

# Draft Environmental and Social Management Framework

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September 2020

## Sri Lanka: Secondary Education Sector Improvement Program

-Education Sector Development Framework and Program

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## CURRENCY EQUIVALENTS

(as of 17 August 2020)

Currency unit	–	Sri Lanka Rupee (SLRe/SLRs)
SLRe1.00	=	\$0.0054463
\$1.00	=	SLRs183.61

## ABBREVIATIONS

ADB	–	Asian Development Bank
ARH	–	Applied Resource Hub
CCD	–	Coast Conservation Department
CEA	–	Central Environmental Authority
COP	–	Codes of Practice
DLI	–	disbursement-linked indicator
EIA	–	environmental impact assessment
EPL	–	Environmental Protection License
ESDP	–	Education Sector Development Program
ESMF	–	environmental and social management framework
ESMP	–	environmental and social management plan
IEE	–	initial environmental examination
GRM	–	Grievance Redress Mechanism
GSMB	–	Geological Survey and Mines Bureau
MOE	–	Ministry of Education
NEA	–	National Environmental Act
NIE	–	National Institute for Education
PAA	–	Project Approving Authority
RBL	–	results-based lending
SESIP	–	Secondary Education Sector Improvement Project
SPS	–	Safeguard Policy Statement
STEM	–	Science, Technology, Engineering and Mathematics
TOR	–	terms of reference

## NOTES

- (i) The fiscal year (FY) of the Government of Sri Lanka and its agencies ends on 31 December.
- (ii) In this report, "\$" refers to US dollars.

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## I. INTRODUCTION

1. The environmental and social management framework (ESMF) of the Ministry of Education (MOE) for the Secondary Education Sector Improvement Program (SESIP) will build on Education Sector Development Program (ESDP) by further strengthening the reforms that were put in place and to bring in the transformational change to the secondary educational subsector. SESIP will focus on:

- (i) pilot studies of students' learning outcomes in 2020 and/or 2021 and feed results into development of new curricula and new assessment design;
- (ii) international benchmarking studies of new O/L and A/L exams;
- (iii) instituting a system to monitor appropriateness of training on new assessments, and effective implementation in schools;
- (iv) developing minimum standards for facilities and equipment for functioning innovation labs for science, technology, mathematics, and commerce (STMC) subjects;
- (v) teacher capacity development using one or more of the following modalities/ professional learning communities: (i) school based professional development; (ii) applied resource hubs; (iii) teacher clusters; and (iv) online teacher training;
- (vi) review, design, and implement a system of monetary and/or non-monetary incentives for teachers to work in schools in disadvantaged areas in STMC subjects;
- (vii) developing and implementing a policy to increase intake and/or rationally deploy O level teachers in mathematics and science as required, based on needs assessment;
- (viii) including a budget line under recurrent budget of MOE to implement the small grants scheme to schools; and
- (ix) developing a standardized/common performance-based partnership agreement template including disbursement-linked indicators (DLI)s, specific activities, targets for provinces to submit annual proposals.

2. The ultimate results outcome of SESIP are:

- (i) improved quality to enhance knowledge and skills for employability;
- (ii) reformed curriculum to broaden opportunities;
- (iii) improved teaching and learning environment;
- (iv) improved 21st Century skills of students;
- (v) delegated decision-making to improve system efficiency; and
- (vi) improved pedagogy and assessment system.

3. The above is expected to increase the employability of students studying science, technology, engineering, and mathematics (STEM) and commerce subjects (referred to as STMC) in the secondary schools by embedding an enquiry-based approach to teach 21st century skills throughout the school curriculum. To achieve this outcome, the objective of the program is to improve student learning outcomes (focusing on STEM and Commerce subjects in secondary schools) focusing on underserved rural schools, thereby reducing achievement disparities between students in urban schools and those schools serving rural and other underserved and disadvantaged populations. In line with government policies on education and labor market needs, this agenda is considered critical for reducing the skills-gaps between education and employment and, ultimately, for contributing to the economic growth of the country in attaining upper-middle income status to be implemented over a five year period 2019–2024.

4. The program will be implemented from 2020 to 2025. The MOE will be the executing agency. A SESIP steering committee will be established, comprising 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, MOE. A SESIP program unit will be established within MOE to coordinate and monitor the progress in achieving the DLIs.

## **II. SCOPE OF SAFEGUARDS IN SECONDARY EDUCATION SECTOR IMPROVEMENT PROJECT**

5. SESIP will exclude any activity that would generate any involuntary resettlement impacts or impacts on indigenous peoples, from its subprojects, its focus will primarily be on potential environmental of SESIP. Applicable safeguard policy and regulatory measures to deal with the sub projects will provide guidance on how to avoid or at least, mitigate adverse environmental impacts of SESIP, while ensuring environmental social sustainability. In light of the current COVID 19 pandemic, the current project will be subject to relevant protocols.

6. In terms of physical development, SESIP will entail upgrading and refurbishing existing facilities in schools (upgrading of existing science labs) if needed, based on gap assessment of the 750 schools to be schools supported by SESIP to create “Innovation Laboratories” for students to put their learning and ideas into practice with hands-on tasks and projects based on the concepts from Science, Technology, Mathematics, and Commerce (STMC). Under SESIP, 750 such labs will be made functional. The spaces will offer opportunities for students to integrate knowledge from the STMC curricula and apply them creatively for the solution of problems, using 21st century skills where students will collaborate in teams, across subjects. At the time of preparation of the ESMF, the exact scope of SESIP civil works was not identified as this will be done in Year 1 of the program.

7. Refurbishment and upgradation will also be required for the creation of “Applied Resource Hubs” (ARHs) for the teachers. The 12 Teacher Training Centers have been identified to be upgraded to ARHs. The ARHs would provide initial training of Science, Technology, Mathematics, and Commerce teachers and would provide centers for the ongoing capacity development of these teachers to experience hands-on, inquiry based tasks, and project which they can replicate in the laboratories and “innovation hubs” in their schools. The ARHs would therefore provide physical workspaces in the Teacher Centers in which the capacity development of STMC teachers can take place. The basic set up criteria for the Innovation Centers and ARHs will be developed by NIE in year 1.

8. Though most upgrading of existing structures and refurbishment activities are not expected to trigger the environmental laws and procedures of the Asian Development Bank’s (ADB) environmental policy safeguards or the Government of Sri Lanka’s environmental laws, some building refurbishment and renovation activities may trigger environmental safeguards especially in events that would involve expansions and form of new constructions. Any activity which is likely subproject which likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented, and may affect an area larger than the sites or facilities subject to physical works will be excluded from SESIP.<sup>1</sup>

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<sup>11</sup> The facilities 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



9. SESIP activities will not engage in acquisition of any land permanently or temporarily from a person, household, business establishment, or from a community. Moreover, no SESIP activity will restrict any person's land use or access to legally designated parks or protected areas. No commons, wetlands, or forest lands will be acquired for or used in SESIP's activities. These activities will neither block nor affect persons' assets, access to assets, income sources, or means of livelihoods.

10. In event of any land acquisition, MOE will screen its own land or implementing agency-owned land to ascertain whether the use of such land would cause any involuntary resettlement impacts. In this event, if there are likely to be any adverse impacts on non-titled persons such as squatters, encroachers, and indigenous peoples, or on temporary land users such as sharecroppers, leaseholders, agricultural laborers, vendors, and shepherds, MOE will not use such land for SESIP purposes. Moreover, if MOE or any government agency had already removed such persons from its own land where SESIP activities will take place in anticipation of ADB support, these subprojects will be excluded from the SESIP list of activities unless an alternative is identified.

11. SESIP activities will not have any impact on *Vaddhas* (indigenous peoples) or their culture, human rights, economy, and society or on the land that they own, or on the land that they claim as their ancestral domain to which they have a collective attachment. SESIP activities will not restrict their access to protected areas and use of natural resources. SESIP activities will not physically or economically displace them nor lead to any commercial development of their cultural resources and knowledge.

### III. ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

#### A. The Scope of Environmental and Social Management Framework

12. This ESMF applies only to SESIP. The ESMF for SESIP has been developed with the understanding that the civil works will be minimal, however, since the full scope of the requirements has not yet been defined, the necessary guidelines for environmental and social safeguards Category B as defined by ADB Safeguard Policy Statement 2009 will be adopted. Under the local context, SESIP activities will fall within the non-prescribed category of the National Environmental Act (NEA).

13. The main purpose of the environmental and social management framework (ESMF) is to identify potential environmental and social impacts with regards to any physical interventions that will be undertaken by the Education Sector Development Framework and Program (ESDFP) of the Government of Sri Lanka. The ESMF provides broad guidelines outlining measures, processes, institutional arrangements, procedures, tools, and instruments that need to be adopted by MOE during the implementation of program activities to mitigate any adverse environmental or social impacts.

14. The ESMF outlines both national and ADB standards to be adhered to during the implementation of physical interventions, drawing experience and lessons learned from the implementation of safeguards during ESDP (previous RBL). It outlines due diligence mechanisms

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plan consistent with international good practices 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.

from environmental and social screening to safeguard instrument preparation to management and monitoring of subprojects that may be financed under the government's program. Based on the environmental categorization the subproject will proceed without any further environmental examination, the preparation of a site specific environmental and social management plan (ESMP) or carrying out an initial environmental examination (IEE) inclusive of an ESMP.

15. This ESMF will be the principal document for undertaking environmental and social safeguards for all physical interventions funded under SESIP. While the location, scope and nature of the refurbishment activities were not identified at the preparatory stage the ESMF, the document has been prepared to ensure that proper due diligence on environmental and social aspects are undertaken. It will act as a guide to be used for all program-based activities during implementation when the scope and designs has been identified.

16. The ESMF will be consistent with the relevant Asian Development Bank Safeguard Policies (Safeguard Policy Statement [SPS] 2009 - <https://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>) as well as the Sri Lanka Government's environmental and social legal frame work.

17. Likewise, for social safeguards issues, the ESMF outlines the measures that will be taken to ensure that any adverse impacts arising from land acquisition, will be addressed during project implementation. It outlines the necessary screening for Involuntary Resettlement and Indigenous People.

18. The ESMF will outline the implementing arrangements for environmental and social safeguards implementation, monitoring and reporting. It will also outline any actions required for sustainable implementation of safeguards and also any capacity needs to be strengthened.

## **B. Environmental and Social Safeguard Policy of Secondary Education Sector Improvement Program**

19. The MOE recognizes that refurbishment and renovation required under SESIP may generate some environmental and social impacts to varying degrees depending on the sensitivity of the environment and magnitude of the subproject. As an environmentally informed and socially responsible ministry of the government, MOE is committed to avoid, minimize, or at least to mitigate unavoidable adverse environmental and social impacts of SESIP, if any. By combining national environmental regulatory framework and ADB's Environmental Safeguard Policy Principles, the ESMF of SESIP will guide screening and categorization, consultation, disclosure, establishment of grievance redress mechanisms, formulation of safeguard plans, implementation, monitoring of results, and adequate reporting of monitoring results where required.

20. The ESMF focuses on environmental safeguard compliance of SESIP, and is guided by MOE's commitment to integrate environmental and social responsibilities into SESIP activities in a proactive manner towards sustainable development. To achieve a balance among developmental imperatives, environmental sustainability, and social well-being of its operations, MOE:

- (i) will pay close attention to environmental and social considerations of SESIP, and takes action to avoid, minimize, and mitigate environmental and social adverse impacts and risks, if any of subprojects;
- (ii) is committed to comply with all environmental and social policies, laws, and regulations of the government, and will remain fully responsive to environmental

- and social safeguard policy requirements of ADB and other development partners;  
and
- (iii) the procedures outlined in the ESMF will be applied to all subprojects of SESIP.

