

# Environmental Assessment and Review Framework

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November 2015

## Vanuatu: Cyclone Pam School Reconstruction Project

## **CURRENCY EQUIVALENTS**

(as of 25 October 2015)

Currency unit	Vatu (VT)
VT1.00	= \$0.0091
\$1.00	= VAT 110.00

## **ABBREVIATIONS**

ADB	Asian Development Bank
CEMP	Construction environmental management plan
CPP	Consultation and Participation Plan (for the project)
CSS	Country safeguard system
DEPC	Department of Environment Protection and Conservation (within MCC)
DGMW	Department of Geology, Mines and Water (within Ministry of Land and Natural Resources)
DSC	Design and supervision consultant
EARF	Environmental Assessment and Review Framework
EIA	Environmental impact assessment
EPCA	Environment Protection and Conservation Act 2010 (as amended)
GDP	Gross domestic product
IEE	Initial environmental examination
ISS	International safeguards specialist (within the PMU)
IWG	Infrastructure Working Group
MCC	Ministry of Climate Change, Meteorology and Geo-hazards, Environment, Energy, and Disaster Management
MIPU	Ministry of Infrastructure and Public Utilities
MOET	Ministry of Education and Training
PEA	Preliminary environmental assessment
PMU	Project Management Unit (within MOE for the project)
SPS	Safeguards Policy Statement 2009 (of ADB)

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## I. INTRODUCTION

1. **The disaster.** Between March 12 and 14, 2015, Tropical Cyclone Pam struck Vanuatu as an extremely destructive Category 5 cyclone, with estimated wind speeds of 250km/h and wind gusts that peaked at around 320km/h. At approximately 11 p.m. local time, the center of the cyclone passed east of Efate Island, which is home to the capital city of Port Vila, and then continued southward, passing just west of Erromango Island and Tanna Island (Figure 1.1).

2. Severe and widespread damage was worst on the larger islands of Tanna, Erromango, and Efate, while there was less damage on the smaller islands of Aneityum, Aniwa, and Futuna in the southern region. Eleven fatalities were subsequently confirmed in Tafea and Shefa Provinces. An estimated 65,000 people were displaced from their homes. Approximately 17,000 buildings were damaged or destroyed, including houses, schools, clinics, and other medical facilities. The tropical cyclone destroyed crops on a large scale and compromised the livelihoods of at least 80% of Vanuatu's rural population.

**Figure 1.1: Vanuatu islands and towns**



3. Damage, losses and impacts. Based on the best available information at the time, the Post Disaster Needs Assessment (PDNA),<sup>1</sup> estimated total economic value of the effects caused by Tropical Cyclone Pam was estimated to be approximately VT 48.5 billion (\$441.3 million). This is equivalent to 64.1% of the gross domestic product (GDP) in Vanuatu,<sup>2</sup> giving an indication of the scale of impact (Table 1.1). The PDNA collected data during the short time frame of the assessment and faced difficulties, as in many instances data were either not available or had not yet been processed. Accordingly, the PDNA is not a full assessment of total damage and loss.

**Table 1.1: Summary of Damage and Losses by Sector**

Sector	Disaster effects (VT millions)			Share of disaster effects (%)	
	Damage	Losses	Total	Of sector	Of total
<b>Productive</b>	<b>8,525</b>	<b>10,403</b>	<b>18,928</b>		<b>38.98</b>
Agriculture	1,421	4,641	6,062	32.03	12.49
Commerce & industry	1,196	2,152	3,348	17.69	6.90
Tourism	5,908	3,610	9,518	50.29	19.60
<b>Social</b>	<b>14,429</b>	<b>629</b>	<b>15,058</b>		<b>31.01</b>
Housing	9,542	440	9,982	66.29	20.56
Health	870	107	977	6.49	2.01
Education	3,908	79	3,987	26.48	8.21
Culture	109	3	112	0.74	0.23
<b>Infrastructure</b>	<b>6,403</b>	<b>2,926</b>	<b>9,329</b>		<b>19.21</b>
Transport	3,017	2,137	5,154	55.25	10.62
Public buildings	532	12	544	5.83	1.12
Water	414	284	698	7.48	1.44
Energy	179	106	285	3.05	0.59
Communication	2,261	387	2,648	28.38	5.45
<b>Other - environment</b>		<b>5,238</b>	<b>5,238</b>		<b>10.79</b>
<b>TOTAL</b>	<b>29,357</b>	<b>19,196</b>	<b>48,553</b>		

Source: Government of Vanuatu – PDNA (2015)

4. Damage was the greatest in Shefa Province, whereas expected losses are the greatest in Tafea Province. Total damage and losses are estimated at VT 31.9 billion (66% of the total) for Shefa Province, VT 10.3 billion (21%) for Tafea Province, VT 3.0 billion (6%) for Penama Province, and VT 2.9 billion (6%) for Malampa Province.

5. The PDNA found that Tropical Cyclone Pam produced different effects across the different economic and social sectors. The sectors that sustained the highest level of damage were the housing sector, which accounts for 32% of the total damage costs, followed by the

<sup>1</sup> Government of Vanuatu. 2015. *Post Disaster Needs Assessment, Tropical Cyclone Pam, March 2015*. Port Vila

<sup>2</sup> The 2013 nominal GDP was VT 75.8 billion, according to the Vanuatu National Statistics Office.

tourism sector (accounting for 20% of all damage), the education sector (accounting for 13% of all damage) and transport sector (accounting for 10% of total damage).

6. In contrast, the largest level of economic loss is expected in the agriculture and tourism sectors, which are estimated at 33% and 26% of the total losses respectively. In addition, the environmental sector suffered significant losses to ecosystem services, although these losses are not accounted within the impacts to GDP.

7. Tropical Cyclone Pam affected communities and individuals in a number of ways that will require support, intervention, and monitoring. The cyclone has seriously harmed the livelihoods of over 40,000 households, severely limiting their capacities to generate income and resulting in losses of around VT 1.6 billion in personal income. Tropical Cyclone Pam also extensively damaged or destroyed community infrastructure, disrupting daily life and—at a time when incomes have been lost—requiring extra expenditures to pay for repairs or replacement.

8. Low-income individuals and those depending on subsistence livelihoods are suffering in the post-disaster period due to reduced incomes and food sources. Among all agricultural households located in disaster-affected provinces, 50% have lost all or part of their crops, and they will require support in the short term to meet minimum needs. The impact on subsistence farming, in which women feature prominently in the division of labor, means that the ability of women to generate income to provide food, nutrition, and other basic needs for their families has significantly decreased. Enabling households to recover their productive and income-generating activities and increasing the resilience of livelihoods to future shocks must be a key component of the reconstruction and recovery process.

9. The destruction of critical infrastructure has the potential to impact all people, but vulnerable groups in particular. Disaster events can also create new vulnerabilities by impacting employment and livelihood-generating abilities, personal safety, public health and sanitation, household efficiency, and food production. Accordingly, restoration of health facilities, water supply systems, schools, and housing is considered a priority in order to minimize the social and human impacts of Tropical Cyclone Pam.

10. While the destruction of physical assets by the cyclone occurred in March 2015, production losses and associated higher costs of production will linger for some time. The negative impact of the disaster on overall economic conditions in the country will thus be felt for several years to come.

11. Damage and losses in the education sector. The PDNA concludes that the impact of Tropical Cyclone Pam on the education sector is catastrophic, and immediate attention is required to allow children to return to school. The return to routine and the familiarity of the school environment have been proven to assist children in recovering from disasters.

12. The cyclone severely damaged education facilities such as classrooms, staff houses, kindergartens, water and sanitation facilities as well as all the associated school furniture, books, and other resources. Specifically:

- 187 classrooms were totally destroyed, 279 had major damage, and 152 had minor damage.
- 490 staff houses were damaged to some extent.
- 218 kindergartens were damaged or destroyed.
- School resources and furniture were damaged or destroyed.

