ENVIRONMENTAL AND SOCIAL SYSTEMS ASSESSMENT

A. Summary

1. The proposed Education Sector Development Program (ESDP) will use a results-based lending (RBL) approach to finance the government’s Education Sector Development Framework and Program (ESDFP). The environmental and social risks of the ESDFP are currently being managed through the MOE’s Environmental and Social Management Framework (ESMF), which is the corporate safeguard policy framework for the ESDFP. The Asian Development Bank (ADB) conducted an environmental and social systems assessment (ESSA) to (i) review the Environmental and Social Management Framework (ESMF) of the ESDFP, and (ii) determine whether the ESMF meets ADB’s safeguard policy requirements. The assessment was conducted with the participation of and in consultation with ESDFP stakeholders, including school communities, teachers, principals, and relevant field and provincial staff. It paid attention to lessons learned from the implementation of the ESDFP. The ESSA assesses the adequacy of the ESMF to (i) address the ESDFP’s potential safeguard impacts in order to ensure that mitigation measures are in place; (ii) determine whether program systems could manage and mitigate environmental and social impacts of the ESDFP; and (iii) identify appropriate measures to strengthen the ESDFP, ensuring effective implementation of the safeguards system.

2. The ESSA found that the ESMF is in line with the requirements of ADB’s Safeguard Policy Statement (2009), with certain gaps that have been identified and will be addressed through the safeguard action plan. While the regulatory and policy frameworks are robust, weak capacity—particularly locally—has impeded effective implementation of environmental and social safeguard requirements. This risk will be addressed through the provision of technical support on safeguard compliance and implementation by the Sector Monitoring and Support Unit (SMTSU), as well as a systematic training and awareness program.

3. While no significant negative impacts on the environment or society are envisaged through the ESDFP, some minor environmental impacts emerging from construction-related activities are expected. Most of the adverse impacts will be limited to the construction phase, site-specific, and temporary. Social impacts will be minimal, given the very low probability of land acquisition. No impacts on indigenous peoples are envisaged.

B. Background

4. This document summarizes the findings of the ESSA undertaken for the ESDFP.

5. The ESDFP supports the Government of Sri Lanka’s overall objective to transform the education system in order to lay the foundation for a modern, knowledge-based, middle-income

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1 Environmental and Social Management Framework, Education Sector Development Framework and Program (2012–2016) was updated from the ESMF prepared by the Ministry of Education for the ESDFP 2016–2010, and takes into consideration the government’s National Environmental Act requirements. The ESMF was updated in September 2011 to identify potential environmental and social impacts of the ESDFP for the World Bank’s Transforming School Education as the Foundation of a Knowledge Hub Project, and to serve all financing for the sector-wide approach for the program.

economy. The EDSFP (2013–2017)\(^3\) includes three key policy themes. Theme 1 seeks to increase equitable access to primary and secondary education. This includes the flagship 1,000 Schools Development Program, which was an outcome of years of ADB investments. It emphasizes equitable provision of quality science and mathematics education, and aims to develop secondary schools distributed equally and offering all subject streams. Theme 2 seeks to improve the quality of primary and secondary education places with an emphasis on teaching and assessment standards, integration of school-based assessment. Science and mathematics are prioritized (including with greater computer-assisted learning), and a technology stream is introduced. Theme 3 seeks to strengthen governance and the delivery of education with an emphasis on building the capacity of school principals and enhancing the Program for School Improvement (PSI). A crosscutting theme includes strengthening education planning, budgeting, and monitoring and evaluation.

6. Environmental and social impacts of ESDFP are related to the ESDFP’s efforts to upgrade 1,000 Type 1C schools (those offering only arts and science streams at Advance Level) to Type 1AB status (offering science, arts and science streams at advanced level). Upgrading such schools will involve substantial “soft” inputs such as teacher mobilization and training, curriculum and assessment improvements, etc. combined with major investments in physical infrastructure improvements. Other program components involve interventions to strengthen the quality and relevance of education through better curriculum and examination improvements, expanding the choice of curriculum by introducing technology stream, and overall improvement in the availability of teachers and other learning resources in schools. The interventions and the strong equity focus will have positive social impacts, and no negative environmental impact.

7. The ESSA examines the ESDFP’s systems for environmental and social management for consistency with the policy principles under the environmental safeguards, involuntary resettlement safeguards, and indigenous peoples safeguards requirements of the ADB Safeguard Policy Statement, with an aim to manage ESDFP risks and promote sustainable development.

