

# Program Safeguard Systems Assessment

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September 2018

Bangladesh: Supporting Fourth Primary Education  
Development Program



## PROGRAM SAFEGUARD SYSTEMS ASSESSMENT

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

1. **Environment.** The Supporting Fourth Primary Education Development Program (FY2019–FY2023) is likely to have limited environmental impacts. Similar to the Third Primary Education Development Project (FY2012–FY2018), most civil construction will be extensions (horizontal or vertical) and refurbishments of school buildings, construction of sanitary facilities, sinking of moderate-depth tube wells for drinking water, and their maintenance within existing school premises. The associated environmental impacts and risks may be linked to (i) site clearance and preparation; (ii) noise and dust generation; (iii) occupational hazards to construction workers and students; (iv) lack of drainage leading to soil erosion, sedimentation, and health hazards; (v) contamination of groundwater and surface water; (vi) resource extraction; (vii) waste generation; (viii) stressed sanitary conditions; (ix) lack of maintenance, including poor conditions of the school's water, sanitation, and hygiene (WASH) block; (x) arsenic and other contaminants to drinking water; (xi) disaster and extreme climate events; and (xii) inadequate classroom lighting and ventilation. The environmental impacts of the program would be minor and site specific. Mitigation measures will be good housekeeping practices and engineering measures that can be built into the environmental management plan (EMP) of subprojects to manage the impacts satisfactorily. These will be included in the updated environmental and social management framework (ESMF) for the program. The rapid environmental assessment checklist of the Asian Development Bank (ADB) can be used for determining the subprojects' environmental category. Accordingly, a short initial environmental examination or due diligence report shall be prepared to record the potential impact and their mitigation measures.

2. Environmentally sensitive locations will be avoided in implementing the program.<sup>1</sup> However, construction in coastal areas with salinity or cyclone risks cannot be avoided. Hilly areas will have problems with landslides or unstable foundations. Civil construction in those areas will be mitigated by making structures disaster-resilient. The Local Government Engineering Department (LGED), a partner implementing agency for school buildings, is updating the infrastructure planning guidelines for the primary education subsector, which will incorporate the requirements for disaster resilience and give priority to disaster-resilient planning and designing. Compliance with the Bangladesh National Building Code and other standards is expected to ensure an environmentally sound program implementation with minimized risks. The program is also expected to ensure that compliance with safeguards translates into minimal risks while following ADB's Safeguard Policy Statement (SPS) (2009) and Policy for Piloting Results-Based Lending for Programs (2013), and the Government of Bangladesh's environmental regulation. Based on these insights, the assessment confirms category B for environmental impacts.

3. **Involuntary resettlement.** Involuntary resettlement safeguards were not triggered under the previous project, since all civil works were undertaken within the school premises and did not cause any displacement or adverse impact on livelihoods. It is envisaged that the proposed program also will not incur any involuntary resettlement because infrastructure construction will be small in scale and within school premises. The Primary Education Properties Management Information System (PEPMIS) will continue to be used for infrastructure planning under the program; provides clear confirmation on whether a school's premises allow for the intended

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<sup>1</sup> The ESMF does not provide a list of environmentally sensitive areas.

works. Where additional land is required to extend school facilities beyond existing premises (such as in river-eroded areas), the construction will not be covered by the program but be done as part of discrete projects implemented by the Ministry of Primary and Mass Education (MOPME) under its other budget. The assessment confirms category C for involuntary resettlement.

4. **Small ethnic communities.**<sup>2</sup> The previous project gave special attention to schools in areas with a prevalence of small ethnic communities (SECs), or schools that had large shares of SEC students. The Directorate of Primary Education (DPE) was the implementing agency. Through its district and *upazila* offices, it carried out awareness raising and regular consultations with SECs and other local people, and designed infrastructure to be built in a participatory manner. The proposed program is likely to cause limited social impacts and risks because construction work will take place mainly in existing school premises. The category B rating for SECs is based on the positive impacts that affirmative action is expected to have on SECs. Other incentive schemes not related to infrastructure are also planned, such as free textbooks in mother tongues and special arrangements to appoint teachers from SEC groups in SEC-dominated areas. A separate SEC plan was not prepared because the program contains measures to ensure SEC participation through bottom-up planning. However, a framework for an SEC plan as part of the ESMF was prepared for the previous project and will apply to the proposed program as well. The government and joint financing development partners have agreed on it to ensure that program activities in schools do not have adverse impacts on SECs.