### **C. Objectives of Environmental and Social Management Framework**

21. The key objective of ESMF is to assist executing and implementing agencies of SESIP to identify potential environmental and social impacts early in proposed subprojects, and to guide them in subproject level safeguard planning and implementation. It also guides executing and implementing agencies in monitoring safeguard compliance of SESIP which, in turn, will help identify improvements in safeguard compliance of SESIP, and its weaknesses, if any, that need further attention. ESMF will also help raise the performance level of country safeguard systems which is one of the key objectives of the results-based lending (RBL) modality.

22. The ESMF is based on the government's environmental laws, regulations, and environmental assessment procedures found in the National Environmental Act of 1980 (NEA), its amendments of 1988 and 2000, and the Gazette Extraordinary No. 772/22 of 24 June 1999 and No. 1104 of 5 November 1999. These legal instruments provide guidelines and directions on the screening of projects, their categorization into "prescribed" and "non-prescribed" projects, scoping their environmental impacts, formulation of terms of reference (TOR) for environmental assessment, obtaining environmental clearance, and environmental compliance monitoring during project construction and operation phases. ESMF also draws best safeguard practices from the environmental safeguard policy of ADB. ESMF also fills in gaps found in the local environmental safeguard requirements when compared with ADB's environmental safeguard policy principles and best practices. As an RBL program, SESIP has to satisfy applicable safeguard policy principles of ADB, while using local delivery processes and implementing procedures.

23. The ESMF outlines safeguard best practices that will be applied to SESIP:

- (i) Provides a screening and categorizing system to screen potential environmental and involuntary resettlement impacts of SESIP, and its potential impacts on indigenous peoples.
- (ii) Helps identify subprojects with potential and significant adverse environmental impacts in order to exclude them from SESIP.
- (iii) Helps finding whether avoidance or minimization or mitigation of environmental impacts and risks meet ESSP, that is, requirements of environmental laws and regulations of the government, and ADB's ESSP.
- (iv) Creates awareness among MOE and its affiliated institutions, and participating local government agencies about SESIP's safeguards requirements.
- (v) Guide MOE and IAs of SESIP in conducting meaningful consultations with all subproject stakeholders.
- (vi) Guides SESIP personnel in initial screening of subprojects and preparing Environmental and Social Management Plan (ESMPs) and their implementation.
- (vii) Guides SESIP personnel in disclosing environmental information to all stakeholders.
- (viii) Outlines institutional arrangements for implementing safeguard planning instruments, monitoring, and reporting, and for undertaking corrective action plans, if any.
- (ix) Helps enhance institutional capacity for safeguard compliance at MOE, affiliated institutions, and local government agencies, and among SESIP contractors.

#### IV. THE NATIONAL ENVIRONMENTAL POLICY OF SRI LANKA OF 2003<sup>2</sup>

24. The Constitution of Sri Lanka makes it “the duty of every person in Sri Lanka to protect nature and conserve its riches.” The National Environmental Policy (the policy) acknowledges this duty and seeks to provide the direction according to which steps will be taken to conserve and manage Sri Lanka’s environment in all its aspects.

25. The policy renews the commitment of government, in partnership with the people, to effectively to manage the environment for the benefit of present and future generations. The aim of this policy is to ensure sound environmental management within a framework of sustainable development in Sri Lanka. This Policy is supported by many other policies and strategies for other sectors.

26. The policy emphasizes that caring for the environment is the bounden duty of any institution, government, or non-government, and of any individual that uses, or otherwise carries out an activity that has an impact on environmental resources.

27. The policy binds all organizations and individuals who use environmental resources or otherwise have an impact on the resources to exercise due care to avoid environmental degradation. The Implementation of the Policy will pave the way for sustainable development.

28. The **policy objectives** are:

- (i) To promote the sound management of Sri Lanka’s environment in its entirety without compromise, balancing the needs for social and economic development and environmental integrity, to the maximum extent possible while restricting inimical activities.
- (ii) To manage the environment by linking together the activities, interests, and perspectives of all groups, including the people, nongovernment organizations (NGOs), and government at both the central and the local levels.
- (iii) To assure environmental accountability.

29. The **policy principles** are:

- (i) The guiding principles of environmental management will be “polluter pays” and the need to reduce consumption, and recycle and reuse materials to the maximum extent possible.
- (ii) When living natural resources are used, it will be ensured that such use is wise, sustainable, and consistent with the integrity of ecosystems and evolutionary processes.
- (iii) When non-living resources are used, it will be ensured that such use is consistent with environmental best-practice, bearing in mind the need to provide also for future generations.
- (iv) Traditional knowledge and practice will be respected in the development of environmental management systems.

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<sup>2</sup> National Environmental Policy is currently undergoing revision and is expected to be open for public comment towards the end of 2019. Any revisions updates will be required to be incorporated to the environmental and social management framework once gazzeted.

- (v) Effective governance will be ensured through the decentralization of environmental management services to the maximum extent possible.

30. The **policy statements** are:

- (i) Resources such as land, water, air, minerals, and biodiversity will be managed in a manner consistent with the viability of ecological processes.
- (ii) Environmental management will be through participatory, transparent, predictable and accountable decision-making processes at all levels.
- (iii) In addition to protecting the environment from abuse, management systems will consider the need to restore environments damaged in the past.
- (iv) Environmental management systems will be encouraged to be flexible so as to adapt to changing situations and adopt the precautionary principle.
- (v) The economic value of environmental services will be recognized so as to assure the sustainability of such services for the benefit of the people.
- (vi) The state of the environment will continuously be assessed and reported on, through an appropriate institutionalized monitoring framework based on a comprehensive set of indicators
- (vii) The institutional framework for sound environmental management will be strengthened through capacity building, legislative enactments and improved interinstitutional coordination and linkages.
- (viii) “Life cycle” and “cleaner production” principles will be applied to improve the efficiency of natural resource use and to improve environmental quality.

## V. ENVIRONMENTAL REGULATORY FRAMEWORK OF SRI LANKA

31. **Environmental Laws.** The Constitution of Sri Lanka contains several provisions relating to the environment such as Article 18 (“It is the duty of every person of Sri Lanka to protect nature and conserve its riches”) and Article 27 (14) (“The state shall protect, preserve and improve the environment for the benefit of the community”). The 13th Amendment to the Constitution created new institution at the provincial level for environmental protection and management. Each provincial government under this Amendment has legislative and executive powers over environmental matters (Articles 154 (A), 9, 19 and (III) 17). Using such provincial legislative and executive powers, the North Western Provincial Council adopted the North Western Provincial Environmental Authority to supervise and monitor environmental activities in the North Western Province of Sri Lanka. All the relevant Laws are summarized in Annex 1.

## VI. ENVIRONMENTAL ASSESSMENT PROCESS IN SRI LANKA

32. The environmental assessment is primarily concerned with assessing direct and indirect impacts of a project on the biophysical and human environment, and ensuring that these impacts are addressed by appropriate environmental protection and enhancement measures. The environmental assessment system supports project proponents in incorporating environmental considerations in project planning and in determining environmental impacts of their projects.

33. The laws, rules, and procedures for environmental assessment (including IEE, EIA, Environmental Protection License [EPL]s, etc.) of any project are found in the NEA and its implementing regulations. These are executed by the Central Environmental Authority (CEA) except for coastal areas which come under Coast Conservation Department (CCD). These laws, rules and procedures are supported and elaborated by sector specific laws outlined above and their regulations adopted by the ministries and departments.

The NEA of 1980 recommended the adoption of environmental assessment for development projects. The amendment to NEA in 1988, environmental assessment was made mandatory for projects with significant environmental impacts. The types of projects that need EIA are listed in the Gazette Extraordinary No. 772/22 and No. 1104 of 1993. The project approving agencies are listed in Gazette Extraordinary No. 859/14 of 1995 in which ministries with 14 subject areas (e.g., forest, energy, etc.) and eight statutory bodies have been identified. This legislation prescribed 31 categories of projects (“prescribed projects”) that need environmental assessment. These projects irrespective of size if located in the coastal zone will undergo the approval process that is laid down in the Coast Conservation Act. However, projects located totally outside the Coastal zone will be subjected to the approval process laid down in the NEA. All SESIP subprojects expected to be categories as un-prescribed due to minimal civil works associated with refurbishment and renovation. Such activities will not require adoption of EIA/IEE assessment, however, will require an initial screening and preparation of an environmental social management plan under ADB safeguards policy requirements as defined in this ESMF.

34. The EPL process technically commences with a formal application one month prior to the commencement of operation. Unlike the environmental assessment requirement, this license is required of existing industries not anticipated directly under SESIP, however in obtaining materials for renovations and refurbishment under SESIP all-natural resources will be sourced from EPL licensed industries/businesses.

35. The MOE conducts scoping of the proposed activity that involves renovation and/or refurbishment to determine its potential environmental and social impacts. The MOE will carry out a screening and prepare sub activity relevant ESMP for sub-projects as deemed necessary and will be made available in Sinhala, Tamil and English for review and approval.

36. Public disclosure of an ESMP for comments and suggestions is done by MOE. Comment and suggestion from the public will be taken into consideration for the implementation of subproject activities. Public disclosure will be carried out only through the MOE website for comments and complaints and suggestions to submit. The website will indicate the location where hard copies could be examined.

37. The MOE will review the ESMP and incorporate the information, strategies of avoidance and mitigation measures and public grievances, comments and recommendations. A review of an ESMP is guided by the following criteria:

- (i) environmental considerations are integrated into overall project planning;
- (ii) environmental assessment is sound; and
- (iii) proposed environmental mitigation measures are adequate and effective.

38. The MOE will monitor the implementation of ESMP and ensure that the activities meet the standards established through environmental and social safeguards unit at MOE.

## **VII. ADB’S ENVIRONMENTAL SAFEGUARD POLICY PRINCIPLES**

39. As an RBL program, SESIP has to satisfy not only the local environmental laws and regulations, but also the environmental safeguard principles of ADB. The need to comply with ADB’s involuntary resettlement safeguard policy principles and indigenous peoples safeguard policy principles does not arise in SESIP, as its scope does not include activities that could have potential involuntary resettlement impacts or impacts on indigenous peoples.

40. The environmental safeguard policy principles of ADB are embodied in the SPS 2009. It applies to all projects supported by ADB. SPS 2009 aims to (i) help avoid adverse project impacts on the environment and on affected people and communities; (ii) minimize, mitigate and/or compensate for adverse project impacts, if unavoidable; (iii) help borrowers to strengthen their safeguard systems; and (iv) develop their capacity in managing the environmental and social risks.

41. The environmental safeguards policy principles are:

- (i) Use a screening process for each project as early as possible to determine its potential impacts and appropriate environmental assessment.
- (ii) Conduct environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks.
- (iii) Examine alternatives to the project's location, design, technology, and components, and their potential environmental impacts.
- (iv) Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts. Prepare an ESMP to address them.
- (v) Conduct meaningful consultation at the early stage of project preparation that continues during implementation in an atmosphere free of intimidation or coercion, gender inclusive and responsive, and tailored to the needs of disadvantaged or vulnerable groups. Establish a grievance redress mechanism to address complaints and conflict resolution.
- (vi) Disclose draft environmental assessment including the ESMP in a timely manner before project appraisal in an accessible place and in a form understandable to affected persons and other stakeholders. Disclose final environmental assessment and ESMP and their updates to all stakeholders.
- (vii) Implement the ESMP and monitor its effectiveness.
- (viii) Do not implement project activities in areas of critical habitats unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.
- (ix) Apply pollution prevention and control technologies and practices consistent with international good practices.
- (x) Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.
- (xi) Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment.