1. Environmental and Social Context

8. In 2006, the Ministry of Education (MOE) prepared a corporate environmental and social safeguard policy for the ESDFP: the Environmental and Social Management Framework (ESMF). Updated in 2011 for the ESDFP 2012–2016, the ESMF was disclosed by the MOE on its website in October 2011. The objectives of the ESMF are to (i) protect human health, (ii) prevent or compensate any loss of livelihood, (iii) minimize environmental degradation as a result of either individual subprojects or their cumulative effects, (iv) minimize impacts on cultural property, and (v) enhance positive environmental and social outcomes.

9. The ESMF, which fits within the national regulatory framework on social and environmental safeguards, identifies potential environmental and social impacts of the ESDFP and proposes mitigation measures. It also provides guidelines, tools, and assessment methodologies to identify and monitor environmental and social safeguards issues.

2. The Environmental and Social Systems Assessment Process

10. The ESSA was completed in several steps:

(i) **Desk review.** A review was undertaken of ESDFP documentation including program technical documents, the ESMF, Education for Knowledge Sharing Project (EKSP) documents.\(^4\)

(ii) **Legal and regulatory system review.** Applicable national policies, laws, and regulations were reviewed against ADB’s Safeguard Policy Statement to reflect on the environment and involuntary resettlement safeguards requirements.

(iii) **Field visits.** Three of nine administrative provinces were visited and stakeholders in the field were consulted to obtain first-hand information on the operation of environmental and social management systems. Provincial and zonal education offices, as well as a sample of schools, were visited in each province. Schools visited included schools completed under the ongoing ADB-funded EKSP, those that are included under the 1,000 Secondary Schools Development Program with ongoing civil works, and others that have civil works ongoing. The findings of the safeguards team were complemented and confirmed against findings from field visits conducted for other aspects of the ESDFP.

(iv) **Individual consultations.** The ESSA is partially built on the findings of the consultations during the ESMF of ESDFP. Further consultations were carried out with additional secretaries of relevant ministries, the director of planning, EKSP’s Program Monitoring Office personnel, the director of science, director of the environment division, director of nutrition and health, director of school activities, director of buildings, director of the 1,000 Secondary Schools Development Program, and assistant director for administration at the MOE. Consultations were also carried out with others including the chief engineer for Western Province; divisional secretaries (Western Province); and zonal directors, principals, and teachers of Colombo, Gampaha, and Ratnapura Districts.

(v) **Stakeholder meetings.** Three stakeholder meetings were held, one at the institutional level and two at schools covering two provinces:

(a) **Meeting on environmental and social safeguards capacity assessment.** Held on 19 February 2013 at the MOE, this meeting brought together relevant MOE officials, engineers from the provincial and divisional offices, and teachers.

(b) **School consultations.** The meetings were held on 21 February 2013, one at Sri Subhuthi National School, Battaramulla and the other at Dehiowita National School, Dehiowita. Persons met included the principal, teachers, parents, and students.

11. The list of persons consulted during ESSA preparation and a summary of outcomes of group consultations are accessible from the list of linked documents in Appendix 2.

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C. **Program Environmental and Social Impacts**

12. The scope of physical works of the ESDFP will include upgrading of the schools physical environment including school gardens, school buildings, and other essential facilities, such as clean toilets and drinking water. The main infrastructure provided under the ESDFP includes (i) electricity, telephone, e-mail and internet accessories, classroom furniture, office furniture, and library furniture; (ii) higher-order physical assets (laboratory equipment, library books, information and communication technology facilities, and technical workshop equipment); and (iii) assets for co-curricular and extracurricular activities such as science laboratory buildings, computer laboratory facilities with internet, library facilities, home science rooms, agriculture rooms, activity rooms.

13. The scope of civil works and space requirements in each school is currently not known, but the 105 schools upgraded under the EKSP—the first 105 under the 1,000 Secondary Schools Development Program—provide a strong proxy for the assessment. Based on this, minimal environmental and social impacts are expected. These impacts will be limited to civil works, and will be site-specific and temporary. Thus, the ESDFP is categorized B for the environment. Any physical ESDFP activity that could trigger environment or social safeguards, or both, classified as category A would be excluded from the ESDFP.

14. Land acquisition is not anticipated under the ESDFP as expansion and upgrading of infrastructure will be carried out within the current ESDFP premises. Since involuntary resettlement impacts will be minimal, it is categorized C. However, if private land is required for buildings and acquisition of such land is unavoidable, a resettlement plan will be prepared that will satisfy both state laws and ADB’s involuntary resettlement safeguards policy requirements. No impacts on indigenous peoples are envisaged under the ESDFP.

