provide guidance on much required decision making procedures focusing on the Kalash, in health and education sectors.

110. Recommendation 9: Review the performance of the existing KP forums on Social Protection, RTI, RTS, Status of Women and others in order to improve the inclusion of vulnerable groups for promoting equity and inclusion.

KP government's existing forums on Social Protection, RTI, RTS, Status of Women have initiatives to improve equitable access for women and vulnerable groups such as the disabled, and ensure citizens have access to information and basic services. However, the efficacy of these initiatives is relatively lesser known. By reviewing their performance, the Program can work with these forums to make the Program activities more inclusive and responsive towards the vulnerable people.

111. Recommendation 10: Facilitate FD in strengthening their Open Government Partnership initiatives

By providing assistance to conduct opinion surveys, citizen score cards, citizen budgeting, gender responsive budgeting and communications, etc., the Program can facilitate FD in strengthening and expanding their Open Government Partnership initiatives.

112. Recommendation 11: Conduct a Gender Assessment for initiating change and change management

Overall, access of women and girls to basic service delivery in KP is lacking due to various issues identified in the sections above. The systems and capacity assessment of the IAs shows that other than the KPESED, the IAs are not undertaking any specific policies or programs to improve access for women and girls. The Gender Assessment will identify and assess ongoing initiatives and the capacity of IAs to introduce and implement similar initiatives. The findings will guide the Program on initiating change and change management for improved access of women to basic service delivery systems (health and education).

113. Recommendation 12: Conduct a Social Assessment to establish a baseline of access to health and education services in underserved districts and NMDs

This Social Assessment will focus on establishing a baseline of access to health and education facilities by communities in remote and historically underserved districts and NDMs. This baseline will allow the Program to monitor and establish a midline and an endline on the same indicators.

114. Recommendation 13: Conduct social conflict analysis based on exclusion and inequity for NMDs.

The assessment will be carried out to assess the vulnerability, impediments and susceptibility of the people of NMDs with regards to health and education services delivery. Results of this assessment will help in identifying priority actions focused on improved service delivery mechanisms in NMDs.

115. Recommendation 14: Integrate multiple GRM's into a single provincial level GRS.

The integrated GRS will integrate the multiple existing GRM platforms at the provincial level such as KP GRS, individual GRM of service delivery departments, and Provincial Ombudsmen office, which serve the citizens at large.

116. The Table 13 below presents the actions that the ESSA Team recommends be included in the Program Action Plan (PAP).

Table 13: Recommended Inputs for PAP

#	Action	Responsible Agencies	Timeline	Estimated Cost (US\$)	Progress Indicator	Output/Target Values
1	E-waste Guidelines Development	FD, KPITB, KPPRA, P&D	First six months of program implementation	15,000	Guidelines Document	Guidelines have been developed
2	Guidelines Training	FD, KPITB, KPPRA, P&D, EPA	Six to nine months of the program implementation	5,000	Proceedings of trainings	One staff from each implementing agency and EPA is trained
3	Climate Resilient and Environment Friendly Policy Framework Development	FD, KPITB, KPPRA, P&D	First six months of program implementation	15,000	Climate Resilient and Environment Friendly Policy Framework	PF have been developed
4	PF Training	FD, KPITB, KPPRA, P&D, EPA	Six to twelve months of the program implementation	5,000	Proceedings of trainings	One staff from each implementing agency and EPA is trained
5	Appoint/nominate E&S focal points	All IAs	Within two months of program implementation		Notification letters of focal points	Appointment of focal points
6	Prepare OHS Plan, Community Health and Safety Plan, GBV Action Plan	FD	Before implementation of construction activities	15000	Plans have been prepared	All IAs implement OHS Plan, Community Health and Safety Plan, GBV Action Plan
	Add community health and safety, labor safety, child labor and SEAH prevention clauses to construction contracts	KPESED, Health Dept, C&W	31 st December, 2021		Safety requirements added to construction contracts	Contractors adhere to community health and safety, labor safety, child labor and SEAH requirements
	Train IAs focal points on community health and safety, child labor, SEAH	FD	Before implementation of construction activities	5000	Proceedings from trainings	IAs focal points are trained in community health and safety, child labor and SEAH

#	Action	Responsible Agencies	Timeline	Estimated Cost (US\$)	Progress Indicator	Output/Target Values
	Review LAA 1894 and prepare SOPs for Program	FD	Before implementation of construction activities	10000	Review report	SOPs for compensation of economic or physical displacement of encroachers
	Review performance of Social Protection, RTI, RTS, Status of Women	FD	Within 12 months of program implementation	10000	Review report	Recommendations for improving inclusion of vulnerable groups in Program
	Facilitate FD in strengthening OGP initiatives	FD	Throughout program	10000	Reports of opinion surveys, citizen score cards, citizen budgeting, gender responsive budgeting	Feedback from beneficiaries captured
	Conduct Gender Assessment	FD	Within 12 months of program implementation	15000	Gender Assessment Report	Recommendations used to improve inclusion of women in Program
	Conduct Social Assessment and Social Conflict Analysis	FD	Within 12 months of program implementation	15000	Social Assessment and Social Conflict Report	Recommendations used to improve inclusion of vulnerable and fragile communities in Program
	Establish provincial level GRS	FD with support from other IAs	31 st March 2022		Establishment of GRS	GRS in operation

ANNEX 1: REFERENCES

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9. Khyber Pakhtunkhwa Drinking Water Policy (2015)
10. Khyber Pakhtunkhwa Environmental Protection Act 2014
11. Khyber Pakhtunkhwa Local Government Act 2013
12. Khyber Pakhtunkhwa Schools Sector Plan (2015-20)
13. M.K. Daud, et.al., Review Article 'Drinking Water Quality Status and Contamination in Pakistan'
14. National Climate Change Policy
15. National Drinking Water Policy (2009)
16. National Environmental Policy (2005)
17. National Water Policy (2018)
18. Pakistan Environmental Protection Act 1997
19. Pakistan Environmental Protection Act 1997, Hazardous Substance Rules 2003
20. Pakistan Penal Code 1860
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ANNEX 2: Description of Environmental and Social Management System & Capacity and Performance Assessment

A. Introduction

1. This section describes the existing environmental and social management system of the institutions applicable in the implementation of the proposed Program. It provides an overview of the policy and legal framework and a profile of the roles and responsibilities of institutions involved in the environmental and social assessment and management.

2. The Governments of Pakistan and of KP have enacted a range of laws, regulations, and procedures relevant to managing the environmental and social effects of the proposed Program. From a legal, regulatory, and institutional perspective, the applicable environmental and social management systems are adequate with some gaps relevant to the risks posed by this Program. In this annex only those policies and legislations are described which have relevance with the potential environmental and social impacts of the proposed program.

3. The following criteria were used to select the relevant legislation that best describes the country's system for managing the Program's effects:

- environmental and other relevant sectoral policies;
- environmental and social protection laws; and
- laws, regulations, or guidelines in the relevant sectors and subsectors that provide relevant rules or norms for environmental and social management.

B. Environmental Management System

1. Policy and Legal Framework

4. In 2010, the 18th Constitutional Amendment was approved by the National Assembly of Pakistan. Under the amendment, environmental functions in the territory of the federal capital were delegated to Pakistan Environmental Protection Agency (Pak-EPA), and Provincial Environmental Protection Agencies were delegated the environmental management functions of provinces. In 2012, the federal government converted the Ministry of Environment to the Ministry of Climate Change (MCC). The MCC is mainly responsible for managing common national-level environment issues and climate change impacts and implementation of international conventions signed by the Government of Pakistan.

a. National Environmental Policy, 2005

5. The National Environmental Policy provides an overarching framework for addressing the environmental issues facing Pakistan such as pollution of freshwater bodies and coastal waters, air pollution, lack of proper waste management, deforestation, loss of biodiversity, desertification, natural disasters and climate change. It also gives directions for addressing the cross sectoral issues as well as the underlying causes of environmental degradation and meeting international obligations.

6. Policy measures recommends to i) enact the National Clean Air Act, ii) ensure reduction and control of harmful emissions through regulatory programs, iii) promote cleaner production technologies, iv) introduce discharge licensing systems for industry, v) establish cleaner production centers and promote cleaner production techniques and practices, vi) encourage reduction, recycling and reuse of municipal and

industrial solid and liquid wastes, and vii) provide financial and other incentives (reduction/elimination of tariffs, low interest loans, appreciation certificates and awards) for technology up-gradation, adoption of cleaner technology, implementation of pollution control measures and compliance with environmental standards.

b. Legislative Framework

7. Following legislations are relevant for addressing the potential environmental and social impacts of the proposed program:

- Pakistan Environmental Protection Act 1997
- Khyber Pakhtunkhwa Environmental Protection Act 2014
- Pakistan Penal Code
- Khyber Pakhtunkhwa Local Government Act 2013

c. Pakistan Environmental Protection Act 1997

8. PEPA 1997 is the basic legislative tool empowering the Government to frame regulations for the protection of the environment. It is a comprehensive legislation and provides the basic legal framework for protection, conservation, rehabilitation, and improvement of the environment. The Act is applicable to a wide range of issues and extends to air, water, soil, marine, and noise pollution, and to the handling of hazardous wastes.

9. Environmental pollution control associated with hazardous waste is addressed in this Act under Section 13 and 14. Under Section 13 'Prohibition of Import of Hazardous Waste' which states that no person shall import hazardous waste into Pakistan and its territorial waters, Exclusive Economic Zone and historic waters. Under Section 14 'Handling Hazardous Substances' which states that no person shall generate, collect, consign, transport, treat, dispose of, store, handle or import any hazardous waste except under a license issued by the Federal Agency and in such manner as may be prescribed or in accordance with the provision of any other law or of any international treaty, convention, protocol, code, standard, agreement or other instruments to which Pakistan is a party.

10. Under the Hazardous Substance Rules, 2003, made under this Act, license is required for the import and transportation of hazardous substance from Federal or Provincial agency. The application for the grant of license for the industrial activity involving generation, collection, consignment, transport, treatment, disposal, storage, handling or import of hazardous substances, must be accompanied with EIA report and safety plan. The validity of the license is for three years. The licensee is required to notify any major accident occurring at licensed facility to provincial and federal agencies. There is also packing and labelling requirement, safety precautions for the premises and workers which will have to be followed. The licensed facility can be inspected by the provincial or federal staff.

d. Khyber Pakhtunkhwa Environmental Protection Act 2014

11. The provincial environmental protection Act addresses prohibition of discharges and emissions of wastewater and air emissions, noise control, requirements of initial environmental examination and environmental impact assessment for the newly established development projects, and hazardous waste and substances.

12. Under this Act, no person is allowed discharge or emit any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the prescribed provincial Environmental Quality

Standards. Similarly, no person can import hazardous waste into the province, generate, collect, consign, transport, treat, dispose of, store, handle or import any hazardous substance except he/she gets license from the authority.

13. This Act also addresses environmental impact assessment of the new projects. It stipulates that project construction or production can't commence without obtaining No Objection Certificate (NOC) from the KP EPA. To obtain NOC, project proponents have to conduct and submit Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA) study or Environmental Screening Checklist to KP EPA.

14. Under the law, provincial agency can issue Environmental Protection Order where agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or handling of hazardous substance, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of any provision of this Act, rules or regulations or of the condition of license, or is likely to cause, or is causing, or has caused an adverse environmental effect. The provincial agency may, after giving the person responsible for such discharge, emission, disposal, handling, act or omission an opportunity of being heard, by order, direct such person to such measures as the provincial agency may consider necessary with such period as may be specified in the order.

e. Pakistan Penal Code

15. The Pakistan Penal Code discusses offences where public or private properties and/or human lives are affected due to intentional or accidental misconduct of an individual or body of people. The Code defines the penalties for violations concerning pollution of air, water bodies and land.

f. Khyber Pakhtunkhwa Local Government Act 2013

16. The Khyber Pakhtunkhwa Local Government Act 2013 addresses the environmental pollution control for the waste under i) Fourth Schedule, Part I (Sr. No: 8): discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain or sewer, public water course or public land; ii) Fifth Schedule (Sr. No: 26): Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.

2. Institutional Framework

17. Following institutions are involved in the management of environmental and social effects of the program activities:

- a) Finance Department, KPK (FD)
- b) Planning and Development Department, KPK (P&D)
- c) Elementary and Secondary Education Department, KPK (ESED)
- d) Health Department, KPK (HD)
- e) Communication and Works Department, KPK (C&W)
- f) Khyber Pakhtunkhwa Public Procurement Regulatory Authority (KPPRA)
- g) Public Private Partnership Support Unit, KPK (PPP)
- h) Khyber Pakhtunkhwa Information Technology Board (KPITB)
- i) Environmental Protection Agency, Government of Khyber Pakhtunkhwa (EPA-KPK)

a. Finance Department, Government of Khyber Pakhtunkhwa²⁰

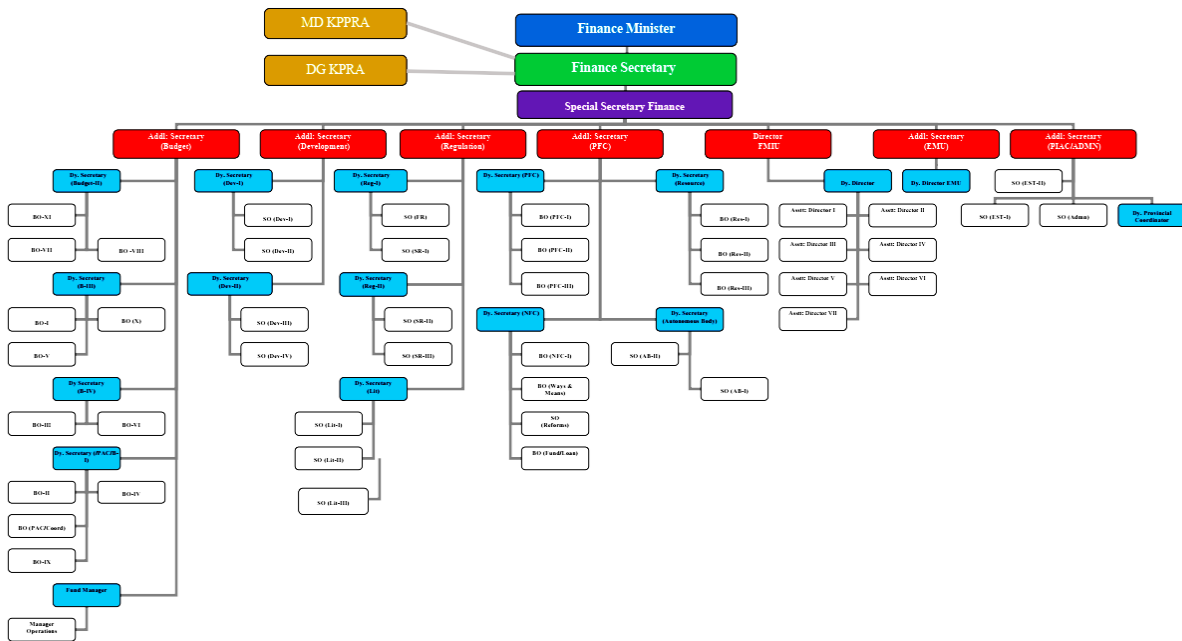
18. Finance Department Khyber Pakhtunkhwa is the custodian of Provincial Exchequer and deals with the subjects pertaining to Finance of the Provincial Government and Financial matters affecting the Province as a whole, Preparation of Annual Budget Statements and Supplementary/Excess Budget Statements for the consideration of the Provincial Assembly, Accounts and Audits of the Provincial Autonomous Organizations etc.

19. Moreover, Finance Department is responsible for Resource Management, Financial Regulation, Administration of Treasuries and Banking.

20. Vision: Attainment of a secure, just and prosperous society through socioeconomic and human resource development, creation of equal opportunities, good governance and optimal utilization of resources in a sustainable manner.

21. Functions: Finance Department is responsible for the supervision and control of Provincial Finances, Preparation of Provincial Budget, Formulation and Interpretation of Financial Rules, Civil Servants Rules related to Pay, Allowances and Pension, Management of Public Funds, Management of Public Debit, Banking, Coordination of National and Provincial Finance Commissions, Administration of Local Fund Audit and Treasuries.

22. Organogram



b. Planning and Development Department, Government of Khyber Pakhtunkhwa²¹

23. The Planning & Development Department is the major policy decision-making stakeholder especially in the field of development in the Province. It is responsible for the implementation and monitoring of the overall development plans of the Province. It plays the most important role in policy making (provincial and sectoral policies, priorities for projects according to the required resources), in appraisal and processing of development projects/schemes, in implementation (monitoring releases and inter-sectoral re-appropriation and in evaluation). The function of approval (ADP compilation, allocation of funds, recommendation for approval) is an important activity of the Department.

24. Functions of the P&DD are as follows:

- Strategic planning for provincial economy
- Formulation of Annual Development Plan
- Appraisal and review of Projects
- Monitoring and evaluation of development schemes, Socio-economic impact analysis
- Management of Provincial Statistics
- Foreign Development Assistance – Donors Coordination.
- Processing Foreign trainings & visits
- Lead Provincial representation in National Development Forums
- Lead Steering Committees and PRBs of mega projects
- Secretariat support to PDWP/CDWP/ECNEC/NEC, etc.
- Coordination and implementation of Reforms Agenda

25. Attached Departments: Following are the attached departments of the Finance Department:

- GIS Centralized Hub
- Urban Policy Unit
- Bureau of Statistics
- Monitoring and Evaluation System Khyber Pakhtunkhwa

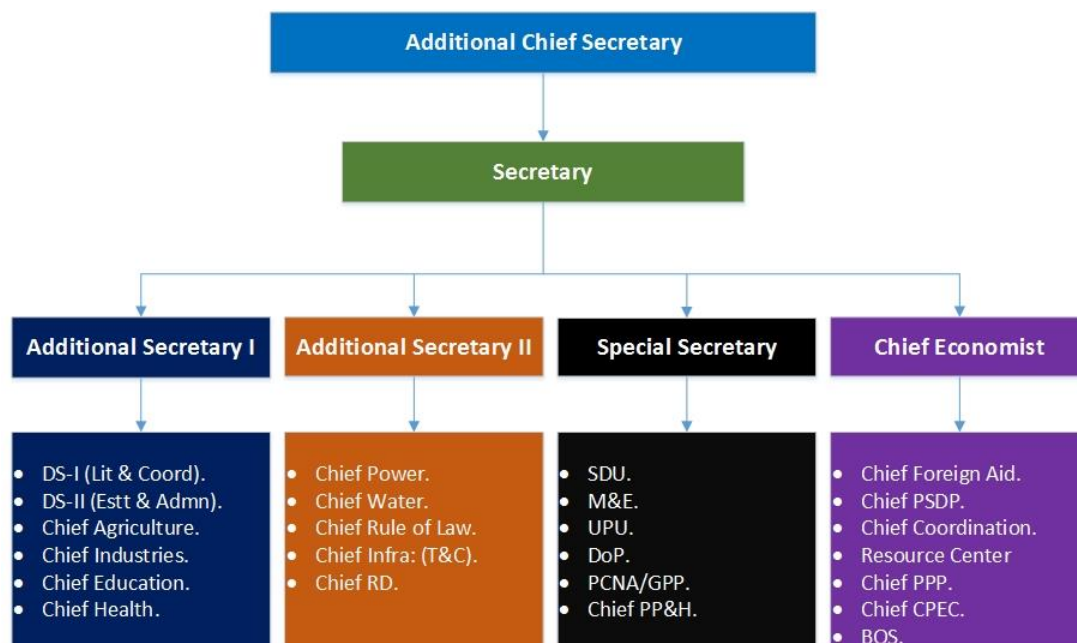
26. Sections: Following are the sections of the P&D Department:

- GIS Hub
- Agriculture
- Coordination
- Economic Analysis
- Education
- Energy and Power
- Establishment
- Foreign Aid
- Foreign Training
- Social Protection & Gender Mainstreaming
- Health
- Industries
- Infrastructure

²¹ www.pndkp.gov.pk

- Rural Development
- Water

27. Organogram



c. Elementary and Secondary Education Department, Government of Khyber Pakhtunkhwa²²

28. Elementary and Secondary Education Department is the biggest of all departments of Khyber Pakhtunkhwa. It has more than 187,733 employees. About 4.381 million students are learning in more than 27,514 Government institutions having more than 142,623 teachers.

