

Draft Program Safeguard Systems Assessment

September 2020

Sri Lanka: Secondary Education Sector Improvement Program

-Education Sector Development Framework and Program

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PROGRAM SAFEGUARD SYSTEMS ASSESSMENT

A. Program Environmental and Social Impacts and Risks

1. This document summarizes the findings of the program safeguard system assessment (PSSA) undertaken for the Secondary Education Sector Improvement Program (SESIP) falling within the Education Sector Development Framework and Program (ESDFP) of the Government of Sri Lanka. The PSSA examined the environmental and social safeguard management and compliance aspects of Government of Sri Lanka and that of the systems in place at the implementing agency—Ministry of Education (MOE) system to ascertain congruence with the safeguard policy principles of the Asian Development Bank (ADB)'s 2009 Safeguard Policy Statement (SPS). The PSSA includes a safeguard gap analysis for the program to take into account its environmental and social management framework (ESMF), which has been prepared and will become part of the program implementation document. The PSSA also examined whether the MOE is capable of managing safeguard risks and promoting sustainable development.

2. Sri Lanka's progress in skilling its workforce has been mixed. It faces a shortage of trained workers in the industrial and service sectors while its young population is not ready for jobs. The unemployment rates among youth (17%) and women (30%) are higher than the national average of 4%. Industry, services, and trade sectors with a high demand for workers complain that the new labor market entrants lacked critical cognitive (literacy and numeracy), non-cognitive, twenty-first century skills (teamwork, communication, and creative thinking), English and computer skills. While modern jobs increasingly require a foundation of science and technology, less than a third of upper secondary students were enrolled in science and technology streams in 2018. Sri Lanka's education system needs urgent reform to face the challenges presented by the changing labor market requirements.

3. SESIP will be implemented from 2020 to 2025. The MOE will be the executing agency. A SESIP steering committee will be established, composed of MOE, National Education Commission, National Institute of Education (NIE), Department of Examinations, Provincial Council, Finance Commission, and provincial education authorities (PEAs) and other key stakeholders. The steering committee will be headed by Secretary of the MOE. A SESIP program unit will be established within MOE to coordinate and monitor the progress in achieving the disbursement-linked indicators (DLIs).

4. SESIP aims to bring transformational change to secondary education and will add value by (i) supporting integrated reforms in curriculum, pedagogy and assessment that will influence the overall education sector; (ii) training teachers with innovative training modalities that will impact on both pre-service and in-service teacher training quality and modalities; (iii) focusing efforts at the school level with dedicated resources to improve learning outcomes of the underperforming, rural school students; and (iv) improving quality to enhance knowledge and skills for employability. SESIP will focus on three main outputs (i) Quality and relevance of secondary science, mathematics, technology and commerce (SMTC) programs enhanced (**Output 1**); (ii) Provincial and school capacity to implement education reforms strengthened (**Output 2**); and (iii) Sector management capacity strengthened (**Output 3**). Output 1 will involve some civil works in which selected science labs will be upgraded to Innovation Labs and Teacher Training Centers to Applied Resource Hubs (ARH). This will involve refurbishment and renovation of existing facilities. New construction is not anticipated under these activities; however, since the exact requirements/specifications are yet to be given by the National Institute for Education (NIE), the program has been categorized as "**B**" for environment as a precautionary measure. Once the

exact civil works scope is identified in Year 1 of the program, the environmental classification should be re-evaluated.

5. According to the PSSA, the environmental impacts of the program will be minor and site specific. Any impact can be mitigated with measure built into the environmental management plans (EMPs) of individual civil works (subprojects) to manage the impacts satisfactorily. In most instances, the scale of the activities are not expected to even warrant EMPs as the civil works will be minimal and limited to refurbishment. Environmentally sensitive locations will be avoided during program activities. The PSSA assigns the categorization of environmental impacts as **category B**. Refurbishment/ renovations under output 1 of SESIP will take place in already existing facilities owned by the implementing agency and shall not involve any acquisition of private land or cause any involuntary resettlement. The PSSA confirms the categorization of resettlement impacts as **category C**. Sri Lanka's indigenous peoples known as "Wedda" community lives in Dambana in Uva province and Ratugala in eastern province. Output 1 will involve refurbishment and renovation of existing facilities. These facilities are located within lands which are not inhabited or used by the Wedda community. Proposed program activities shall not be directly or indirectly targeting the Wedda community. Based on these findings, the PSSA confirms the categorization of impacts on indigenous peoples as **category C**. The confirmation of these initial categorizations will not, however, preclude the screening and categorization of each subproject for such safeguard impacts by using the guidelines and checklists of the program's ESMF.