5. The program will bring additional benefits to the communities where the schools are located. The program-initiated infrastructure works and facilities will benefit students and also generate income sources for local communities, e.g., opportunities for employment, for catering food, or for providing transportation. The upgrade of schools will increase land values and may generate demand for accommodation and other facilities such as bookshops and food centers. The program will increase cohesion between different ethnic groups because more students from different parts of the country are likely to enroll.

## B. Safeguard Policy Principles Triggered

6. Upon review of applicable government policies and the SPS, and in light of activities and impacts that may be associated with the proposed support, the assessment finds that the several safeguard principles will be triggered, as shown in the table below.

**Safeguard Policy Principles Triggered**

Principles	Description
<b>Environment</b>	
<b>Principle 1:</b> Use a screening process for each proposed subproject, as soon as possible, to determine the appropriate extent and type of environmental assessment so that adequate studies are undertaken commensurate with the significance of potential environmental impacts and risks.	Any construction activity could cause negative as well as positive environmental impacts to the surrounding environment, the significance of which could vary depending on the ecological setting. A commonly agreed ESMF will guide the DPE, LGED, DPHE, and SMCs. It should incorporate a procedure for environmental screening; preparation of an IEE for category B, and a brief environmental due diligence report for category C, subprojects; EMP; meaningful
<b>Principle 2:</b> Conduct an environmental assessment for each proposed subproject.	
<b>Principle 4:</b> Prepare an EMP that includes the	

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

Principles	Description
mitigation measures, environmental monitoring, capacity development, and reporting requirements.	consultation; and a grievance redress mechanism to handle environment-related complaints.
<b>Principle 5:</b> Carry out meaningful consultation with stakeholders and facilitate their informed participation.	
<b>Principle 7:</b> Implement the EMP and monitor its effectiveness.	
<b>Principle 6:</b> Disclose of draft environmental assessment (including EMP) in a timely manner before project appraisal, and an appropriate public website in a form and language understandable to affected people and other stakeholders. Disclose the final environmental assessment and its updates, if any, to affected people and other stakeholders.	The IEE and EMP provide important guidance to contractors, parents, students, and other stakeholders at the school level. It should be disclosed on the DPE and ADB websites, and provided to the LGED and DPHE for guidance, and to facilitate monitoring. The required environmental assessment will be done in compliance with government rules and regulations and with ADB's SPS (2009). Most school construction is expected to be category C for environment, which will require a simple environmental due diligence report to assess whether any particular measures are required to mitigate environmental impacts such as drainage congestion, surface or ground water pollution, disruption of natural ecosystem, dust and air pollution, noise pollution, occupational health and safety, arsenic and other water contaminants, disaster and extreme climate events (including flood control and others), poor school sanitation and WASH blocks, and poor classroom lighting and ventilation.
<b>Principle 9:</b> 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. Avoid use of hazardous materials that are internationally banned or phased out.	School classroom construction will be determined later, but most will be on existing school premises and/or public land or donated private land. The Bangladesh National Building Code and environmental regulations will provide guidance on site selection and construction facilities. Any activity in critical habitat will be avoided, and no damage to physical and cultural resources shall occur. The continuous use of the PEPMIS will ensure that construction under the program is planned only for existing school premises.
<b>Principle 3:</b> Examine subproject alternatives, design, technology, and components; and their potential environmental and social impacts.	
<b>Principle 8:</b> Do not implement subproject in critical habitats unless there is no measurable adverse impact on critical habitat that could impair its ability to function, there is no reduction in the population on any recognized endangered or critically endangered species, and any lesser impacts are mitigated.	
<b>Principle 11:</b> Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.	
<b>Involuntary Resettlement</b>	
<b>Principle 1:</b> Screen the subproject early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.	No involuntary resettlement impact is envisaged from program activities since the construction of infrastructure will be limited to existing school premises. The criteria to approve the plan for construction of infrastructure include the confirmation that land within school premises is sufficient. In case of involuntary resettlement, the construction of infrastructure will not be approved.
<b>Principle 2:</b> Carry out meaningful consultations with affected persons, host communities, and concerned NGOs.	The SMCs in coordination with the DPEOs and UEOs carry out meaningful consultation with stakeholders, including teachers, on construction of infrastructure. The SMCs should have parents of school children and beneficiaries of program activities among their members.
<b>Principle 3:</b> Improve, or at least restore, the livelihoods of all displaced persons with needed assistance.	There will be no displacement and involuntary resettlement impacts.
<b>Principle 4:</b> Provide physically and economically displaced persons with needed assistance.	There will be no physical or economic displacement.
<b>Principle 5:</b> Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them	No involuntary resettlement impacts.