42. The program is likely to trigger environment safeguard policy principles i, ii, iii, iv, v, vi, vii, ix, and x, and is unlikely to trigger iii, viii, and xi (see Annex 2).

## **VIII. COMPATIBILITY BETWEEN NATIONAL ENVIRONMENTAL POLICY AND REGULATORY FRAMEWORK, AND ENVIRONMENTAL SAFEGUARD PRINCIPLES OF SAFEGUARD POLICY STATEMENT**

43. The level of compatibility between environmental safeguard principles of SPS 2009 and Sri Lanka's environmental policy and regulatory framework is discussed below (Please see Annex 2 for further details).

44. The National Environmental Policy and Statement is comprehensive and addresses all relevant aspects of environment protection, environmental sustainability, and enforcement. The policy matches the environmental safeguard policy principles of SPS 2009. NEA, its amendments, and sector level legislation that support it have sufficiently transformed the Policy into a satisfactory environmental regulatory framework.

45. The composite government environmental clearance process, in principle, is consistent with ADB's environmental assessment process and public disclosure requirements. EIAs 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 CEA and PAAs have been reviewing and approving EIAs 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, the Netherlands, ADB, and the World Bank over the past two decades.

46. Because of the exclusion of any civil works from SESIP, its renovation or refurbishment activities will get 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 2009, 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.

47. Past experience and practicality of environmental assessment for projects under ESDP as well as other local programs have shown relatively minor impacts falling within "non-prescribed" projects under the national environmental regulations. Under SESIP, all projects will be categorized by ESMF checklists and environmental, involuntary resettlement and indigenous people checklists filled (provided in Annex 3).

48. Activities that are categorized as C and falling below \$5,000 (civil works cost) and not involving any new construction or demolition activities will not engage in any further due diligence. All other subprojects above \$5,000 (civil works cost) will be required to prepare ESMPs. Only refurbishment/renovation/expansion activities exceeding \$150,000 (civil works cost) and categorized as B will be required to conduct an IEE. This is presuming that the subproject does not fall within an environmentally sensitive area. All subprojects falling below \$150,000 will be exempt from IEE to minimize the unnecessary financial burden and documentation process which can delay implementation process, however, a detailed ESMP will be mandatory.

49. The MOE will have to 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.

50. 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.

51. As per NEA and its amendments of 1988 and 2000, and regulations, a project proponent provides project-affected persons and other stakeholders an opportunity to express their views, comments, and complaints before finalizing an ESMP. The review process is 21 days for draft ESMP (same time that is provided for an IEE). Stakeholder consultations will be carried out with the immediate stakeholders to strengthen the ESMP and if desired MOE will call for public consultations based on the scope of the refurbishment. Disclosure procedures of the ESMF will involve the displaying the document on the MOE website in all three national languages.

52. The serious consideration of reasonable alternatives is a powerful feature in the environmental assessment process. However, under SESIP, sub project activities, the best alternatives are deliberately avoided, focusing on a predetermined alternative as the best alternative. It is unlikely that the need to consider reasonable alternatives would arise in SESIP subproject activities.

53. The NEA and related laws take the primary project area to identify its potential impacts and to prepare a 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.

54. 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 does 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.

## **IX. ENVIRONMENTAL ASSESSMENT AND APPROVAL PROCESS OF SUBPROJECTS OF SECONDARY EDUCATION SECTOR IMPROVEMENT PROJECT**

### **A. Screening and Categorization of Potential Environmental Impacts**

55. During the identification and screening of subprojects activities, use the screening and categorization system adopted from SPS 2009 (Annex 3) to identify significant potential environmental impacts of subprojects. The impact category is determined by its most environmentally-sensitive component, including direct, indirect, cumulative, and induced impacts

within the project's area of influence. The subproject environmental screening and categorization system for SESIP is given below:

- (i) Category A: The subproject is likely to have significant adverse environmental impacts that are irreversible, diverse, or unprecedented, and may affect an area larger than the sites or facilities subject to physical works. EIA and a comprehensive ESMP are required. (This category of subprojects is excluded from SESIP).
- (ii) Category B: The subproject is likely to have adverse environmental impacts that are less adverse than those of Category A which are site-specific, few, mostly reversible, and in most cases mitigation measures can be designed more readily than in Category A projects. All subprojects are required to have an ESMP unless the civil works activities fall below USD 5,000 (these will stop with the checklists). All projects exceeding USD 150,000 or falling within a sensitive site as identified by ESMF checklists will be required to go for an IEE.
- (iii) Category C: The subproject is likely to have minimal or no adverse environmental impacts. No environmental assessment is required although environmental implications of the subproject need to be reviewed. ESMF safeguards checklists will be required as basic preliminary due diligence.

56. Essentially, SESIP is not expected to engage in extensive civil works. Main civil works will be associated with the renovation and upgrading of the teacher training centers which may require electrical wiring and introduction of new furniture. New construction is not anticipated under SESIP. The exact scope of the required interventions will only be determined during Year 1 of the program based on criteria provided by NIE. Therefore, the environmental classification of SESIP will be re-evaluated once the exact scope of civil works required is identified.

## **B. Consultation and Participation**

57. The MOE and respective provincial focal points will conduct meaningful consultations with project-affected persons and communities. Stakeholders will be informed about the subproject activities prior to its commencement. For this purpose, MOE safeguards cell or the focal points will prepare a consultation plan with project-affected persons and other stakeholders in consultation with the Safeguard Cell at MOE. Their views, comments, and complaints will be entertained and addressed. The proceedings and outcome of such consultations will be recorded. In a report the MOEs or Provincial Councils (PCs) will summarize the manner in which consultations were conducted, key topics discussed, and the decisions arrived at with participants' support. These decisions will be incorporated in ESMPs where substantial civil works is undertaken. Extensive consultation processes will however, not be required in most instances as the nature of anticipated civil works will fall within the minimal due diligence requirement.

58. The MOE or PCs will discuss draft ESMPs with project-affected persons and communities prior to commencement of subproject activities and if necessary, during operations. Periodic consultations and grievance redress mechanisms will be implemented for project-affected persons where, MOE or PCs will involve them in subproject planning, implementation, and monitoring. In the above, grievance redress will be monitored periodically by SESIP.

59. Consultations will be conducted in an atmosphere which is conducive to arrive at decisions which are beneficial to the subproject and project-affected persons. Consultations will be free of coercion and intimidation, and is gender-inclusive and tailored to the needs of disadvantaged and vulnerable groups. Though capacity was built during ESDP, at the moment, the MOE capacity to

carry out all of the above without external support will be difficult. Lack of finances, time allocations and permanent cadre positions make it restrictive though the Director of School Works is currently overseeing the environmental and social safeguards component. Currently, they are looking in to institutionalizing a Safeguards Cell with new cadre creation. Since this is expected to take some time, it is recommended that a Safeguards Officer be recruited under SESIP as part of the Project Management Unit to support the Director, School Works in implementing the necessary safeguards actions.

### **C. Guidelines for the Preparation of Initial Environmental Examinations**

60. The following are the main steps in formulating an IEE for a subproject with potential environmental impacts. The site-specific issues and the significance of such issues would decide the degree of scale and sensitivity and the magnitude of its potential environmental impacts. Any activity listed in the List of Prohibited Activities in Annex 4 will be excluded, as they will not qualify for ADB support.

- (i) An executive summary describes the critical factors, significant findings, and recommendations.
- (ii) A summary of applicable environmental policies, laws, regulations, and ADB's safeguard policy principles that are likely to be triggered by the subproject. (IEE could refer to ESMF without reiterating environmental policy and regulatory framework.)
- (iii) Analysis of alternatives is a key component of an IEE. In SESIP, most of the locations of subprojects are already identified as they will be existing building locations; there may be no need to consider alternative sites. However, alternatives in design, technology and components shall be considered. At a minimum the with and without project alternate shall be considered.
- (iv) Description of the subproject— major components such as refurbishment of existing buildings or the construction of new buildings and facilities.
- (v) IEE will be based on current information including an accurate project description, and appropriate environmental and social baseline data. Desk reviews, discussions with project personnel, and field visits and interviews with people in the subproject area will provide the required data and information.
- (vi) Based on the data and information and findings of field visits, the environmental specialist will identify potential impacts and risks of the subproject on physical, biological, socioeconomic, and physical cultural resources. These will be summarized and presented in the IEE.
- (vii) The potential environmental impacts and risks will be reviewed against requirements of all applicable laws and regulations and ADB's environmental safeguard policy principles. It is helpful if a matrix is prepared as part of IEE to indicate what laws and regulations, and ADB's environmental safeguard policy principles are triggered by the potential environmental impacts of the subproject.
- (viii) A subproject's environmental impacts and risks will be analyzed in the context of the subproject's area of influence. This includes primary project sites and related facilities, associated facilities, and areas and communities potentially affected by cumulative impacts from further planned development of the subproject, and areas and communities that will potentially be affected by impacts of unplanned but predictable developments caused by the subproject. Environmental impacts and risks will also be analyzed for all phases of the project cycle.
- (ix) When a subproject involves existing activities or facilities, an environmental specialist who conducts environmental assessment and formulate the IEE will

perform an environmental audit or due diligence exercise to determine the existence of any areas where the subproject may cause or is causing environmental risks or impacts. If the subproject does not foresee any new major expansion, but only refurbishment of existing buildings and facilities, the audit or the due diligence report constitutes the environmental assessment of the subproject. (See Annex 5 for an outline of an environmental audit/due diligence report).

- (x) The IEE will discuss the consultation process undertaken during project design to consult stakeholders, and to disclose subproject information to all of them. The IEE will summarize comments and concerns received from project-affected persons and others, and how these comments and suggestions have been addressed in project design and mitigation measures by paying special attention to the needs and concerns of vulnerable groups including women and the poor. It will also outline how further consultations with stakeholders will be conducted during subproject implementation.
- (xi) IEE will outline the grievance redress mechanism for each subproject with potential environmental impacts. The mechanism or framework will detail ex-officio members of grievance redress mechanism (GRM), the guidelines for hearing complaints, the process of GRM, timeframe for hearing and decision making, and budget to be determined by SESIP and the onset of each sub project.
- (xii) A detailed ESMP (Annex 6 provides a general ESMP that can be used as a guideline).
- (xiii) A short summary and conclusion drawn from the assessment and provides recommendation.

#### **D. Guidelines for Preparing Environmental Social Management Plan**

61. Having identified the potential environmental impacts of a subproject, the next step is the preparation of appropriate measures to eliminate, mitigate, reduce, or offset those environmental impacts, guided by environmental best practices. This is done through the formulation of an ESMP for the subproject activities. An ESMP provides a link between the impacts predicted and mitigation measures specified to address them. ADB's environmental safeguard policy principles state that a detailed ESMP is essential for Category A and Category B projects, but for Category C subprojects (anticipated to be majority identified under SESIP), a simplified ESMP would suffice. While there are no standard formats for ESMPs, its format should fit the subproject's activities, circumstances, and requirements. ESMPs are to be prepared after considering comments and recommendations from all subproject stakeholders. The type, scale, and magnitude of renovations/refurbishments under SESIP will vary from subproject to subproject. In preparing an ESMP for a subproject, the following key areas will be addressed by EA/IA and monitored by SESIP (See Annex 6 for an ESMP format).

62. An ESMP clearly indicates different phases of a subproject's physical activities. For each phase, it includes proposed mitigation measures against adverse environmental impacts and risks, institutional arrangements to deliver them, capacity development and training measures, implementation schedule, cost estimates, environmental monitoring indicators, and reporting requirements. The ESMP will define expected outcomes as measurable events to the extent possible and will include performance indicators or targets that can be tracked over a defined period of time.