15. The ESDFP will have the following anticipated environmental impacts and risks\(^5\) (mitigation measures are detailed in the ESMF).\(^6\)

(i) **Site clearance and preparation.** During site clearance, any vegetation that is not properly disposed of can block drains and waterways, and also spread invasive species that cause environmental degradation. This can also generate health risks by creating pools of stagnant water, encouraging vector populations. Site clearance can also lead to or aggravate soil erosion, especially during the rainy season.

(ii) **Noise generation.** During site preparation and construction activities, noise will be generated, which could disturb classroom activities, especially if heavy noise-generating activities are undertaken during school hours.

(iii) **Dust generation.** Site clearance and construction will generate dust, which can be aggravated when construction materials are loaded, unloaded, and transported. Soil or gravel that is kept for long periods without proper cover can generate dust. Dust pollution poses health hazard to students and residents in the subproject areas.

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\(^5\) The identified anticipated minor potential environmental and social impacts during construction are also identified in the MOE’s ESMF, and were further substantiated during field visits to schools as part of the due diligence.

\(^6\) In addition to the mitigation measures outlined in the ESMF, the ESDP also includes capacity support that will be provided by the MOE to the provinces to strengthen the implementation and compliance of the environmental tools and processes available under the ESMF.
(iv) **Transport.** Transportation of material to and from the site will create noise disturbances, and can cause injury to children and damage to school property if not adequately managed.

(v) **Occupational hazards to construction workers and students.** The safety of workers, school children, and residents is a key security issue. Appropriate measures to separate construction areas from classes and to request workers to wear appropriate protective gear are required to avoid injury and health hazards.

(vi) **Lack of drainage leading to soil erosion, sedimentation, and health hazards.** Gravel, sand, and/or soil brought in for filling purposes or resulting from any cut operation, if not properly stored, can be washed off to nearby streams, paddy lands, rivers, and low-lying areas and wetlands. This can cause sedimentation, which would block natural flows of water and degrade habitats. Storm water congestion on site can create inconveniences to school activities and construction work, including occupational safety, health risks, and flood risk.

(vii) **Contamination of groundwater and surface water.** Wastewater can contaminate drinking water sources through runoff, if not appropriately disposed of. Improper waste disposal mechanisms of school laboratories and latrines, as well as inappropriately designed wastewater disposal pits, can lead groundwater and surface water contamination.

(viii) **Waste generation.** School reconstruction work, especially in the north and east, may involve new construction of severely damaged school buildings. This will generate construction debris, which unless disposed of appropriately and in a timely manner will lead to pollution of adjoining areas, including any potentially sensitive sites and resident communities. The lack of proper construction waste disposal can lead to blockages in natural drainage and create breeding grounds for waterborne diseases. In addition, with the increase in the number of new and upgraded science laboratories, the quantity of hazardous waste and organic waste is expected to increase. The lack of an appropriate mechanism to dispose of hazardous and/or toxic waste produced could lead to the contamination of soil and water resources. Under national regulations, financial constraints prevent the Central Environmental Authority (CEA) from disposing of hazardous material appropriately.

(ix) **Resource extraction.** Construction is likely to create a demand for materials such as sand, clay for bricks, and timber. This will place a burden on resources. However, given the nature of works envisaged, these implications are not likely to be significant.

(x) **Damage to aesthetics of site and/or area.** If the structure that is being built is not consistent with local school architectural customs, or sited without adequate attention to existing aesthetic and scenic characteristics, the facility may harm the visual quality of the school and the surrounding environment.

(xi) **Stressed sanitary conditions.** Inadequate and nonfunctional washing and toilet facilities for school children will lead to health issues. A shortage of clean drinking water will result in dehydration. The MOE school census of 2010 showed that only 51% of schools have received adequate sanitary facilities and 18% are nonfunctional, while 30% schools do not have satisfactory sanitation requirements. Of the 4,935 schools surveyed in 2010, safe drinking water is not available at 768 (16%) schools. Most schools do not get sufficient funds to

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7 Chemicals used in science laboratories in Sri Lanka are provided in Circular No: 40/2012, Ministry of Education, Standard List of Science Equipment and Chemicals, Requirements for year 6 to 13 (January 2013). However, the volume of chemical usage in school laboratories is minimal.
maintain toilets. Providing such facilities to schools that lack them is an important part of the ESDFP.

(xii) **Lack of adherence to set standards.** Field observations have shown that often science laboratories do not meet occupational health and safety standards set out in the MOE’s ESMF, such as provision of adequate safety equipment and chemical disposal processes.

(xiii) **Lack of maintenance in developed infrastructure.** A lack of funds to maintain school infrastructure leads to their rapid deterioration. Addressing this problem is an important feature of the ESDFP.