29. Following are the functions of the department:

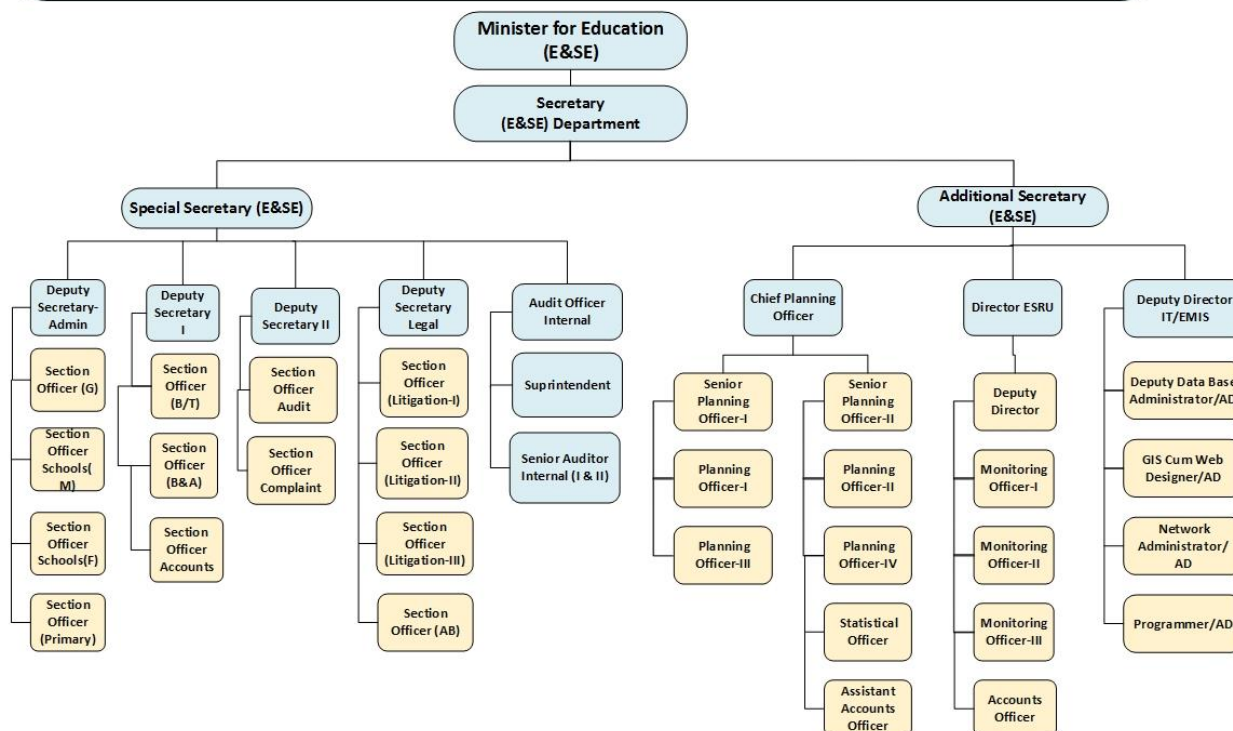
- Formulation of policies, strategies and regulations for Schools Education & Literacy.
- Preparation of Annual Developmental Program (ADP) for Elementary and Secondary Education Sector.
- Processing of developmental projects.
- Monitoring and review of developmental Projects and schemes in coordination with concerned Directorates/PIUs.
- Improvement of Literacy and quality/standard at Primary and secondary education level.
- Financial Management (Recurring/non-recurring Budgets) and auditing of the Provincial Level releases to Schools & Literacy Department including PAC/DAC.
- Education Management Information System and Geographic Information System
- Regulation, Registration and Supervision of Private Teacher Training Institutions through BISEs.
- Preparation of draft Acts/Ordinances as per need for the approval of provincial assembly/ Chief Executive of the Province.
- Attending to the questions/queries of the Provincial/National Assemblies and Senate pertaining to Schools & Literacy sector in the province.

²² www.kpese.gov.pk

- Dealing the matters of BISEs & Public Schools in Khyber Pakhtunkhwa.
- Inter District posting/transfers of Officers of Provincial cadre (BPS-17 and above) in Schools on recommendations of the Directorates of Elementary and Secondary Education Department
- Processing of Selection grade, Move-over, Pension, GP fund final payment and Promotion cases for approval of the competent forum at Provincial Level in accordance with the existing approved Policy.
- Coordination with the Federal Government and Donors.
- Inter Provincial admissions in teachers training institutes on reciprocal basis.
- Performance evaluation reports of Provincial cadre Officers (ACRs).
- Processing the cases of short and long-term foreign visits/training and award of Scholarships for approval of the competent forum.
- Any other task assigned by the government.

30. Organogram

Organizational Structure of Elementary & Secondary Education Department Khyber Pakhtunkhwa



d. Health Department, Government of Khyber Pakhtunkhwa²³

31. The Department of Health will reorganize the Health Sector services in Khyber Pakhtunkhwa Province with clear distinction between regulation, monitoring and provision of health services in order to achieve the optimum benefit within the available resources for the people of Khyber Pakhtunkhwa Province. The government's role as a guardian for the health of the citizens of Khyber Pakhtunkhwa Province is to regulate

²³ www.healthkp.gov.pk

according to international standards the quality of health care services and health care providers and medical training institutions.

32. The mission of this Department is to protect and improve the health and environment for all people in KPK.

e. Communication and Works Department, Government of Khyber Pakhtunkhwa

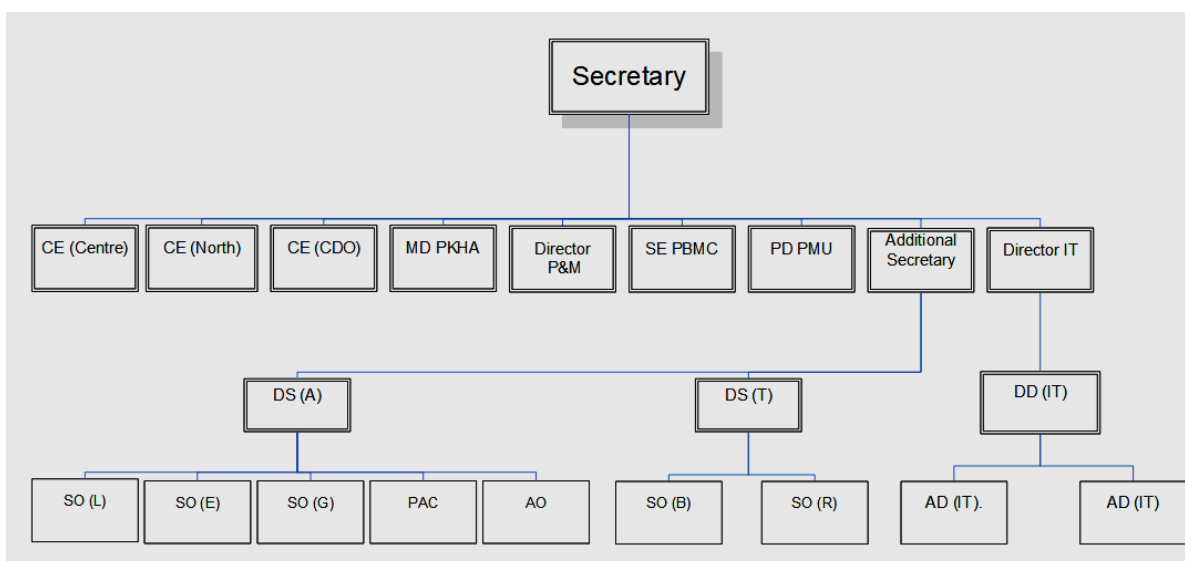
33. Communication and Works Department was established in 1903 as Public Works Department. It was bifurcated as Building & Roads (B&R) Department and Irrigation Department in 1955. The Public Health Engineering (PHE) department was established in 1970. The Public Works Department was renamed as Communication & Works (C&W) Department in 1979. It was merged with Public Health Engineer Department for "Works & Services (W&S) Department on July 01, 2001. Again it was bifurcated in 2009 as Communication & Works Department and Public Health Engineering Department.

34. Vision: "C&W Department is committed to provide presentable, economical, sustainable and durable physical infrastructure for nation building, compatible with economic constraints to improve the quality of life of the citizens of the province."

35. Functions include:

- Construction, equipment, maintenance, repairs, internal electrification and fixation, rent of all Government buildings, residential and non-residential, including tents, dak bungalows and circuit houses except those entrusted to Establishment & Administration Department.
- Accommodation for Federal and Provincial Government servants in the province except that entrusted to Establishment & Administration Department.
- Construction, maintenance and repairs of roads, bridges, ferries, tunnels, rope-ways, causeways and tram-ways lines.
- Roads Funds.
- Tolls (excluding those levies by Local Governments).
- Engineering training other than, Engineering University, Engineering Collages, and Engineering Schools.
- Evaluation/Fixation of Rent/Control/Management, leases and disposal sales of Government buildings.
- Water supply of sanitary works pertaining to Government buildings and Government estates.
- Laying standards and specifications for various types of roads and bridges for the province.
- Planning and designing roads and connected a works for the department financed from Provincial and /or Federal Funds.
- Road research and material testing.
- Execution of works on behalf of other agencies/department as deposit Works.
- Preparation of architectural plans/drawing of buildings of Provincial Government

36. Organogram



f. Khyber Pakhtunkhwa Public Procurement Regulatory Authority²⁴

37. Khyber Pakhtunkhwa Public Procurement Regulatory Authority (KPPRA) is an autonomous organization, established under an Act of the Provincial Assembly of Khyber Pakhtunkhwa.

38. Public procurement has become a specialized undertaking of the modern world. Government departments generally face institutional capacities issue in their internal control, fiscal management, procurement and contract administration which limit and hamper their overall performance and the delivery of services. There is a strong direct correlation between transparent public procurement and economic development.

39. Prior to the accomplishment of the KPPRA Act 2012, all public procurement were carried out under the umbrella of "The NWFP Procurement of Goods, Works, Services and Consultancy Services Ordinance" passed on 31st May, 2002. On the basis of the Ordinance, NWFP Procurement of Consultancy Services Rules were notified in 2002. Similarly under the Ordinance, the provincial government notified the procurement rules on 14 January, 2004 called the NWFP procurement of Goods, Works and Services rules, 2003.

40. The procurement specific reforms in Khyber Pakhtunkhwa were triggered by the World Bank back in 2007. This initiative was part of the reforms agenda under Public Financial Management (PFM) component of the Finance Department. The Provincial Assembly of Khyber Pakhtunkhwa passed the Public Procurement Regulatory Authority bill on Monday 3rd September 2012 which became an Act on 16th September 2012 Vide Notification No. PA/Khyber Pakhtunkhwa/Bill/2012/ 6059 dated September 20, 2012.

41. The rationale behind the establishment of KPPRA was that no well-defined regulatory framework / code of ethics existed for checking of malpractices by public procurement practitioners despite several enactments on efficiency and discipline of government servants while conducting the official business. In addition to this there was no system in place to provide a proper forum for resolution of any grievances

²⁴ www.kppra.gov.pk/kppra

regarding any procurement transaction. In case of a dispute between the procuring agency and the contractor the options were arbitration under Arbitration Act 1940 and the courts of law.

42. To fill the gap Khyber Pakhtunkhwa Public Procurement Regulatory Authority has been established as an autonomous body capable of providing legal and regulatory framework to provincial Government departments and other public sector entities/organizations in procurement. The overarching goal of KPPRA is to improve governance, management, transparency, accountability and quality of public procurement of goods, works and services at all levels across the province leading towards restoring trust in the State Institutions. The KPPRA board outlines guidelines for procuring agencies on various steps involved in a procurement cycle.

g. Khyber Pakhtunkhwa Information Technology Board²⁵

43. Khyber Pakhtunkhwa Information Technology Board is a public sector autonomous organization established under an Act of the Khyber Pakhtunkhwa Assembly in May 2011 for the promotion of Information Technology, Information Technology enabled services and Information Technology enabled education for public and private sector of the Province of the Khyber Pakhtunkhwa.

44. Khyber-Pakhtunkhwa is undergoing a digital transformation, with rapidly expanding mobile and internet connections. This has the potential to significantly drive growth, expand job opportunities, and improve service delivery. Supporting this digital transformation is Digital KP, a provincial strategy focused on supporting regulations, institutions and capabilities. The strategy is organized around four pillars: Digital Access, Digital Governance, Digital Economy and Digital Skills.

45. Vision: Systematic digital transformation in Khyber Pakhtunkhwa by leveraging Information and Communication Technologies for job creation, connectivity, empowerment and inclusive economic growth.

h. Environmental Protection Agency, Government of Khyber Pakhtunkhwa²⁶

46. EPA was established in 1989 under the administration control of Physical Planning and Housing (PP&H) Department. Later on it was transferred to the Planning, Environment & Development (PE&D) Department. In year 2001, it was placed under the newly created Environmental Department. EPA has now one head office at Peshawar while three directorates at Abbottabad, D.I. Khan, and Swabi along with regional office at Gadoon Swabi.

47. Vision: The vision of the agency is to provide a healthy and pollution free living environment for the people of Khyber Pakhtunkhwa.

48. Mission: The mission of the EPA is to build Khyber Pakhtunkhwa a province where next generations can enjoy a better life than the one that went before it. So where government needs to intervene to ensure that high standards are met, EPA will not hesitate to do so.

i. Assessment

49. Current policy and regulations at both provincial and federal levels, lack specific provisions pertinent to e-waste management. Hazardous substances mentioned under Hazardous Substance Rules, 2003, to be

²⁵ www.kpitb.gov.pk

²⁶ www.epakp.gov.pk

controlled, do not mention e-waste rather different hazardous chemicals and heavy metals are mentioned which can be the part of the e-waste or released during dismantling, burning, chemical processing or disposing on the land. Overall enforcement of the environmental management provisions is weak in the province due to lack of enforcement infrastructure and resources.

50. There are no certified e-waste recycling facilities and recyclers in Pakistan for environmentally sound recycling of e-waste generated in the country. The program implementing departments will be unable to deliver their e-waste to such recyclers or to such facilities.

51. FD responsible for the implementation of the program needs to develop Program specific ICT Guidelines with the assistance of KPITB for handling e-waste based on current World Bank's Environment, Health and Safety (EHS) Guidelines, based upon general and industry specific examples of Good International Industry Specific Practices (GIIPs). The partner departments will have to maintain records of their e-waste and forward these records to FD and Provincial EPA to enhance their related database in support of the development of pertinent provincial regulations. The EPA needs to regulate e-waste recycling facilities by registering and issuing licenses and monitoring their operations. The implementing departments need to hand over e-waste to the licensed e-waste recyclers. The regulations should address e-waste recycling and disposal aspect as per above mentioned EHS guidelines. The guidelines need to be developed and enforced for e-waste recyclers and their facilities. The regulators are required to monitor these licensed facilities as per the guidelines.

52. Under national and provincial environmental protection acts, the wastewater discharge is controlled. Under these acts, no person is allowed to discharge or emit any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the specified Environmental Quality Standards (EQS). These EQS provide limits for the wastewater. However, the environmental authorities mainly focus on the industries for the compliance of environmental law whereas the enforcement for houses, public and commercial buildings and schools are only monitored on complaints.

53. The Review of IEE and EIA Regulations of KPK do not require filing of IEE or EIA for the construction or expansion of schools and health facilities.

54. There is no OHS law in the KPK province to ensure safety of workers and the communities at the construction sites.

55. It is recommended that the implementing departments in consultation with provincial EPA should incorporate Construction climate resilient and environment friendly Policy Framework to ensure that the construction activities at schools and health facilities are carried out under safe and environmentally controlled manner to protect environment, workers and the community from potential risks.

C. Environmental Management Capacity

56. This sub-section summarizes the ESSA team's evaluation of the capacity of the institutions to implement the program's environmental management system, particularly for e-waste management.

57. The implementing departments don't have adequate capacity to deal with e-waste. Based on the ESSA team consultation and assessment of the departments' capacity on this issue, the present practices are environmentally unfriendly. Old ICT equipment if: (a) still useable and only replenishment/replacement is needed with the new ones then it is passed to lower hierarchy staff for subsequent use; (b) declared discarded at the end of their useful life, then it is placed in the respective entity's common store along with

other discarded office equipment (furniture, machinery etc.). The dumped material is then periodically put to auction (through item/weight) by the administration usually as a one whole lot.

58. The terms and conditions of auction do not include any environmental provisions and departments therefore do not consider their role in keeping track or knowing fate of final disposal of auctioned material. The concerned staff members are not sensitized on the adverse impacts on health and environment resulting from any degradation or accidental damage of ICT equipment.

59. During equipment procurement, only the technological specifications are considered and specifications are provided for the requirement. However, with respect to environment no such specifications are added/included in the EOIs. There is no evaluation criteria based upon environment at the departments for the procurement of equipment.