<b>Principles</b>	<b>Description</b>
with appropriate income sources and legal and affordable access to adequate housing.	
<b>Principle 6:</b> Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.	The impact of program activities is not likely to affect the income and livelihood status of the people entering into negotiated settlement.
<b>Principle 7:</b> Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.	There will be no displacement and no involuntary resettlement.
<b>Principle 8:</b> Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.	There will be no involuntary resettlement, and thus no resettlement plan is required.
<b>Principle 9:</b> Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.	
<b>Principle 10:</b> Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits.	No involuntary resettlement envisaged.
<b>Principle 11:</b> Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.	No involuntary resettlement envisaged.
<b>Principle 12:</b> Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring.	No involuntary resettlement envisaged.
<b>Indigenous Peoples</b>	
<b>Principle 1:</b> Screen early on to determine whether (i) SECs are present in, or have collective attachment to, the project area; and (ii) project impacts on SECs are likely.	The SMCs, DPEOs, and UEOs screen the presence of SECs and propose suitable action and assistance to encourage school enrollment and participation by SEC members. An ESMF, including a framework for the SECP, as practiced for the PEDP3, is being updated for the PEDP4 to guide the screening and planning process.
<b>Principle 2:</b> Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on SECs. Consider options for the affected SECs under their preference in relation to the provision of project benefits and the design of mitigation measures.	The program envisages affirmative action for SECs. The DPEOs, UEOs, and SMCs will include measures and activities for social inclusion of SECs. In addition, reservations for SEC members in staff positions and teacher appointment are in practice.
<b>Principle 3:</b> Undertake meaningful consultations with affected SECs and concerned SEC organizations to solicit their participation.	The social inclusion policies of the Government of Bangladesh incorporate consultation with SECs. The consultations are carried out in the language appropriate to SECs and using social mobilizers or resource persons. Consultations were carried out through NGOs, SEC organizations, and local public or community representatives while designing the program. The consultative process will continue during implementation

Principles	Description
	to ensure that program benefits are accessible to SECs in a culturally appropriate manner.
<b>Principle 4:</b> Ascertain the consent of affected SECs to the following project activities: (i) commercial development of the cultural resources and knowledge of SECs; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, and spiritual uses that define the identity of SECs.	The principle does not apply to the program.
<b>Principle 5:</b> Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected SECs participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources, and that their benefits are equitably shared.	The program will exclude any such activities.
<b>Principle 6:</b> Prepare, with the assistance of qualified and experienced experts, an SECP that is based on the social impact assessment and that draws on indigenous knowledge and participation by the affected SECs.	No negative impact on SECs is expected. The program will lead to positive impacts on SECs through actions to ensure that the benefits are equitably shared by SECs. A separate SECP is not needed because such actions are already integrated into the program scope. Instead, a framework for an SECP as part of the program ESMF was prepared to serve as a guide.
<b>Principle 7.</b> Disclose a draft SECP, including documentation of the consultation process and the results of the social impact assessment, in a timely manner.	The framework for an SECP, as part of the program's ESMF, will be disclosed on the DPE website.
<b>Principle 8.</b> Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that SECs have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.	This principle does not apply to the program.
<b>Principle 9.</b> Monitor implementation of the SECP using qualified and experienced experts; adopt a participatory monitoring approach, wherever feasible; and assess whether the SECP's objective and desired outcome have been achieved.	There is no separate SECP but a framework for SECP as part of the ESMF. However, the program will include reporting on the benefits accrued to vulnerable and disadvantaged communities, including SECs. Progress in SEC activities will be reviewed in the joint review mission by development partners and the government.