1. Environmental Impacts and Risks

6. During the renovation and refurbishment activities, the following environmental impacts and risks may arise:

- (i) **Soil Erosion and Water Contamination.**
 - Laboratories and latrines should be located downstream from drinking water sources and away from waterways.
- (ii) **Waste generation.**
 - Refurbishment and renovation work should not increase the risk of blocking the drainage and natural waterways.
 - Waste generated during site clearance should be disposed of in areas approved by the local authorities. Spread of invasive species should be minimized by destroying such plants on site.
 - Some of the sites selected for renovation and refurbishment may include asbestos containing material (ACM). Therefore, all sites selected for renovation and refurbishment shall be first screened (by contractor) for any presence of ACM. If found the contractor shall develop an asbestos management plan consistent with international good practices such as those detailed in IFC's Guidance Notes, WB's Good Practice and as stipulated under the "guidelines for the management of scheduled waste in Sri Lanka" developed under national environmental (protection and quality) regulation No. 1 of 2008.
 - Construction sites shall be cleared daily of any material that can cause injury. Proper waste bins shall be located on construction sites and labor camps. A waste recycling plan shall be prepared by the contractor to reduce the amount of waste.

(iii) **Lack of drainage, soil erosion, sedimentation, and health hazards.**

- Disposal of cleared vegetation and spoil near or on to existing drainage paths shall cause blockages in drainage causing stagnation of storm water. Such stagnant water would be potential sites for breeding of mosquitos. Therefore, care should be taken when disposing such material.
- In order to prevent soil being washed away, materials will be stored to minimize erosion. Silt traps shall be placed where appropriate to minimize sedimentation of nearby waterways.
- No drains or natural waterways will be obstructed in any way during subproject activities.

(iv) **Resource Extraction.**

- Construction material such as sand, soil, metal and rubble shall be sourced from GSMB or Government of Sri Lanka licensed sites. Timber shall be sourced from agencies that have obtained the required licenses. As much as possible timber used should be from renewable forest sources. Construction contracts shall include clauses ensuring that contractors abide by this requirement.

(v) **Transport.**

- Transportation of material shall be covered and shall avoid rush hours.
- Vehicle drivers shall maintain appropriate speeds in order to avoid accidents, especially when driving in school premises.
- Waste that include ACM shall be segregated from other waste and stored, transported and disposed as per guidance given in the "guidelines for the management of scheduled waste in Sri Lanka".

(vi) **Labor camps and labor management.**

- Strict labor supervision should be undertaken of construction workers especially during school hours to minimize interactions with students. Labor awareness programs to educate laborers on codes of conduct shall be introduced.
- National labor laws and International Labour Organization rules shall strictly be enforced on contractors and their employed labor force.
- All employees will be screened and identity cards provided by contractor. Contractor will be responsible for all employees to minimize security risk associated with terrorism.

(vii) **Health and Safety.**

- Safety measures within buildings against fire, lightening etc. shall be implemented.
- Safety regulations shall be followed by contractors to minimize risks. Necessary barriers, warnings, signs demarcating unsafe areas should be followed according to standard construction practices. Safety nets should be used to cover buildings and prevent injury to students and teachers.
- Structures that are to be decommissioned should be done in a manner that does not block waterways and is not a safety risk to students and public. All structures should be removed, and debris recycled or disposed of in sites as authorized by the appropriate local authority. No debris shall be

disposed of in a manner that will block waterways or become potential breeding grounds for waterborne diseases. Any open pits shall be filled. Once cleared, area should be landscaped.

- As per national regulations and ADB policy requirements, asbestos or asbestos cement-based products will not be used for subproject activities.
- All contractors shall develop health and safety (HS) plans for ensuring the worker as well as community health and safety. The HS plans shall include specific measures on containment of an epidemic disease or pandemic such as COVID-19.

(viii) **Noise generation.**

- Noise shall be kept to minimum required standards during school hours in order to prevent any inconvenience. Where possible, usage of noise generating equipment should be kept to a minimum during school hours. Strict labor supervision should be undertaken to reduce noise. Equipment used on site shall be in good serviced condition.

(ix) **Dust generation.**

- Materials such as gravel and soil shall be covered during transport.
- Dust generating surfaces shall be kept dampened and covered against direct sunlight and wind to minimize the emission of dust.
- Dust screens will be utilized if in close proximity to functional areas within school/training centers or residential areas.