16. Implementation experience of similar projects in Sri Lanka indicates that the short-term, construction-related impacts and risks, such as those outlined in para. 15, can be prevented or mitigated with standard operational procedures and good construction management practices. These procedures are outlined in the ESMF and are to be included as a standard part of civil works contracts.

17. **Potential social impacts and risks.** The ESMF has identified expected substantial social benefits, which were also observed during the assessment’s field visits. These include the following:

- **Promotion of social cohesion among different ethnic groups.** The ESDFP emphasizes promotion of mutual understanding and respect for diversity in the context of different ethnic and religious backgrounds. The ESDFP will promote this concept through (a) textbooks and curriculum that address these concerns, (b) teacher education focusing on strengthening their ability to deliver social tolerance and respect in the classroom, (c) the MOE’s emphasis on co-curricular and extracurricular interactions among students and schools in different parts of the country, and (d) promotion of ethnic integration by strengthening English language skills but with availability of Sinhala and Tamil schools.

- **Gender equity.** While the ESMF recognizes the importance of continuing with gender parity achievement in education, the ESDP also emphasizes the need to increase girls’ participation in non-arts subject streams. With the growing emphasis on science and technology education, the ESDFP includes communication strategies to enhance female participation in nontraditional subjects.

- **Regional equity.** The ESDFP’s emphasis on regional equity, which is enshrined in the 1,000 Secondary Schools Development Program, seeks to provide equitable access to quality secondary education. This will address the current inequity of access to good quality secondary schools in urban centers and provincial hubs.

D. **Program Systems for Environmental Management**

18. The ESSA considers the consistency of the program systems with the requirements of the Safeguard Policy Statement on two levels: (i) as systems defined in laws, regulations, procedures, etc.; and (ii) the institutional capacity of institutions and agencies to implement effectively the ESDFP environmental and social management systems.

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The identified anticipated minor potential environmental and social impacts during construction are also identified in the MOE’s ESMF, and were further substantiated during field visits to schools as part of the due diligence.
1. **Policy and Legal Frameworks**

19. The policies, laws, and regulations governing environmental protection in Sri Lanka provide a comprehensive framework for environmental and social safeguards compliance. The main issues anticipated under the ESDFP and the relevant policy and/or legal mechanisms to address such concerns are outlined in the ESMF. The ESMF, which fits within the national regulatory framework, provides detailed guidance on safeguard compliance related to the ESDFP. The ESSA concludes that the national legislative framework, together with the ESMF, provides a robust, detailed, and comprehensive framework for environmental and social safeguards compliance consistent with international best practices and the requirements of ADB’s Safeguard Policy Statement.

   a. **Environment**

20. In 1980, the National Environmental Act (NEA) was enacted to serve as the main legislation for environmental protection, since being amended by Act No. 47 of 1980, Act No. 56 of 1988, and Act No. 53 of 2000. In 1983, a provision for environmental assessment of development projects was included in the NEA. The NEA provides conservation and development guidelines for natural resources, including water, forest, flora, and fauna. The 1988 amendment transformed the CEA into an enforcement and implementing agency. The NEA is the overriding national environmental law governing the adoption of good practices in preventing environmental degradation and pollution in the country. It provides the national framework for environmental assessments, as well as mitigating and monitoring of adverse impacts, which is in line with the SPS principles. The NEA is supported by many other important national environmental policies and laws, including the 13th Amendment to the Constitution of Sri Lanka, Pradeshiya Sabha Act No. 15 of 1987, State Land Ordinance Act No. 13 of 1949, National Water Supply and Drainage Board Law No. 2 of 1974, National Policy for Rural Water Supply and Sanitation 2001, Prevention of Mosquito Breeding Act No. 11 of 2007, Urban Development Authority Law, No. 41 of 1978 (amended by Act No. 70 and amendments), and Municipal Council Ordinance Act No. 29 of 1947 (amendments Act 18 of 1979 and amendments, and Urban Council Ordinance 61 of 1939 (Acts 13 of 1979 and amendments). Other policies and laws related to environmental protection may become applicable depending on specific situations. Detailed descriptions of these are given in the MOE’s ESMF.

21. The ESMF, which fits within the national framework, identifies potential environmental and social impacts specific to the ESDFP and proposes mitigation measures. The ESMF also provides guidelines, tools, and assessment methodologies to identify and monitor environmental and social safeguards issues (ESMF section 3.3 on Environmental Tools and Processes). Some of the important elements of the ESMF include initial screening of subprojects to identify any environmental and social impacts early in the planning process, guidelines on the preparation of environmental management plans (EMPs), processes that must be followed in the event of land acquisition, and the establishment of a grievance redress mechanism.