60. Implementing departments do not have specific standards and guidelines for ensuring environmental, health and safety safeguards during construction activities, provision of water and electricity and treatment and disposal sewage from toilets. It is recommended that the implementing departments and provincial EPA should prepare Environment, Health, Safety and Social (EHSS) Guidelines for the Program to ensure that the construction activities are safe and the sewage from toilets is properly treated and disposed.

61. The Communication and Works Department only follows the IEE/EIA requirements of the Provincial Environmental Protection Act for the construction projects for acquiring NOC prior to construction and operation of the projects. The environmental consultants are hired to conduct the environmental studies. For the foreign funded projects, the financiers' environmental safeguard requirements are fulfilled through respective consultants. However, for other matters, environmental management is not considered. Dedicated staff for environmental management of locally financed project is rare. Further to this, environmental management plans for locally financed projects are rarely prepared, and if prepared under EIA, then mostly not effectively implemented by the implementation department.

62. In the PPP Unit, currently there is no environmental management system in place. However, the unit is in the process of drafting and finalizing the environmental guidelines. Once these guidelines are finalized and approved, the unit will follow these guidelines during project feasibility/approval stage. As per the guidelines, the dedicated staff for environmental management will be appointed who will be responsible for the evaluation of the proposed projects for the environmental safeguard purpose and monitoring of its implementation.

63. KPPRA representatives informed that there is no focal person for environmental management in the authority. They reported that KPPRA organization has good experience in extending trainings to its staff, district procurement staff, and vendors on different subjects linked to procurement procedures. Trainings on e-procurement and bidding is also planned in the future. They informed that only scrapped ICT equipment is auctioned. The first preference is to reuse the ICT equipment by the low staff and functionaries responsible for simple computer works. They informed that KPPRA is in the process of preparing template for the framework contracts under which buyback of the ICT will be one of the important conditions for the ICT vendors.

64. The regulators are lacking in awareness and capacity to regulate e-waste. The implementing departments are also not aware of the e-waste management. Awareness raising and capacity development of the regulators and implementing departments is required. The legislation needs to address e-waste issue and formulate e-waste management guidelines/rules. These rules need to be enforced to regulate recyclers and recycling facilities.

D. Social Management System

1. Policy and Legal Framework

(a) The Constitution of Pakistan

Article 38 (c) and the Employees' Old-Age Benefits Act, 1976

65. Government of Pakistan had initially promulgated the Employees' Old-age Pensions Ordinance in 1972. Subsequently, in 1976, this Ordinance was substituted with an act of Parliament, namely Employees' Old-Age Benefits Act, 1976. This social insurance system was started to achieve the objective of article 38 (c) of the Constitution, which is stated as under:

66. The State shall:

Provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

67. The Government has created special social security systems for public-sector employees (where Civil Pension Rules are applicable) that include members of the armed forces, police officers, employees of statutory bodies, local authorities, and railways.

68. Other than these, Government is also managing social assistance programs for the welfare of destitute and needy citizens. Under the Zakat and Ushr Ordinance, 1980, benefits are provided to the poor Muslim citizens of Pakistan while under the Pakistan Baitul Mal Act, 1992 and Benazir Income Support Program Ordinance, 2010 (Program was started in 2008), assistance is being provided to all the citizens of Pakistan irrespective of their religion or location.

69. Employees' Old-Age Benefits Act is applicable on all firms (industrial or commercial, including banks) where 5 or more workers, whether contractual or regular, are employed or were employed during past 12 months. The laws remain applicable even if the number of persons employed is subsequently reduced to less than five.

70. As for the benefits, it provides following four types of benefits to insured persons or their survivors:

- Old-Age Pension (or Reduced Pension)
- Survivors' Pension
- Invalidity Pension
- Old-Age Grant (if an employee is not eligible for pension)

71. The Act specifically provides for Survivors' Pension (which is equal to minimum pension) after the death of an insured person in insurable employment for a period of at least three years. If the deceased had become eligible for old age or invalidity pension, the spouse will receive that pension of deceased for lifetime. In case of death of spouse who was receiving the insured person's pension, this pension will be divided among children in equal share, until they attain the age of 18 years (or in the case of girls, before she marries or attains the age of 18 years, whichever comes earlier; however, since July 2010, daughters can receive this pension until their marriage). In case an insured person has not left a spouse or children behind, his parents would be entitled for the survivors' pension for a period of five years.

72. Old-Age Grant is paid to those employees who are not eligible for old-age pension, as they don't meet the requirement of 15 years of contributions. However, if these employees have at least completed 2 years

of insurable employment, they are entitled to a lump sum payment of one month of earnings, for each year of insured employment.

Women Rights

73. The constitution of Pakistan provides supportive platform to achieve women rights and women empowerment goals as it does not discriminate between men and women. The Constitution of Pakistan has significant human rights content, while human rights concepts can be found from the preamble onwards; there is also a separate chapter on fundamental rights of citizens. A brief overview of relevant constitutional provisions is given below:

- Article 3 calls upon the State to eliminate all forms of exploitation
- Article 4 provides for the right of individuals to enjoy the protection of law and to be treated in accordance with the law. This applies to the citizens as well as “to every other person for the time being within Pakistan”. This article also clearly states that certain rights cannot be suspended. Under 8 any existing law or practice, inconsistent with or in derogation of the fundamental rights, shall be void. It further prohibits the State from enacting any law or policy, in conflict with Fundamental Rights except “any law relating to members of the Armed Force, or of the police ... charged with maintenance of public order ... for the purpose of ensuring the proper discharge of their duties ...”.
- Article 25 ensures equality before the law and equal protection of the law and states that there shall be no discrimination on the basis of sex alone.
- Article 26 and 27 provide for equal access to public places and equality of employment in the public and private sectors.
- Articles 11 and 37 (g) prohibit trafficking in human beings as well as prostitution.
- Article 32 makes special provisions for the representation of women in the Local Government.
- Article 34 directs the State to take appropriate measures to enable women to participate in all spheres of national life and community activities. In addition Articles 25(3) & 26(2) allow the state to make special provisions for the protection of women and children.
- Article 35 asks the State to protect the marriage, the family, the mother and the child.
- Article 37 (e) directs the State to make provisions for securing just and humane conditions of work and ensuring that children and women are not employed in vocations unsuited to their age or sex, and for ensuring maternity benefits for women in employment. (The wording of the provision is archaic compared to present thinking on women’s rights, but the maternity benefit mentioned in the provision is available to and exercised by women as a matter of right. The issue of women not being employed in “vocations unsuited to their age or sex” was inserted as a guarantee against exploitation and was appropriate for the time and context in which the Constitution was drafted. However, it has not been used to hinder the entry of women in nontraditional areas/ fields of work as is evidenced by the increasing numbers of women entering the uniformed services – the police, army, air force etc.
- Articles 51 and 106 provide for the reservation of seats for women in the legislatures²⁷.

Labor Rights

74. The constitution of Pakistan contains a range of provisions with regard to labor rights found in Part II: Fundamental Rights and Principles of Policy:

²⁷ http://wdd.punjab.gov.pk/women_rights

- Article 11 of the constitution prohibits all forms of slavery, forced labor, and child labor.
- Article 17 provides for a fundamental right to exercise the freedom of association and the right to form unions.
- Article 18 prescribes the right of its citizens to enter upon any lawful profession or occupation and to conduct any lawful trade or business.
- Article 25 lays down the right to equality before the law and prohibition of discrimination on the grounds of sex alone.
- Article 37(e) makes provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.

75. Pakistan's labor laws trace their origins to legislation inherited at the time of partition. The laws have evolved in response to socioeconomic conditions, shifts in governance, state of industrial development, population and labor force expansion, growth of trade unions, level of literacy, and the government's commitment to development and social welfare.

76. Under the constitution, labor is regarded as a 'concurrent subject,' which means that it is the responsibility of both the federal and provincial governments. However, for the sake of uniformity, laws are enacted by the federal government, stipulating that provincial governments may make rules and regulations of their own according to the conditions prevailing in or for the specific requirements of the provinces.

77. The labor laws are a comprehensive set of laws in Pakistan dealing with the following aspects: contract of employment; termination of contract; working time and rest time; working hours, paid leave, maternity leave and maternity protection, and other leave entitlements; minimum age and protection of young workers; equality; pay issues; workers' representation in the enterprise; trade union and employers association regulation; and other laws.

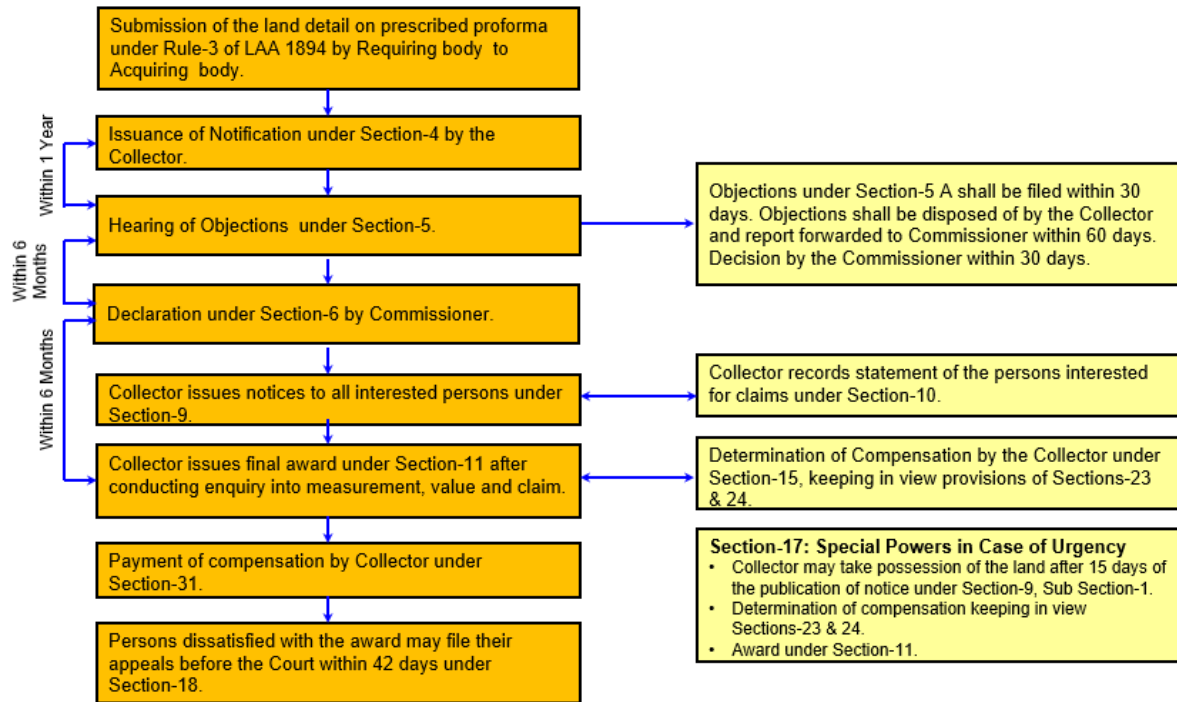
(b) Land Acquisition Act, 1894

78. LAA came into force on March 1, 1894. The act aimed to amend the then existing law for the acquisition of land for public purposes and for companies. LAA 1894, as amended from time to time, is the primary law for the purpose of land acquisition in the Province of Khyber Pakhtunkhwa. The Act provides for acquisition of land for public purpose and for companies.

79. While the act is a federal legislation, according to Article 142(c) of the constitution, a Provincial Assembly is competent to amend it. The act (as amended) is applicable to the Province of KP by virtue of West Pakistan (Amendment) Ordinance, 1969. This ordinance continues to be in force in the four provinces in view of the Adaptation of Laws Order, 1975. There is no specific provision in the act for resettlement and rehabilitation of persons displaced as a result of acquisition of their land.

80. The act is broadly grouped into 8 parts comprising 55 sections. The relevant sections are shown in Figure 1 and a brief overview is presented below:

Figure 1. Land Acquisition Process under Land Acquisition Act, 1849



81. In accordance with the act, the legal process is initiated by an application from the government agency that requires the land as it is the requiring body. As land is a provincial issue according to the constitution, the next step is for the provincial government to deem it necessary to acquire the land, after which it takes the actions listed below and in Figure 1.

82. Under Section 4, it causes the publication of preliminary notification that the land is needed for a public purpose. This permits entry, survey, and investigation of the land in question by an authorized government servant so that the authorities can determine whether the land intended to be acquired is suitable for the purpose for which it is needed. Compensation shall be paid for any damage caused by such entry. The process of acquisition must start with a notification under Section 4. It is a condition precedent to the exercise of any further powers under the act.

83. Under Section 5, a formal notification is issued that the particular land is needed for a public purpose. This notification is published in the official gazette and the collector is required to issue a public notice of the substance of the notification. Issuance of Section 5 has to take place not later than one year after notification of Section 4.

84. Any person interested in any land, which has been notified under Section 5 may, within thirty days after the issuance of the notification, object to the acquisition of the land under Section 5A. The collector shall hear the objection, make necessary enquiries, and submit a report within 90 days to the appropriate government authority. This authority must announce its decision, which shall be final, within 90 days, otherwise the objection shall be deemed to have been admitted and the acquisition proceedings will come to an end.

85. When the provincial government is satisfied, after considering the report, if any, made under Section 5A that any particular land is required for public purpose, a declaration to that effect shall be made by an

authorized officer of the provincial government under Section 6. This should follow within six months of the publication of the Section 5 notification.

86. After the declaration under Section 6, the commissioner of land acquisition collection shall “direct the collector to take order for the acquisition of land” under Section 7. The collector then notifies under Section 8 to cause the land to be marked out, measured and planned (if this was not done after Section 4).

87. Under Section 9, the collector gives notice to all interested people that the government intends to take possession of the land and if they have any claims for compensation that they be made to him at an appointed time. Section 10 delegates powers to the collector to record statements of persons possessing any interest in the land or any part thereof as coproprietor, subpropriator, mortgage and tenant, or otherwise. Section 11 enables the collector to make enquiry into “measurements, value and claim and issue the final award.” Included in the award is the land’s true area, the collector’s view of what compensation is warranted, and the apportionment of that compensation to all interested people.

88. Though this section is the one that contains the final award, there are two other sections, that is, Section 23 and Section 24, which actually take place before Section 11. This is because these two sections pertain to compensation and the criteria to be followed (Section 23) or not to be followed (Section 24) in arriving at appropriate compensation.

89. Under Section 23 are included such items as the market value of the land at the time of notification of Section 6, and various damages that have been sustained at the time possession was taken.

90. Matters not considered in awarding compensation, that is, Section 24, include such items as the degree of urgency, which led to the acquisition, any disinclination of the person interested in the land to part with it, any expected increase in value of the land from its future use, and so on.

91. When the collector has made an award under Section 11, he will then take possession under Section 16 and the land shall thereupon vest absolutely with the government, free from all encumbrances.

92. Section 18 pertains to persons still dissatisfied with the award, who may request the collector to refer the case to the court for determination and decision. This does not affect the taking possession of the land.

93. In cases of emergency, where the Board of Revenue considers it expedient to take possession of any land at anytime before an award under Section 11 has been made, it shall notify this act in writing to the collector intimating in addition the date by which the land is required. Under Section 17, the collector can, after causing a notice to this effect to be served on the person or persons interested in the land, take possession of the land subject to the liability to pay any amount, which may be incurred on account of acquisition. This specific section will not be applicable in the proposed Program, as the acquisition of land is being done through normal procedures.

(c) Employment of Child Act, 1991

94. Article 11(3) of the constitution of Pakistan prohibits employment of children below the age of 14 years in any factory, mine, or any other hazardous employment. In accordance with this article, the ECA 1991 disallows such child labor in the country. The ECA defines a child to mean a person who has not completed his/her fourteenth year of age. The ECA states that no child shall be employed or permitted to work in any of the occupations set forth in the ECA (such as transport sector, railways, construction, and ports) or in any workshop wherein any of the processes defined in the act is carried out.

95. Presently the government of Punjab has draft a new act titled 'Punjab Restriction of Employment of Children Act 2015' dealing with child labor in the commercial and industrial sectors of Punjab. The act aims at banning children up to 14 years from all types of employment. The approval of the act is ongoing and expected to be approved by the Punjab Assembly in a short span of time.

(d) **Pakistan Labor Policy, 2010**

96. Pakistan's Labor Policy aims at attaining its objectives in a manner best suited to the resources of the country and the present state of economy. There is an urgent need to revitalize the economy to increase the level of productivity, promotion of investment, and maximization of employment. There is an equally genuine requirement to create, among workers and employers, a better awareness of their obligations to the national objectives stated above. At the same time, the government recognizes that workers and employers must enjoy reasonable benefits. With these priorities in view, the government considers that a balanced labor policy should be based on the following objectives:

- Workers' rights to form unions and unions should be protected and an institutional framework be made available to foster close cooperation between workers and employers at the establishment level.
- Equitable adjustment of rights between workers and employers should be ensured in an atmosphere of harmony, mutually beneficial to workers and the management.
- Consultations between workers and employers on matters of interest to the establishment and welfare of workers should be made more effective.
- Adequate security of jobs should be available to workers and there should be expeditious redressal of their grievances.
- Conditions should be created such that workers and employers are committed to enhancing productivity.
- Promotion to higher jobs should be ensured at all levels based on suitability and merit and for this purpose, arrangements should be made for in-service training facilities.
- Facilities for proper matching of job opportunities and job seekers should be strengthened and standard procedures streamlined.
- Social insurance schemes should be further strengthened.
- Just and humane conditions of work should be guaranteed to all workers.
- Forced labor in all its forms is to be eliminated.
- Provisions relating to the employment of children are to be strictly adhered to and enforced.

97. To address these concerns, the Labor Policy is divided into four parts: the Legal Framework; Advocacy: Rights of Workers and Employers; Skill Development and Employment; and Manpower Export.