ADB = Asian Development Bank; DPE = Directorate of Primary Education; DPEO = district primary education office; DPHE = Department of Public Health Engineering; EMP = environmental management plan; ESMF = environmental and social management framework; IEE = initial environmental examination; LGED = Local Government Engineering Department; PEDP3 = Third Primary Education Development Project; PEDP4 = Fourth Primary Education Development Program; PEPMIS = Primary Education Properties Management Information System; SMC = school management committee; SPS = Safeguard Policy Statement; SEC = small ethnic community; SECP = small ethnic community plan; UEO = *upazila* education office; WASH = water, sanitation, and hygiene.  
Source: ADB. 2009. *Safeguard Policy Statement*. Manila.

## C. Diagnostic Assessment

### 1. Assessment Methodology and Resources

7. The assessment was prepared following ADB's Staff Guidance for Piloting Results-Based Lending for Programs (2013) and is based on findings from (i) a review of national safeguards-related legal provisions and regulatory frameworks; (ii) consultations with central, district, *upazila* officers of DPE, and local stakeholders such as school management committees

(SMCs), teachers, parents, and other stakeholders; (iii) consultations with safeguard specialists of ADB, the World Bank, and other agencies; (iv) consultations with central and local representatives of the infrastructure implementing agencies; (v) joint pre-appraisal of the proposed program; and (vi) lessons and gaps identified in the implementation of safeguards under the previous project.

## 2. Environment

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

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

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

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

reporting. The DPE is also informed by the PEPMIS on the status of school facilities and the presence of any contaminating substance in tube wells.

12. The assessment found that the constrained institutional capacity at the DPE, LGED, DPHE, and in schools poses a risk that screening and categorizing procedures will not be applied consistently. It found a lack of oversight by the DPE headquarters on subproject activities and safeguard compliance during the previous project. Procedurally, the infrastructure implementing agencies did not follow exactly the screening format developed in the ESMF. Moreover, the *upazila* engineers were generally found to be less concerned about safeguards, and the contractors carried out their activities without active supervision. Given that EMPs are currently seldom part of the documents for contracts with local constructors, the probability that contractors follow good safeguard practices is low. And while the PEPMIS mentions whether a tube well contains arsenic or not, no information is given on its concentration or when it was measured.

13. In terms of civil works, proper environmental screening or assessment is lacking in many subprojects. Noise and dust pollution from construction activities are the major environmental risks when building school facilities. Moreover, it was found that construction materials are not properly stored in the school premises, which threatens the safety of schoolchildren as well as that of workers. In terms of water and sanitation, the regular operational monitoring of drinking water quality for the main parameters such as As, Fe, pH, Mn, Fc, and salinity needs to be done by the DPHE, and the water quality database needs to be updated regularly. However, the water quality was tested only during the commissioning of water points, while annual water quality testing was ignored. Tube wells that were screened as safe in terms of As, pH, Fe, Mn, and Fc at an earlier time during installation may have become unsafe, so periodic (at least annual) monitoring is needed. Similarly, WASH blocks installed at an earlier time may deteriorate from lack of periodic maintenance or faulty operations. No blanket annual monitoring of the facilities and water sources had ever been established for those ending the defect liability periods. Coordination between the LGED and DPHE needs to be strengthened, especially when the classrooms and WASH blocks are to be constructed at the same school.