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10. Under ADB Safeguard Policy Statement, category B classification would require an Initial Environmental Examination (IEE) for each subproject. However, under the MOE’s ESMF, an IEE is not a requirement unless identified as necessary during the screening process. This is in line with the NEA where IEEs are deemed necessary only when development is taking place at a new location or within a sensitive area. The ESMF, however, mandates the preparation of EMPs for all subprojects.
22. Under the ESMF, where any civil work is undertaken, strict environmental guidelines regarding site clearance, removal and disposal, and worker safety will have to be followed. In addition, the Environmental Codes of Practice, developed by the Institute for Construction Training and Development, and the guidelines provided by the MOE will be followed during construction and building renovation (attachment 2 of the ESMF). To avoid illegal extraction of resources provided for construction activities, all contracts under the ESDFP are to include clauses in the contracts to ensure that sand, clay, and timber are obtained from authorized locations and sources certified by relevant government authorities. All civil works are also expected to adhere to the existing building and other applicable codes of practice in Sri Lanka.

b. Involuntary Resettlement

23. In the unlikely event that land acquisition becomes necessary, the Land Acquisition Act of 1950 and the guidelines of the Land and Land Development Ministry will apply.\textsuperscript{11} The National Involuntary Resettlement Policy (NIRP) adopted by the Cabinet ensures that project-affected people are adequately compensated, relocated, and rehabilitated. The Land Acquisition Regulations of 2008, approved by the Parliament, have incorporated many of the NIRP principles into the legal system. These include (i) safeguarding the rights and interests of displaced persons, and protecting or at least minimizing risks and adverse impacts by involving affected persons in the selection of relocation sites; (ii) providing livelihood compensation to project-affected persons without land titles in order to ensure fair and just treatment; and (iii) ensuring gender equality and equity.

24. In event of land acquisition and involuntary resettlement, the ESMF (Attachment 9, Abbreviated Resettlement Framework) stipulates that it is necessary to prepare a resettlement plan including displaced persons entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring processes, and a budget and implementing schedule. These are also requirements under the NIRP.

c. Gender

25. The Women’s Charter,\textsuperscript{12} a government policy document, endorses the state responsibility to ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedom on an equal basis with men.

2. Institutional framework

26. Implementation and monitoring of the ESMF are the overall responsibility of the MOE and the provincial education departments. The SMTSU will provide coordination and oversight of technical assistance to strengthen safeguards implementation. The provincial education departments will be involved in the process of capacity building and field monitoring to provide support for adequate implementation of the ESMF.


E. Diagnostic Assessment of Program Systems

27. While the regulatory and policy frameworks for social and environmental safeguards in Sri Lanka are robust and comprehensive, weak institutional capacity, particularly among local authorities, is an impediment to effective implementation of safeguards requirements. The current frameworks, as provided in the ESMF, are not always being used consistently to screen education subprojects. However, their use will be strengthened under the program through the establishment of the SMTSU with dedicated safeguard expertise to support the implementation and monitoring process as included in the action plan.

28. Divisional engineers offices will implement the civil works to upgrade schools under the ESDFP at the local level. They report to the zonal education departments, which will liaise with the MOE. The ESMF identifies the directors for school works, MOE engineers, and the respective provincial ministries of education as the authorities responsible for preparing environmental due diligence documents.

29. At the central government level, no official within the MOE structure has been assigned to oversee the environmental and social safeguards aspects of the ESDFP. Field-based observations and discussions with other development partners and stakeholders have shown that the environmental and social safeguards mechanisms are driven by funding agencies, sub-optimally implemented, and not adequately institutionalized. The lack of dedicated resources has resulted in paying inadequate attention to safeguard compliance and to generating awareness on safeguards within the sector. However, this concern is addressed through the inclusion of at least one designated safeguards expert within the SMTSU.

30. At the provincial and divisional levels, awareness on social and environmental safeguards is poor. This makes applying safeguards remote and random. Technical and financial capacity to implement these activities, including screening, preparing EMPs and resettlement plans, and monitoring them, is limited. The documentation system of safeguards application and their compliance is weak.

31. Nevertheless, consultations with stakeholders, particularly in zones, divisions, and schools, revealed an interest for improvement in management of environmental concerns among officials and other stakeholders, and a broader scope for substantial institutional improvement. The designation of staff at the central level to monitor and strengthen the implementation of the ESMF, together with an awareness and training program in provinces and divisions, would result in substantive improvement under the ESDFP. Technical assistance on safeguards compliance through the SMTSU will be provided under the ESDP, and this will be supplemented by the World Bank’s Transforming School Education as a Foundation of a Knowledge Hub Project.