(e) **Compliance Requirements under Generalized Systems of Preferences (GSP+)**

98. Pakistan acquired the status of EU's GSP+, which allows increased access of some categories of Pakistani products by allowing duty-free exports to EU markets from January 1, 2014. GSP+ requires ratification and compliance of twenty-seven International Conventions including eight core labor standards of the ILO. These eight core labor-related conventions include the following:

- Convention concerning Forced or Compulsory Labor, No.29 (1930)
- Convention concerning the Abolition of Forced Labor, No.105 (1957)
- Convention concerning the Application of the Freedom of Association and Right to Organize, No.87

- Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, No.98 (1949)
- Convention concerning Equal Remuneration of Men and Women Workers for Work of Equal Value, No.100 (1951)
- Convention regarding discrimination in Respect of Employment and Occupation, No.111 (1958)
- Convention concerning Minimum Age for Admission to Employment, No.138 (1973)
- Convention concerning the Prohibition and Immediate Action for the Elimination for the Worst Forms of Child Labor, No.182 (1999)
- The following labor laws (out of 24) relate directly to the implementation of the eight Labor Conventions:
 - Bonded Labor System (Abolition) Act, 1992
 - Employment of Child Act, 1991
 - Minimum Wages Ordinance, 1961
 - Industrial Relations Act, 2010
 - West Pakistan Minimum Wages for Unskilled Workers' Ordinance, 1969

99. Two of the important labor-related aspects, which are required to be strengthened include the equal remuneration of men and women workers for work of equal value and removal of discrimination with regard to employment and occupation. Special institutional arrangements have been proposed in the above five laws for ensuring implementation, as follows:

- Setting up of Vigilance Committees in the Bonded Labor (Abolition) Act
- Setting up of a cadre of inspectors for enforcement of the ECA Act.
- Establishment of Minimum Wage Boards in the Minimum Wages Ordinance
- Appointment of registrars of trade unions and establishment of labor courts under the Industrial Relations Act.

(f) The Protection Against Harassment of Women at the Workplace Act, 2010

100. The act protects women against sexual harassment at the workplace. The act is composed of 13 sections elaborating definitions, composition of the inquiry committee, procedure for holding inquiry, penalties (minor and major), powers of inquiry committee, role of the employer, the process for appeal against minor and major penalties, ombudsmen and powers of the ombudsmen.

(g) Open Government Partnership

101. The Open Government Partnership is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations.

102. To become a member of OGP, participating countries must endorse a high-level Open Government Declaration, deliver a country action plan developed with public consultation, and commit to independent reporting on their progress going forward.

103. The Open Government Partnership formally launched on September 20, 2011, when the 8 founding governments (Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom and the United States) endorsed the Open Government Declaration, and announced their country action plans. Since 2011, OGP has welcomed the commitment of 67 additional governments to join the Partnership.

104. In total, 75 OGP participating countries have made over 2,500 commitments to make their governments more open and accountable.

105. Pakistan expressed intent to become a member of Open Government Partnership in November 2016 whereby the Finance Minister signed the letter of intent and expressed the commitment to respect the Open Government Principles as articulated in the Open Government Declaration.

(h) KP Commission on Status of Women Act, 2016

106. The Khyber Pakhtunkhwa Commission on the status of Women is a statutory body established under NWFP Act X1X 2009. It was established in 2010 as a result of the devolution of powers from the Federal Women Development Ministry.

107. In 2016, the Commission was reconstituted and recommissioned under the . Its mandate under the KPCSW Act is as follows:

- a. Examine the policy, programs, projects and other measures taken by Government, for women development and gender equality, to assess implementation and make suitable recommendations to the concerned authorities, where considered necessary for effective impact;
- b. Review all provincial laws, rules and regulations affecting the status and rights of women and suggest repeal, amendments or new legislations essential to eliminate discrimination, safeguard and promote the interests of women and achieve gender equality in accordance with the Constitution of the Islamic Republic of Pakistan and obligations under International Covenants and commitments;
- c. Monitor the mechanism and institutional procedures for redress of violation of women's rights, individual grievances and facilities for social care, and undertake initiative for beer management and efficient provision of justice and social services through the concerned forums and authorities;
- d. Examine and review policies/programs and plans of each department to ensure that they address gender concerns adequately;
- e. Establish and constitute in consultation with the Government, District Committees, consisting of such number of members with female majority and to be headed by a female Chairperson on such terms and conditions and for such a period as may be prescribed through regulations to examine and review policies/programs and plans for each office in the district and to ensure that they address gender concerns adequately; provided that two female members of district council shall be added to the District Committee and meetings and quorum of the District Committee shall be such as prescribed by regulations;
- f. Provide guidelines to a District Committee for implementation and receive periodic reports on the implementation status to the Commission;

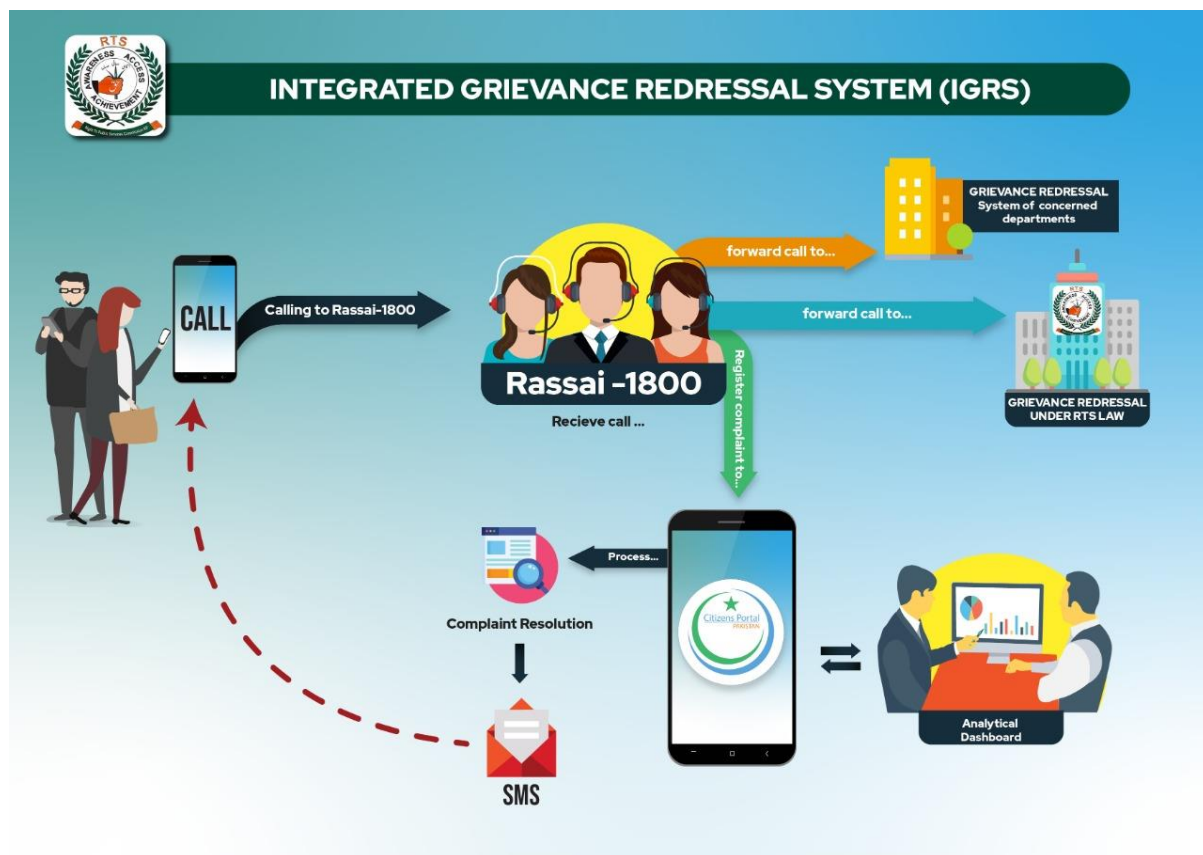
108. The basic purpose to establish the Commission was to have a regulatory monitoring body that can work with sister government organizations as well as with NGO's towards the emancipation of women, equalization of opportunities including socioeconomic condition among women and men. Also to eliminate all forms of discrimination/violations against women.

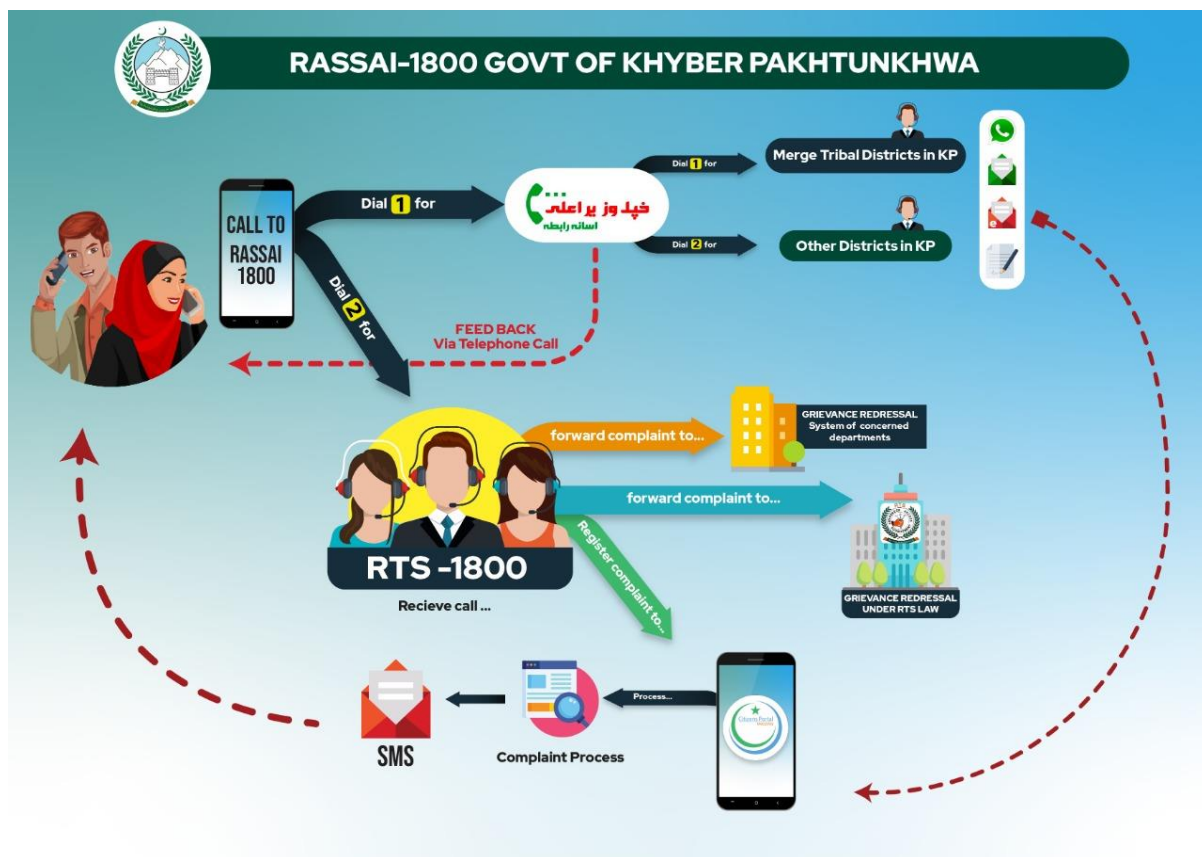
109. Commission has a mandate to conduct research on the issues related to the women of KPK especially those deprived women living in the remote areas of the province. These Researches will also be shared with

the government of Khyber Pakhtunkhwa and will help the legislators to concentrate on women issues including Gender Based Violence (GBV). The Researches will also help the NGO sector to understand the current status of women in the light of facts provided through Research papers.

(i) **Government of KP Online Portal (Rasai 1800 & Khpal Wazirala)**

110. The Government of Khyber Pakhtunkhwa Rasai 1800 & Khpal wazirala web portal has been established by the support of the “Governance & Policy Project” supported by the World Bank. It is an integrated grievance redressal system called Rasai 1800. The Rasai 1800 is housed in the Khyber Pakhtunkhwa Right to Public Services Commission (KP RTSC). The unique feature of the Rasai 1800 is it can be accessed/used by citizens of KP either from land line or cell phone. The citizens having no access to android phone can access it through land line by dialing UAN 1800. The call agents at the RTS Commission receives the calls from the complainant and asks the complainant whether their complainant chooses to register the complaint with the grievance redressal system of concerned department or intends to register the complaint with RTS Commission or desires to lodge and register complaint in the citizen’s portal. The complaint is processed and through an SMS feedback the complainant is informed about the actions taken on the complaint.



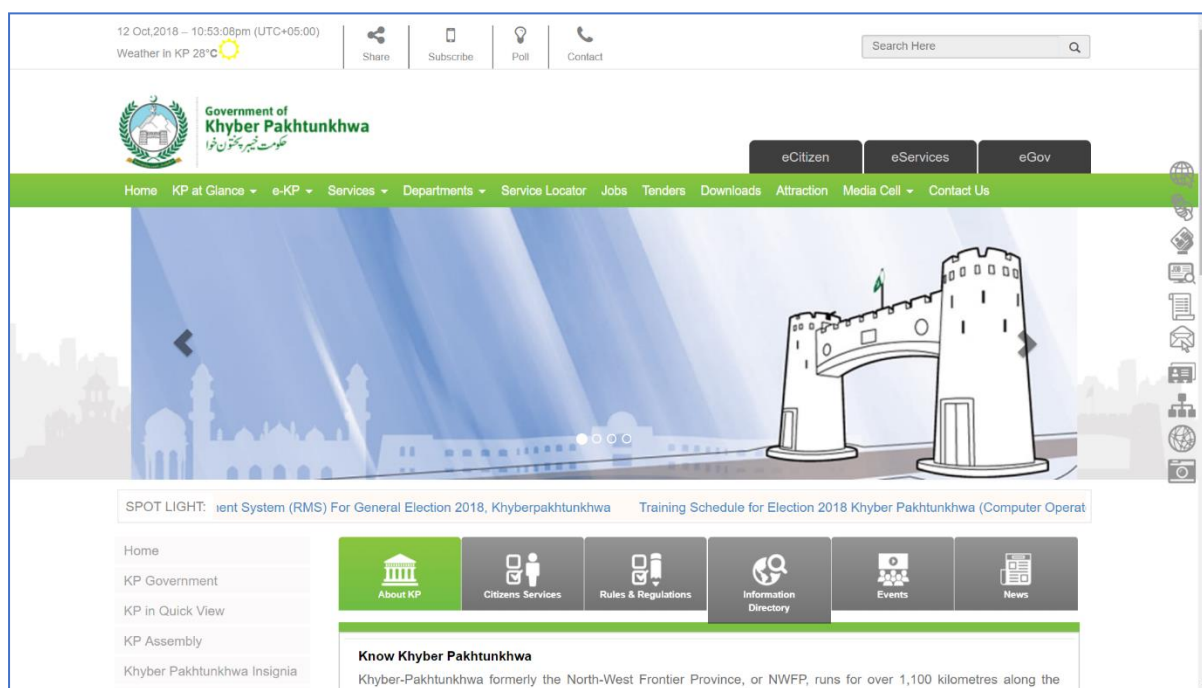


111. This system has the advantage that it also has access to the Prime Minister Delivery Unit and the KP Portal and can be accessed through a universal code 1800. The call agents at the other end connects/transfers the complainant to the concerned quarter through call and can also file a written complaint by using the KP Portal and PMDU portal.

112. GoKP hosts a web portal which serves as one stop shop for all information on KP, ranging from all government websites, recent survey reports, history, geography and tourism in the province. While it is overall a good initiative, it targets educated, middle class and upward citizenry. Amongst these, most promising initiatives/information provided are on Citizens Services offered and eGovernment. In addition, there is the online Province level GRM. Figure 2 shows a screen shot of the KP Portal. This webpage has links on KP's Annual Development Plan, Citizens Budget, tenders published by GoKP, administrative departments, educational institutions, employment and other similar schemes. In addition, e showcasing is a webpage which has the products and services of KP province for the global market and audience.

113. Citizens Services. This site is to assist citizens to get services through online facilities such as documents such as birth certificates, etc. The platform also lists links for public grievances against government departments. There is a link for Laws and Acts of GoKP.

Figure 2 Online Portal of KP Government



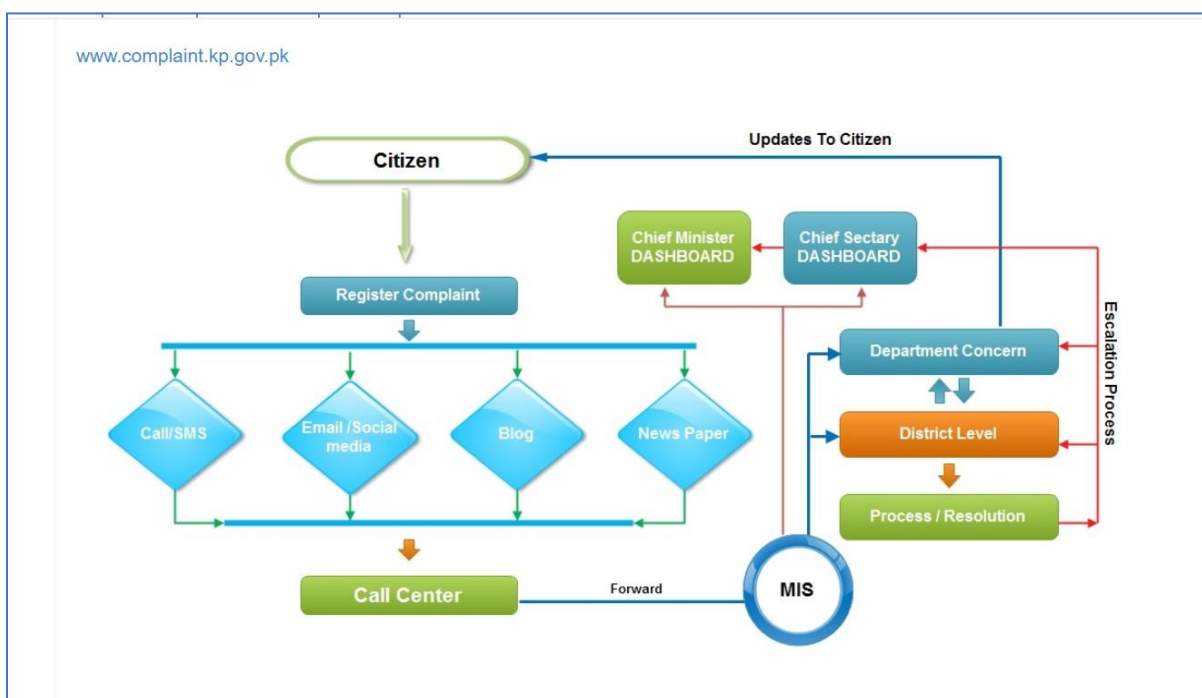
114. GoKP Online GRS. KPGRS is aimed at addressing common man's grievances, and simultaneously monitoring and reviewing the same. KPGRS is deemed as a game changer by the government, in its efforts to bring e-transparency and e-accountability with real-time presence and exchange among the citizens.

115. All complaints are recorded and forwarded to the concerned provincial department and compliance report is given to the Secretary of the department (or escalated further if required) within specified number days of its receipt after verification. The citizens/complainants are regularly updated on the work in progress on his/her complaint to call or SMS until redressal/closure. The Grievance Redressal System is being implemented through a phased approach and will cover all Departments of KP Government.