(x) **Poor sanitary conditions and potable water.**

- Enough water for sanitation and potable water should be made available for the labor force separately.
- The possibility of overflowing cesspits especially during rains must be managed and put to a minimum.
- The HS plan shall include sufficient and functional sanitation points (e.g. hand washing), restrooms and toilet facilities to increase the sanitary facilities to the workers which help in minimizing spread of many contagious diseases.

(xi) **Lack of adherence to set standard disposal of hazardous waste.**

- Disposal of hazardous materials shall be done in a manner that does not cause harm to surrounding environment and public. Paints, thinners and other material shall be temporarily stored, transported and disposed as per the guidelines provided in the “guidelines for the management of scheduled waste in Sri Lanka”.
- During decommissioning activities, hazardous material shall be identified (i.e. asbestos sheets) and removed to minimize contamination. Disposal of such materials shall be done according to “guidelines for the management of scheduled waste in Sri Lanka”.

7. The short-term civil works related impacts and risks outlined above, can be prevented, or at least mitigated by adopting standard operational procedures and sound construction management practices. Such adoption will require sufficient funds and their proper management. In the event that these impacts are identified as significant, these procedures must be outlined in the environmental and social management plan (ESMP). A sample Environmental Management

Plan (EMP) covering environmental impacts and corresponding mitigation measures is provided in the supplementary linked document (Environmental and Social Management Framework [ESMF]) to assist the formulation of site-specific EMPs.

2. Social Impacts

8. The program will bring distinct and clear benefits to the communities and to the regions in general:

- (i) Local development. The program-initiated physical infrastructure improvement will benefit students and teachers in improving skills and knowledge.
- (ii) Promotion of gender equity. The program will increase the gender balance because it is designed to encourage both male and female students to enroll in science, mathematics, technology and commerce (SMTC). This is guaranteed by the Women's Charter of the Government of Sri Lanka (1993).
- (iii) Regional equity. The program will improve regional equity because it will bring reform to the secondary education to produce more marketable and employable youth in the regions.
- (iv) The only negative impacts identified are the loss of access temporarily to the Science Laboratories and the Teacher Training Centers during the refurbishment period.

B. Safeguard Policy Principles Triggered

9. Based on the Safeguard Policy Statement (2009), safeguard principles for environment, involuntary resettlement, and Indigenous People applicable to the RBL program are presented in the Table 1.

Table 1: Safeguard Policy Principles Triggered

Principles	Description
Environment	
Principle 1. Environmental Screening	Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment.
Principle 2. Environmental Assessment	Conduct an environmental assessment for any sub-projects identified during the screening process as requiring further assessment to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic, and physical cultural resources in the context of the project's area of influence.
Principle 3. Examination of project alternatives	Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the no project alternative.
Principle 4. Environmental Management Plan	Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an ESMP if identified as required during the

Principles	Description
	screening process that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators.
Principle 5. Consultations	Carry out meaningful consultation with affected people and all other stakeholders. Continue consultations during project implementation. However, this will only be applicable to subprojects that require further environmental assessment as identified during the screening process.
Principle 6. Disclosure of Documents	Disclose a draft environmental assessment (including the ESMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.
Principle 7. Implementation and Monitoring of Safeguards	Implement the ESMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.
Principle 9. Pollution Prevention	Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials.
Principle 10. Occupational Safety	Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures.
Involuntary Resettlement	
Principle 1. Screening	Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Though there will be no resettlement or acquisition of land, the initial screening process will be carried out as a precautionary measure.
Indigenous Peoples	
Principle 1. Screening	Screen early on to determine (i) whether IPs are present in, or have collective attachment to, the project area; and (ii) whether project impacts on IPs are likely. Though IP issues are not

Principles	Description
	anticipated, the initial screening process will be carried out as a precautionary measure.

ESMP = environmental and social management plan, IPs = indigenous peoples.

10. A gap analysis distilled from the comparison between environmental safeguard principles of the SPS and environmental regulations of Government of Sri Lanka and the current capacity of MOE is provided in the supplementary linked document—the ESMF.

C. Diagnostic Assessment

1. Assessment Methodology and Resources

11. A safeguards consultant was fielded to carry out a desk review combined with inputs from the ADB resident mission involved in the project completion review of the former results-based lending (RBL) as SESIP builds on Education Sector Development Program (ESDP) and they both took place simultaneously. The PSSA reviewed relevant policy documents, baseline reports, assessments, monitoring and evaluation reports of the Education system. The key documents reviewed are: the ESDFP, the ESMFs of ESDP and the currently ongoing World Bank GEM Project. The review also examined various policies, laws, and regulations related to the environment and social safeguards. Among them are the 1980 National Environmental Act (NEA) and its 1988, 1993, and 2000 amendments; Land Acquisition Act (1950); National Involuntary Resettlement Policy (2001); and the National Compensation Policy (2008) and land acquisition act regulations 2008 and 2013.