- Tafea Province is the most affected.

13. The number of damaged school buildings highlights the issue of poor construction standards and lack of maintenance of existing facilities. Initial damage assessments indicated that up to 34,614 children have been impacted by damaged school facilities with 54% of early childhood education centers completely damaged and 46% of all primary and secondary facilities completely damaged.

14. Summary of recovery and reconstruction costs. Total recovery and reconstruction is estimated at VT 34.1 billion (\$311 million). Of this amount VT 10.3 billion (\$94 million) is focused over the short-term (12 months to four years). The estimated cost of reconstruction in the education sector is a total of VT 6.89 billion, with VT 100 million required to address short-term needs (next 12 months) and VT 6.74 billion required to address medium term needs (next 2-4 years).

15. The project. In assessing reconstruction needs, the government has prioritized the reconstruction of education sector infrastructure and adopted the building-back-better principle by requiring that damaged assets are rebuilt to a higher standard of climate and disaster resilience. ADB emergency assistance will be provided for reconstruction of selected schools in Tafea Province,<sup>3</sup> constructed to design concepts to strengthen resilience to future disasters and prepare schools and communities in disaster risk management practices. The project will be implemented in two phases: phase one will comprise (i) the finalization of design and costing, and due diligence including of safeguards (following requirements of this EARF); (ii) the preparation of bidding documents for the civil works contract, and (iii) community consultation to ensure community feedback is taken into consideration for final design and costing. The second phase will be (i) the physical rehabilitation of the schools; and (ii) capacity building of MOET and communities on build back better concepts, safer construction, disaster risk reduction and preparedness and maintenance planning. The project is estimated to cost \$5.72 million and will be financed through a Trust Fund or TBD.

16. **Impact and outcome.** The impact will be accelerated social recovery in Vanuatu's cyclone affected provinces. The outcome will be critical education services resumed with disaster-resilient infrastructure. The project has two outputs: (i) schools in Tafea Province are rebuilt and/or upgraded , and (ii) the capacity of communities and MOET management for disaster risk reduction and disaster preparedness is strengthened.

17. **Output 1:** Schools in Tafea Province are rebuilt and/or upgraded. At least five junior secondary schools are rebuilt and/or upgraded to serve 1,200 school children.<sup>4</sup> School reconstruction will be planned to disaster-resilient and climate proof standards. While the level of damage in each school is different, water and sanitation facilities, and dormitories for students that are all gender inclusive/responsive will be included.<sup>5</sup> In addition, the schools will be designed, or redesigned, to offer the surrounding communities temporary and safe shelter during emergencies. This would ensure that the majority of people in Tafea Province have a safe place to retreat in times of emergencies.<sup>6</sup> The buildings will be equipped with water tanks

<sup>3</sup> From the five islands comprising Tafea Province, Tanna Island is the most populated island and experienced the most damage.

<sup>4</sup> MOET data showed that the 2013 junior secondary school enrolment rate in Tafea Province is 2,100 of which 1,800 are enrolled in Tanna Island. The project would restore up to 60% of the pre-Cyclone enrolment rate in Tafea Province. The junior secondary school enrollment rate in Vanuatu was 15,481 in 2013.

<sup>5</sup> 80% of students use dormitory facilities.

<sup>6</sup> Tafea Province has 32,500 inhabitants, of which 28,800 live on Tanna Island (Census 2009). The community shelters would provide coverage for about 18,000 people.



for rain water collection, emergency power back up and communication facilities, and store essential supplies that may be accessed immediately post-disaster. Communities will be consulted throughout the design process to ensure ownership and agreements on proposed school rehabilitation.

18. **Output 2:** The capacity of communities and MOET management for disaster risk reduction and disaster preparedness is strengthened. MOET staff will be trained on build back better concepts and standards to enable the ministry to replicate the model schools in other locations. Other government ministries will also be invited to participate in the training. School disaster risk management plans will be established, and school curricula will include information on disaster preparedness. Training and awareness will be conducted with MOET staff, schools and communities on disaster risk preparedness. Training and information campaigns will also be carried out for schools and surrounding communities on safer construction techniques and standards as well as school maintenance planning. Project preparation was undertaken between June and September 2015 in response to the March emergency and request from the government in August to provide emergency assistance. The Ministry of Finance and Economic Management (MFEM) will be the executing agency and the Ministry of Education and Training (MOET), through a project management unit (PMU) established to support the Facilities and Asset Management Unit, will be the implementing agency.<sup>7</sup> The PMU will report to a steering committee and keep the Reconstruction Committee - responsible to guide all of Vanuatu's reconstruction efforts informed. Other inter-ministerial working groups will be kept informed.

19. The purpose of this environmental assessment and review framework (EARF) is to provide a procedure for the environmental assessment and clearance of subprojects that will be identified during the course of the project. The objective of the EARF is to ensure that any environmental impacts of the project are identified, appropriately addressed and mitigated to acceptable levels.

## II. LEGAL FRAMEWORK AND INSTITUTIONAL CAPACITY

20. Environmental assessment and clearance of subprojects under the project will comply with the country safeguard system (CSS) of Vanuatu and ADB safeguard policy where there are gaps between CSS and best practice as set out in the Safeguard Policy Statement 2009 (SPS).

### A. Vanuatu Country Safeguard System

21. Environmental management in Vanuatu is provided through the Environmental Protection and Conservation Act (EPCA) [Cap 283], as amended by Act 28 of 2010, and the Environmental Impact Assessment (EIA) Regulations, Order No. 175 of 2011. Both are administered by the Department of Environment Protection and Conservation (DEPC) within Ministry of Climate Change, Meteorology and Geo-hazards, Environment, Energy, and Disaster Management (MCC).

22. The following summary is drawn upon reports prepared under the Vanuatu subproject being implemented through Technical Assistance to Strengthening and Use of Country Safeguard Systems.<sup>8</sup>

<sup>7</sup> The Facilities and Asset Management Unit, within the Corporate Services Division, is responsible for maintenance and repair of buildings and structures belonging to the Ministry of Education and Training.

<sup>8</sup> ADB. 2010. *Technical Assistance for Strengthening and Use of Country Safeguard Systems*. (RETA 7566-REG, approved by the Board in July 2010 for \$5 million under Technical Assistance Special Fund IV and major change

## 1. Environmental Protection and Conservation Act 2010

23. The main parts of the EPCA deal with (i) administration; (ii) EIA; (iii) biodiversity and protected areas; and (iv) offenses under the Act. The Act provides for a department to develop, implement, and coordinate the Government's environmental policies and programs. The Act makes it mandatory to (i) prepare and publish a national state of environment report at least once every ten years and (ii) maintain a publicly accessible environmental registry.

24. The Act provides for establishment of Biodiversity Advisory Council, and specifically covers the issues of bio-prospecting and community conservation areas.

25. Under the EPCA all activities or proposed projects that impact or are likely to impact the environment of Vanuatu must make an application for approval to DEPC. There is a schedule to the EIA Regulations that sets out the types of activities/projects that require an approval from the department. For all of these activities, once an application is lodged and fee paid, the DEPC EIA Unit officers carry out a preliminary environmental assessment (PEA) and determine whether an EIA is required or not. An EIA is required for those activities/projects that cause or are likely to cause significant impacts on "environment, social and/or custom". The EIA report and environmental management and monitoring plan (EMMP) are submitted to the Director of DEPC for review by an EIA review committee, which makes recommendations to the Director. The Director can then: approve the application (with or without conditions); refer the matter back to the EIA review committee for further assessment; or reject the application.

26. The legal analysis undertaken as part of the technical assistance (TA) to DEPC has identified these gaps in legislation and has proposed a number of gap-filling measures.<sup>9</sup>

27. The environmental assessment process is applied to those projects that come under the definition of the EPCA (i.e. those that impact or are likely to impact the environment). A schedule to the regulations lists a wide variety of developments that need to be referred to the department for a preliminary environmental assessment by officers, some of these nominated developments are more to do with planning rather than environmental impacts, for example the need for PEAs for retail stores in urban areas. This has broad span of developments requiring PEA in large part comes about due to a failure of land use planning processes rather than the actual environmental impacts of activities.