116. This effectively serves as the provincial level GRM for citizens against any type of grievance with any government department across KP. Each government department, including the ones that are part of this Program, has a focal point to respond to complaints lodged through this portal. In most cases, it is the Secretary of the Department concerned, which is a senior civil servant. Once a complaint is lodged, a timeline is issued for resolution and concerned department asked to follow procedure.

117. Figure 3 below illustrates the process followed by the Online GRS.

Figure 3 Process Diagram for Online Grievance Redressal System



118. e RTI. The Khyber Pakhtunkhwa Right to Information Act 2013 was passed by the provincial legislature with the objective to ensure the access of citizens to information in government departments and thus create a transparent and corruption free environment conducive for the growth of democracy.

119. The basic purpose of the Right to Information Act is to empower the citizens, promote transparency and accountability in the working of the Government, with an objective,

‘Every citizen shall have to right to access information in all matters of public importance subject to regulations and reasonable restrictions imposed by the law.’

120. The role of Public Information Officers (PIO) designated by each public body under the KP RTI laws is central to the implementation of these laws. PIOs are the first point of contact between citizens and public bodies. The government and public bodies are required to facilitate PIOs in the proactive disclosure of information as much as possible. This would require a need for significantly reforming and modernizing mechanisms of traditional record-keeping by public bodies. However, as public records are digitized, public bodies will be able to provide information in a timely fashion. Furthermore, PIOs would be empowered to share information upon request as required by RTI laws. The current bureaucratic structure compels PIOs to seek permission from the heads of public bodies, the secretaries, before disclosing information. PIOs will not be bound by such restrictions and if any departmental rule binds them to do so, it will be amended.

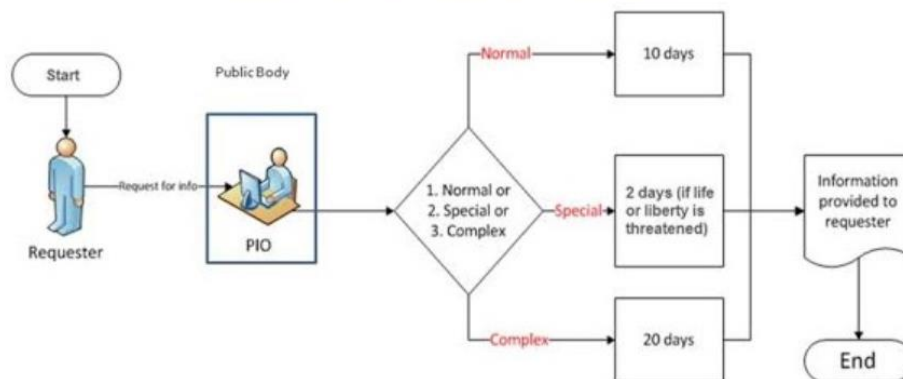
121. The number of information requests under RTI laws is expected to increase manifold as citizens become aware of these laws. Thus, the most important aspect of KP RTI laws is proactive disclosure. Public bodies will disclose as much information as possible proactively, using digital means. This will greatly reduce the number of information requests and limit the burden on PIOs to respond to such requests.

122. Figure 4 below illustrates the process followed by the Online GRS

Figure 4 Process Flow for e Right to Information

Process Flow

Access to Information - Process Flow



(j) Guidelines for Public Consultation, 1997

123. These guidelines address possible approaches to public consultation and techniques for designing an effective program of consultation that reaches all major stakeholders and ensures the incorporation of their concerns in any impact assessment study. The guidelines cover consultation, involvement and participation of stakeholders; effective public consultation (planning, stages of an EIA where consultation is appropriate); and facilitation of involvement (including the poor, women, and NGOs)

(k) Right to Information Act 2013

124. The Khyber Pakhtunkhwa (KP) Right to Information Act 2013, was passed by the provincial legislature with the objective to ensure the access of citizens to information in government departments and thus create a transparent and corruption free environment conducive for the growth of democracy. i.e. Government of the people, by the people and for the people.

125. The Khyber Pakhtunkhwa provincial assembly spearheaded the country's legislatures in becoming the first to introduce this progressive RTI Act. Under the 18th amendment of the constitution it is mandatory for all provinces to pass and implement RTI Law. This is a historic step in the legislative history of Pakistan which empowers citizens to hold public bodies accountable, who so far considered themselves unaccountable.

126. The law places crucial duties and responsibilities on the designated Public Information Officer (PIOs), to serve as the lynch pin between the public and their respective government institutions, for processing citizens requests for information sought under the RTI law.

127. The public representatives and the government have to play a very important role but now it's for the citizens to come forward, to understand and own the Law and actively participate in its implementation to enjoy this fruit of democracy. Awareness about their rights under this Law will change the tide in favor of the common man, ushering in an era of transparency, freedom, peace and prosperity in the Khyber Pakhtunkhwa.

128. The RTI Commission established under the RTI Law is an independent statutory body headed by KP Chief Information Commissioner RTI Commission and two Commissioners. The primary responsibility of the Commission is to ensure that the request of the citizens are processed in time by the public bodies. If the citizens file any complaint against a public body, the Commission after hearing the citizen and the public body takes a decision.

129. The Commission is also tasked with creating awareness and to ensure that the public bodies proactively display their records so that the citizens seldom visit the public offices. The Commission is required by law to lay before the Provincial Assembly an annual report regarding all the public bodies in respect of the implementation of RTI Law in the province.

(l) Right to Public Services Act 2014

130. Right to Public Services Commission (RTPS), a statutory body, established under an Act of Provincial Assembly KPK Right to Public Services Act 2014. The sole objective of this law is to improve public service delivery. The spirit and aim of Khyber Pakhtunkhwa Right to Public Services Act, 2014 and establishment of Khyber Pakhtunkhwa Right to Public Services Commission is to enable the citizens of Khyber Pakhtunkhwa to avail time-bound, notified public services from public entities in a transparent and efficient manner as a matter of right and to hold the public functionaries accountable, for lapses such as refusal, delay, deficiency or lack of transparency in providing such public services.

131. The Commission is headed by Chief Commissioner and assisted by two Commissioners plus supporting staff. The core functions of Commission are performed through office of the District Monitoring Officers (DMOs) in each district. The DMOs monitor the notified public services delivered by the administration for the public with focus on specified timelines, quality, and transparency. So far Twenty-four (24) services have been notified by the KP RTS Commission duly agreed and consented by the administrative Secretaries/head of the department. There are three more services where deliberations with the departments are in progress to be proposed for notification. Range of services is quite broad and includes Revenue, health, security, domicile, licenses, and municipal services. Commissioners and Deputy Commissioners have been declared as Chairperson Divisional and District Steering Committees, respectively. Focal Persons for all the departments, districts and divisions nominated.

(m) Provincial Ombudsman of KP

132. The Ombudsman Institutions were established at the Federal level and in the provinces of Punjab, Sindh and Baluchistan in 1983, 1997, 1991 and 2001 respectively, but in the province of Khyber Pakhtunkhwa, till recently Similar institution could not be created by the successive Governments.

133. The then Provincial Government in 2010, while recognizing the need and importance of Ombudsman institution, for ensuring administrative accountability and good governance, took the initiative and legislated the Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 which paved the way for the establishment of the office of the Provincial Ombudsman Khyber Pakhtunkhwa.

134. The Secretariat of the Provincial Ombudsman Khyber Pakhtunkhwa is presently operational, receiving, investigating and disposing off complaints in terms of the provisions of Khyber Pakhtunkhwa Provincial Ombudsman Act, 2010 and the Khyber Pakhtunkhwa Provincial Ombudsman Office (Registration, Investigation and Disposal of Complaints) Regulations 2011.

135. Any person who is aggrieved of mal-administration of any provincial Government Agency excluding Courts and provincial Assembly, can make a complaint on plain paper either in Urdu or English and can lodge

the same in the Ombudsman Office either in person or through other means of communication. However, every complaint must be accompanied by a copy of computerized National Identity Card (CNIC) of the complainant and supported by an affidavit to the effect that:

- **The allegations are true and correct to the best of his/her knowledge and belief.**
 - **Previously no complaint about the subject matter has been lodged.**
 - **No suit, appeal, petition or any other judicial proceedings in connection with the subject matter of the complaint are pending before any court or judicial Tribunal.**
- i. The complaint must bear the signature or thumb impression of the complainant and complete mailing address with Telephone or cell phone number if any. No anonymous or pseudonymous complaint is admissible.
 - ii. Alongside this, no complaint which is late than six months from the day on which the aggrieved person had the knowledge of the matter alleged in the complaint will be entertained unless special circumstances exist necessitating investigation in a complaint which is time barred.
 - iii. Findings in every complaint will be communicated to the complainant and the Agency on conclusion of the investigation and any person or agency aggrieved by an order of the Ombudsman, may make representation to the Governor within thirty days of the order.
 - iv. Below is a review of selected policies, laws, and regulations under relevant for social management under the Program.

2. Institutional Framework

136. The following are the institutions involved in social management of the effects of the program, with a description of their background, mandate, and overall organization. The capacity of each is assessed in the following sub-section.

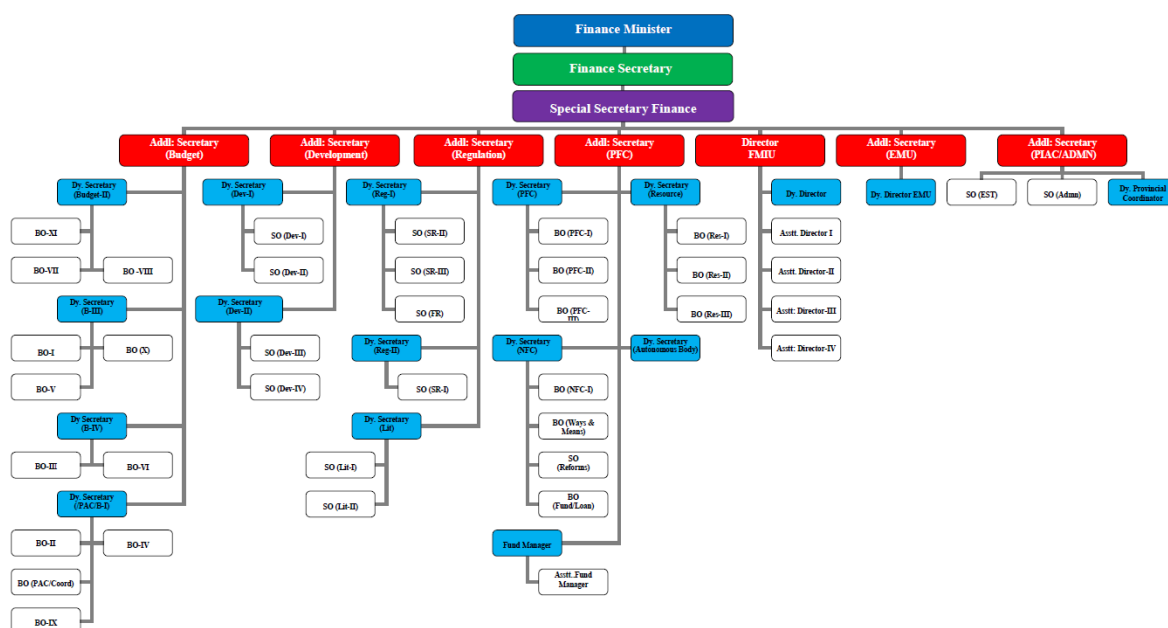
a. Finance Department, Government of Khyber Pakhtunkhwa

137. Finance Department (FD) Khyber Pakhtunkhwa is the custodian of Provincial Exchequer and deals with the subjects pertaining to Finance of the Provincial Government and Financial matters affecting the Province as a whole. The department envisions; “attainment of a secure, just and prosperous society through socioeconomic and human resource development, creation of equal opportunities, good governance and optimal utilization of resources in a sustainable manner”.

138. The overall mandate of FD is the preparation of annual budget statements and supplementary/ excess budget statements for the consideration of the Provincial Assembly, accounts and audits of the Provincial Autonomous Organizations etc. FD is also responsible for resource management, financial regulation, administration of treasuries and banking. The key functions of FD include: supervision and control of provincial finances, preparation of provincial budget, formulation and interpretation of financial rules, civil servants rules related to pay, allowances and pension, management of public funds, management of public debit, coordination of National and Provincial Finance Commissions, administration of Local Fund Audit and Treasuries.

139. The Finance Department has the following organizational structure:

ORGANOGRAM OF FINANCE DEPARTMENT KP



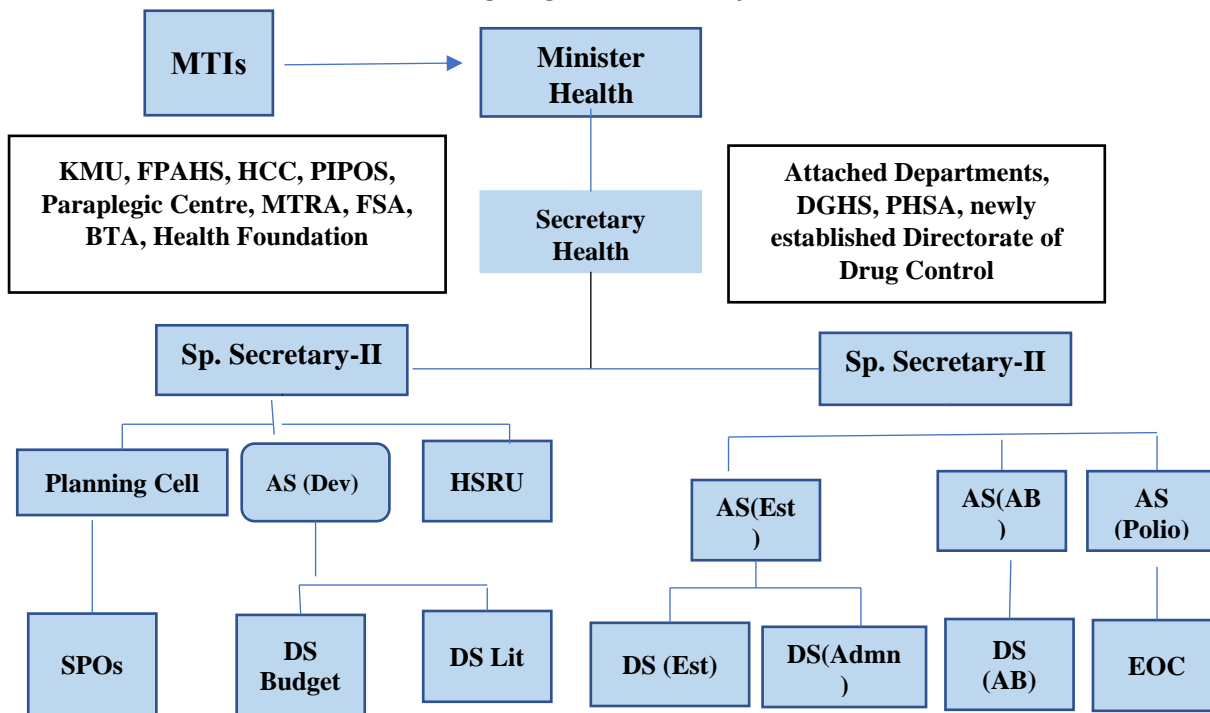
b. Health Department, Government of Khyber Pakhtunkhwa

140. The Health Department is responsible for the health policy & reforms, health planning, financing, and budgeting, health regulations and enforcement. The health department also caters to the health support and development functions which includes disease prevention &, health control (communicable & non communicable) occupational and environmental health, curative and rehabilitative and health related preparedness/response to disasters.

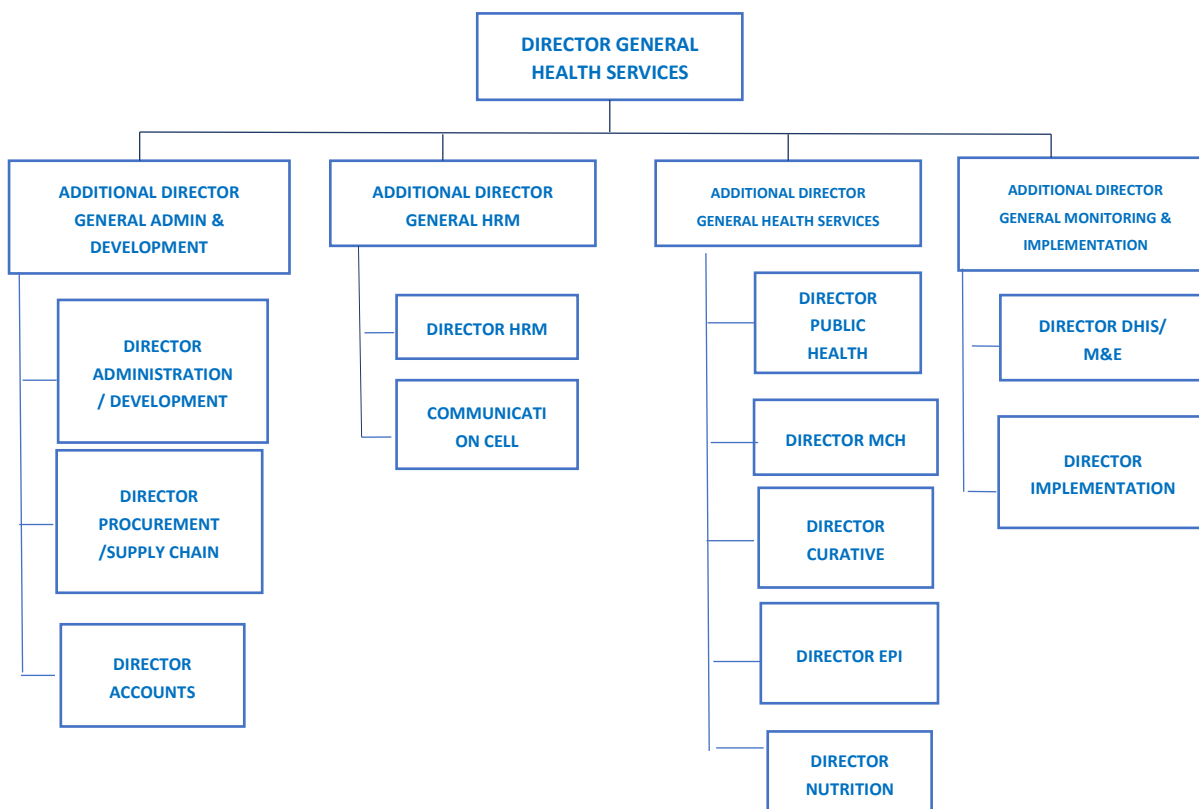
141. The department is headed by the Secretary Health, and is responsible for the design of health policies and strategies as well as M&E. Public sector facilities in KP are composed of hospitals ranging from MTIs to DHQ hospitals and public hospitals and supported by RHCs. These facility types have inpatient bed capacities and are further supported by a range of un-bedded facilities at the primary level such as BHUs, government rural dispensaries, mother and child health centres, and tuberculosis clinics.