12. Consultations with MOE School Works Division, Additional Secretary Planning, Director Planning and Principals of several schools were conducted both by the ADB consultant and as part of the ADB project completion review mission of ESDP. All consulted an understanding of the importance of safeguard policy application in program activities especially since extensive safeguards capacity building was carried out under former ADB RBL (ESDP). The consultations provided a good view of current conditions, constraints and actions being taken by MOE to reach satisfactory safeguard compliance. The consultations generally indicated that although environmental and social safeguard compliance has been recognized as a priority task, with the presence of technical capacity to implement, the implementation to the expected levels is impeded due to the lack of a dedicated environmental and social safeguards officer and allocated support staff. No further extensive consultations were held at this stage as SESIP only anticipates minor impacts if at all related to the environment due to limited civil works to be undertaken. Further consultations will be carried out for any subprojects that are identified to have some impact on the environment during the screening process.

13. Six technology labs¹ and five science labs² built under ESDP (former RBL) were visited. The field visits confirmed most of the findings of the consultations. Some key issues observed and discussed during those visits are (i) lack of fire safety equipment within the buildings; (ii) lack of proper solid waste management mechanism; only one site had a waste management system; (iii) lack of systematic collection of potentially hazardous waste from labs; there is also no proper storage facility for the chemicals in the labs; and (iv) no lab assistants in the provincial level school science laboratories which lead to poor maintenance of the laboratories.

¹ Narandeniya National School Matara, Dutugemunu Maha Vidyalaya Buttala, Peradeniya Maha Vidyalaya Kandy, Al Aksha Muslim College, Mahamaya Balika Vidyalaya Kandy, Dharmasiri Senanayaka Central.

² Dutugemunu Maha Vidyalaya Buttala, Muslim College Mawanella Kandy, Balika Vidyalaya Nugegoda Colombo, Senanayaka Central College Thulhiriya.

2. Environment

14. The National Environmental Act is comprehensive and addresses all relevant aspects of environment protection, environmental sustainability, and enforcement. The act matches the environmental safeguard policy principles of SPS. NEA, its amendments, and sector level legislation that support it have sufficiently transformed into a satisfactory environmental regulatory framework. The composite government environmental clearance process, in principle, is consistent with ADB's environmental assessment process and public disclosure requirements. Environmental assessments (EAs) for development projects that are categorized as "prescribed" projects were made mandatory under the NEA in 1993. The prescription is based on the magnitude and potential for adverse environmental impacts of a proposed project. The central environmental authority (CEA) and project approving agencies (PAAs) have been reviewing and approving EAs for prescribed projects since 1993 and has developed a solid technical expertise and capacity for this task with technical assistance projects from United States Agency for International Development (USAID), the Netherlands, ADB, and the World Bank over the past 2 decades.

15. Because of the exclusion of any significant civil works from SESIP, its renovation or refurbishment activities will become categorized under the local environmental regulatory framework as non-prescribed subprojects activities requiring no further environmental assessment. Any subprojects activities that would get categorized as "prescribed" projects will be excluded under SESIP. However, although local environmental assessment system applicable to SESIP is broadly similar to the environmental assessment procedures outlined in SPS, SESIP will follow ESMF's environmental assessment guidelines for site selection, due diligence, design, consultation, disclosure, and monitoring and evaluation of its subproject activities. This will ensure that SESIP subprojects activities comply with both local and ADB's environmental safeguard requirements.

16. MOE will take responsibility for monitoring SESIP development sub project activities as they will all fall under the "non-prescribed" category under local regulations. ADB will conduct a prior review of a sample of environmental management plans to ensure their compliance with ESMF and then undertake post reviews during routine project monitoring to ensure ESMPs meet the conditions of ESMF, thereby meeting local environmental regulatory requirements and ADB's environmental safeguard policy principles. In the following key areas, Sri Lanka's environmental assessment display some weaknesses and deficiencies for which the following gap-filling measures are adopted from ADB's environmental safeguard policy principles.