14. To minimize these shortcomings and gaps, the program should support the following mitigation measures:

- (i) Strengthen capacity for applying safeguards at all levels (nationally, in district, and *upazilas*), including providing necessary awareness raising and training on safeguard compliance for contractors, so as to implement the ESMF successfully.
- (ii) Measures are needed to (a) incorporate environmental codes of practices in the tender documents of the contractors, which will make observance of safeguard protocols mandatory for the contractors, as required by the ESMF; (b) have the LGED and DPHE carry out more intensive monitoring of subprojects to ensure the ESMF implementation; and (c) engage the SMCs more regularly to make them aware of hazards related to the program implementation.
- (iii) A needs-based maintenance plan is required for WASH blocks after the defect liability period. It also means providing budget to the SMCs for routine maintenance of WASH blocks and water sources.
- (iv) An environmental management system needs to be established at the DPE as part of the overall program's monitoring and evaluation system.

### 3. Involuntary Resettlement

15. **Policy and legal frameworks.** The key legal instrument for land acquisition in Bangladesh is the Acquisition and Requisition of Immovable Property Ordinance (1982). Its subsequent amendments in 1993, 1994, and 2017 provide the current legal framework for public purposes. The ordinance empowers the government to cover all cases of acquisition and requisition of immovable property (i.e., land, crops, built structures) for any public purpose or in the public interest. This ordinance does not cover project-affected persons without title or ownership records, such as *Uthulies* (informal settlers or squatters or encroachers), or *khas* (land cultivators). Further, in most cases, the compensation paid for the acquired property does not represent the market or replacement value. In the proposed program, all needs-based infrastructure construction is expected to take place within the school premises, as planned through the PEPMIS. There will be no land acquisition for the program through eminent domain.

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

17. **Current practices, gaps identified, and mitigation measures.** In Bangladesh, land owners and government institutions have a long tradition of donating land for public welfare, including schools. Voluntary donation of land usually involves a contribution by individuals to a project that has community benefits. Most of the schools are initially established by the community and later apply for government support to maintain operations. In general, the donations process and agreements are being documented to ensure that the donation was free of coercion and does not lead to impoverishment of the donor. In the previous project, all the needs-based infrastructure was built within the school premises and required no additional land, so it did not trigger any involuntary resettlement. The proposed program also requires no land acquisition nor resettlement, so no negative impact on community people—including women, vulnerable, and ethnic groups—will occur from land use. If additional land is found to be necessary to extend school facilities beyond existing premises (e.g., in areas eroded by a river), this will not be covered under the program, but as part of other projects under the management of MOPME.

18. The proposed program will build vertical or horizontal extensions of school buildings within the boundary of school premises. Special requirements by students and optimum use of resources will be considered in selecting the building site for horizontal extensions. According to the previous project's semiannual social safeguard management reports, the DPE and LGED consulted local communities at all stages of all activities, jointly with the SMCs and other relevant stakeholders. All relevant information (e.g., type of civil works, duration) was displayed publicly on boards in front of schools and construction sites.

19. The criteria for needs-based infrastructure used under the previous project were updated and improved for the proposed program. Predesigned social safeguard screening formats were used in selecting the schools. Although most schools (83%) are in plain land, where the population density is very high, special attention was given to physically challenged areas such as hills (8%), wetlands (4%), and coastal areas (5%). Under the previous project, many schools-

cum-cyclone shelters were built in cyclone-prone areas and schools-cum-flood shelters in flood-prone areas. In these cases, the ground floor of the school is kept open and the classrooms are on the first floor. During normal times, the ground floor is used for various community activities.

20. Under the previous project, the LGED initially also built water points and WASH blocks in primary schools, for better water supply and sanitation, but later these services were fully provided by the DPHE. Since all these facilities were built within the existing school premises and the DPHE follows the same principles as the LGED, it is assumed that all social screenings were also done. The ESMF is being used as a guiding principle to mitigate any social issues that might arise.