## 2. EIA Regulations 2011

28. The EIA Regulations require that the projects, proposals or development activities specified in Schedule 1 are subject to the EIA provisions of the EPCA and establishes the procedures for undertaking the environmental assessment of any development activities or projects with likely environmental impacts. The proponent is required to first submit an application containing a description of the proposed activity/project and identification of likely environmental impacts and required measures to avoid or mitigate the impacts. On receipt of the application, the DEPC undertakes PEA (review) and recommends whether (i) no further assessment is required and a permit can be granted (with or without conditions) or (ii) further study and an EIA.

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in scope and increase in TA amount to \$8 million approved by the Board in October 2011). The Vanuatu environment subproject was approved in 2014.

<sup>9</sup> ADB. 2014. *Technical Assistance for Strengthening and Use of Country Safeguard Systems (RETA 7566-REG)*, Vanuatu environment subproject, Final Report 1 – Legal Analysis.

29. It is the EIA Regulation that set out requirements for the EMMP, which under the Regulations must: (i) describe, in respect of the project, proposal or development activity, the environmental protection measures that will be put in place by the project proponent if approval is given for the project, proposal or development activity; (ii) include an environmental monitoring and surveillance program of action; and (iii) provide for an environmental monitoring manager to be appointed by the project proponent, in consultation with the DEPC, to verify that the EMMP and protection measures are being fulfilled and adverse impacts of the project, proposal or development activity are documented.

### **3. Other Legislation and International Conventions**

30. Other legislation could also apply to the project as follows.

31. Waste Management Act 2014 provides for the protection of the environment through encouragement of effective waste services and operations. The Act is administered by DEPC and sets out the responsibilities of agencies and people in relation to waste management, it establishes the regulatory environment for designated waste management operators, and identifies offences in relation to waste and waste management.

32. Pollution (Control) Act 2013 is also administered by DEPC and covers the obligations of owners and/or occupiers of premises to take pollution control measures and stipulation for permits to discharge pollutants. Despite the provisions of any other legislation, the Act requires that any persons and agencies with responsibilities under the Act, or whose functions and powers may relate to any matter or thing involving the environment, are to apply the precautionary principle when discharging their responsibilities and functions, or exercising their powers. The Act also requires that in any decision making made under the terms of this Act must be guided by consideration of climate change adaptation and mitigation issues.

33. Foreshore Development Act 1975 and Amendment Act 2013 deal with regulating the carrying out of works on the foreshore. The Acts states that no person shall undertake or cause or permit to be undertaken any development on the foreshore of the coast of any island in Vanuatu without having first obtained the written consent of the Minister of Planning.

34. The Amendment Act requires that the consent is also subject to any requirements set out in any other Act in relation to any development. In addition the consent application requires (i) consultation with, and consent of, the foreshore landowners; and (ii) a description of the proposed works including plans, maps and drawings.

35. The Quarry Act 2013, Health and Safety at Work Act 1987 and Labor Act (as amended) 2009 will also apply.

36. Other legislation that has implications for resource development and management and potentially the project is included in Appendix 1A.

37. Vanuatu is a signatory to a number of international agreements with environmental and conservation implications. These may be found in Appendix 1B.

38. The DEPC also has policies, plans and strategies in draft form including: (i) DEPC Strategic Plan 2014-2024; (ii) National Environmental Management Strategy (NEMS); and (iii) National Environment Policy (NEP). The DEPC Strategic Plan 2014-2024 includes a range of activities for the development of the department. Included in the plan is the intention to restructure to meet operational needs as well as have offices in all six provinces. The

timeframe for the restructure and establishment of provincial offices is set in the plan to be achieved within the next four years (i.e. by 2019). Although optimistic in its aims, the plan is also pragmatic and points out that all formal requests for restructure and expansion of the department will need to be made through current formal government processes. The plan also notes that any such changes will be dependent on these requests being agreed to and then a suitable budget made available.

## **B. Institutional Framework and Capacity**

### **1. Ministry of Climate Change, Meteorology and Geo-hazards, Environment, Energy, and Disaster Management**

39. The DEPC is responsible under the EPCA to administer the Act which includes approval of environmental assessments. Since 2013 it has been part of the MCC. Prior to this the Department was located within the Ministry of Lands and Natural Resources and it became a full department in the Ministry of Lands in 2010 having been the Environmental Unit for several years prior. The MCC was created in 2013 and the DEPC was incorporated into the new ministry at the end of that year.

40. The MCC comprises four separate units or departments: Vanuatu Meteorology and Geo-hazards Department; National Disaster Management Office; Department of Energy; and DEPC. With the exception of DEPC, all the MCC's units and departments are housed in a purpose-built office building in the Nambatu area of the city. The DEPC is located in the Pompidou government buildings on the other side of town close to the MIPU and VPMU offices but physically distant from its own Ministry.

41. DEPC has a Director who oversees the department which currently has a total of ten permanent positions, including the Director. All officers are permanent full-time staff. Of the ten permanent DEPC staff positions, no positions are technically vacant. However one (Director) is filled by an acting incumbent leaving the vacated position temporarily vacant until a new director is appointed and the incumbent can return to his original position.

42. Two positions are temporarily vacant (around one year for each position) due to staff on extended study leave overseas. Two other positions are currently vacated by staff on leave for up to six months. This effectively means that the DEPC has a current vacancy rate of 50% with no arrangements in place to cover these vacancies as there are neither juniors nor budget available to fill the vacant positions. The remainder of the department comprises contracted project staff or volunteers.

43. In addition to permanent positions there are a further seven project positions within the department plus two overseas volunteers. According to the DEPC's 2013 annual report, the department consists of four units with ten staff however the department's formal structure diagram doesn't include units or divisions. In practice the department is split up into four units: Biodiversity and Conservation (one staff member); Environmental Protection (Waste Management one staff member), Environmental Planning and Assessment (three staff with one being the Santo based department officer); Administration and support services (four staff including a principal environment officer); and the Director.

44. DEPC's budgeted expenditure in 2014 was VT 20,073,849 that is less than 10 % of its MCC's total budget of VT 234,984,043. The department's staff costs in 2014 were VT18.3

million leaving just under VT1.8 million for all operational and capital expenditure.<sup>10</sup> This limited budget appears to date from before 2010 when the department was an operational unit within the Department of Lands. The DEPC budget has never been adjusted to take this change of status into account. As a result, the department's budget is still largely based on the needs of an operational unit within a department and so lacks the comprehensive budget normally found in a government department.

## 2. Ministry of Education

45. The MOET has three major objectives: (i) to improve the quality of education; (ii) to increase equitable access to education for all people at all levels of education in Vanuatu; and (iii) to improve planning, fiscal and financial management. Its mission is for a caring education system that provides every young person with the lifelong skills, values, and confidence to be self-reliant so they may contribute to the development of Vanuatu, and which works in partnership with all stakeholders to provide well-managed schools.

46. MOET comprises four divisions: Policy and Planning; Education Services; Finance and Administration; and Tertiary Education. The head offices are located in Port Vila and provincial education offices are located in Shefa, Penama, Tafea, Sanma, Torba and Malampa, and offices and their Boards provide overall leadership, management, monitoring and evaluation of the sector. The facilities and services provided by MPET include:

- Over 500 schools, 797 kindergartens, and several national institutions which, under the leadership of school committees and councils and the support of parent-teacher associations, deliver education services to over 65,000 students;
- The sub-sectors of early childhood education, primary education, secondary education, technical vocational education and training (TVET), distance education, and tertiary education;
- National services such as teacher training, curriculum, examinations, and the national scholarships office;
- National advisory groups such as the National Education Commission and the National Education Advisory Council; the Teaching Service Commission; and
- Education authorities, notably the churches which are registered to manage some schools.