##### **1. Description of mitigation measures**

63. Feasible and cost-effective measures to minimize adverse environmental impacts are specified with reference to each impact identified during environmental assessment. Furthermore, ESMP provides details on the conditions under which the mitigation measure will be implemented. ESMP indicates the type of solution proposed (structural and non-structural) and the phase in which it should become operable (design, construction and/or operational).

## **2. Monitoring program**

64. An environmental performance monitoring program will be a part of the ESMP. It will ensure that the proposed mitigation measures will have the intended results, and comply with national environmental standards and ADB's environmental safeguard policy principles. The monitoring program will have the following components:

- (i) monitoring indicators for evaluating the performance of each mitigation measure;
- (ii) monitoring mechanisms and methodologies;
- (iii) monitoring frequency;
- (iv) monitoring locations;
- (v) safeguard compliance reporting; and
- (vi) budget.

65. The ESMP will also highlight guidelines on the types of information required for monitoring the implementation and effectiveness of mitigation measures, how to obtain them and how to provide feedback on such information. See Annex 7 for monitoring format.

## **3. Institutional arrangements**

66. 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, comprising 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 Secretary, MOE. A SESIP program unit will be established within MOE to coordinate and monitor the progress in achieving the DLIs. An environmental and social safeguards officer who will also be part of the RBL program management unit (PMU) will be appointed as part of the SESIP Program to facilitate the safeguards requirement and to support the existing safeguards unit at MOE headed by the Director School Works Division. Further, MOE will identify Provincial Level Focal Points (PFPs) who will be responsible for safeguards activities at the provincial level overlooked by the MOE Safeguards Unit. 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. The training programs and safeguards capacity building will be supported with intermittent inputs from the technical assistance (TA).

## **4. Implementing schedules**

67. Timing, frequency, and duration of implementing mitigation measures will be linked to the overall implementation schedule of the subproject currently anticipated to be over 7 years.

## **5. Reporting procedures**

68. Feedback mechanisms to inform relevant agencies and institutions on the progress and effectiveness of the mitigation measures will be specified in the ESMP. Based on the information and activities reviewed at site level, the PMU shall develop a combined monitoring report on environmental and social safeguards and submit to ABD for review and disclosure. The reporting frequency shall be on a semi-annual basis.

**6. Cost estimates and sources of fund**

69. Implementation of mitigation measures outlined in the ESMP will involve an initial investment cost as well as recurrent costs. The ESMP should include costs estimates for each mitigating measure and also identify source of funding to be provided by SESIP. SESIP will prepare separate cost estimates for the implementation of safeguards where required.

**7. Other Specifications in Environmental Social Management Plan**

70. To avoid illegal extraction of resources required for civil works required during renovation/refurbishment, ESMPs of subproject activities will include clauses to ensure that sand, clay, and timber are obtained from authorized locations and sources that are licensed by relevant government authorities. All building construction and refurbishment will adhere to current building and other applicable Codes of Practice (COP) in Sri Lanka that cover the following key environmental issues. To inform building contractors and to ensure that they are responsible to adhere to the following COP, issued by the Institute of Construction, Training and Development (ICTAD), the following COPs will be included in the contract documents:

<b>Code of Practice Number</b>	<b>Activity</b>
SCA/3/1	Irrigation and land drainage
SCA/3/2	Water supply, sewerage & storm water drainage
SCA/3/3	Reclamation works
SCA/3/4	Ground water exploration and exploitation
SCA/4	Building works (Vol. I)
SCA/4	Building works (Vol. II)
SCA/8	Electrical and mechanical works

71. Any other standard specification of the government such as collection, storage and disposal of waste that contain ACM, health ministry guidelines and construction industry development authority (CIDA) issued guidelines on health and safety (on COVID-19 containment at construction sites) shall be complied with.

72. In addition, the contractor will address the following issues under the ESMP:

- (i) electromagnetic radiation—issues such as location of telecommunication towers, and consequences of permitting such towers to be built on top of college buildings, buildings near H/T cables etc;
- (ii) handling, transportation, and use of asbestos (Annex 8);
- (iii) noise pollution during construction activities;
- (iv) preservation of culturally significant buildings;
- (v) ecological issues at construction sites;
- (vi) transport and access to construction sites;
- (vii) appearance of buildings and sites (aesthetics);
- (viii) floodwater protection provisions;
- (ix) designing appropriate landscaping;

- (x) energy conservation and efficiency;
- (xi) waste disposal, salvage, re use and recycling of materials;
- (xii) avoidance of hazardous materials;
- (xiii) safety, security, and fire; and
- (xiv) energy efficient lighting options.

73. Subproject activities with refurbishment and renovation contracts, together with Bill of Quantities, under Bill No. 01—Preliminary and General Items, a statement must be included to state that the contractor is bound to implement the approved ESMP of the subproject in full. (See Annex 9 for details). SESIP will be responsible in ensuring this inclusion in the contract documents and making the contractor aware of this requirement prior to awarding the contract.

## **X. ANTICIPATED ENVIRONMENTAL IMPACTS OF SECONDARY EDUCATION SECTOR IMPROVEMENT PROJECT**

74. The refurbishment of science labs in schools, training colleges, teacher training centers, etc. may give rise to the following environmental impacts and risks:

- (i) **Site clearance and preparation.** Under SESIP, new construction is not anticipated, however, in event that there is a need for an extension of an existing building, it may cause degradation of the environment through removal of trees and natural ground cover which may also give rise to erosion.
- (ii) **Soil Erosion and Water Contamination.** Gravel and/or soil brought for any filling purpose, if not properly stored and is exposed to the natural elements can be washed off to nearby streams, paddy lands, rivers and low-lying areas causing sedimentation. Storm water congestion on site can create inconveniences to college activities and construction work. Improper placement of college/university/training laboratories and latrines can cause groundwater contamination to streams and drinking water sources. Also waste water generated during construction and from labor camps also contaminate drinking water sources, if not properly treated.
- (iii) **Waste generation.** Renovation work may generate construction debris which can lead to pollution of adjoining areas, including potentially sensitive sites and residential areas. Various construction waste from construction related activities and labor camps will be generated that can create an inconvenience if not properly managed. In addition, unless waste is not disposed of properly it can become breeding grounds for water borne diseases and increase the vector population in the project area of influence. In certain instances waste generated from refurbishment activities may be of hazardous origin and the lack of appropriate mechanism to disposal such hazardous and toxic waste could lead to the contamination of soil and water resources. Disposal of asbestos roofing sheets can lead to pollution and pose a hazard to handlers.
- (iv) **Lack of drainage, soil erosion, sedimentation, and health hazards.** Gravel, sand, and soil brought into sites for building constructions or resulted from demolitions might, if not properly handled, be washed off to nearby streams, paddy lands, low-lying areas, and wetlands. This can cause sediments blocking natural flows of water and degrading habitats.
- (v) **Resource Extraction:** The refurbishment and renovation work is likely to create a huge demand for construction materials such as sand, clay for bricks and timber which will place a burden on resources. Therefore, there will be impacts related to sand mining and extraction of gravel from burrow pits/quarries. For example sand

- mining in nearby rivers and stream and extraction of gravel from burrow pits and quarries could create adverse environmental impacts on nearby communities.
- (vi) **Transport.** Transportation of material to and from the site will create disturbances during school hours; damage to the school property, can cause injury to children and increase traffic congestion in the area. Open trucks with sand, gravel, and cement could be main sources of such accidents and pollution.
  - (vii) **Labor camp.** In majority of cases the refurbishment and renovation work labor camps will not be established. However in the event that a camp is on school premises, location of camps and workers interactions with students can create negative social impacts. Labor camp employees also need to be monitored to ensure that they stick to the code of conduct under the labor laws of the country. Labor entry into functioning schools and teacher training centers may increase risk of terrorist attacks unless proper screening mechanisms are enforced (this can be revised if state of emergency in the country is removed). Workers may be exposed to COVID-19 disease and without proper management, construction activities may result to the spread of the disease in the worksite.
  - (viii) **Safety.** Safety of workers, school children, teachers and residents will be an issue. Given work will be in schools and teacher training centers, construction sites that are not cordoned off can cause potential safety hazards to students and residents who are too close to the site. Construction workers are exposed to occupational hazards if proper safety procedures are not followed. Some training activities at colleges can cause occupational hazards, especially related to the use of sharp objects, hazardous liquids and compounds, and noise generation equipment. Safety factor within refurbished building will have to be considered as most current facilities are lacking basic fire safety.
  - (ix) **Noise generation.** Refurbishment and renovation of structures cause noise, especially if it involves any demolition work. Loading and transporting of materials will also generate noise. During school teaching hours this may create disturbances to classroom activities and to residents living close to the renovation sites.
  - (x) **Dust generation.** Dust generated during clearing, demolition and renovation work can cause difficulties for students who have respiratory problems, and become a nuisance during school hours. Soil/ gravel kept for long periods without proper cover can generate dust and become an inconvenience during school hours and for surrounding residents. Transportation of materials to site will also generate dust. Decommissioning of existing structures can also create dust that is potentially hazardous.
  - (xi) **Damage to aesthetics of site and/or area.** Refurbishment and extension of college buildings could have some impact on aesthetic and scenic characteristics of colleges and their environs. Anticipated disturbances to current aesthetics will be temporary and limited to construction phase. At the sites, the risk of damage is high, if new structures are not consistent with college architectural customs and design.
  - (xii) **Poor sanitary conditions and potable water.** Inadequate and nonfunctional washing and toilet facilities expose college students, teachers to health risks. A shortage of clean drinking water will result in dehydration. At the refurbishment sites, stressed conditions will be accentuated unless the sites are planned to avoid shortages of clean water supply and provision of alternative sanitary facilities. This will also increase the risk of contracting COVID 19.
  - (xiii) **Lack of adherence to set standard disposal of hazardous waste.** During field visits of ESDPI, a limited number of science laboratories did not meet occupational



health and safety standards and provision of adequate safety equipment. The overall school system laboratories do not have hazardous waste chemical disposal processes. Nationally also there is no planned collection system for hazardous material that is in implementation at the time of preparing this ESMF.

- (xiv) **Lack of maintenance in developed infrastructure.** The lack of adequate funds to maintain colleges and training centers after refurbishment/ renovation leads to their rapid deterioration. Already seen for provincial level science labs under the current context.

## **XI. PROPOSED ENVIRONMENTAL MITIGATORY MEASURES OF SECONDARY EDUCATION SECTOR IMPROVEMENT PROJECT**

75. Mitigation measures below shall be included in ESMP's developed for each refurbishment and renovation site depending on the identified environmental impacts. Although most refurbishment and renovation work will be on existing school premises and it will not require location on new sites, during environmental assessments care must be taken to ensure that selection of sites abide by the following:

- (i) **Site clearance and preparation.**
- Renovations should not be located within conservation areas, protected areas, sanctuary, and forest areas as designated by the Forest and Wildlife Conservation Departments of Sri Lanka.
  - Ensure that renovations are not located on steep slopes, landslide or flood prone areas. If in any event the subprojects are located in such areas, proper retaining walls and strengthening of slopes should be done to minimize risks with guidance from NBRO.
  - Ensure that no renovations are located close to wetland or on reservation of surface water bodies.
  - All stages of site selection and construction should be done in consultation with all stakeholders and with approval from local authorities and government agencies where required.
- (ii) **Soil Erosion and Water Contamination.**
- Laboratories and latrines should be located downstream from drinking water sources and away from waterways.
- (iii) **Waste generation.**
- Refurbishment and renovation work should not increase the risk of blocking the drainage and natural waterways.
  - 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.