142. The organogram of the Health Department is as following:

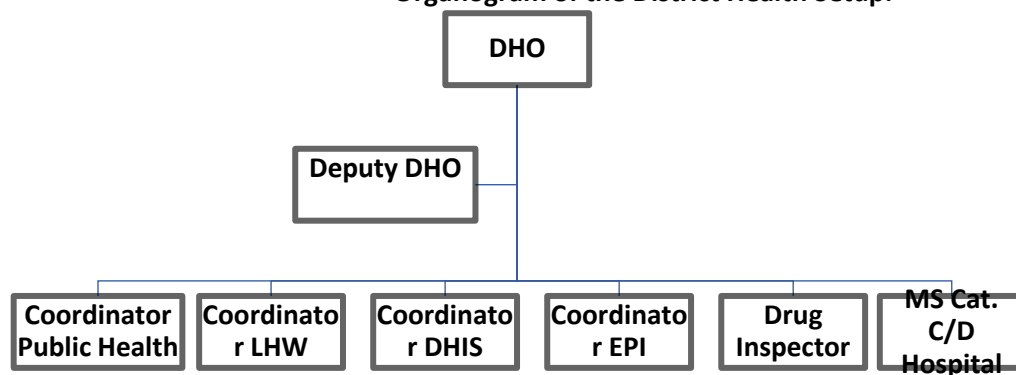
Organogram-Health Department



Organogram of the Directorate General Health Services:



Organogram of the District Health Setup:



c. Elementary and Secondary Education Department, Government of Khyber Pakhtunkhwa

143. Elementary and Secondary Education Department (KPESED) is the largest government department in Khyber Pakhtunkhwa. It has more than 1,87,733 employees. About 4.381 million students are learning in more than 27,514 Government institutions having more than 1,42,623 teachers. The main functions of the department are formulation of policies, strategies, and regulations for Schools Education & Literacy, preparation of Annual Developmental Program (ADP) for Elementary and Secondary Education Sector and processing of developmental projects, besides, monitoring and review of developmental Projects in coordination with concerned Directorates/Project Implementation Units (PIUs).

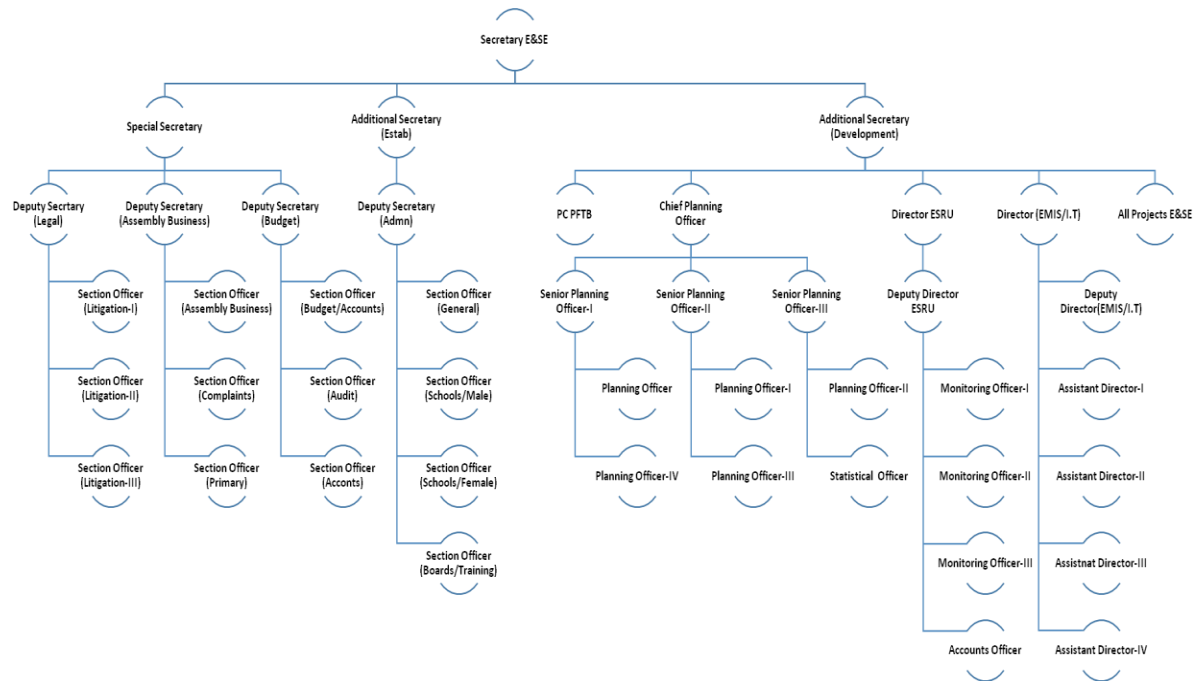
144. The KPESED is responsible for improvement of literacy and quality/standard at primary and secondary education levels and oversees the financial management (recurring/non-recurring budgets) and auditing of the Provincial Level releases to Schools & Literacy Department including Public Accounts Committee (PAC)/Departmental Accounts Committee (DAC).

145. Administratively the KPESEDE is headed by the Secretary. The education management and service delivery structure in KP consists of provincial, district and school tiers. At provincial tier, KPESED is assisted by key provincial institutions to carry-out designated roles and responsibilities such as planning, budgeting, human resource development, textbooks development, monitoring functions, etc.

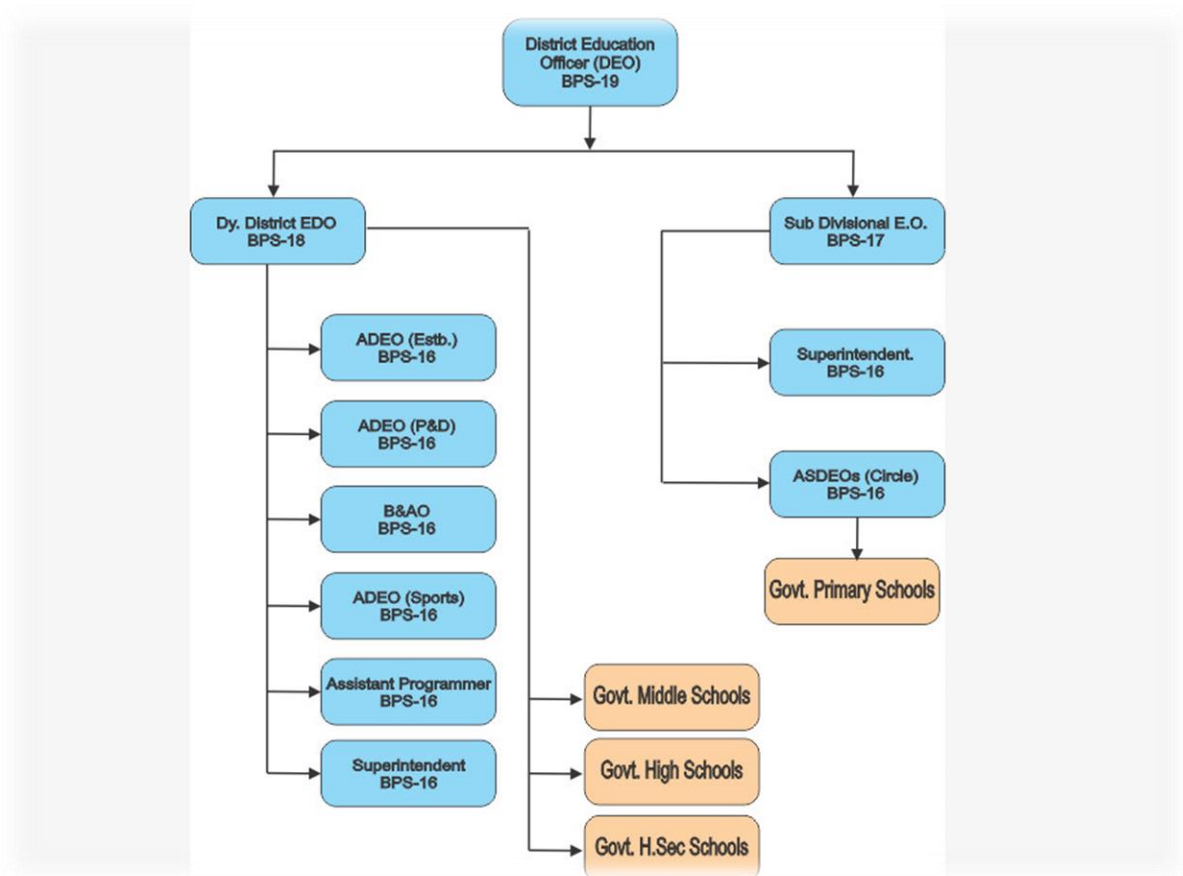
146. The department has one Special Secretary who spearheads the administrative sector of the department, whereas, the Additional Secretary, heads/administers the development section of the department. The administrative and development sectors both have their own sections that look after and perform their own functions. Collectively these sections contribute to the overall performance and management of the department.

147. The district education management comprises District Education Officer (DEO) male, DEO female, Deputy DEOs, Sub DEOs and Assistant SDEOs. District education management in KP owing to its weak linkages and administrative relations with local governments is not effectively benefitting from the finances available with devolved elected government.

Organogram of KPESD (At Secretariat Level)



Organogram of District Education Officer (DEO) BPS-19 (At District Level):



d. KP Public Procurement Regulatory Authority (KPPRA)

148. Khyber Pakhtunkhwa Public Procurement Regulatory Authority (KPPRA) is an autonomous organization, established under an Act of the Provincial Assembly of Khyber Pakhtunkhwa.

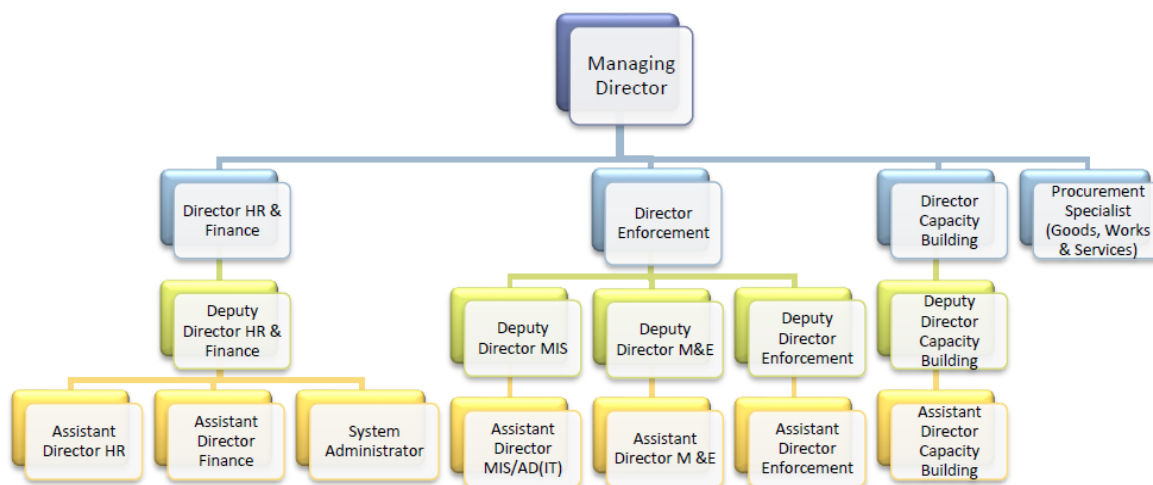
149. The overarching goal of KPPRA is to improve governance, management, transparency, accountability and quality of public procurement of goods, works and services at all levels across the province leading towards restoring trust in the State Institutions. The KPPRA board outlines guidelines for procuring agencies on various steps involved in a procurement cycle. Government departments generally face institutional capacities issue in their internal control, fiscal management, procurement and contract administration which limit and hamper their overall performance and the delivery of services.

150. The authority is headed by a Managing Director, and performs its functions through four sections/wings:

- Director Human Resource & Finance
- Director Enforcement
- Director Capacity building
- Procurement Specialist (works, goods & services)

The heads of the sections are assisted by the Deputy Directors and Assistant Directors that performs functions contributing to the overall functions of the authority.

Organogram of KPPRA:



e. KP Planning & Development Department (P&DD)

151. The Planning & Development Department (P&DD) is the major policy decision-making stakeholder especially in the field of development in the Province. It is responsible for the implementation and monitoring of overall development plans of the Province. It plays an important role in policy making (provincial and sectoral, priorities for projects according to the required resources), in appraisal and processing of development projects/schemes, in implementation (monitoring releases and inter-sectoral re-appropriation and in evaluation). The approval Annual Development Program (ADP), compilation, allocation of funds and

recommendation for approval are the key responsibilities of the Department. P&DD has following mandate/functions:

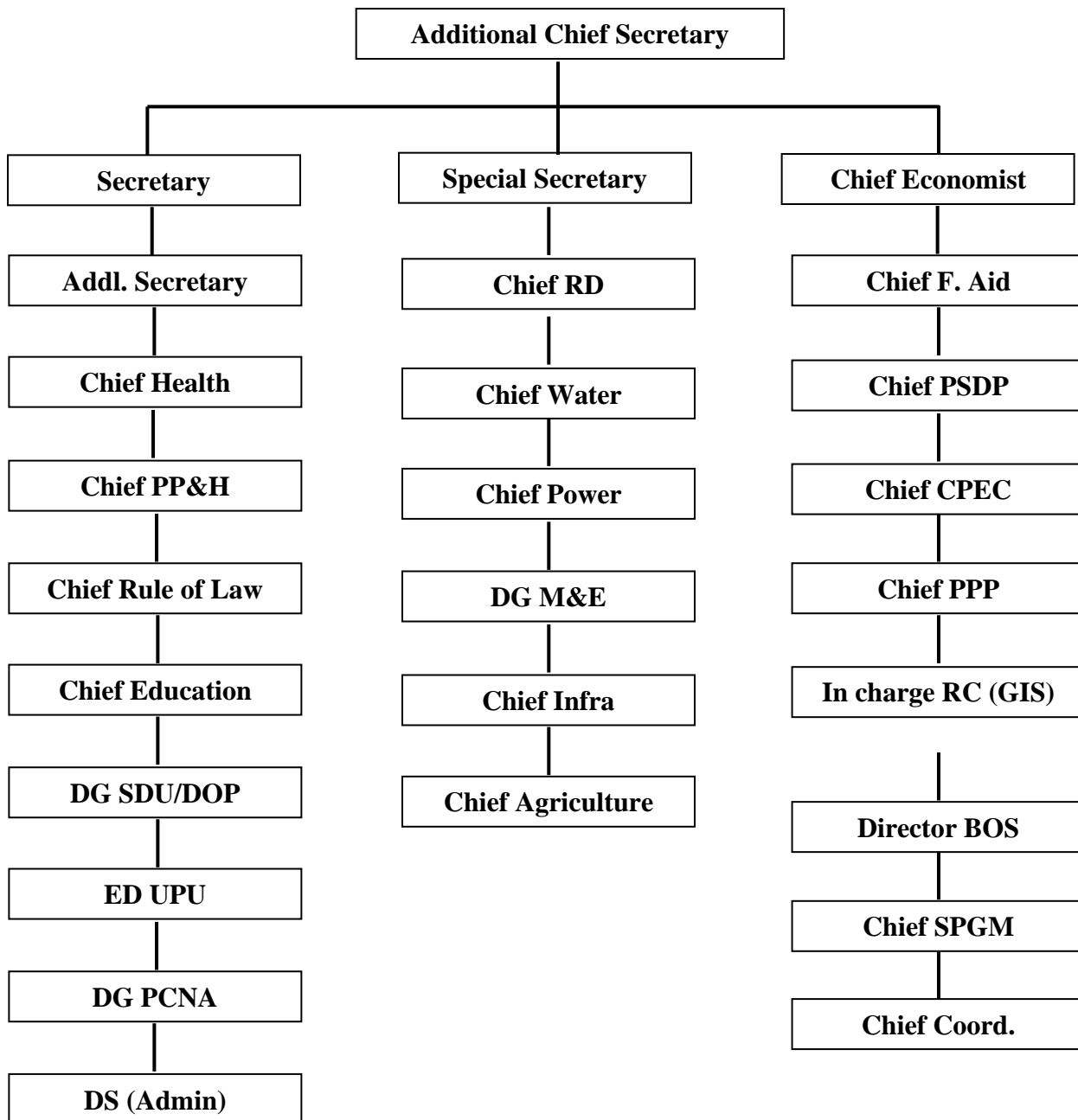
- Strategic planning for provincial economy
- Formulation of Annual Development Plan
- Appraisal and review of Projects
- Monitoring and evaluation of development schemes, Socio-economic impact analysis
- Management of Provincial Statistics
- Foreign Development Assistance – Donors Coordination.
- Processing Foreign trainings & visits
- Lead Provincial representation in National Development Forums
- Lead Steering Committees and PRBs of mega projects
- Secretariat support to PDWP/CDWP/ECNEC/NEC (project approving agencies at various levels).
- Coordination and implementation of Reforms Agenda

152. Administratively the P&DD has different sub-departments called Sections responsible for respective sector. These Sections play pivotal role in accomplishing the department's overall mandate. These Sections include:

- Agriculture Section
- Coordination Section
- Economic Analysis Section
- Education Section
- Energy & Power
- Establishment Section
- Foreign Aid Section
- Foreign Training Section
- Health Section
- Industries Section
- Infrastructure Section
- Rural Development
- Water Section
- Public Private Partnership Unit

153. In addition the P&DD administers four attached department including: (i) The Urban Policy Unit. (ii) Bureau of Statistics KP; (iii) Directorate General Monitoring and Evaluation.