47. The MOET does not have a safeguards unit or officers assigned to specifically to manage the safeguards aspects of its infrastructure projects. As noted in section 6, the project will engage a safeguards specialist as part of the design and supervision consultant which will support the PMU.

## C. ADB Safeguard Policies

48. The objectives of ADB's safeguards are to: (i) avoid adverse impacts of projects on the environment and affected people, where possible; (ii) minimize, mitigate, and/or compensate for adverse project impacts on the environment and affected people when avoidance is not possible; and (iii) help borrowers/clients to strengthen their safeguard systems and develop the capacity to manage environmental and social risks.

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<sup>10</sup> Government of Vanuatu. 2014. Minister of Finance report to Vanuatu Parliament. Port Vila, Vanuatu (2 Dec).

49. Through its SPS ADB establishes policy objectives, scope and triggers, and principles for three key safeguard areas of environment, involuntary resettlement, and Indigenous People. The SPS sets out the process to be applied from screening, through due diligence and assessment to monitoring and reporting.

50. **Screening and categorization.** SPS requires project screening and categorization at the earliest stage of project preparation. Screening and categorization is undertaken to (i) reflect the significance of potential impacts or risks that a project might present; (ii) identify the level of assessment and institutional resources required for the safeguard measures; and (iii) determine disclosure requirements.

51. ADB uses a classification system to reflect the significance of a project's potential environmental impacts. A project's category is determined by the category of its most environmentally sensitive component. Each proposed project is scrutinized as to its type, location, scale, and sensitivity and the magnitude of its potential environmental impacts. Projects are assigned to one of four categories.<sup>11</sup> The category determines the level of assessment required.

52. **Due diligence.** ADB's safeguard due diligence emphasizes planning, environmental and social impact assessments and safeguard documentation. Through such due diligence and review, ADB will confirm (i) that all key potential social and environmental impacts and risks of a project are identified; (ii) that effective measures to avoid, minimize, mitigate, or compensate for the adverse impacts are incorporated into the safeguard plans and project design; (iii) that the borrower/client understands ADB's safeguard policy principles and requirements and has the necessary commitment and capacity to manage the risks adequately; (iv) that, as required, the role of third parties is appropriately defined in the safeguard plans; and (v) that consultations with affected people are conducted in accordance with ADB's requirements.

53. **Health and safety.** The project will be required to provide workers with a safe and healthy working environment, taking into account inherent risks, any hazards in the work areas, including physical, chemical, biological, and radiological hazards. The SPS also requires that the government, through the implementing agency, will take steps to prevent accidents, injury, and disease arising from, associated with, or occurring during the course of work.

54. The project will adhere to international good practice, as reflected in internationally recognized standards such as the World Bank Group's Environmental Health and Safety Guidelines.<sup>12</sup>

55. **Monitoring and reporting.** Both government and ADB have their own separate monitoring responsibilities. The extent of monitoring activities, including their scope and periodicity, will be commensurate with the project's risks and impacts. Governments, through the implementing agency, are required to implement safeguard measures and relevant safeguard plans, as provided in the legal agreements, and to submit periodic monitoring reports on their implementation performance. Monitoring and supervising of social and environmental safeguards is integrated into the project performance management system. ADB will monitor projects on an ongoing basis until a project completion report is issued.

<sup>11</sup> Category A if it is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented, and impacts may affect an area larger than the sites or facilities subject to physical works. Category B if its potential adverse environmental impacts are less adverse than those of category A projects, impacts are site-specific, few if any of them are irreversible, and in most cases mitigation measures can be designed readily. A project is Category C if it is likely to have minimal or no adverse environmental impacts.

<sup>12</sup> World Bank Group. 2007. *Environmental, Health, and Safety General Guidelines*. Washington, DC.

56. **Safeguard frameworks.** Frameworks are required for projects, such as emergency projects or sector projects, where the types of activities to be undertaken and types of subprojects to be implemented are known in general terms but only a small number of subprojects might be identified during project appraisal. The frameworks set out the processes to be followed for the project as a whole and for individual subprojects as and when they are identified. The frameworks will cover the types of subprojects to be implemented (in terms of identifying generic impacts and mitigations) and clearly identify the process to be followed (from screening through to monitoring) and the implementation arrangements (procedures, roles, responsibilities, and budget).

57. Subproject selection, environmental assessments, EMPs, and safeguard monitoring reports prepared during project implementation will conform with this EARF agreed to by the government and ADB.

#### **D. Review of Country Safeguard System**

58. A review of the legal framework for CSS undertaken as part of Technical Assistance for Strengthening and Use of Country Safeguard Systems (TA 7566-REG)<sup>13</sup> concluded that the environmental legislation of Vanuatu is fully equivalent with 26 of the 75 key elements (34.67%) of the ADB's safeguard requirement 1: environment (SR1) principles, including most of the basic components of environmental assessment. National legislation is partially equivalent with 24 of the key elements (32.0%), and not equivalent with 25 of the key elements (33.3%).<sup>14</sup>

59. The review noted that the Vanuatu legislation and policies are fully equivalent with most of the basic components of environmental assessment. The overall objective of ensuring the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process is provided by the EPCA and the EIA Regulations. It can also be found in legislation from certain line ministries, including legislation on forestry and mining (including quarries) and may also be seen in a number of policies, including the Priorities and Action Agenda 2006-2015, the DEPC Strategic Plan 2014-2024, the National Biodiversity Conservation Strategy 1999 (although this is now out of date and is currently being revised), the draft National Environment Policy and the draft National Environmental Management Strategy.

60. **Recommendations.** The recommendations to bring about full equivalence include:

- A number of revisions to the EPCA;
- A number of revisions to the EIA Regulations;
- A number of revisions to the PEA format;
- The adoption of a format (minimum requirements) for the EIA Report;
- The adoption of a format (minimum requirements) for the EMMP;
- Clarification of the interaction between the EIA process and the Pollution (Control) Act and the Public Health Act;

<sup>13</sup> ADB. 2010. *Technical Assistance for Strengthening and Use of Country Safeguard Systems; Guidance Note for Review of Country Safeguard Systems* (November 2010). (RETA 7566-REG, approved by the Board in July 2010 for \$5 million under Technical Assistance Special Fund IV and major change in scope and increase in TA amount to \$8 million approved by the Board in October 2011).

<sup>14</sup> ADB. 2015. RETA 7566-REG Vanuatu Subproject: Strengthening Implementation Capacity for EIA in Vanuatu; *Country Safeguard Review - Legal Analysis Report*.

- Adoption of the implementing regulations under the Pollution (Control) Act;
- Adoption of the implementing regulations under the Waste Management Act; and
- Adoption of the implementing regulations under the Health and Safety at Work Act.

61. A number of the recommendations relate to the EIA procedure for projects likely to have significant environmental, social and/or custom impacts, while others relate to the initial PEA procedure.

62. A second phase TA, to be implemented in 2016, will develop and take a forward a number of the recommendations.

### III. ANTICIPATED ENVIRONMENTAL IMPACTS

63. **Project location and activities.** In assessing reconstruction needs, the government has prioritized the reconstruction of education sector infrastructure and adopted the building-back-better principle by requiring that damaged assets are rebuilt to a higher standard of climate and disaster resilience. The project intends to reconstruct four of the eight junior secondary schools damaged. The four schools requiring most urgent attention include; Kwataparen (south-west coast), Imaki (south coast), Inaula and Lowiepeng both in the White Sands area on Tanna Island (as shown on Figure 3.1). Priorities were determined with cost estimates for urgent reconstruction works.<sup>15</sup> Final decision on schools will be made during phase 1 of implementation (final design and costing) and locations might change. The approach recommended is for works to be carried out in three stages:

- Stage 1 – Final selection, design and costing (carried out by the design and supervision consultant);
- Stage 2 - Reconstruction (major works) – build back better; and
- Stage 3 - important improvements (minor works) and improve occupational safety and health, access, and resilience.