- 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.
  - Construction sites shall be cleared on a daily basis 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.
- (iv) **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.
- (v) **Resource Extraction.**
- Construction material such as sand, soil, metal and rubble shall be sourced from GSMB or the 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.
- (vi) **Transport.**
- Transportation of material shall be covered and shall avoid rush hours (school start and end times).
  - 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”.
- (vii) **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 and contractor will be responsible for all employees to minimize security risk associated with terrorism.
- (viii) **Health and Safety.**
- 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 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.
- Contractor should prepare a detailed health and safety plan including those specific to COVID-19 pandemic and organize awareness programs about personal health and safety for workers. This should provide briefing and training on safety precautions, their responsibilities towards safety, etc. It should be ensured that an adequate budget is allocated.
- *In the light of COVID-19, all applicable health and safety measures as imposed by national requirements and advised by the latest WHO guidelines and ADB guidance notes (<https://www.adb.org/sites/default/files/publication/614811/safety-well-being-workers-communities-covid-19.pdf>) should be followed; as much as possible, local labor should be recruited and incoming workers should be tested prior to accessing remote islands; Visit <http://www.cida.gov.lk/newsevents/COVID%20Guidelines.Version.2.26th.May.2020.pdf> for Health and Safety Guidelines for Sri Lankan Construction Sites to be Adopted During COVID-19 Outbreak).*

(ix) **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 the minimum during school hours. Strict labor supervision should be undertaken to reduce noise. Equipment used on site shall be in good serviced condition.

(x) **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.

(xi) **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.

(xii) **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”.

76. The short-term renovation-related impacts and risks and safeguard risks of proposed subprojects, outlined above, can be prevented, or at least mitigated by adopting standard operational procedures and good construction management practices. Such adoption will require sufficient funds and their proper management. However, mitigation measures by no means be limited to the above as they will be subproject dependent.

## XII. SOCIAL SAFEGUARDS

### A. Exclusion of Subprojects with Potential Involuntary Resettlement Impacts

77. SESIP will support the improvement of existing facilities in schools and teacher training centers where required. The subproject-based activities will include extensions and renovations to existing buildings for co-curricular activities, laboratories, and libraries, including provision of sanitation facilities where required. As such, no private land acquisition is generally expected under the project. Refurbishment and renovation are expected to take place only on existing lands of SESIP project-related facilities. However, in the event that minor involuntary resettlement impacts are unavoidable then specific interventions will be necessary as per the SPS 2009. These social impacts will only be known during subproject implementation when site-specific plans are available.

78. To find out whether a subproject activity has potential involuntary resettlement impacts, MOE/PC will have to screen its activities for past, present, and future involuntary resettlement impacts. Under SESIP, the rationale of screening is to exclude any activity that could trigger resettlement impacts. As this exclusion depends on the result of the screening of potential resettlement impacts of each subproject activity, the MOE and PC will have to conduct a due diligence to determine whether or not the subproject would trigger any resettlement impacts.

79. A proposed subproject is assigned to one of the three categories depending on the significance of its potential involuntary resettlement impacts:

- (i) **Category A:** A proposed subproject is classified as category A if it is likely to have significant involuntary resettlement impacts. The involuntary resettlement impacts are considered significant, if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). Subproject activities that fall into this category will be excluded from SESIP).
- (ii) **Category B:** A proposed subproject is classified as category B if it includes involuntary resettlement impacts that are not deemed significant or major. (Subproject activities that fall into this category will be excluded from SESIP).

- (iii) **Category C:** A proposed subproject is classified as category C if it is unlikely to have any involuntary resettlement impacts. Once this status of the subproject is established, no further action is required. (All subprojects funded under SESIP will fall into this category).

## **B. Involuntary Resettlement Due Diligence**

80. The involuntary resettlement due diligence would focus on:

- (i) **Ownership of land that will be used for the subproject.** The MOE or PC land, land owned by another ministry or department, private land, government land, commercial land, and commons and traditional lands. If the subproject activities acquire any private, commercial, commons or traditional land, depending upon the significance of such acquisition, the subproject activities falls into either category A or B. If category A or B, the subproject will not be considered under SESIP.
- (ii) **Types of land tenure.** Titled, leased (short, medium, and long-term), tenanted, customary/communal, non-titled (informal settler, squatter, encroacher), and occupied land with government permission for temporary use. If any of the above types of land tenure is found on existing or new land of the subproject, the subproject has involuntary resettlement impacts and falls into category A or B. As a result, the subproject activity will not be considered under SESIP.
- (iii) **Encumbrances attached to land.** If any encumbrance is found, the MOE should ascertain whether it would trigger involuntary resettlement safeguards. If it does, the subproject will be excluded from SESIP.
- (iv) **Transfer of Government Land.** If new land is required for the subproject activity, the date such land was transferred or will be transferred to MOE need to be noted in the due diligence report.
- (v) **Land obtained in anticipation of Secondary Education Sector Improvement Project.** Did any transfers of government/ministry land take place in anticipation of the subproject? If any such land is found, MOE should ascertain whether such land included any type of land tenure outlined above. If such categories of tenure were affected, the subproject activity will be excluded from SESIP.
- (vi) **Temporary Impacts.** Will refurbishment/construction of the subproject have any temporary impacts on livelihood and sources of income of households or access to legally designated parks and protected areas, and common land? If it does, it will not be considered under SESIP.

81. The screening form for or Involuntary Resettlement is provided in Annex 3.

## **C. Exclusion of subproject activities with impacts on Indigenous People**

82. In Sri Lanka, indigenous peoples are known as *Vaddhas*. They are forest dwelling peoples, who mainly live in the Uva and Eastern Provinces of the island, in scattered, small, remote, and semi-permanent settlements. There are no specific policies or laws pertaining to *Vaddhas* in Sri Lanka. They are considered as citizens of Sri Lanka. They live in or close to forests and away from towns, cities, and villages.

83. No schools with science labs to be upgraded or training colleges coming under MOE is or will be located in the vicinity of *Vaddha* settlements or on land that they claim as their traditional or ancestral land. As a result, SESIPs subproject activities will not impact in anyway on their identity, dignity, human rights, ancestral lands, cultural, and belief systems, sacred places,

indigenous knowledge, and livelihoods. Therefore, the SESIP will not trigger indigenous peoples safeguard policy principles listed in the SPS.

In screening of a subproject to ascertain whether *Vaddhas* are present in its physical area or the physical area of the subproject includes some land that are claimed by them as their ancestral or traditional land, MOE, and the PC of the subproject will use the following screening and categorization system to categorize subproject impacts on them.

- (i) Category A: A proposed subproject is classified as category A if it is likely to have significant impacts on *Vaddhas*. Significance of impacts is determined by assessing (i) the magnitude of subproject's impact on their (a) customary rights of use and access to land and natural resources, (b) socioeconomic conditions, (c) level of cultural and communal integrity, (d) health, education, livelihood, and social security status; (ii) the level of their vulnerability; and (iii) the impacts on the recognition of their indigenous knowledge. (Category A subprojects will be excluded from SESIP).
- (ii) Category B: A subproject is classified as B if it is likely to have limited impacts on the criteria listed above (Category B subprojects will be excluded from SESIP).
- (iii) Category C: A proposed project activities are classified as category C if it is not expected to have impacts on *Vaddhas*. These locations are eligible to be included under SESIP.

84. If screening and categorization of potential impacts of a subproject on indigenous peoples indicate that there are *Vaddhas* in the subproject area, or they have collective attachment to the land where new construction work will take place or the subproject is likely to have any impacts on them, MOE will exclude that subproject activity from SESIP. The IP screening form is provided in Annex 3.

#### **D. Other Considerations**

85. SESIP will take measures to address concerns of equality, including the needs of disabled students/ teachers who will require special assistance. Gender inclusion and equal opportunities will also be practiced under SESIP.

### **XIII. INSTITUTIONAL CAPACITY TO ADDRESS ENVIRONMENTAL SAFEGUARD IMPACTS AND RISKS**

#### **A. National Level: Executing Agency**

86. MOE and provincial council will be the executing agency of SESIP and will be responsible for the overall coordination and implementation. In order to enhance MOE's capacity in coordinating and managing environmental and social safeguards, an Environmental and Social Safeguards Officer will be appointed (from within MOE) to the SESIP Project Management Unit to support the safeguards implementing unit at MOE overlooked by the Director, School Works Division. He/ She will facilitate the safeguards actions under SESIP. Currently, MOE does not have the capacity to implement all safeguards requirements on its own due lack of staff capacity. They are however, currently considering the institutionalization of a Safeguards Cell with new cadre creation. The Environmental and Social Safeguards Officer will carry out the following to support the existing MOE Safeguards Unit under SESIP:

- (i) Provide overall policy and technical direction for environmental safeguards management under the Project (as defined by the environmental and social management framework (ESMF) and the ADB SPS 2009.
- (ii) Carry out required due diligence activities (checklists and preparation of ESMPs for subprojects directly under MOE)
- (iii) Provide technical guidance and ensure environmental analysis and social analysis is carried out for each sub-project activity as soon as conceptual technical design and scope have been defined to relevant officials in the Provinces.
- (iv) Gather information for environmental and social screening of project sites, via site visits, analysis of photographic evidence from sites, maps etc. bi-annually for subprojects directly under MOE and gather relevant documentation from the Provinces.
- (v) Provide technical guidance as per the ESMF to project implementing entities on preparation of site specific Environmental Social Management Plans (ESMPs), Environmental Screening Reports and Due Diligence reports for sub-project activities, as necessary (depending on screening outcome and guidance provided in the ESMF and ESMPs); provide decision and coordination for hiring technical assistance in event IEEs are required and endorsement of these safeguard documents
- (vi) Guide on ensuring consistency of safeguard documents with national environmental regulations; obtain necessary clearances from local environmental regulatory authorities for sub-projects, where necessary.
- (vii) Co-ordinate closely with the Engineers and Technical officers managing project implementation in the project areas at the provincial level; and provide necessary technical assistance to facilitate the implementation, management and monitoring of the ESMPs.
- (viii) Ensure that applicable measures in the ESMP are included in the design, and condition on compliance is included in the bidding documents. Ensure compliance with ESMPs during the refurbishment/ renovation period and maintain close co-ordination with the site engineer of the implementing agency and the environmental focal point of the contractor via collecting samples on a quarterly basis from any physical interventions financed under SESIP.
- (ix) Prepare a summary report on status of physical interventions under SESIP to ADB on the overall environmental performance of the project as part of periodic progress reporting.
- (x) Periodic capacity building/awareness activities on safeguards implementation for the provincial as well as MOE level officers where capacity weaknesses are identified will be supported through the Technical Assistance on an intermittent basis as required.

87. All subprojects under SESIP will be guided on safeguard policy issues and safeguard compliance by the Safeguard Unit at MOE and provincial councils. Currently there is no Solid Safeguard Cell established within MOE and it was the main stumbling block identified for the failure in consistent implementation and monitoring of safeguards under ESDP though the technical knowledge imparted during ESDP is present. During ESDP, environmental and social safeguard was implemented through the SMTSU and was not incorporated in the MOE administrative mechanism since there was no permanent carder allocated within the system. Therefore, the importance of establishing a central Safeguard Cell has been established following discussions with Additional Secretary Planning, Director Planning and Director School Works. At this meeting it was established that the Cell is important for the longer-term implementation of safeguards for the MOE. However, this has to be endorsed by the Secretary MOE for which a

proposal is currently being prepared. The Cell will be located at MOE in Isurupaya, Pelawatte, Battaramulla, Sri Lanka. This Cell will be responsible for all ADB and other donor financed work at MOE in addition to the Government of Sri Lanka's work. As this is still an ongoing discussion, under SESIP, an Environmental and Social Safeguards Officer will be appointed as part of the SESIP Project Management Unit to support to facilitate the due diligence process required under the program.