32. Consultations with stakeholders found a lack of awareness on the land acquisition process in zones and provinces. This capacity constraint will be addressed through training and awareness programs. A resettlement framework, prepared as part of the ESMF, will guide the officials in formulating resettlement plans, if required.

33. The ESMF defines a grievance redress mechanism as a means to deal with concerns and grievances on environmental and social concerns at the subproject level, available to all affected people. The procedure will seek to resolve an issue quickly, amicably, and transparently out of the courts in order to facilitate activities to move forward. Basic
environmental and social issues will be addressed by the School Development Committee. A grievance redress committee, chaired by the divisional secretary, is supposed be set up only in the event of land acquisitions. However, such a clearly defined mechanism is not operational in practice.

34. A complete diagnostic assessment of the program systems in the context of the SPS principles triggered has been carried out and gaps between the MOE’s ESMF and the SPS principles applicable to the program have been identified. The diagnostic assessment is presented in Table 1 and has been used as the basis for developing the action plan to address the gaps and improve the safeguards systems and build capacity within the Program.
### Table 1: Assessment of Program System vs. ADB’s SPS Principles

<table>
<thead>
<tr>
<th>SPS Policy Principle</th>
<th>Triggered</th>
<th>Gap Analysis</th>
<th>Assessment of Implementation Practice and Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks</strong></td>
<td>Yes</td>
<td>Sub-project screening will be conducted for each school site selected under the program using an environmental and social checklist (Attachment 1a and 1b of ESMF). This exercise will highlight if there are possibilities of any significant impacts which if present will be avoided as category ‘A’ subprojects will not be funded under the ESDP (Schedule 4, clause 8a of Loan Agreement). Therefore, this principle has been accommodated in the ESMF and there are no gaps. (Also see ESMF – Section 3.3 Environmental Tools and Processes)</td>
<td>Review of implementation practices during field visits and consultations brought out that the screening procedures are not being consistently applied due to complexity of the screening formats and the lack of capacity among the provincial staff to work with these..</td>
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| **2. Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project’s area of influence.** | Yes | Program level impact assessment has been done and accordingly, the ESMF provides a list of anticipated environmental impacts commensurate with the type of development proposed under ESDP. All these impacts will be minor and temporary in nature. Impact on biodiversity, physical cultural resources, livelihood etc is not anticipated. Physical impacts e.g. water, air, noise, waste has been addressed in the ESMF. Details can be found in the ESMF – Section 3.3 Environmental Tools and Processes, Section 3.1 provides anticipated impacts and 3.2 provides proposed mitigation measures. With regards to occupational health and safety, guidelines for asbestos use has been prepared under the ESMF however, this guideline does not include ADB requirement which has been addressed through the ESSA Action Plan (Table 2). | The environmental impacts noted in the schools under construction were minimal, but there is need to improve management of minor impacts during construction phase. While there is awareness among stakeholders including the School Development Committee members and engineering staff about negative environmental impacts, more training is needed to undertake assessment using the checklists for systematic identification of specific impacts.

The ESSA in Section D also covers an extensive analysis of the country system and that of MOE. Under ADB SPS 2009, category B classification would require an IEE for each subproject. However, under the MOE ESMF, an IEE is not a requirement
### SPS Policy Principle