64. There is potential that stage 2 and 3 might be combined.

65. Potential locations of schools and examples of levels of damage that will be addressed and likely to be included in the rehabilitation project are shown in Table. This will be confirmed between ADB and MOET during final costing and design. School reconstruction will be planned to disaster-resilient and climate proof standards. While the level of damage in each school site is different, water and sanitation facilities, and dormitories for students that are all gender inclusive/responsive will be included.<sup>16</sup> In addition, the schools will be designed so that they can be used as temporary shelter during disaster events and emergencies by the surrounding communities. This will include that all schools include universal access where practicable for all buildings and pathways. Estimates have been allowed for bulk supplies of materials and hardware e.g. plywood to repair window shutters, furniture, rust inhibitor and epoxy grout to treat concrete cancer. Educational buildings include rural training centres and Tongoa schools.<sup>17</sup>

<sup>15</sup> Checked against Rawlinson's New Zealand Construction Handbook and compiled by an experienced architectural designer, estimator and builder with substantial local experience in construction at remote sites and project management for education facilities in Vanuatu.

<sup>16</sup> 80% of students use dormitory facilities.

<sup>17</sup> Save The Children Fund, 2015.



66. Including the five additional cyclone shelters, the estimated cost for school reconstruction (excluding project management costs, contingency, materials, transportation) is in the order of 125.7 million VUV (approx. \$1,382,000 USD).

67. Each school needs a community cyclone shelter and disaster evacuation centre, adequately equipped and readily adapted in an emergency for that purpose.<sup>18</sup> A concept design for a new school dining facility, purpose-designed for that function, has been prepared for MOET to consider. The local community would be encouraged to use this facility for social activities, income generation, and maintenance.

68. **Expected impacts of activities.** Most project impacts will be created during the construction stage. Given the sites are already in use as schools, major earthworks and levelling activities have already been undertaken. Additional minor and small-scale works could be required to provide pathways for universal access.

69. The school rehabilitation will include activities such as: provision of electrical reticulation, power outlets, switches and lighting (including solar energy and water heating), provision of telecommunications, plumbing and drainage and installation of wastewater treatment systems and potable water supply, and construction of school buildings, staff houses and community cyclone shelters.

70. There is existing access to each of the school sites and materials imported from Port Vila or the region can be easily transported to the sites.

71. **Sources of materials.** The Tafea Junior Secondary Schools Reconstruction Concept and Costing Report<sup>19</sup> notes that "...materials such as sand and coral, and wood should be sourced from the local community". It is important to establish that no live coral will be harvested or collected for use in the project, and any sand mining must only occur in areas subject to accretion. Sources of materials for the project will comply with the requirements of the Department of Geology, Mines and Water (DGMW) within the Ministry of Land and Natural Resources and the Quarry Act 2013 as well as best practice for extracting, storing and transporting materials. Should a contractor elect to source aggregates locally, the contractor will be required to ensure that aggregate is sourced from sites that have a permit issued by the DGMW either to the owner of the quarry, to the PWD or directly to the contractor for the extraction of materials.<sup>20</sup> Any site that is opened by the contractor will comply with relevant laws and requirements including the documentation to accompany the permit application (work program, site plan, EMP, health and safety plan, and rehabilitation plan).

72. Any wood sourced locally must not be logged from natural or critical habitats and must be from trees that are common.

<sup>18</sup> Normally used as the school dining room, this community facility would include an internal kitchen, toilet and shower, storeroom for emergency rations and water, first aid supplies; solar and emergency power generator and communications. The school community could construct an external bush kitchen and veranda to suit their specific needs, recycling demolition materials.

<sup>19</sup> ADB. July 2015.

<sup>20</sup> Under the Quarry Act, a person wanting to operate a quarry can apply for one of four types of permits; commercial permit; landscaping permit; PWD permit; or occasional permit covering different scales of operations (large quarry > 50,000 m<sup>3</sup>/year and not exceeding an area of 100 ha; medium quarry 20,000-49,999 m<sup>3</sup>/year and not exceeding an area of 10 ha; small quarry 501 – 19,999 m<sup>3</sup>/year and not exceeding an area of 5 ha; occasional quarry must not exceed a period of one month and not exceed 500 m<sup>3</sup>).

**Table 3.1: Examples of Scope of Works (Buildings) and Cost Estimates for Schools Potentially Supported**

School	Components	Stage 1 - emergency repairs	Stage 2 - urgent reconstruction	Area (m2)	Rate (VUV/m2)	Cost (VUV)
<b>School A</b>	Double classroom roof and verandah (verandah roof and half of main roof one side)	Repair roof, new sheets		50	24,431	1,221,560
	Office and library block (new roofing)	Repair verandah only, new sheets		8	25,489	203,912
	Girls' VIP toilets (flush)	Reconstruct existing		1.5	133,333	200,000
	Boys' VIP toilets (flush)	Reconstruct existing		1.5	133,333	200,000
	Universal access		Incl. new buildings			0
	<b>Total</b>					<b>1,825,471</b>
<b>School B</b>	Boys' VIP toilets (flush)	Reconstruct existing		1.5	133,333	200,000
	Girls' VIP toilets (flush toilets + showers)	Reconstruct existing		1.5	133,333	200,000
	Dining hall (doubles as community cyclone shelter)		Construct new facility	135.36	80,000	10,828,800
	2 x staff houses (standard design/size 33.4 m2 each)		Construct new houses	66.78	80,000	5,342,400
	Universal access		Incl. new buildings			0
	Storage		Construct new building	36	70,000	2,520,000
	<b>Total</b>					<b>19,091,199</b>

School	Components	Stage 1 - emergency repairs	Stage 2 - urgent reconstruction	Area (m2)	Rate (VUV/m2)	Cost (VUV)
<b>School C</b>	Library and administration bldg (new roof structure, sheets, repaint)	Reconstruct existing		85	34,840	2,961,400
	Girls' ablution & laundry (strengthen, re-roof, repaint)	Reconstruct existing		44	17,120	753,280
	Boys' ablution & laundry (strengthen, re-roof, repaint)	Reconstruct existing		44	17,120	753,280
	Dining hall - option 1 (requires new roof, repaint)		Reconstruct existing, convert to classroom	139.16	25,627	3,566,253
	Dining hall - option 2 (community cyclone shelter)		Construct new	135.36	80,000	10,828,800
	Girls' dormitory	Repair roof, new sheets		113.46	27,958	3,172,115
	Double classroom	Repair roof, new sheets		111	28,036	3,111,996
	Universal access		Incl. new buildings			0
	<b>Total - dining hall option 1</b>					<b>14,318,324</b>
	<b>Total - dining hall option 2</b>					<b>21,580,871</b>
<b>School D</b>	Library and classroom building (existing side walls cracked & irreparable)		Demolish part, construct new walls & roof	226.93	26,652	6,048,138
	Boys' dormitory no.1	Repair roof, new sheets		163	30,567	4,982,421
	Boys' dormitory no.2 (replace existing non-permanent structure)		Construct new building	109.44	70,358	7,699,980
	Boys' ablution block	Construct new roof, new sheets		29.2	17,513	511,380
	Principal's house	Repair roof, new sheets		75.04	24,435	1,833,602
	Dining hall (doubles as cyclone shelter)		Construct new hall over existing slab	135.36	80,000	10,828,800
	Storage (construct on top of existing slab)		Construct new building	36	70,000	2,520,000
	2 x staff house	Repair roof, new sheets		153.68	24,432	3,754,710
	Universal access		Incl. new buildings			0
	<b>Total</b>					<b>38,179,031</b>

73. **Community health and safety.** The school reconstruction works will likely be undertaken by a general contractor which would take overall responsibility for procurement and logistics, construction management of multiple sites, employment, supervision and training of local labour as required. The contractor would supply an experienced foreman and engineer as required. The workforce would largely be by Ni-Van, with priority given to workers from Tafea Province.