88. The Safeguards Officer will work closely with the Director School Works of MOE to ensure the due diligence process for the National Level subprojects. They will conduct (i) preparation of checklists, (ii) preparation of ESMP for identified subprojects; (ii) monitoring of safeguard compliance against ESMP; (iii) monitoring and reporting; and (iv) coordination and endorsement of any further environmental and social assessments.

89. The School Works Division will ensure that environmental requirements and ESMP are included in contract documents of subprojects with potential environmental impacts. It will also ensure that contractors will adhere to the implementation and mitigation measures listed in subproject ESMPs.

90. The safeguards officer in consultation with the Director School Works will identify any technical capacity constraints in implementing required due diligence and organize safeguard awareness programs and training sessions for the staff of MOE and its affiliated institutions. This will especially focus on monitoring and reporting on safeguard requirements and safeguard compliance. A key function of the safeguards implementers is to ensure that SESIP will exclude all activities involving involuntary resettlement impact or impact on indigenous peoples and any new construction activities. It will also ensure that SESIP will not include any subproject with significant environmental impacts which would trigger the classification at category A or B for environmental impacts.

## **B. Provincial Level**

91. At the Provincial Level, Environmental and Social Safeguards Focal Points (ESFP) (Head of the Engineering Department), will be appointed. They will be responsible for overseeing any civil works related to renovation activities to ensure that such works are in compliance with safeguard requirements outlined in this ESMF. The official will coordinate with district and provincial CEA offices, and will be the focal in obtaining permits and licenses and other clearance for subproject activities that will trigger environmental impacts if need arises. They will ensure that all new construction activities and refurbishment of innovation labs and ARHs comply with ESMF in a timely and satisfactory manner. The ESFP will be responsible for the carrying out of the required environmental and social due diligence for all provincial level subprojects up to ESMP level with guidance from the Safeguards Officer of the SESIP Project Management Unit and the Director School Works, MOE. The ESFP will further be responsible for the monitoring and reporting requirement for the relevant subprojects.

## **XIV. GRIEVANCE REDRESS MECHANISM**

92. SESIP will adopt a grievance redress mechanism (GRM) that will be transparent, objective, and unbiased and will consider both environmental and social grievances. The GRM will operate at two levels. Initially the procedure would be to resolve an issue quickly, amicably, and transparently out of courts so that subproject activities would move forward. The School Development Committees (SDCs) will act as the first level of responding to grievances that may arise due to school level development activities. The SDCs have representatives from the



schools, and from the local communities. The local community representatives will be impartial third parties in the grievance procedure. For other grievances, not related to schools—they will be directed to the School Works Division of MOE at the national level or to the provincial council focal person at the provincial level. Any grievance at this level shall be responded and resolved within three weeks of forwarding the grievance. If unresolved these will be then directed to the MOE.

93. The next level of the GRM would be more official, and involve the relevant legal agency such as Central Environment Authority (CEA). CEA has officials at district level and complaints related to social issues could be brought to the notice of the legal authorities. A grievance at this level shall be addressed and resolved within six weeks. Grievances will all be entered in a dedicated database, regularly updated with date of receipt of grievance, type of grievance, date of resolution, and information of rejection or acceptance of grievance at the MOE. The GRM will be regularly be monitored, as it provides important feedback on the implementation of the subproject activities. The GRM will be available for review by the MOE and ADB implementation review missions and other interested persons and entities. At the national level, the CEA is the agency which deals with grievances and complaints regarding environmental safeguard compliance. The CEA has district offices, but the district offices often lack resources to carry out safeguard compliance functions. Environmental complaints mainly relate to dust, noise, and water pollution arising from industrial or commercial activities. The CEA has not received any complaint against the MOE during the implementation of ESDP so under SESIP such is not anticipated considering the interventions are of minimal impact.

94. Complaints pertaining to environmental adverse impacts are initially dealt with by district CEA offices with the help of line department and agencies. Delays in completion of hearings are frequently noted. Resorting to the court system for redress is always an option available to a grieved party. A few grievances, in each year, reach the Court of Appeal for arbitration.

95. The GRM is a part of any project supported by ADB. The GRM is a bottom-up multitiered structure starting from the subproject level to the division level and district levels and finally to the national level. The local environmental regulatory framework does not provide for an institutionalized GRM. Complaints are recorded and disposed by district offices and several such complaints are arbitrated by CEA in Colombo.

96. Environmental safeguard principle states that the project authorities will establish a GRM to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance. This requirement applies to SESIP subprojects. The GRM at a subproject level will have to be scaled to the risks and impacts of each subproject. As a subproject will not generate significant and irreversible environmental impacts and risks, the level of the GRM should be commensurate with site-specific environmental issues and the implementation of mitigation measures.

97. A separate GRM at a subproject level will be established and be supported by MOE in cooperation with local government officials, engineers, and the Divisional Secretariat if deemed required based on the scale of the subproject. A GRM Committee will be established which will represent the agencies involved in the subproject and divisional secretariat representative. Safeguard focal person of the subproject will be the secretary to the Committee. Representatives of the project-affected persons will also be members of the Committee. The Committee will give publicity to institutional mechanism. Expenses of Committee meetings will be borne by the MOE. This kind of system will only apply at an IEE/EIA level project and therefore will be unlikely under SESIP. On other occasions, the focal point of subproject activities and the safeguards officer of MOE will maintain close links where mediation mechanisms will be practiced where needed.

Informal meeting will be carried out during the project development and implementation and minutes recorded. The Safeguards Cell at MOE will be responsible for the GRM.

## **XV. CAPACITY BUILDING AND TRAINING FOR SAFEGUARD COMPLIANCE**

98. As a part of the capacity building provided during the implementation of ESDP, training programs were conducted for provincial directors and related staff, school principals, and engineers engaged in MOE civil works at school level in all 9 provinces. The training and awareness were carried out on environmental and social safeguards policies, and how to prepare safeguard planning and monitoring instruments and implement them.

The MOE and PEA currently have sufficient capacity that was developed through SMTSU the ESDP however, under SESIP if any renovation is to be carried out at other institutions such as training colleges, further training on environmental and social safeguards will be required. As such a needs assessment has to be carried out to identify the target group once all activities and confirmed. Further training will only be provided to strengthen existing capacity and to build capacity in new areas. It is acknowledged that with staff turnover new staff who will be involved in the SESIP will need training and awareness. Any safeguards training necessity identified will be carried out through ADB TA grant.

99. During program review missions, ADB will assess environmental compliance of subproject activities and will recommend safeguard strengthening exercises, if required. It will also support the strengthening of the application of environmental safeguard policy principles to subprojects, safeguard compliance, and monitoring of safeguard compliance. The school infrastructure development activities will mainly be the responsibility of the Provincial Councils. Hence, SESIP staff will conduct training programs that will mainly target members of the Provincial Councils. Training programs shall target groups/ persons who are guaranteed to be involved in the refurbishment work, i.e. construction engineers, technical officers and will be conducted by the Environmental and Social safeguards officer that will be assigned. In event that there is new cadre creation for safeguards by MOE, safeguards training will be provided.

## **XVI. MONITORING AND REPORTING**

100. SESIP supported by ADB's RBL program should ensure that environmental safeguard impacts and risks are adequately addressed. Periodic monitoring by MOE of subproject's safeguard compliance, and ADB's assistance in program action plans to address weaknesses will help to enhance country safeguard system's application to SESIP. MOE will develop a mechanism with ADB's assistance to reduce safeguard risks through credible results verification mechanism built into SESIP. The exclusion of category A and B for environmental, involuntary resettlement activities and activities that would impact Indigenous Peoples will result in minimal safeguard risks of subproject activities.

101. In order to ensure that Provincial Councils are able to comply with environmental safeguards requirements, the Safeguards Cell of the MOE will be responsible to review, collect and maintain completed checklists, ESMPs and periodic monitoring reports. The appointed focal person (Head of the Engineering Department) will be responsible for carrying out the safeguard's requirements. The focal person will be responsible for the provision of technical assistance regarding safeguards to any district/divisional/ zonal offices. MOE will directly monitor any other activities under the purview of the MOE at the national level.

102. The MOE and Provincial Councils will be required to ensure that the environmental and social mitigation measures contained in the ESMPs for any identified projects are budgeted for in the overall civil works estimates for renovation and maintenance of school buildings and training facilities. Copies of finalized Social/Environmental checklists, ESMPs and environmental screening for all National school sites that are financed through SESIP will be retained by the Safeguards Cell of the MOE. For school sites financed at the Provincial Level, the originals of checklists and any ESMPs will be retained by the focal person. Copies of the checklists and any ESMPs will be sent to the Safeguards Cell of MOE.

103. The MOE will submit three check lists (environment, involuntary resettlement, indigenous People) and ESMPs for ADB review and clearance, from each of the Provinces and National Level, that will be renovated prior to initiation of the bidding process.

104. The MOE and ADB will have their own safeguard compliance monitoring systems. At the national level, the Safeguard Cell of MOE will develop a safeguard monitoring methodology for SESIP. The MOE and provincial councils will conduct a minimum of two visits to monitor compliance with environmental safeguards per year or at commencement and completion if less than 6 months. During the ADB implementation support missions, compliance will be monitored. Lessons learnt in implementation of ESDP and establishment of PMU/SMTSU which will work with a mainstreamed safeguards Cell within MOE will help to have a better safeguard management framework within MOE. The monitoring methodology will be a contributing component of the ESDP's monitoring and evaluation, and reporting of SESIP activities. The Safeguard Cell will:

- (i) establish and maintain procedures to monitor the progress of implementation of safeguard implementation plans. In SESIP, the key safeguard implementation plan will be ESMP of each subproject activity. Currently ADB Resident Mission Sri Lanka is in the process of developing an online safeguard monitoring mechanism. The SESIP Safeguards Cell will then link into this system so that monitoring will thereby take place through this system which will be accessible to both ADB and the Safeguards Cell. Safeguards Officer will be responsible for this component;
- (ii) verify subprojects activities' compliance with safeguard measures and their progress toward intended outcomes, by the MOE;
- (iii) document and disclose monitoring results and identify necessary corrective and preventive actions in biannual monitoring reports. Submit monitoring reports on safeguard measures, as agreed with ADB (Annex 7); and
- (iv) follow-up on these actions to ensure progress toward the desired outcomes.

105. The monitoring data of each subproject will be fed into the safeguard database maintained at MOE. Such data will be the baseline for verification of results in the sphere of environmental safeguard application, adequacy, and sustainability.

106. A consolidated environmental compliance reports will be submitted to ADB on a biannual basis. Once SESIP links with the ADB Resident Mission Monitoring System, monitoring reports can be generated from the system. Since SESIP includes investment projects of varied scale, monitoring will also have to be at varied scale/frequency. It is thereby recommended that a safeguards committee be established at the project level to enable more frequent joint inspections. During program review missions, ADB will monitor safeguard compliance of selected subprojects of SESIP and work with program authorities to develop action plans, if significant lapses in safeguard compliance are noted.

## **XVII. DISCLOSURE OF SAFEGUARD DOCUMENTS**

107. The ESMF for SESIP will be disclosed to the public and will be made available for public review at MOE, at provincial councils, and subproject offices. Both draft and final ESMF will be uploaded on the websites of ADB, MOE, and provincial council and will be open for comment. The ESMF will be made available in all three national languages—Sinhala, Tamil and English.