17. The NEA and related laws take the primary project area to identify its potential impacts and to prepare a Terms of Reference (TOR) for environmental assessment. ADB's environmental safeguard policy principles take a much wider view of environmental impacts of a project by taking the area of influence of a project as the area to study. The limited scope of environmental assessment required by local regulatory framework needs to be expanded to a subproject's area of influence encompassing (i) primary subproject sites; (ii) related facilities that SESIP develops and/or controls such as access roads, borrow pits and disposal areas; and (iii) associated facilities that are not funded as part of a subproject, but whose viability and existence depend exclusively on the subproject activities and whose goods and services are essential for successful operation of the subproject activities.

18. The local environmental regulatory framework does not prescribe a due diligence or environmental audit to check existing facilities at subproject site(s) to determine whether they

could cause or is causing environmental risks and impacts. ADB's environmental policy requests environmental due diligence or audit in such circumstances. If the subproject activities do not foresee any major expansion except refurbishment of existing buildings and facilities, the due diligence or environmental audit constitutes the environmental assessment for the subproject.

19. Institutions responsible for implementing the mitigation measures and for monitoring their performance will be clearly stated in the ESMP where ESMP monitoring is identified. The program will be implemented from 2020 to 2025. The MOE will be the executing agency. A SESIP steering committee will be established, composed of MOE, National Education Commission, NIE, Department of Examinations, Provincial Council, Finance Commission, and PEAs and other key stakeholders. The steering committee will be headed by the Secretary of the MOE. A SESIP program unit will be established within MOE to coordinate and monitor the progress in achieving the DLIs including safeguards. The Safeguards Actions is currently implemented by the School Works Division of MOE under its Director. The Director has the technical capacity to carry out safeguards with training provided during the former RBL. The division however, does not have a dedicated environmental and social safeguards officer to consistently carry out the required safeguards due diligence, monitoring and reporting. The Director School Works requires staff support to implement the safeguards actions in a satisfactory manner to meet the ADB safeguards requirements. In light of the current COVID 19 pandemics, all required COVID 19 precautions will be adopted. Comprehensive guidelines have been developed by the Government of Sri Lanka and will be followed. ADB guidelines which are similar will also be reviewed and followed at the time of implementation as necessary.

D. Safeguard Program Actions

20. The PSSA shows that national safeguard policy and regulatory frameworks can ensure effective application of environmental safeguards in the formulation and implementation of safeguard planning instruments. However, there is a safeguard planning and implementation risk arising from the current low level of staff capacity at MOE to effectively implement the safeguards requirements effectively and consistently. The program needs to overcome these capacity deficiencies and weaknesses especially as lessons learned from the former RBL.

21. MOE will further strengthen its Safeguards System by appointing an Environmental and Social Safeguards Officer who will also be part of the RBL program management unit (PMU). The Safeguards Officer will work closely with the Director, School Works for form the MOE safeguards Unit. Further, MOE will identify Provincial Level Focal Points (FPs) who will be responsible for safeguards activities at the provincial level overlooked by the MOE Safeguards Unit. It will mainstream safeguard requirements for all activities under the program. The MOE Safeguards Unit will formulate the outlines of safeguard planning and monitoring instruments, which will also be followed by the provincial FPs. Screening for environmental and social safeguard impacts and the formulation of appropriate safeguard planning instruments will be carried out at the Safeguards Unit of MOE, however, if environmental assessments are required (very unlikely under the scope of civil works identified), it will have to be outsourced. The safeguard Unit at MOE will be responsible for quality, implementation, and monitoring. The database at MOE should hold all important safeguard data and they should be easily assessable for planning and monitoring of safeguard compliance.

22. For any environmental category B subprojects, meaningful consultations and interaction between the intuitions and the local/affected community have to be carried out. The planning of remedies and mitigation measures for environmental impacts will include outcome/output of the consultations. Complaint proceedings and the outcome of inquiries are to be recorded and shared

with the grieved parties although this is not anticipated based on ESDP experiences which entailed a much higher scale of civil works.

23. Based on observations made during the field visits to the existing science labs, the need to strengthen operational safeguards of the labs is evident. Therefore under the new RBL, emphasis on ensuring fire safety, waste management and disposal of hazardous material will be made with the renovations and refurbishment activities.

24. Awareness programs and training for those appointed for safeguards work will be the key to effective safeguards implementation at MOE and at the provincial level. The safeguard unit will prepare training programs in consultation with Sri Lanka Resident Mission. Training and capacity building on safeguards will be supported by the Technical Assistance on an intermittent basis as required. As part of the training program, handbooks, checklists, and safeguard plan templates will be prepared in Sinhala and Tamil and distributed among the implementers. These safeguards training programs will however be conducted under a separate ADB technical assistance grant support system.