74. Local people can also be hired as security guards, cooks, cleaners and providers of local produce at works sites and the works yard(s). This will reduce possible conflicts between outside labor and local communities. The EMP will include measures to protect the health and safety of communities including; (i) work sites and yard(s) being properly fenced and guarded; (ii) unauthorized people will not be permitted into the work sites; (iii) implementation of the project's consultation and participation plan which will set out the protocols to be implemented by the contractor and which will guide interaction between community and construction workers; and (iv) contractor will engage an approved service provider to deliver sexually transmitted infection and HIV awareness and prevention training and presentations with local communities and the workforce.

75. **Worker health and safety.** A number of activities, plant and products can give rise to health and safety impacts during the construction phase. Most of these impacts can be managed and/or mitigated. The potential impacts are (i) contamination of local water supplies by potential contaminants such as sediments, fuel products and lubricants, and sewage giving rise to gastro-intestinal problems; (ii) air pollution from exhaust fumes and dust giving rise to respiratory conditions; (iii) risk of accidents at work sites; and (iv) spread of communicable diseases. Contractors will observe general health and safety requirements and as a minimum must comply with the Health and Safety at Work Act 1987, Labor Act (as amended) 2009 and the World Bank Group's Environmental Health and Safety Guidelines. The contractor will be required to provide personal protective equipment to workers.

#### **IV. ENVIRONMENTAL ASSESSMENT AND MANAGEMENT**

##### **A. Screening and Classification**

76. Both the country system and the SPS require screening of project impacts to determine the potential risks and required level of assessment. The significance of project's environmental impacts determines the environmental categorization of the project. The project sites are located within areas designated for educational purposes and already cleared for school buildings and facilities and therefore the project will not require implementing works in areas of critical or natural habitat or protected or conservation areas. In terms of compliance with SPS, the overall project has been classified on a preliminary basis as category B.

##### **B. Preparation of Environmental Assessments and Environmental Management Plan**

###### **1. Environmental Assessment**

77. Environmental assessment in the Vanuatu is regulated by the EPCA and the EIA Regulations. The EIA Regulations establish the procedures for undertaking the environmental assessment of any development or activities that are likely to cause significant environmental, social/and/or custom impacts are subject to the EIA provisions of the EPCA and the Regulations. The proponent is required to submit an application for environmental permit which

includes a description of the activity, likely environmental, social and/or custom impacts and proposed actions to mitigate the impacts.

78. The DEPC undertakes a review of the application through the PEA process and determines whether further assessment through an EIA will be required.

79. According to SPS, for both Category A and Category B projects the environmental assessment to be prepared consists of eleven sections, the level of detail required being less for category B projects. The outline contents of an assessment are included in Appendix 2.

80. During the design stage of project implementation, and prior to commencement of any environmental assessment work, consultation with DEPC will be undertaken to discuss and agree the process to be followed and the environmental safeguard instruments to be produced to ensure they meet the EPCA and SPS.

81. As the environmental impacts associated with each of the sub-projects will be minor, localised, easy to mitigate and will be similar at each site, an alternative and quicker approach to preparing an individual IEE for each of the project sites would be to prepare a single assessment covering all the sites in Tafea Province; providing this is acceptable by DEPC. Following concurrence as to the approach, the screening, detailed project description and environmental assessment will be submitted as part of the permit application under the EPCA. DEPC will review the application and assessment through the PEA process. Given the nature and scale of the works it is unlikely that further information or assessment (through EIA) would be required.

## 2. Environmental Management Plan

82. The environmental assessment will include an EMP which sets out the mitigation and management measures to be taken during project implementation to avoid, reduce, mitigate, or compensate for adverse environmental (in that order of priority). The EMP should also comply with clause 9 (1) and (2) of the EIA Regulations.

83. **Mitigation.** The EMP will summarize the anticipated adverse environmental and social impacts and risks, describe each mitigation measure with technical details, and provide links to other mitigation plans required for the project.

84. **Monitoring.** This part of the EMP will describe monitoring measures with technical details, including parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits and definition of thresholds that will signal the need for corrective actions. The reporting and disclosure procedures will also be identified.

85. **Implementation arrangements.** The EMP will include an implementation schedule showing phasing and coordination with overall project implementation and describe the institutional organizational arrangements for responsibility for carrying out the mitigation and monitoring measures. This section of the EMP will also identify practical measures to strengthen environmental and social management capability that can be implemented during the project. The section will estimate capital and recurrent costs and describes sources of funds for implementing the EMP.

86. **Performance indicators.** Where possible and practical, the EMP will describe the desired outcomes as measurable events, such as performance indicators, targets, or acceptance criteria that can be tracked over defined time periods.

## **V. CONSULTATION, INFORMATION DISCLOSURE, AND GRIEVANCE REDRESS MECHANISM**

### **A. Consultation and Disclosure**

87. Under both the EPCA and SPS consultation with affected and interested parties and stakeholders is required as part of the assessment process. The process, findings of the consultations, responses will be documented in the assessment report.

88. For any subproject requiring an environmental assessment, formal and documented public consultation and information disclosure will be required in accordance with the ADB SPS and Public Communications Policy 2011 and government's consultation and information disclosure requirements identified in the EPCA. This will be done at an early stage during preparation of the assessment and is to inform stakeholders of the project components and to encourage input to help identify environmental and community issues and concerns.

89. The information disclosed and feedback provided at the consultation sessions will be summarized, attendance recorded, and the document attached as an annex to the assessment report. Invited participants and attendees at consultation events will include government agencies (including provincial government), village and community representatives, as well as NGOs and civil society organizations. All consultations will follow the procedures set out in the consultation and participation plan (CPP) to be prepared for the project.

### **B. Grievance Redress Mechanism**

90. The process established and implemented under projects currently being implemented<sup>21</sup> which are based on traditional conflict resolution measures and are acceptable to ADB will be applied to the project (adapted as necessary).

91. The GRM will also be applied to the resettlement planning process and will be used to sort out, as far as possible, problems, concerns or grievances created by the project. If an issue or grievance with a specific environmental concern cannot be resolved then it will be addressed by being referred to the DEPC within the MCC.

### **C. During Construction and Operation**

92. The contractor's responsibility in respect of consultation and communication will be set out in the CPP and the relevant section of the CPP will be integrated into the EMP and bid and tender documents. The contractor will engaged with communities primarily through the community advisory committees and grievance redress committees established in each subproject area. The protocols for behavior of workers and conduct in and around villages will be set out in the CPP and will be an element of the EMP to help mitigate any impacts resulting from construction workforce and work sites/yards.

93. As per the GRM, any complaints arriving at the contractor's site office will be recorded in a register that is kept at the site and which will be subject to monitoring. The register will record complaints by date, name, contact address and/or phone number if available, and reason for the complaint. A duplicate copy of the entry is given to the person making the complaint for their record at the time of registering the complaint. The duplicate copy given to the complainant

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<sup>21</sup> Vanuatu Interisland Shipping Support Project and Port Vila Urban Development Project.

will also show the procedure that will be followed in assessing the complaint, together with a statement affirming the rights of the person to make a complaint.

94. The register will show who has been directed to deal with the complaint and the date when this was made together with the date when the complainant was informed of the decision and how the decision was conveyed to the complainant. The register is then signed off by the person who is responsible for the decision and dated. The register is to be kept at the front desk of the site office and will be a public document. For anybody making a complaint no costs will be charged to the AP.

95. MOET and the PMU will be equally responsible for ensuring GRM is in effect during operation and maintenance. The same procedure will be followed except that the complaint is now directed to the PMU. During operation, the same conditions apply; i.e., there are no fees attached to the making of a complaint, the complainant is free to make the complaint which will be treated in a transparent manner, the complaint will be addressed within the timeframes identified in the GRM, and the complainant has recourse to other courts if not satisfied with the resolution offered through the GRM.