108. Subproject specific safeguard planning documents—ESMPs, mitigation plans, and corrective action plans will be disclosed to project-affected persons and other stakeholders and at the Safeguard Cell of MOE, affiliated institutions, and subproject sites where refurbishment work will take place. Environmental safeguard monitoring reports of subprojects too will be disclosed to project-affected persons and other stakeholders, and copies will be made available at subproject offices and MOE. These will also be uploaded on the ADB and MOE websites. In addition, summaries of such reports will be translated into Sinhala or Tamil according to the location of the subproject and made available in a timely manner and in accessible places to inform project-affected persons and others. All such documents will be sent to ADB for review. MOE will submit to ADB the following documents for review and disclosure on ADB's website:

- (i) draft ESMP;
- (ii) final ESMP incorporating any comments, revisions; and
- (iii) corrective action plans, if any, during subproject implementation; and environmental monitoring reports.

## **ANNEX 1: RELEVANT NATIONAL REGULATIONS**

### **Relevant National Regulations**

#### **National Environmental Act No. 47 of 1980 (and its amendments of 1988)**

The NEA provides conservation and development guidelines for natural resources management including water, forest, flora, and fauna in Sri Lanka. The 1988 amendment appointed the Central Environmental Authority (CEA) as the enforcement and implementing agency of the Act. CEA has special powers to assess and monitor critical environmental conservation programs and to advise the government on environmental protection, conservation, management, and development issues.

Types of projects that need mandatory environmental clearance (“prescribed projects”) were made public after the amendments to NEA was approved in 1988. The Act 1988 states that all prescribed projects undertaken by any government department, corporation, statutory board, local authority, company, firm, or an individual will be required to obtain approval under this Act before their implementation. The approval will have to be obtained from the appropriate project approving agencies (PAAs) who are concerned or connected with such prescribed projects. At present, there are 31 such PAAs to deal with review and approval of environmental plans. This unit will also be responsible for monitoring progress.

Subprojects of SSDP could come under the purview of the following sector level Acts according to the specific circumstances. However, screening, scoping, formulation of initial environmental examination (IEE), environmental management plan (ESMP) and procedures for IEE and ESMP disclosure and public comments will be governed by NEA of 1980 and its subsequent amendments of 1988 and 2000, and by environmental regulations.

#### **Coast Conservation Act No. 57 of 1981**

The Coast Conservation Act provides for the preparation of coastal zone management plans, regulates and controls development activities within the coastal zone, formulates and executes schemes of work for coast conservation within the coastal zones of the country. This act becomes relevant to projects located wholly or partly within the coastal zone (the area lying within a limit of three hundred meters landwards of the Mean High Water line and a limit of two kilometers seawards of the Mean Low Water line) must undergo the approval process that is laid down by the CCA irrespective of its size. Therefore, any development work taking place within this zone falls under the jurisdiction of CCD. Section 6 of the Act created a Coast Conservation Advisory Council. It advises on all development activities proposed in the coastal zones, reviews coastal zone management plans, and environmental impact assessments (EIA) of projects that fall within its purview. The current Coastal Zone Management Plan states that the Director of Coast Conservation Department will call for an EIA when such activities may have potential impacts on the coastal zone.

According to the CCA, Director of the CCD has the discretion to request for an EIA/IEE from the project proponent if the initial screening reveals significant impacts in the coastal areas by the project. The process is very much similar to the NEA except that the Director of the CCD reserves the right to request for an EIA/IEE and also to make the final decision.

Any person desiring to engage in a development activity within the Coastal Zone will be required to obtain a permit issued by the Department prior to commencing the activity. Engaging in any

development activity prior to obtaining a permit issued by the Director, and/ or noncompliance with conditions stipulated in the permit are contravention. The CCA specifies penalties for contravention of the provisions of the Act. Penalties may include fines and imprisonment and/or confiscation of equipment and machinery and /or demolishing of unauthorized structures.

### **Pradeshiya Sabha Act No. 15 of 1987**

Section 12 (2) of the Pradeshiya Sabha Act authorizes the appointment of a committee at the divisional level to advice on environmental matters. Section 105 of the Act prohibits polluting water or any streams, while Section 106 refers to pollution caused by industry and related offences. The Pradeshiya Sabha grants permission for construction activities within its jurisdiction. Such construction will have to comply with environmental requirements stipulated with permits. It also ensures that public health issues are efficiently dealt with and solid waste collection and disposal are appropriately done under this Act.

### **Flood Protection Ordinance, Act No. 22 of 1955**

This ordinance provides necessary provisions to acquire land or buildings or part of any land or building for the purpose of flood protection.

### **Soil Conservation Act, No. 25 of 1951**

The Soil Conservation Act provides for the conservation of soil resources, prevention or mitigation of soil erosion, and for the protection of land against damage by floods and droughts. Under the Act, it is possible to declare any area defined as an erodible area and prohibit any physical construction. The following activities are also prohibited under Act:

- (i) weeding of land or other agricultural practices that cause soil erosion;
- (ii) use of land for agriculture purposes within water sources and banks of streams; and
- (iii) exploitation of forests and grassland resources and setting fire in restricted areas.

### **Mines and Minerals Act No. 33 of 1992**

Under this Act, mining falls within the purview of the Geological Survey and Mines Bureau (GSMB). Mining of minerals including sand must be done with a license issued by the GSMB. Mining is not permitted within archaeological reserves or within specified distances from such monuments. New mining licenses are subject to the EIA process, if the type and extent of mining is listed under the EIA regulations. Additionally, GSMB has the power to stipulate conditions including cash deposits and insurance policy for the protection of environment. Regulations made by GSMB under the Act cover a variety of environmental stipulations, criteria and conditions for licensing and operating mines. This also covers the disposal of mine wastes. The Act also deals with the health, safety, and welfare of miners. Mining rights on public and private land are subject to licensing by GSMB, and all minerals wherever situated belonging to the State. The right to mine public land parcels are subjected to the EA procedures.

### **Fauna and Flora Protection Ordinance, Act No. 49 of 1983**

The Act provides for the protection, conservation, and preservation of the fauna and flora of Sri Lanka. Under the Ordinance, five categories of protected areas are established, namely, strict nature reserves, national parks, nature reserves, jungle corridors, and intermediate zones. The Section 9 (a) states that “no person or organization, whether private or state, shall within a distance of 1 mile of the boundary of any national reserve declared by an order issued under

Section 2 of the Ordinance carry out any development activity of any description whatsoever, without obtaining the prior written approval of the Director”. Each application for a development activity has to follow the procedures stipulated under NEA. An application falls within the meaning of Section 9(a) has to be supported by an environmental impact assessment (EIA) or initial environment examination (IEE) according to the significance of environmental impacts.

### **Forest Ordinance, No 17 of 1907 (and amendments)**

The Forest Ordinance of Sri Lanka is the law for conservation, protection and management of forest and forest resources. It regulates tree felling, transport of timber, and other forest related matters. The Forest Ordinance was amended by several Acts - Act 34 of 1951, No. 49 of 1954, Act 13 of 1966, Act 56 of 1979, Act 13 of 1982, and Act 84 of 1988. The Act 23 of 1995 replaced the old Ordinance. Under Section 4 of Act 23 of 1995, the Minister who is in charge of forests can declare any specified area of government land or the whole or any specified part of any reserve forest which has unique ecosystems, genetic resources or a habitat or rare and endemic species of flora, fauna, and microorganisms and of threatened species which need to be preserved in order to achieve an ecological balance in the area by preventing landslides and fire hazards. Under Section 5 of the Act, a Forest Officer has powers to stop any public or private watercourse which goes through a reserved forest. It shall be lawful for the District Secretary to determine the amount of compensation to be paid in case that the water course adversely affects the interests or one or more individuals.

Under Section 6 of the Act, the following activities are prohibited:

- (i) trespassing or permits cattle to trespass;
- (ii) damage by negligence in felling any tree, cutting or dragging any timber;
- (iii) willfully strips off the bark or leaves from, or girdles, lop, taps, burns or otherwise damages any trees; poisons water; mine stone, burns lime or charcoal, or collects any forest produce; and
- (iv) extracts coral or shells or digs or mines for gems or other minerals.

### **National Water Supply and Drainage Board Law of No. 2 of 1974**

The National Water Supply and Drainage Board (NWSDB) is the principle water supply and sanitation agency in Sri Lanka. It was established in January 1975 under the Law No. 2 of 1974. NWSDB develops, provides, operates, and controls water supply and distributes water for public, domestic and industrial purpose.

### **National Policy for Rural Water Supply and Sanitation of 2001**

The National Policy for Rural Water Supply and Sanitation, approved by the cabinet in 2001, has laid down a framework for water supply and sanitation services to the rural sector, which is defined as any Grama Niladhari Division within a Pradeshiya Sabha area except for those in former town council areas. It provides guidelines on the delivery of minimum water requirements to ensure health, and on levels of service in terms of quantity of water, haulage distance, adequacy of the source, equity, quality, flexibility for upgrade, and acceptable safe water supply systems.

The Policy prescribes ventilated, improved pit latrines as basic sanitation facilities and defines other acceptable options that include piped sewer with treatment, septic tanks with soakage pits, water-sealed latrines with disposable pits. For rural water supply and sanitation, the Policy defines the roles and responsibilities of the government, provincial councils, local authorities, community-based organizations (CBO), non-governmental organizations (NGOs), private sector, and

international donors. It also sets the scope of regulations for which the provincial councils and local authorities can enact statutes and by-laws.

### **Prevention of Mosquito Breeding, Act No. 11 of 2007**

This Act was enacted to prevent and eradicate mosquito-borne diseases such as dengue. Under this Act, it shall be the duty of every owner or occupier of any premises to remove and destroy open tins, bottles, boxes, coconut shells, split coconuts, used tires, or any other article or receptacle found in such premises, and to maintain water wells in such premises to prevent breeding of mosquitoes. People are also bound to ESMP any artificial pond or pools at least once in a week. Shrubs, undergrowth, and all other types of vegetation other than ornamental vegetation and food plants are to be removed.

### **The Urban Development Authority, Law, No 41 of 1978**

The Urban Development Authority (UDA) promotes integrated planning and implementation of social, economic and physical development of areas which are declared as urban development areas under the UDA Act. UDA provides technical support to local councils who require assistance in developing plans. It has the authority to develop plans when local authorities fail to do. The UDA monitors urban areas, including 1 km. inland from the coasts in all areas of the coastal zone, and develops land use policies for designated development areas.

### **Municipal Council Ordinances and Acts – Urban Council Ordinance 61 of 1939, Act 29 of 1947, Act 18 of 1979, and Act 13 of 1979**

The Municipal Councils and Urban Councils share with Pradeshiya Sabhas powers regarding the approval of buildings plans, control of solid waste disposal, sewerage and other public utilities. Under these laws, new constructions and modifications to current buildings require approval of Municipal or Urban Council or Pradeshiya Sabha. Municipal and Urban councils follow planning and building guidelines of UDA.

### **Sri Lanka Land reclamation and development cooperation Act No. 15 of 1968, Act No. 52 of 1982, Act, Act No. 35 of 2006**

This act provides powers to establish Sri Lanka Land Reclamation and Development Corporation. It is responsible for the reclamation and development of low-lying marshy areas while recognizing the need to have adequate retention areas for flood waters. It has powers to undertake construction work and consultancy assignments in the field of engineering; and for matters connected with wetland management. The Corporation also undertakes reclamation and development of lands on a commercial basis to solve the problem of the lack of developed lands essential for development programs.