Organogram of Planning & Development Department (P&DD)

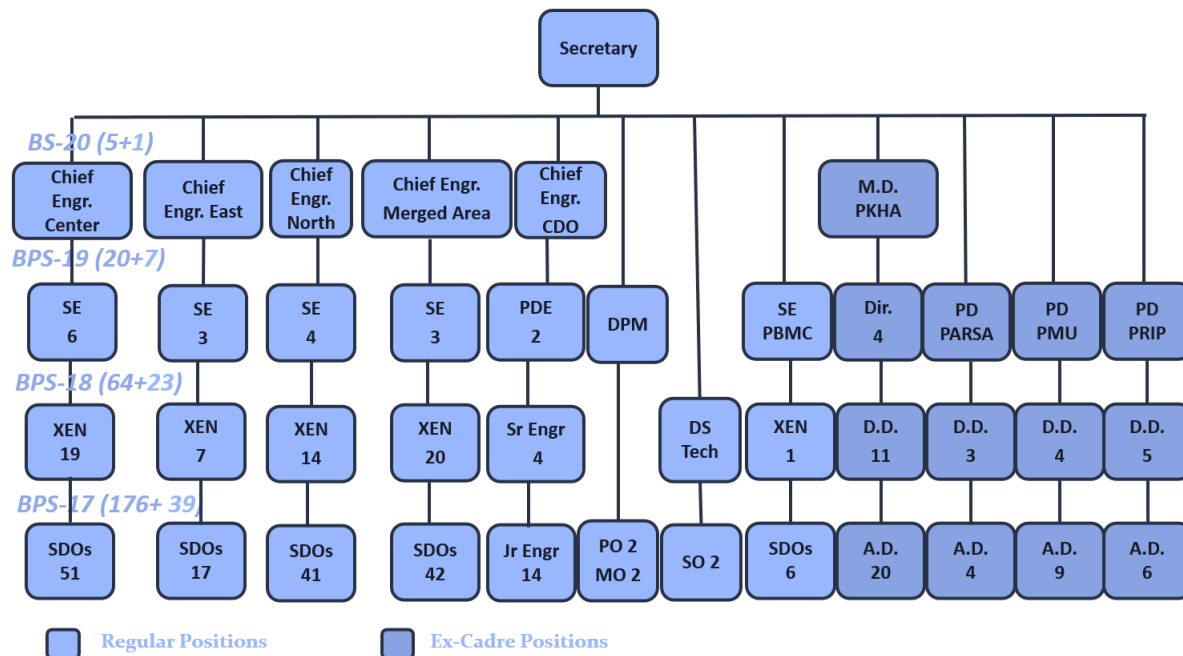


f. KP Communication & Works Department (C&W)

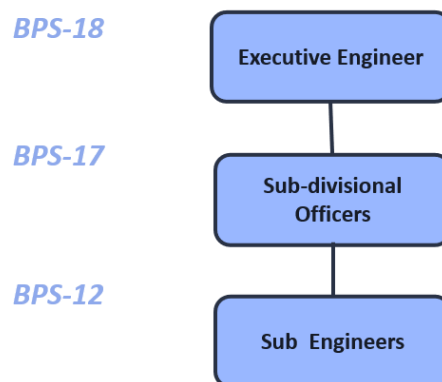
154. The Communication & Works Department (C&W) caters to the planning, construction, execution and supervision of roads, bridges and buildings as well as maintenance/repairs. The C&W has a role in laying of standards and specifications, undertaking tests for the quality of materials and construction, toll collection, preparation of architectural drawings, and rent assessment and fixation of all Government buildings.

155. The Organogram of the C&W Department is given below:

Existing Organogram of Engineers in C&W Department:



Organogram of C&W Division at District Level



E. Social Management Capacity

156. This sub-section summarizes the ESSA team's evaluation of the capacity of the institutions to implement the Program's social management system. The involved institutions are listed below, each with a description their background, mandate, and overall organization, etc. and metrics and other information on institutional capacity, such as staff, budget, and training, etc. The effectiveness of inter-agency coordination arrangements and previous performance in social management in the context of similar projects and programs is also discussed.

1. Finance Department, Government of Khyber Pakhtunkhwa

157. FD performs its function through sub-departments called Wings. Following are main wings of the department.

- i. **Administration Wing:** The administration wing looks after all the administrative affairs of the Finance Department and maintains the record of the staff FD. The key functions of Administration wing are:
 - Supervise the processing of the cases of purchases of equipment (machinery, computer, hardware, and furniture) and subsequent maintenance.
 - Evaluate the recommendations of nominees for inland and foreign trainings.
 - Review and supervise the preparation of recurrent budget estimates for Finance Department.
 - Supervise reconciliation of accounts and budget figures of accounts with AG office.
- ii. **Budget Wing:** The budget wing coordinates the budgetary matters of all relevant departments; provide input for framing of public financial policies. The key functions of Budget wing are as listed below:
 - Prepare, estimate, compile, examine and execute the budget.
 - Make policies regarding budgetary rules and budget execution.
 - Release of funds and to ensure that no non- budgetary spending is done with the funds provided.
 - Coordinate and interact with donors regarding budgetary activities (output based budgeting).
- iii. **Regulation Wing:** The Regulation Wing has the mandate of processing regulatory matters of department and seeking approval of FD Secretary. The wing has following key functions.
 - Regulate budgetary and financial affairs of provincial government by ensuring timely issuance of directives/notifications and delivering of outputs in compliance with the regulations.
 - Provide advice to line departments on financial matters.
 - Facilitate Standing Service Rules Committee in regulation of policies.
 - Review matters related to recruitment rules, financial rules, delegation of power under financial rule and treasury rules.
 - Review litigation cases and offer comments.
- iv. **PFC Wing:** The wing serves as the principle office for fiscal monitoring and effective internal control over funds distributed under the Provincial Financial Commission (PFC) Award. The wing has following key functions:
 - Initiate and coordinate financial management reforms relating to districts/local government.
 - Institute and supervise systems, procedures and instruments for efficient public finance management in district government.
 - Ensure accurate, timely accounting, financial reporting and financial management and to develop and implement plans for strengthening provincial and district capacity on these.
 - Ensure timely releases of funds to local government as per respective share under PFC Award.
 - Evaluate any proposals from districts on taxation, fees, rates, charges, additional demands additional grants and submission to PFC.
 - Coordinate with Federal Government regarding NFC issues
 - Fixation of receipt targets for line departments and its monitoring.

- v. **Financial Management Information Unit (FMIU):** The unit is a technical arm of Finance Department and is responsible for electronic processing of data (budget, releases, accounts, rules, receipts and others). The information retrieved/accessed instantly facilitates decision making and brings efficiency and transparency in the financial management. FMIU has established a province wide network between Finance Department, 26 District Finance Departments and major line Departments. The provincial and districts' budget is available online. Releases are also shown online and expenditures are booked online. Budget and expenditure are being monitored in real time. FMIU is maintaining the budget database (receipts and expenditure, online releases and utilization), Human Resource Database and website of the department. The wing produces about various documents including: Annual budget statement, estimate of receipts, budget memorandum, budget summary and white paper.
- vi. **Provincial Internal Audit (PIAC):** The PIAC is headed by a Provincial Coordinator who reports directly to the Secretary Finance. Following are the key functions of PIAC:
- Formulate and implement policies and procedures
 - Encouraging compliance with ethical standards
 - Receiving, sampling, consolidating and presenting Annual Audit Plan to the Chief Secretary
 - Compiling, consolidating and presenting Progress Reports
 - Compiling, consolidating and presenting Annual Audit Report to the Chief Secretary
 - Conducting quality control reviews of audits conducted by Departmental Internal Audit Cells.
 - Reviewing and updating IA Framework.
 - Ensuring compliance of notifications/directives, austerity measures etc. issued by Finance Department
- vii. **Shared Services Unit (SSU) at Finance Department:** The SSU is housed in the Finance Department of Government of Khyber Pakhtunkhwa and is primarily established to perform the following functions:
- The Shared Services Unit (SSU) serve as a principal interface between the Provincial Project Implementation Agencies and the World Bank, thus, providing technical support to the projects.
 - To harness and facilitate productive linkages among the respective Implementing Agencies and the Donors to resolve implementation bottlenecks and teething issues.
 - To provide cross-functional support to the World Bank financed projects across the Khyber Pakhtunkhwa including Financial Management, Procurement, Environmental Safeguards, Social Safeguards
 - The SSU facilitate to enhance the institutional capacity of the project executing agencies in preparation and implementation of sustainable and inclusive development projects.
 - The SSU will assist and take appropriate measures to improve implementation readiness.
 - To strengthen the use of country systems and consolidate project management.
 - The engagement/role of the SSU will purely an advisory
 - Amongst other tasks, the unit (SSU) will strive to enhance coordination among key stakeholders for improved project performance.

158. Government of KP Finance Division and Open Government Partnership. KP government has taken several steps in recent years to combat issues of low education and health outcomes, rampant poverty, lag in infrastructure, low employment rates etc. During the last four years the overall spending on health, education and economic growth has increased, while significant functions and resources have been devolved to the local governments. However, public perception is more often shaped by the extent of transparency /

openness of governance system. A PILDAT survey of public opinion on governance recorded only 38% approval rating of GoKP's performance from all over Pakistan, even though it received public approval for most of individual governance indicators (like health, education, anti-corruption etc., and even transparency). It is not enough to provide services for citizen satisfaction, the government must establish an open communication with citizens, especially around budget planning, spending and performance outcomes.

159. A Budget Transparency Review was conducted in 2014 as a collaboration between the DFID funded Sub-National Governance Programme and Omar Asghar Khan Foundation. Based on the Open Budget Survey methodology, the Review looked at key budget documents and processes and scored the province's performance against international standards. KP stood at 44 out of 100 on the Open Budget Index in 2014. In comparison the Federal Government stood at 43 in 2015, while the Government of Punjab stood at 54 in 2014.

160. The GoKP's intent for fiscal transparency is to make citizens aware of how and on what the public money is being spent, to enable a two-way communication with citizens on budget priorities and performance, and to enable citizen oversight for greater accountability. Through these elements of fiscal transparency, the GoKP aims to combat corruption and foster trust between the citizens and the state. The higher aim is translated into a measurable commitment of increasing the Open Budget Index standing by at least 20% annually on a sustainable basis during the next two years. Hence the GoKP will raise its standing from a baseline score of 44 to at least 63 by 2019.

161. While internal assessments are already tracking an improvement in KP score over the last three years as a result piloting of various budget transparency measures, this has not been taken into consideration in the formulation of the OGP commitment. The goal of the commitment is to not only improve KP's standing, but to do it on a sustainable basis, by embedding relevant processes and mechanisms within the regular budget system, so that there is limited risk of rollback.

162. FD realizes that budget is a powerful tool to translate government's commitments into actions, to engage with citizens on specific issues, and, from the citizens' perspective, to hold governments accountable for their actions. The Open Budget Initiative webpage cites evidence showing that with budget transparency and citizen engagement in budget process can lead to improvements in governance and service delivery. KP government's commitment to fiscal transparency targets participatory budget processes from start (budget strategy paper, pre-budget consultations) to finish (annual budget execution report), transparent budgets that detail how much will be spent where to gain what (see milestones below), and the communication of budget information to citizens in an easy to understand manner (citizens' budget).

163. These targets will be achieved through formalizing budget transparency measures (piloted recently) as part of the regular budget cycle, using Information Communication Technology (ICT) to streamline citizen feedback and perform useful analysis for input in budget plans, initiating mid-year budget review publication, assessment of the internal audit units and adopting measures to enhance their effectiveness, and putting in place SOPs for block allocations to limit excessive discretion.

164. Progress towards targets will be consistently monitored through internal assessments using OBS methodology and validated through objective feedback from credible civil society organizations.

165. Government of KP under implementation Governance and Policy Project (GPP) supported by the World Bank. The project aims to strengthen upstream (planning and financing) and downstream (service delivery) government systems. The direct beneficiaries of the upstream support will be the FD and the P&DD, as well as the KPRA and grievance redress institutions (RTS Commission, RTI Commission, KP Ombudsman's

office, Chief Minister Complaint Cell, Peshawar High Court, etc.). Specifically, the support will target skills development for the senior management (secretary and above), middle management (additional/deputy secretary), and operational management (section officer) tiers of the administration. Skill development in project management, financial management (FM), procurement, and M&E will also benefit other departments namely, the Public Health, Local Government, and Energy and Power Departments, thereby contributing to better services. Improved coordination of governance reforms will also directly benefit the FD and P&DD. Improvements in revenue collection, public investment, monitoring of services, GRMs, and community engagement, with a focus on women's participation, are expected to benefit civil society organizations (CSOs) and the people of KP.

166. The FD does not have a dedicated unit for GRM. The Strategic Support Unit set up to provide technical support for donor projects has a dedicated social specialist for the management of social risks.

167. *On the basis of the above, FD has the capacity to respond to the risks identified earlier, by providing support and strengthening the GPP and OGP initiatives and through focused interactions on DLI based social risk mitigation engagements. Management of Program social risks can be overseen by the SSU. These engagements can include dialogues, consultations, assessments, etc. It is pertinent to note that social development is not included in the mandate of the Finance Department. However, it will be useful to train and sensitize the staff of the Finance Department while undertaking capacity development trainings and activities.*

2. Health Department, Government of Khyber Pakhtunkhwa

168. The Health Department oversees three main units:

- i. The **Health Secretariat** under the DOH, supervises the sector coordination and delivery of tertiary and some secondary District Health Quarters (DHQs) health care services including teaching medical institutions (TMIs)
- ii. The **Director General of Health Services** coordinates various programs and district health service delivery and directs their implementation; and
- iii. The **Health Services Academy** manages in service and pre-service training. The district health officers (DHOs) organize and deliver primary and secondary health services, except for the DHQ hospitals. The DHQs are monitored by the medical superintendents, reporting directly to the director general of health services. Newly established units or bodies oversee policy and oversight functions: health sector reforms unit (reform strategies and initiatives), health financing (health insurance scheme), HCC (regulation and quality assurance), and IMU (M&E).

169. The functions of the Health Department are listed below:

- i. Leadership & Evidence-Based Direction Setting
 - Health Policy & Reforms
 - Health Planning, Financing & Budgeting
- ii. Health Support & Development
 - Health Promotion including Health Education
 - Disease Prevention & Control including communicable & non-communicable
 - Occupational & Environmental Health
 - Curative & rehabilitative Health – Primary till tertiary including mental health & rehab services
 - Health Related Preparedness & Response to Disasters

- iii. Health Regulation & Enforcement
 - Health Personnel, Facilities & Services
 - Quality Assurance & Control – facilities & Services
 - Drugs Control
 - Alternative Systems of Medicine
 - Food & Sanitation including prevention & control of adulteration in Food
- iv. Management Support Services
 - Health Human Resource Planning & Development including medical education, pre & in-service Training
 - Health HRM
 - Logistics & Procurement
 - Internal Audit & Accounting
 - Legal Services including medico-legal advice & litigation
- v. Monitoring & Evaluation
 - Generation of Evidence including Performance Assessment, Info & Communications systems
 - Knowledge Management for Evidence Based Decision Making
- vi. Coordination
 - Ministries, Departments, local partners & Donors
 - International Partners & Donors

170. *As can be seen from the details above, the Health Department does not have a dedicated unit or staff for management of environmental and social risks. The department is not running any projects or programs specifically for the inclusion of vulnerable groups such as women, girls and communities in remote areas. There is no dedicated GRM for the department. Any grievances or complaints must be directed to the provincial GRMs or through the Pakistan Citizen's Portal.*

171. *On the basis of the above, it can be noted that social development is not included in the mandate of the Health Department. The department does not have the capacity to response to the social risks identified earlier. However, these can be addressed through focused interactions on DLI based social risk mitigation engagements. Management of Program social risks can be overseen by the SSU. These engagements can include dialogues, consultations, assessments, etc. It will be useful to train and sensitize the staff of the Health Department while undertaking capacity development trainings and activities.*

3. Elementary and Secondary Education Department, Government of Khyber Pakhtunkhwa

172. Key provincial institutions attached with KPESD include Directorate of Curriculum and Teachers Education (DCTE), Provincial Institute for Teacher Education (PITE), Planning Cell, Provincial Education Assessment Centre (PEACE), Elementary and Secondary Education Foundation (ESEF), Education Sector Reforms Unit (ESRU), Education Management Information System (EMIS) and Independent Monitoring Unit (IMU). Directorate of Elementary and Secondary Education (DESE) is the key provincial entity that manages the planning, budgeting, human resource management and monitoring functions under the policy guidance of KPESD. DESE directly manages the district education management and it also acts as a bridge between Secretariat of KPESD and district management.

173. Functions of District /Tehsil Offices include personnel management, financial management, planning and development, human resource development functions, school supervision and inspection.

174. Monitoring Mechanisms: Monitoring at school level in Khyber Pakhtunkhwa is carried out by two different streams: through officials of the district education management and through the Data Collection

and Monitoring Assistants (DCMA) that report to the Independent Monitoring Unit through District Monitoring Officers (DMOs) at the district tier. The visits by the education department officials include supervision and technical assistance and support at the school level in addition to monitoring. In districts, Assistant District Education Officers (ASDEOs) is the first point of contact between the district education administration and the schools. The total number of schools allotted to ASDEOs across the province may vary from somewhere between 20 to 70 schools. During these visits, the ASDEOs also complete the fields in SQMI (School Quality Management Initiative) app as well. “School Quality Management Initiative (SQMI)” was launched in 2018 with the aim to improve Teaching and Learning processes at the primary schools across the province. Through the SQMI, the ASDEOs collect data on classroom observations, school leadership and students’ assessments. This data is accumulated and is available for the education department to gauge the quality of teaching and learning at school level. Other officials of the district education office including the SDEOs, DDEOs and DEOs are also required to execute field days visiting the schools for designated number of days.

175. Independent Monitoring Unit (IMU): The second stream of monitoring comprises of the DCMA, who report to the Independent Monitoring Unit through their district supervisors – the District Monitoring Officers (DMOs). Each DCMA is allocated a fixed cluster of schools called, Roster, that comprises of 50 – 60 schools. All the rosters are periodically rotated among the DCMA in each district to ensure transparency. Each DCMA is expected to cover all the schools comprising the roster within a given month. DCMA are responsible to carry out monitoring visits to schools and collect data on routine indicators. These include collecting information on the status of school – whether found open on the day of visit or not, whether illegally occupied; staff absenteeism – both teaching and non-teaching; students’ attendance; administrative visits by the education officials; functionality of Parent Teachers’ Council and availability of basic facilities. Their scope of work also includes the Annual School Census.

176. KPSED Special Initiatives: The following programs by the department are geared towards improving access to education services for girls and communities in remote and underserved areas.

177. Girls Community Schools (GCS’s): The Elementary Education Foundation has established girl’s community schools to serve out of school’s children belonging to families lacking access to educational opportunities. The school is set up in an available room donated by the community, the teacher is hired from the community, and a Village Education Committee manages the school’s activities. The GCS’s follow the primary school curriculum, and the government provides free textbooks, teaching resources, and pays teachers’ salaries. Graduates receive primary school certificates for admission to middle schools. Girls Community Schools are in rural and remote areas across all districts of the province, in areas that do not have government primary schools. So far, the ESEF has set up over 1,700 GCS’ with a total grant of PKR 1.4 billion. These schools are providing education to over 99,000 students, of which more than 65% are girls. In addition to this, these GCS’s provide a source of livelihood to nearly 2,150 women living in rural communities.