## **VI. INSTITUTIONAL ARRANGEMENTS AND RESPONSIBILITIES**

96. **Coordination and oversight.** The overall coordination and oversight of the recovery and reconstruction program is by the Prime Minister's Office. MFEM will be the executing agency of the project, and it will implement the project through MOET (implementing agency). A steering committee will provide guidance to project implementation and the project management unit will supervise day to day implementation of activities. An inter-ministerial working group will be established to coordinate and oversee the reconstruction of infrastructure in transport, health and education sectors including reconstruction of public buildings. The IWG reports to the Prime Minister's Office. The working group will be kept informed. The Australian Department of Foreign Affairs and Trade (DFAT) will also provide funds for the recovery and reconstruction and recovery program in the transport, health and education sectors including construction of public buildings.

97. The management roles and responsibilities of the various stakeholders are detailed in Table 6.1. The implementation arrangements will be described in detail in the draft project administration manual.

**Table 6.1: Project implementation roles and responsibilities**

<b>Project implementation organizations</b>	<b>Management Roles and Responsibilities</b>
Ministry of Finance and Economic Management	➤ Executing agency and ministry representing the recipient
Ministry of Education and Training	➤ Implementing agency. ➤ Responsible for overall implementation of the project through PMU. ➤ Responsible for submitting withdrawal applications, reporting requirements, including submitting the annual audit report and audited financial statements and record keeping. ➤ Responsible for providing counterpart in-kind contribution (e.g., land, office space, taxes and duties, counterpart staff) for project components.
Project Steering Committee	➤ Provides advice and guidance to the project management unit on implementation issues
Project Management Unit	➤ Manages and implements the project
ADB	➤ Financier through Japan Fund for Poverty Reduction grant. ➤ Full administrator of the project.

#### **A. Ministry of Education and Training**

98. MOET will be the implementing agency for the project, and overall implementation responsibility will be with the PMU. The role of the PMU will be overall project management and decision making. Feasibility studies (including safeguards assessments and consultation), detailed designs, and supervision of the construction contractor will be the responsibility of the PMU.

99. A PMU comprising the design and supervision consultant (DSC) will be established to deliver the project activities. The PMU team leader will coordinate and manage the project activities and report to IWG. The PMU will be responsible for the design, safeguards assessments, cost estimates, tendering, contract management and supervision and day-to-day implementation, including financial management, monitoring and evaluation. The PMU will use ADB disbursement procedures and financial management guidelines, and will maintain separate accounts for the project, which will be audited by an independent auditor.

#### **B. Design and Supervision Consultant**

100. The DSC will be a small team of international and national specialists to implement the tasks set out in the terms of reference included in the project administration manual. Amongst a number of others, the DSC will include an international safeguards specialist and national safeguards specialist (NSS). The DSC will be headed by a full-time team leader.

101. General environmental management responsibilities of the DSC include:

- Through the team leader, ensuring that the environmental safeguards are implemented as set out in this EARF so as to meet intended requirements. This includes undertaking safeguards assessments during the feasibility study, ensuring that the EMPs from approved environmental assessments are including as part of construction section and tendering conditions of the bid and contract documents, and monitoring is undertaken.
- Supervising the implementation of the EMP during construction.



102. Within the DSC team, the ESS and NSS will have specific responsibilities for implementation of this EARF. Their duties include:

- (i) During project start-up, brief the PMU and DSC team on the EARF and safeguard and CPP requirements that need to be implemented during the project.
- (ii) Consult with DEPC to confirm the process and safeguards instruments to be prepared (one assessment covering all sites) to meet both EPCA and SPS requirements.
- (iii) Prepare the environmental assessment for the project to meet the requirements of this EARF.
- (iv) Undertake adequate consultations with affected people and studies of the of each site to identify baseline conditions and impacts;
- (v) Prepare the environmental permit applications including subproject description and assessment and after approval by PMU submit to DEPC for review.
- (vi) Ensure that disclosure of the draft assessment is done in accordance with the project's CPP in compliance with ADB's Public Communications Policy (2011) and requirements under the EPCA.
- (vii) Arrange for a copy and the conditions of the environmental permit issued by DEPC to be sent to the ADB.
- (viii) During pre-construction, ensure that issues that need to be addressed by the design engineers are considered. Prepare a design brief containing main requirements for action by the technical design team.
- (ix) Based on detailed designs, update the EMP from the approved environmental assessment. Integrate the revised/updated EMP and DEPC's environmental permit conditions into the construction section of the bid and contract documents.
- (x) Working with the contractor arrange public consultations to advise affected communities of the scope and scheduling of the project and to raise awareness within the communities of the likely phasing of events that will occur within their boundaries.
- (xi) If required by the team leader, provide a review of environmental management aspects during bid evaluation.
- (xii) Following the award of the contract and prior to submission of the construction EMP (CEMP), provide EMP and safeguards induction for the contractor (if required).
- (xiii) Ensure that contractor has access to the environmental assessments of the subprojects and the environmental permit conditions issued by DEPC.
- (xiv) Evaluate, and when satisfactory, advise team leader and/or PMU that the CEMP may be approved.
- (xv) Advise the contractor of their responsibilities to mitigate environmental impacts and implement the GRM for any issues associated with construction activities.
- (xvi) With the project engineer, supervise and monitor the contractor's compliance with the approved CEMP. As required, issue defect notices concerning non-compliant work which will be channeled to the contractor via the project engineer. Any instructions or requirements for corrective actions will be issued through the project engineer.
- (xvii) Prepare reports of site visits and compliance checks at least every two months, contribute to the quarterly progress reports (summary of compliance reports and contractor's monthly reports and any other safeguards activities including

training seminars or workshops and the like), and prepare safeguards monitoring reports twice per year.

**C. The Contractor**

103. The contractor will be responsible for complying with the environmental management requirements included in the contract as follows:

- (i) Prior to construction commencing, the contractor will address the construction section of the EMP which will be developed into the detailed CEMP that addresses the development consent conditions and details working statements and methodologies as required by the EMP. It will include a monitoring plan and a reporting program. Submit the CEMP to the PMU for clearance.
- (ii) Designate an environmental and safety officer and deputy environmental and safety officer who will take lead responsibility for implementation of the CEMP.
- (iii) Provide briefings and training seminars for all workers (and sub-contractors as relevant) on the CEMP and safeguards requirements governing the project.
- (iv) Following approval of the CEMP, the contractor is required to attend a site meeting where the CEMP is further discussed to ensure that all compliance conditions are clearly understood.

- (v) The contractor's site engineer and environmental and safety officer will be responsible for daily supervision of the CEMP. The contractor is required to undertake work as directed by the project engineer (who will be assisted by the ESS and NSS). If the work is non-compliant with the CEMP or conditions, the contractor must respond to the defect notice issued and rectify the issue or work.
- (vi) The contractor will cover CEMP implementation, including grievance redress, in the monthly reports that will be submitted to the PMU. The report will also contain the monthly accident/incident report.

#### **D. Department of Environmental Protection and Conservation**

104. The DEPC will be responsible for: (i) through the ESS and NSS, coordinating and liaising with the PMU and confirming the process and safeguards instruments to be prepared for the project; (ii) reviewing the environmental permit application and determining whether further information and/or assessment is required; (iii) upon accepting the applications and assessments, issue environmental permit with or without conditions; (iv) undertake periodic monitoring of the subprojects and implementation of environmental permit conditions as required; and (v) undertake to review the environmental grievances or complaints that cannot be resolved through the GRM.

#### **E. Asian Development Bank**

105. During the project, the ADB will provide support to the PMU and DSC as required during review missions and at other times as required. ADB will review and clear the environmental assessment and safeguards monitoring reports prepared for the project and disclose these documents as per Public Communication Policy 2011. Review missions will review the procedures being implemented by DSC, PMU, and the contractor, and will include review of assessments, consultations, EMP updating, bid documents, CEMP preparation and compliance, and monitoring.