**Gap Analysis**

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<th>SPS Policy Principle</th>
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<td><strong>Assessment of MOE’s ESMF</strong></td>
<td>unless identified as necessary during the screening process. This is in line with the Sri Lanka’s National Environment Act 1980 where IEEs are deemed necessary only when development is taking place at a new location or within a sensitive area. The ESMF, however, mandates the preparation of EMPs for all sub-projects which complies with SPS 2009. For the ESDP it is not anticipated to develop any new sites. Given the minor nature of potential impacts anticipated from the proposed ESDP it is decided with the Government of Sri Lanka that EMPs will suffice for each individual subproject. IEEs will be prepared if screening process identifies the need</td>
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<tr>
<td><strong>Assessment of Implementation Practice and Capacity</strong></td>
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<td>3. Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.</td>
<td>No</td>
<td>Not Applicable</td>
<td></td>
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<tr>
<td>4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an EMP that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators.</td>
<td>Yes</td>
<td>As highlighted in item no 2 above, program level anticipated impacts and mitigation measures have been included in the ESMF. The ESSA has prepared a program level EMP (accessible from the list of linked documents in Appendix 2) that will need to be followed in preparing individual subproject EMP as required by the ESSA Action Plan (Table 2).</td>
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<td>During consultations and schools visits it was observed that mitigation measures included in the ESMF have not been fully implemented. Some of the areas where gaps have occurred include provisions for lab safety, water and sanitation, waste management, health and safety measures during construction etc. Management of mitigation measures needs to be addressed during the planning phase, and during supervision of works.</td>
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<td>SPS Policy Principle</td>
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<td><strong>5.</strong> Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women’s participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and taken into account. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people’s concerns and grievances regarding the project’s environmental performance.</td>
<td>Yes</td>
<td>In preparing the ESSA a thorough consultation process including consultation with executing and implementing agencies of ongoing projects implementing the ESMF and affected stakeholders of the projects was done. Field visits were conducted to witness the ESMF in action. A summary of consultation and field visit findings are provided in Outcomes of Group Consultations and Field Visits (accessible from the list of linked documents in Appendix 2) of the ESSA. From these consultations the main gap that was identified is lack of awareness on safeguards for all parties involved which has a direct implication on implementation aspects of ESMF. This gap is addressed through the training activities proposed under the ESSA Action Plan. The ESMF does not require subproject level consultations, although school-based procedures for used by SDCs involve stakeholder participation. Subproject level consultations will be carried out as part of the initial project identification/screening and also during implementation. School Development Plans are made and their implementation monitored by the school management team under guidance of School Development Committee, with involvement of community members/parents. This aspect has been reemphasized through the ESSA Action Plan. A grievance redress mechanism has been established under the ESMF which satisfies the intent of SPS 2009.</td>
<td>School-based procedures have enabled participation of school community through SDCs. Each school prepares a school development plan and the wider community is involved in the planning, however the consultations need to be extended to include discussion on potential environmental impacts and ways to mitigate. Any grievances are handled through existing government grievance redress mechanisms, and information about these will be published widely on the program’s website as well as disseminated during training and capacity building activities.</td>
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<td><strong>6.</strong> Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and</td>
<td>Yes</td>
<td>There are provisions for disclosing the subproject level safeguard documentation/EMPs to public through various means and local languages (refer to Section 6.0, para 100 of the ESMF) and there are</td>
<td>The Ministry of Education ensures timely disclosure of safeguard processes and documentation.</td>
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<tr>
<td>SPS Policy Principle</td>
<td>Triggered</td>
<td>Gap Analysis</td>
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<td>in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.</td>
<td>no gaps between the two policies.</td>
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<tr>
<td>7. Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</td>
<td>Yes</td>
<td>The ESSA identified implementation and monitoring of EMPs to be weak and there is a clear gap in capacity. Accordingly, the Action Plan has identified training needs, actions regarding establishing monitoring and reporting regime, and compliance checks based on robust site quality management system.</td>
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<td>8. Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the</td>
<td>No</td>
<td>There are not many examples of EMPs attached to the contract documents for the civil works therefore implementation of construction phase mitigation measures by the contractor’s does not necessarily follow consistent good practice. Training and capacity building is needed particularly among the engineering staff at the provincial level and requirements for preparation of site-specific EMPs should be encouraged.</td>
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Not Applicable
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<tr>
<th>SPS Policy Principle</th>
<th>Triggered</th>
<th>Gap Analysis</th>
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<td></td>
<td>Assessment of MOE’s ESMF</td>
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<tr>
<td>overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.</td>
<td>Yes</td>
<td>This aspect of the policy principle has been discussed under item 2 and 4 of this Table. Detail information can be found in ESMF – Section 2.1 on National Policies and Legislations for Environmental Protection. EMP (accessible from the list of linked documents in Appendix 2) provides a more structured and consolidated presentation of EMP for the whole of ESDP which is missing from the ESMF. Accordingly, MOE is directed to follow this program level EMP during the formulation of EMPs for each individual school level subproject.</td>
</tr>
<tr>
<td>9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group’s Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</td>
<td>Yes</td>
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<td>10. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and</td>
<td>No</td>
<td>Not Applicable</td>
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<td>SPS Policy Principle</td>
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<td>Gap Analysis</td>
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<td>experienced experts during environmental assessment. Provide for the use of “chance find&quot; procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</td>
<td></td>
<td>Assessment of MOE’s ESMF</td>
</tr>
<tr>
<td>11. Prohibited Investment List</td>
<td>Yes</td>
<td>The ESMF currently does not include the list. Gap is noted. Requirement for asbestos use as per the Prohibited Investment List has been included in the ESSA Action Plan (Table 2) and the program level EMP (accessible from the list of linked documents in Appendix 2).</td>
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F.    Action Plan

35. The ESSA shows that the policy framework in place to ensure effective social and environmental safeguards in the implementation of the ESDFP is sound. However, implementation risks stemming from low levels of awareness and technical and institutional capacity on safeguards—both at the central and provincial level—need to be mitigated through the support of the ESDP.