178. Alternate Learning Pathways: The Elementary Education Foundation is an autonomous government organization working in Khyber Pakhtunkhwa to support the private and non-formal sector in providing quality education in the province. The Foundation implements innovative, demand-driven initiatives that include vouchers to deserving children to attend low-cost private schools of their choice, subsidies to private schools to provide tuition free schooling, literacy and skills development programs for youth and adults, community schools in low enrolment areas and Tameer-e-School Program. In 2011/12, the Elementary Education Foundation piloted the Rokhana Pakhtunkhwa Talim Program to support middle and high school students attending low-cost private schools. To encourage children to continue their education where no government middle or high schools are present, the EEF is providing a per student subsidy to the school

ranging from PKR.330 to PKR.1650 per month in both girls and boys' schools. Tameer-e-School program mobilizes citizen, philanthropists, civil society and entrepreneurs' support to improve infrastructure facilities of government schools, and thereby help more students to learn better in enabling environment. The Iqra Farogh-e-Talim is a special initiative of the Government of Khyber Pakhtunkhwa with the objective of enrolling out of school children between the ages of 5-16 residing in poor areas in the province through voucher scheme. Government-issued vouchers are tuition redemption vouchers that families can redeem at a partner private school of their choice in return for free education services.

179. Accelerated Learning Program (ALP): The ALP has been designed to re-enroll drops outs from school. It is an innovative programme focusing on children in the age bracket of 9-16 who would otherwise feel hesitant sitting with younger cohort in primary schools. Through the ALP, students complete the full primary school course in eighteen months. The alternate learning programs are designed to increase/improve "the ability to read, write and calculate simple symbols, digits, words, sentences, texts, with understanding at normal speed, and tackle everyday life problems related to citizenship, gender sensitivity, health, ethics and technical know-how to improve life and ultimately the society.

180. *As can be noted from the information above, no formal setup or staff is present in KPESED to manage social risks. The department has a section for complaints headed by the section officer where grievances are resolved. Parents Teachers Councils are tasked with receiving and resolving grievances at the school level. Furthermore, all grievances regarding KPESED lodged in the citizen's portal are routed through the citizen portal to the Department for resolution. In addition the department has a dedicated hotline that caters as a grievance redressal mechanism for all sorts of complaints pertaining to the KPESED. Grievances/complaints are also entertained through written applications addressed to the Secretary or District Education Officers for redressal.*

181. *On the basis of the above, KPESED has the capacity to respond to the risks identified earlier, by providing support and strengthening the initiatives they are currently running for girls education, community schools, and lagging districts through focused interactions on DLI based social risk mitigation engagements. Management of Program social risks can be overseen by the SSU. These engagements can include dialogues, consultations, assessments, etc. It is pertinent to note that social development is not included in the mandate of the KPESED. However, it will be useful to train and sensitize the staff of the KPESED while undertaking capacity development trainings and activities.*

4. KP Public Procurement Regulatory Authority (KPPRA)

182. Functions of KPPRA:

- Create and improve legal and regulatory framework for public procurement
- Ensure transparency, economy, value for money, accountability, and swift handling of grievances
- Capacity building of personnel of Procurement entities
- Establishment of database & archives of public procurement
- Oversee public procurement to ensure compliance with the prescribed system
- Perform as appellate forum for grievance Redressal of aggrieved bidders
- Hear and dispose of appeals against the orders of procuring entity
- Formulate standard bidding documents
- Assist major procuring entities to engineer/re-engineer business procedures and
- Design Procurement Manuals
- Ensure publication of advertisements on departmental official website and maintenance of Data Base

- Conduct performance review based on pre-determined indicators and benchmarks through third party validation by State Bank of Pakistan certified category 'A' chartered accountant firm
- Conduct research and take measures to further principles of public procurement enunciated in this Act;
- Recommend to the Government, improvement in quality, transparency and ensure accountability in process
- Advise Government on all procurement matters
- Lay down codes of ethics and procedures for procurement, inspection and quality of goods, services and works; and
- Recommend to the Government, improvement in quality, transparency and ensure accountability in process
- Advise Government on all procurement matters

183. KPPRA Strategic Reforms Roadmap: The Government of Khyber Pakhtunkhwa approved a Strategic Reforms Roadmap for revamping procurement processes under KPPRA Act and Procurement Rules made thereunder. This Roadmap encompasses four major focus areas:

- Comprehensive Legal Framework.
- Improving Processes.
- Capacitating Procuring Entities.
- Ease-of-doing Procurement

184. *As can be seen from the above description, social management is not under the direct mandate of KPPRA. There is not dedicated unit or staff for responding to social risks described earlier. However, KPPRA has experience of engaging with bilateral and multilateral donors in implementing various projects/programs, where such socially responsive mechanisms have been put in place.*

185. *While KPPRA does not have a dedicate GRM, the authority has plans for establishing Grievance Redressal Unit. However, the authority addresses the grievances of bidders under Khyber Pakhtunkhwa Public Procurement Grievance Redressal Rules, 2017. The KPPRA has established guidelines for grievance redressal in public procurement.*

186. *Under the Directorate of Capacity Building, the KPPRA trains government departments and private sector vendors on the use of electronic systems. Training on the use of e-bidding system have been conducted by KPPRA in all settled districts of KP. More than 1800 government staff and 400 vendors have been trained. While there are no specific provisions for remote or underserved districts, the KPPRA has planned specific trainings for NMDs. A Diagnostic survey of infrastructure and internet availability has also been conducted by KPPRA in 7 districts with the support of USAID.*

187. *On the basis of the above, KPPRA has the capacity to respond to the risks identified earlier, by providing support and strengthening Directorate of Capacity Building . Management of Program social risks can be overseen by the SSU. These engagements can include dialogues, consultations, assessments, etc. It is pertinent to note that social development is not included in the mandate of the KPPRA. However, it will be useful to train and sensitize the staff of the KPPRA while undertaking capacity development trainings and activities.*

5. KP Planning & Development Department (P&DD)

188. Social Protection Reforms Unit (SPRU), Sustainable Development Unit (SDU), P&DD. P&DD with the assistance of ILO, JICA and GIZ, has set up a SPRU within the SDU. The objective is to set up Single Window Services (SWS) across KP to target vulnerable communities (identified through vulnerability assessments), in order to facilitate and inform them of all the social protection projects and services offered by the GoKP (including BISP, Zakat & Ushr, Health Insaf Cards, etc.). Initially planned SWS offices are to be set up in Nowshera and Lower Dir districts as pilots, to be replicated across all divisional headquarters. The Program can benefit from this initiative, and strengthen it to encompass issues associated with gender, labor management and other social risks associated with the Program.

189. P&DD Special Initiative Schemes. P&DD has made a block allocation of PKR 4614 Million for Special Initiative Schemes in 10 of the province's least developed districts and 7 Newly Merged Districts (NMDs) in 2020-21. This block allocation is over and above routine ADP budget allocated for these districts. These special initiative schemes are proposed at the district level and are submitted to the Secretary P&D Department for scrutiny and onward approval of the Additional Chief Secretary.

190. The KP P&DD does not have any dedicated unit or staff for management of social risks. There is no dedicated institutional GRM for addressing public grievances.

191. *As can be seen from the above description, social management is not under the direct mandate of P&DD. There are various sections with the Department but none for responding social risks described earlier. However, P&DD has experience of engaging with bilateral and multilateral donors in implementing various projects/programs, where such socially responsive mechanisms have been put in place. This Program intends to capitalize on the same capacity, especially that of the SPRU, and aim towards its strengthening. Management of Program social risks can be overseen by the SSU. It will also be useful to train and sensitize the staff of the P&DD while undertaking capacity development trainings and activities.*

6. KP Communication & Works Department (C&W)

192. The **Chief Engineer** is the head of the sub-department in his charge and is responsible for the efficient working of his department. He is also the responsible professional adviser of Government in all matters relating to his charge or on which his advice may be desired. The **Chief Engineer** will exercise a concurrent control with the Audit Officer, over the duties of the officers of the Department in connection with the maintenance of the accounts and will give all legitimate support to the Audit Officer in enforcing strict attention to the regulations concerning the disbursement of money, the custody of stores and the submission of accounts.

193. The **Regional Engineer Officer** is the administrative and professional officer in charge of a region. He is responsible to the Chief Engineer for the administrative and general professional control of works in charge of the officers of the department within the Circles under his charge.

194. The administrative unit of the department is the Circle, in charge of a **Superintending Engineer** who is responsible to the Regional Engineer Officers for the administration and general professional control of Public Works in charge of officers of the department within his Circle. It is the duty of the Superintending Engineer to inspect the state of the various works within his Circle, ensure the system of management prevailing is efficient and economical, and that the different articles in stock are duly verified according to the rules laid down, and that there is no accumulation of stock in any division beyond its requirements. He is also responsible for the timely submission of Completion Reports or completion statement) where necessary.

195. The **Executive Engineer/Divisional Officer** responsible to the Superintending Engineer, for the execution and management of all works within his Division. Divisional Officers are responsible that proper measures are taken to preserve all the buildings and works in their Divisions, and to prevent encroachment on Government lands in their charge. Divisional Officers are immediately responsible for the proper maintenance of all works in their charge and for the preparation of projects and of designs and estimates, whether for new works or repairs. It is also part of their duties to organize and supervise the execution of works and to see that they are suitably and economically carried out with materials of good quality.

196. Divisions are divided into Sub-Divisions in charge of **Sub-Divisional Officers** who may be Executive Engineers, Assistant Executive Engineers, Assistant Engineers or where no such officers are available, Engineer Subordinates. They are responsible to the Divisional Officer for the management and execution of works within their Sub-Divisions and are his assistants.

197. *As can be seen from the above description, social management is not under the direct mandate of C&W. The department does not have a dedicated unit or staff for management of social risks. There is no dedicated institutional GRM for addressing public or contractor grievances. However, C&W has experience of engaging with bilateral and multilateral donors in implementing various projects/programs, where such socially responsive mechanisms on workers and community health and safety have been put in place. This Program intends to capitalize on the same capacity, and aim towards its strengthening. Management of Program social risks can be overseen by the SSU. It will also be useful to train and sensitize the staff of the C&W while undertaking capacity development trainings and activities.*

ANNEX 3: E-WASTE MANAGEMENT IN PAKISTAN AND THE GLOBAL E-WASTE MANAGEMENT OPTIONS

E-Waste Issues in Pakistan

In Pakistan, e-waste is generated from three key sources: local manufacturing, domestic consumption, and import. After disposal, e-waste is collected by scrapers and vendors, who sometimes dismantle the waste in several parts which is, in turn, sold to extractors and dismantlers. Extractors and dismantlers by using environmentally unsound technologies extract precious and valuable materials and discarded waste is then often disposed of either in dumping grounds or water bodies. Sometimes scrapers and dismantlers reassemble different parts of old equipment for resale. Laborers may not be fully aware of the potentially harmful consequences of recycling or dismantling electronics, thus exposing themselves to high toxicity. Crude recycling techniques are adopted like physical dismantling, open burning, acid bath, and use of blow torches to extract valuable metals. The informal recycling is growing day by day in Pakistan and is expanded all over the country as micro enterprises. Up till now, there is no formal e-waste recycling facility available in Pakistan. All the e-waste is recycled through illegal and/or informal means.²⁸

Electronic and electrical waste is imported and labeled as 'second-hand equipment'. A very small amount of the imported material is reusable. After the removal of usable items, the bulk of the electrical waste is sent to recycling industry. Major recycling waste enterprises are located at Karachi. Lahore, Faisalabad, Peshawar, Gujranwala and Islamabad/Rawalpindi are also involved in the recycling and dismantling of the e-waste, but at a small scale compared to Karachi. Karachi, being a seaport, receives the containers of e-waste from all around the world. After clearance from the port, this waste is sent to warehouses from where scrapers buy the items by weight. The e-waste is dismantled, burned or dumped depending on its composition. Hundreds of workers including teenage children earn their livelihood by dismantling and extraction of valuable items from the e-waste.²⁹

The scrappers have no protective gears. They handle extremely toxic waste with their bare hands. Workers involved with the breaking of the computers are at the risk of inhalation of dust that may contain lead, barium oxide and phosphorus. Lead may cause neurotoxicity, high blood pressure, and muscle pains, and learning disabilities among children. Barium oxide can cause severe skin irritation and ingestion is harmful, and chronic exposure may lead to damage of Central Nervous System (CNS), spleen, liver, kidney or bone marrow. The cables, wires and motherboards that have Polyvinyl Chloride (PVC) and Brominated Flame Retardants (BFRs) release dioxins and furans during the burning processes. These are known carcinogens, which accumulate in the human body and may cause changes in the immune system, glucose metabolism and reproductive problems. Gold is extracted by mercury amalgamation and acid bath extraction processes which result in release of pollutants in the environment due to burning the contents and dumping of acid in the nearby drains.³⁰

28 Iqbal, M., et al., Emerging issue of e-waste in Pakistan: A review of the status, research needs and data gaps, *Environmental Pollution* (2015), <http://dx.doi.org/10.1016/j.envpol.2015.09.002>

29 Ibid

30 Informal Electronic Waste Recycling in Pakistan:

https://www.researchgate.net/publication/308272840_Informal_Electronic_Waste_Recycling_in_Pakistan

E-Waste Management

The e-waste management in Pakistan needs legislation and its enforcement. The e-waste should be included in the hazardous substance list so that its generation and processing could be regulated through license. The e-waste management guidelines are required to be developed on international best practices such as World Bank's EHS guidelines and Guidelines on Environmentally Sound Material Recovery and Recycling of End of Life Computing Equipment, prepared by the Partnership for Action on Computing Equipment (PACE) Working Group under Basel Convention. Training programs for the recyclers need to be developed and executed environmentally and economically sound material recovery and recycling from the e-waste.

Enforcement of the guidelines at the recycling facilities, their licensing and monitoring will be a challenging task for the regulators as it is mostly carried out by the informal sector as micro enterprises. The e-waste should be considered as hazardous substance and under Hazardous Substance Rule, the recycling facilities should be regulated (issuance of licenses after compliance of all the requisites).

Environmentally sound material recovery and recycling of e-waste requires setting up an effective recycling chain, comprising the steps of robust collection of e-waste, evaluation, testing/refurbishment/reuse if appropriate, preparing/dismantling of non-reusable parts, separation into material streams, final recovery of marketable raw materials, and disposal of non-recyclable fractions and processing residues. Some hazardous fractions will have to be sent to facilities for destruction of the hazardous substances in order to ensure these are taken out of use.

Environmentally sound material recovery and recycling of e-waste is not simple and can cause exposures to hazardous substances if not done correctly. It should be well understood, managed and performed consistent with the good practices to protect workers and communities. All steps should be taken to ensure that unsound e-waste material recovery and recycling practices are avoided.

A material recovery facility should first collect used/dead computing equipment for which these facilities are prepared, qualified and licensed to accept and process. Next, they should carefully remove and separate the most problematic constituents - those that contain hazardous substances that may contaminate other materials – such as mercury, which usually need additional processing and/or environmentally sound final disposal. Informal recovery operations, such as acid leaching, on circuit boards and other precious metal-bearing materials are inefficient, and expose workers, communities and the environment to cyanides, strong acids, toxic gasses and other hazards. Plastics may be recycled as it is mostly free of metals and other contaminants, and do not contain certain hazardous brominated flame retardants (BFRs). Plastics can be used in smelting operations as fuel and as reducing agents provided smelter emissions especially for dioxins and furans are well controlled. Residues from processing and pollution control systems that cannot be efficiently recovered are likely to contain metals and other substances of concern, which should be carefully managed as hazardous waste. These include bag house filters and dust, sweepings, glass fines, phosphors, plastics and slags. Because these waste residues are likely to contain metals, plastics and halogens, disposal in an incinerator that does not have efficient pollution control systems is not suitable. Similarly, process residues may leach hazardous constituents and so disposal in an uncontrolled landfill is also not suitable.³¹

³¹ Basel Convention, Partnership for Action on Computing Equipment (PACE), Revised Guideline on Environmentally Sound material Recovery and Recycling of End of Life Computing Equipment, July 26, 2013

ANNEX 4: Public Consultations

Table 1: Participants of Multi-Stakeholder Workshop Held in Peshawar on 21-22 January, 2021

S#	Name	Designation	Department/Organization	Category
21 January, 2021				
1	Zulfiqar Ali	Director planning & Monitoring	Communication & Works	Govt.
2	Hazrat Masaud Mian	Commissioner	KP RTPSC	Govt.
3	Syed Faiz Ullah Shah	Deputy Director	EPA Environment	Govt.
4	Dr. Muddaser Iqbal	Deputy Director/Public Health	DGHS	Govt.
5	Sardar Muhammad	Director MIS	E&SED	Govt.
6	Abdul Waheed Khan	Senior Planning Officer-III	E&SED	Govt.
7	M.Ishaq	Statistical Officer	E&SED	Govt.
8	Altaf Hussain	Deputy Secretary	Social Welfare Dept	Govt.
9	Palwasha	Assistant Chief (PPP)	P&DD	Govt.
10	M.Hayat	S.O (Reforms)	Finance	Govt.
11	Ahmad Zaib	Software Developer	KPTIB	Govt.
12	Dr. Shahid Khan	Coordinator, HSRU	Health	Govt.

22 January, 2021

1	Zaheer Ud Din	Senior Program Manager	Sarhad Rural Support Program (SRSP)	CSO/NGO
2	Jannat Mehmood	District Manager	Blue Veins	CSO/NGO
3	Sherbaz Bilour	President	Sarhad Chamber of Commerce & Industry	Private Sector
4	Dr. Abdus Salam	Director	Agriculture University Peshawar	Academia
5	Ihsan ullah	CEO /President	Special Persons Association with Disabilities	CSO/NGO
6	Nuzhat Rauf	Former President Women Chamber of Commerce	Women Chamber of Khyber Pakhtunkhwa	Private Sector
7	Dr.Javed Iqbal	Assistant Professor	IM Sciences University	Academia
8	D.Hamza Jamali	Assistant Professor	IM Sciences University	Academia
9	Dr.Sadaf Bashir	Assistant Professor	Shaheed Benazir Women University	Academia
10	Mesha Khan	Program Officer	Da Hawa Lur	CSO/NGO
11	Mohsin Jameel Khan	Assistant Manager BDS	Small and Medium Enterprise Development Authority (SMEDA)	Private Sector
12	Dr.Hamid Ullah	Director Finance	Islamia College University	Academia
13	Mian Sajid Gul	SOC SSU	Finance Department	Govt.
14	Rukhsana Nadir	Former President Women Chamber of Commerce	Women Chamber of Khyber Pakhtunkhwa	Private Sector