### **VII. MONITORING AND REPORTING**

106. The EMP will contain a monitoring and reporting program suitable for the subproject. The DSC will be responsible for reviewing and updating the monitoring program to ensure that it meets the intention of the EMP and the ESS, NSS and contractor will be responsible for carrying it out. The DSC will undertake safeguards supervision and monitoring at least every two months, in addition to CEMP compliance checking being undertaken on a daily basis by the project engineer. Following the supervision and monitoring checks, reports will be prepared and submitted to PMU and MIPU.

107. The DSC will prepare quarterly progress reports that will summarize the CEMP compliance monitoring undertaken by ESS and NSS, the contractor's monthly reports and any other safeguards activities. These reports will be submitted to PMU, MOET and ADB.

108. The DSC will prepare semi-annual safeguards monitoring reports on behalf of the PMU, and submit to MOET and ADB. These reports will be disclosed.

109. ADB will prepare a project completion report after the project has finished. This report will summarize safeguards implementation (including any requirements for capacity building) and monitoring and comment on compliance with the EARF.



## **APPENDIX 1 – RELEVANT LEGISLATION AND INTERNATIONAL AGREEMENTS**

### **A. Relevant Legislation**

#### **Constitution**

- Constitution of the Republic of Vanuatu, 1980

#### **Legislation**

- Alienated Lands Act Chapter 143 (No. 12 of 1982)
- Convention on Biological Diversity (Ratification)(Act No. 23 of 1992)
- Customary Land Tribunal Act 2001 (No. 7 of 2001)
- Decentralization and Local Government Regions Act (No. 1 of 1994)
- Environmental Protection and Conservation Act 2010
- Foreshore Development Act 1975 (No. 31 of 1975)
- Foreshore Development (Amendment) Act 2014
- Land Acquisition Act 1992 (No.5 of 1992)
- Land Acquisition Amendment Act 2014
- Land Lease Act Cap 163 (Act No.4 of 1983, No.10 of 1987)
- Land Reform Act Chapter 123 (Joint Regulation 31 of 1980 – Act No.32 of 1985)
- Land Valuers Registration Act 2002 (No.23 of 2002)
- Mines and Minerals [Cap.190](Act No.11 of 1986) National Parks Act, 1993.
- Pesticides (Control) Act 1993 (Act No.11 of 1993)
- Pollution (Control) Act 2013
- Preservation of Sites and Artefacts [Cap.39] (Joint Regulation 11 of 1965)
- Public Health Act (No.22 of 1994)
- Public Health (Commencement) Order (No.10 of 1995)
- Waste Management Act 2014
- Water Resources Management Act 2002 (No.9 of 2002)
- Wild Bird Protection Act Chapter 30 (Joint Regulation 13 of 1971)
- Wild Bird Protection Act 1989

#### **Policies and Programs**

- National Biodiversity Conservation Strategy
- National BioSafety Framework Project
- National Conservation Strategy
- National Waste Management Strategy
- Persistent Organic Pollutants.

**B. List of Key International Environmental Agreements Vanuatu is a signatory.**

<b>Treaty/Agreement</b>	<b>Status</b>	<b>Year</b>
Agreement on the International Dolphin Conservation Program	Ratified	2003
World Heritage Convention	Ratified	2002
Kyoto Protocol – greenhouse gas reductions	Acceded	2001
Millennium Development Goals	Adopted	2000
Plant Protection Agreement for South East Asia and the Pacific	Ratified	1997
Treaty on the Non-Proliferation of Nuclear Weapons	Ratified	1995
Montreal Protocol on Substances that Deplete the Ozone Layer	Acceded	1994
Vienna Convention for Protection of the Ozone Layer	Acceded	1994
United Nations Convention on Biological Diversity (CBD)	Ratified	1993
United Nations Framework Convention on Climate Change (UNFCCC)	Ratified	1992
Protocol of 1978 Relating to International Convention for Prevention of Pollution from Ships	Ratified	1989
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	Ratified	1989
International Convention on the Establishment of an International Fund for the Compensation for Oil Pollution Damage	Ratified	1989
International Convention on Civil Liability for Oil Pollution Damage	Ratified	1983
International Convention for the Prevention of Pollution of the Sea by Oil	Ratified	1983
United Nations Convention on the Law of the Sea (UNCLOS)	Ratified	1982
Convention on Wetlands of International Importance (Ramsar)	Not ratified	

## **APPENDIX 2 – CONTENTS OF ENVIRONMENTAL ASSESSMENT**

### **A. Executive Summary**

This section describes concisely the critical facts, significant findings, and recommended actions.

### **B. Policy, Legal, and Administrative Framework**

This section discusses the national and local legal and institutional framework within which the environmental and social assessment is carried out. It also identifies project-relevant international agreements to which the country is a party.

### **C. Description of the Project**

This section describes the proposed project; its major components; and its geographic, ecological, social and cultural, and temporal context, including any associated facility required by and for the project (for example, access roads, power plants, water supply, quarries and borrow pits, and spoil disposal). It normally includes drawings and maps showing the project's layout and components, the project site, and the project's area of influence.

### **D. Description of the Environment (Baseline Data)**

This section describes relevant physical, biological, and socioeconomic (including cultural characteristics) conditions within the study area. It also looks at current and proposed development activities within the project's area of influence, including those not directly connected to the project. It indicates the accuracy, reliability, and sources of the data.

### **E. Anticipated Environmental Impacts and Mitigation Measures**

This section predicts and assesses the project's likely positive and negative direct and indirect impacts to physical, biological, socio-economic (including worker and community health and safety in the project's area of influence), in quantitative terms to the extent possible; identifies mitigation measures and any residual negative impacts that cannot be mitigated; explores opportunities for enhancement; identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions and specifies topics that do not require further attention; and examines global, trans-boundary, and cumulative impacts as appropriate.

### **F. Analysis of Alternatives**

This section examines alternatives to the proposed project site, technology, design, and operation—including the no project alternative—in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements. It also states the basis for selecting the particular project design proposed and, justifies recommended emission levels and approaches to pollution prevention and abatement.

### **G. Information Disclosure, Consultation, and Participation**

This section: (i) describes the process undertaken during project design and preparation for engaging stakeholders, including information disclosure and consultation with affected people and other stakeholders; (ii) summarizes comments and concerns received from affected people

and other stakeholders and how these comments have been addressed in project design and mitigation measures, with special attention paid to the needs and concerns of vulnerable groups, including women, the poor, and Indigenous Peoples; and (iii) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for carrying out consultation with affected people and facilitating their participation during project implementation.

## **H. Grievance Redress Mechanism**

This section describes the grievance redress framework (both informal and formal channels), setting out the time frame and mechanisms for resolving complaints about environmental and social performance. This should be based on traditional conflict resolution or custom processes as much as possible and form part of the GRM for the overall program as set out in the PSA and LARP.

## **I. Environmental Management Plan**

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

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

(ii) Monitoring: (a) describes monitoring measures with technical details, including parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits and definition of thresholds that will signal the need for corrective actions; and (b) describes monitoring and reporting procedures to ensure early detection of conditions that necessitate particular mitigation measures and document the progress and results of mitigation.

(iii) Implementation arrangements: (a) specifies the implementation schedule showing phasing and coordination with overall project implementation; (b) describes institutional or organizational arrangements, namely, who is responsible for carrying out the mitigation and monitoring measures; (c) identification of measures to strengthen environmental and social management capability: technical assistance programs, training programs, procurement of equipment and supplies related to environmental management and monitoring, and organizational changes; and (d) estimates capital and recurrent costs and describes sources of funds for implementing the environmental and social management plan.

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



## **J. Conclusion and Recommendation**

This section provides the conclusions drawn from the assessment, including whether any further and more detailed assessment is required, and provides recommendations.