36. MOE will establish an SMTSU, as the focal point for overall implementation of the ESDFP. It will guide local authorities in implementing the ESDFP, including environmental and social safeguards compliance and monitoring. At least one environment and one social safeguards specialist will be appointed to SMTSU to guide provincial and zonal officials in environmental and social due diligence, monitoring, and reporting. The safeguards specialist will work with the director of school works, MOE engineers, and engineers of respective provincial ministries of education.

37. This critical intervention of safeguard specialists facilitates environmental and social safeguard compliance of the ESDFP, as well as the mainstreaming of environmental best practices, coordinating of environmental management activities in school programs, and facilitating capacity building activities at the central and local level.

38. Support will be provided to outsource the preparation of EMPs. However, the safeguard specialist will remain responsible for the quality and adequacy of such planning instruments. For monitoring of subprojects, logistical support for travel and subsistence for monitors at the provincial level will be provided by the MOE and provincial education authorities.

39. The SMTSU will conduct a training and awareness program on safeguards, systems, and processes and how to apply them efficiently and adequately to subprojects and monitor the performance.

40. The ESSA Action Plan in Table 2 addresses the gaps and issues identified during the diagnostic assessment of program systems for safeguards implementation in the ESDFP (Table 1).

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13 It is a first year DLI under the ESDP, to be achieved by June 2013.
<table>
<thead>
<tr>
<th>Gap</th>
<th>Proposed Action</th>
<th>Indicator / targets</th>
<th>Responsibility</th>
<th>Target Group</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>General Lack of awareness on environmental and social safeguard and its implementation practices</td>
<td>Capacity building at various levels:</td>
<td>a) 30 officials sensitized on environmental and social safeguards and requirements under ESDFP</td>
<td>a) SMTSU/MOE</td>
<td>a) High officials of MOE and Provincial Ministries of Education</td>
<td>a) Within 6 months from Program inception</td>
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<td>a) Institutional capacity building - Sensitize MOE and Provincial Ministries’ higher officials on safeguards requirements</td>
<td>b) One training program per Province conducted (30 officials trained)</td>
<td>b) SMTSU/Provincial</td>
<td>b) Divisional Engineers, Provincial Engineers, and Environment Officers at the DS Office.</td>
<td>b) Within 12 months from Program inception</td>
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<td>b) Provide technical capacity building to enable preparation of safeguard due diligence reports and EMPs.</td>
<td></td>
<td></td>
<td>c) School Principals and indirectly SDC members (through Principal)</td>
<td>c) To be completed within 2 years from the Program’s inception</td>
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<td>c) Capacity building among school administrators and teachers on environmental and social safeguards, how they are applied and monitored.</td>
<td>c) 2 training programs per Province where 1 representative of SDC trained from each representative SDC (preferably the Principal) on monitoring of safeguards at the school level using the EMP</td>
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<td>Meaningful Consultation at each stages of the project not conducted effectively</td>
<td>Subproject level consultations will be carried out as part of the initial project identification/screening and also during implementation. School Development Plans will be made and their implementation monitored by the school management team</td>
<td>Record of consultation at each stage of the project.</td>
<td>SMTSU/Provincial</td>
<td>Provincial staff; divisional engineers; school principals and SDC members</td>
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<td>Gap</td>
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<td>Lack of a mechanism to ensure sub project screening at inception of selection process.</td>
<td>under guidance of SDC, with involvement of community members/parents.</td>
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<td>Gaps in EMP preparation, weak implementation, monitoring and reporting mechanism in the current setup.</td>
<td>EMP prepared for each subproject based on the ESMF and the ADB program level EMP. Monitoring and reporting done as per the EMP by relevant SDC</td>
<td>Monthly site evaluations to be discussed at SDC meetings. Monitoring reports submitted to the zonal office on a bi-annual basis</td>
<td>Principal/zonal office</td>
<td></td>
<td>Continuous</td>
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<td>Lack of compliance checks during construction period.</td>
<td>Establish regular inspection regime and record findings through robust site quality management system.</td>
<td>Weekly inspections by site personnel followed by bi-monthly compliance check of the weekly records and site practices by SMTSU in co-ordination with zonal office over the construction period.</td>
<td>Contractor, SMTSU, zonal office</td>
<td></td>
<td>Throughout ESDFP implementation period</td>
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<tr>
<td>Gap</td>
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<td>Lack of technical expertise and capacity to develop necessary safeguard due diligence documents in a timely manner.</td>
<td>Outsourcing initial development of safeguard plans and assessments if and when required</td>
<td>EMPs developed for all schools, where required under ESMF screening criteria. Acceptance by ADB as adequate and satisfactory</td>
<td>MOE, SMTSU and Province, ADB/SLRM</td>
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<td>Continuous</td>
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