21. In all the steps for all the subprojects of the previous project, including planning, design, and implementation, various social safeguard measures were taken to achieve the targeted objective and create positive impacts on the target population, the community, and society as a whole. However, in some locations, a lack of coordination with school authorities and between the LGED and DPHE was observed. Also, a shortage of local staff made it difficult to supervise or monitor the contractors' work.

#### 4. Small Ethnic Communities

22. **Policy and legal frameworks.** Bangladesh does not have a stand-alone safeguard policy on SECs. However, provisions for promoting their cultural practices, tradition, and knowledge are included in various legal plans and program documents. The government provides special privileges to encourage SECs' development and their merging with the mainstream population, such as enrolling SEC students in public educational institutions or recruit SEC members for jobs in the public sector.

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

24. **Current practices, gaps identified, and mitigation measures.** In compliance with the safeguard policies of ADB (SPS 3), the World Bank (OP 4.10), and other development partners, the previous project gave special attention to those schools with a large share of children from SEC families. These schools were in different parts of Bangladesh, such as Chittagong Hill Tracts. The proposed program uses a dedicated database with data disaggregated by SECs and gender. In selecting the schools for needs-based infrastructure development, pre-designed social safeguard screening formats are used to identify schools with large numbers of SEC students and preference is given to those schools that facilitate access for SEC students. It is remarkable that about 18.0% of schools that received infrastructure facilities under the previous project had majority shares of students from SECs, even though only 1.1% of the country's population belongs to SECs. The district councils of all three hill districts constructed hostels adjacent to the school buildings. On top of that, in remote areas like Rowangchari community,

people are taking the initiative to have hostels built through church or other institutions. In these areas, special arrangements are in place to appoint teachers from local SEC groups. For example, Chakma teachers are outnumbered, which is compatible to the dominance of Chakma population among the total SEC population. With special attention, enrollment of SEC children has been increasing gradually and the record of enrollment of SEC students is maintained for evaluation by major SEC groups.

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

26. Although the DPE, through its district and *upazila* offices, carries out regular consultation with local people and designs school-related civil works in a participatory manner, a subproject-level SECP may need to be developed to document and report on the level of impacts on SECs. Awareness raising and community consultations with SECs are carried out regularly, but the documentation on this aspect is weak. A separate SECP was not prepared because the program contains measures to ensure SEC participation through bottom-up planning. However, an SECP framework was prepared for the previous project and will be followed by the proposed program to ensure that program activities in schools have no adverse impact on SECs.

## 5. Grievance Redress Mechanism

27. It is expected that this program will not trigger any involuntary resettlement. However, it provides for a grievance redress committee (GRC), as did the previous project, to manage any grievances on environmental and SEC issues. The DPE will constitute the GRC at the *upazila* level, with membership compositions to ensure impartial hearings and transparent decisions. For GRCs in Chittagong Hill Tracts and other areas heavily populated by SECs, membership decisions will consider any traditional conflict resolution arrangements that are in practice. The GRCs are proposed to have the following membership composition: (i) *upazila* education officer (convener), (ii) union *parishad* member (or ward commissioner) from complainant's ward (member), (iii) head person or leader of the local SEC (member), (iv) representative of a local or national nongovernment organization (member), (v) headmaster of the high school of the complainant's ward or area (member), (vi) headmaster of the primary school of the complainant's ward or area (member), (vii) a college professor nominated by the principal in the *upazila* headquarters (member), and (viii) a representative of the program consultant (member secretary).

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

#### **D. Safeguard Program Actions**

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

30. The DPE will engage a qualified and experienced safeguard specialist who will act as the focal person for leading the coordination and monitoring of safeguard aspects of the program. The safeguard focal person will coordinate with the safeguard personnel appointed by the LGED and DPHE. The DPE will mainstream safeguard requirements for all activities of the program and make critical interventions to facilitate safeguard compliance in all program activities. The safeguard focal person will outline safeguard planning instruments to be followed for all subprojects when applying and approving building permits, and improving existing buildings or building new ones.

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

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

SLIP and *upazila* primary education plan for small-scale maintenance of school facilities such as cleaning WASH blocks will help improve compliance.

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

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