As per the recent amendment to the act, by act no. 35 of 2006 the corporation will be empowered to take legal action against unauthorized reclamation activities and pollution of inland water bodies as well.

### **National Heritage Wilderness Areas Act (No. 3 of 1988)**

This act declares a National Heritage Wilderness Areas while it protects and preserves such areas and its resources. Focuses on declaring and protecting wilderness areas.



### **Irrigation ordinance**

Deals with environment aspect of water and land uses in irrigation agriculture. It is enforced by the Irrigation department.

### **Water Resources Board Act No. 29 of 1964, Amendment No.42 of 1999**

Control, regulation, and development (including conservation and utilization) of water resources; prevention of pollution of rivers, streams, and other water resources; formulation of national policies relating to control and use of water resources.

### **The Land Acquisition Act No. 9 of 1950**

The acquisition of land for public purposes is guided by the provisions and procedures outlined in the Land Acquisition Act No. 9 of 1950 (LAA) and its subsequent amendments. The Act provides a framework for land acquisition and guarantees that no one can be deprived of land except under the provisions of the LAA, and it entitles Affected Persons (APs) to a hearing before acquisition. The acquisition of land for public purposes is a time-consuming process and can take anywhere between a few months to about 2-3 years to complete. The main features like the minimum time period for the tasks, and the procedures involved in acquiring land for public purposes are set out in Annex 2.1. The Act discourages unnecessary acquisition and lands that have been acquired for one purpose cannot be used for a different purpose and lands that remain unused have to be returned to the original owners.

### **The Land Acquisition Regulations of 2008**

Several progressive provisions have been made to modify the LAA. The 2008 Regulations, issued under Section 63 (2) (f) of LAA 1950, were passed in Parliament on March 17, 2009 and were made effective by Government Gazette No. 1596/12 of April 7, 2009. They provide revised guidelines for the statutory payment of compensation that go beyond the depreciated value of a land or structure and consider the principle of current market value, and provide for payment of compensation for injurious affection<sup>1</sup> and severance, equivalent to the full cost of the damage, based on the market value of the land to be acquired. They were designed to incorporate the concept of replacement cost in the valuation of land and other assets. The regulations require compensation for land to be paid at market rates, along with the cost of reconstruction for houses and other structures, without taking into account depreciation of the buildings. The 2008 Regulations also provide for the valuation and compensation of the whole plot of land when determining the proportional cost of the affected land parcel, and include provision to compensate for loss of business income, as well as relocation assistance and other benefits.

The 2008 Regulations provides for affected persons to be entitled for a hearing before their land is acquired. However, the level of compensation can only be determined by the Valuation Department. The Regulations stipulate minimum time periods for specific tasks, elements and the procedures for land acquisition.

### **The Land Development Ordinance No. 19 of 1935**

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<sup>1</sup> This is the adverse effect to the value of the remaining land due to acquiring a part of the land. The value may not always be on a monetary value but also on the basis of usefulness to the owner.

This ordinance deals with the systematic development and alienation of Crown Land of Ceylon and comprises 12 chapters.

Chapter 7 of the Land Development Ordinance (LDO) sets out the procedure for cancellation of a right to state land given on permit or grant due to non-compliance of the conditions of permit. Section 106 gives notice to the permit holder where there has been a breach of the condition of permit. If a person fails to appear before the inquiring officer, provision is made under Section 109 to cancel the permit. Section 110 lays down the procedure where the permit holder appears and shows cause for the failure to develop the land as per provision of the permit given to him. Section 112 prescribes the order of Government Agent to be served on the permit holder and to be posted on land. Section 113 provides for an appeal to the Land Commissioner against the order of the Government Agent.

### **The State Lands Act No. 13 of 1949**

This Act provides for the grant and disposition of state lands in Sri Lanka; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the aforesaid matters.

### **The State Lands (Recovery of Possession) Act No. 7 of 1979**

The provisions for the recovery of possession of State lands from persons in unauthorized possession or occupation thereof are contained in the State Lands (Recovery of Possession) Act No. 7 of 1979. Furthermore, Section 10 stipulates that no appeal is maintainable against an order of eviction by a Magistrate. Section 13 provides for reasonable compensation for damages sustained by reason of the affected person having been compelled to deliver up possession of such land.

### **The Crown Lands Ordinance**

The ordinance makes provision for the grant and disposition of Crown lands in the country; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid.

### **Prescription Ordinance No. 22 of 1971**

This is an Ordinance that confers rights on people who have had unencumbered possession of private lands for over 10 years. Section 15 of the Prescription Ordinance states that nothing herein contained shall affect the rights of the Crown (State). Thus prescription does not run against the State. Prescription Ordinance No 22 of 1971 made express provision with respect to the means by which a person may acquire the ownership of a block of land through the peaceable and uninterrupted possession of it for a period of ten years. Section 3 of the Ordinance provides as follows: "Proof of the undisturbed and uninterrupted possession by a defendant in any action, or by those under whom he claims, of lands or immovable property, by a title adverse to or independent of that of the claimant or plaintiff for ten years previous to the bringing of such action, shall entitle the defendant to a decree in his favor with costs."

### **Land Settlement Ordinance No 20 of 1931 and subsequent amendments**

Developed after Crown Lands Ordinance No. 12 of 1840, this act allows members of the public to put forth claims to land (by showing a legal document such as a title deed). Any unoccupied lands or cultivated lands which were not claimed by the public were published by the Land Settlement Officer, and if no claim to such land or to any share of or interest in such land is made to him within a period of three months from a date to be specified in the notice, the land was declared as state/ crown land under this act. If no claim is made within a period of three months from the date specified in any settlement notice to any land specified therein or to any share of or interest in any such land, the Settlement Officer shall make a declaration in writing, that such land to which or to any share of or interest in which no claim has been made is the property of the State. Provided that if at any time within the said period of three months that any person has a claim to any such land or to any share of or interest in any such land and that such person is then absent from Sri Lanka and was so absent at the date of the first publication in the Gazette of the notice aforesaid, the Settlement Officer shall not make a declaration that such land is the property of the State until after the expiry of a further period of six months commencing from the day on which the said period of three months expired.

### **Land Commissioner General's Circular 2014/02**

The Land Commissioner issued instructions to the Divisional Secretaries, Deputy Land Commissioners and Assistant Land Commissioners by Circular No. 2013/01 dated 31 January 2013 to solve the problem of loss or damaged documents experienced by people due to the conflict. However, in the implementation process several complications arose. Further instructions were issued by Circular No. 2014/02, dated 23 January 2014, which provides clarification to help officers settle the issues encountered.

### **Temple and Devalagam Act**

This Act deals with lands donated to the temples and Devala (Places of religious significance) by rulers under a deed of dedication or 'Sannasa' (Order) for the maintenance of such institutions. The rights of the custodian of temples and Devala for the receipt of compensation in the event of land acquisition for public purposes are spelt out in this Act in addition to the other provisions

### **Estates (Control of Transfer and Acquisition) Act (No. 2 of 1972)**

Under this Act, the government can acquire and transfer ownership of estate land under the prudence of the Minister if deemed necessary to be in the national interest. Whether such estate is or is not an estate in respect of which an application has been made under section 3, he may by Order (hereinafter referred to as a "vesting Order ") published in the Gazette, vest such estate in the Crown with effect from such date as shall be specified in the Order. The amount of compensation to be paid under this Act in respect of any estate vested on any date in the Crown shall be such sum as in the opinion of the Chief Valuer constitutes the reasonable value of such estate as on such date. The Chief Valuer shall, before making his determination of the compensation payable in respect of any estate vested in the Crown, give the person from whom that estate was acquired as well as the Permanent Secretary, an opportunity to adduce before such Valuer, by himself or by a representative authorized by him in that behalf, evidence with regard to the value of that estate.

### **National Involuntary Resettlement Policy 2001**

The National Involuntary Resettlement Policy (NIRP 2001) set out in Annex 2.2, was approved by Cabinet to address the shortcomings of the LAA and is designed to treat affected people in a

fairer and more equitable manner. It calls for a protective framework for people displaced by development projects, to ensure that their rights are respected and that they are not impoverished or do not suffer unduly as a result of public or private project implementation. Under the NIRP, displaced people are assured of a living standard comparable to that at the time of displacement. The main principles or features of NIRP include the minimization and mitigation of negative impacts. This means steps must be taken to avoid involuntary resettlement by reviewing alternatives to the project. NIRP guarantees that affected persons are adequately compensated in a timely manner. Compensation is based on full replacement value, including transaction costs, and is calculated to include loss of land, and loss of structures and other assets, and income. Compensation is not limited to persons that have documentary evidence of their rights to land. The policy provides for the authorities to re-establish the livelihoods and income of affected persons and to include them in the design and implementation of the relocation and resettlement process.

The policy provides guidelines for resettlement plans of varying levels of detail, depending on the numbers of people being displaced. The plans have to be published and made available to the public. A comprehensive resettlement plan is prepared for any project requiring the displacement of 20 or more families. If the number of families affected is less than 20, a RP with less detail can be prepared. The NIRP provides for affected persons to be fully involved in the selection of relocation sites and to be stakeholders in the development and implementation of the resettlement plan.

The Policy is intended to guarantee that: (i) project affected persons are adequately compensated, relocated and rehabilitated; (ii) delays in project implementation and cost overruns are reduced; and (iii) better community relations are restored. It aims at ensuring that people affected by development projects are treated in a fair and equitable manner and are not impoverished in the process. The Policy also enables a framework for project planning and implementation that is comparable with international best practices in involuntary resettlement. The responsibility for reviewing and approving the resettlement plans is vested with the Ministry of Lands.

NIRP has yet to be formally incorporated into law, and implementing agencies are not under obligation to apply the principles enshrined in NIRP. Therefore, affected persons cannot rely on NIRP principles as a matter of right if their land is acquired. Full compliance would require the government to amend the existing laws. However, NIRP is official and workable, and is capable of offering effective solutions to the ethical and practical dilemmas involved in land acquisition and involuntary resettlement.

### **National Policy for the Payment of Compensation**

In November 2008, the Cabinet of Ministers approved a national policy to establish a uniform system of compensation payment, which at that time was carried out under different Land Acquisition and Resettlement Committees (LARC) systems. It superseded all other ad hoc and special compensation packages that existed on the date of the Cabinet approval of the policy. However, projects that had already introduced such schemes, and that had published Section 2 under the LAA before 1st September 2008, were allowed continue with the existing packages. Under this policy, parties that were dissatisfied with LARC decisions were permitted to appeal to a Review Board of Compensation.

**ANNEX 2: ASSESSMENT OF MOE SAFEGUARD SYSTEM WITH ENVIRONMENTAL SAFEGUARD POLICY PRINCIPLES OF ADB**

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between Local System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment	Yes	The NEA of 1980, its 1988 amendment and Gazette Extraordinary No. 772/22 and No. 11064 of 1993 provide for screening of each proposed project by a project proponents. As in case of SPS screening criteria, NEA screening guidelines use the type, scale, and magnitude of the proposed project as well as its location in determining the category—prescribed or non-prescribed. Thus, SPS 2009 environmental safeguard policy principle is congruent with that of Sri Lanka's screening process which is applicable to SSDP.	The CEA and PAAs have done this satisfactorily over the past 20 years. The capacity in screening and categorization is present and adequate.
2. Conduct an environmental assessment for each proposed project 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.	Yes	PAA provides the TOR for environmental assessment. PAA guide project proponents to select qualified experts to do necessary fieldwork and consultations. MOE will limit its activities to renovation and refurbishment under SESIP. This will not require in depth environmental assessment but for some activities an ESMP will be required.	MOE does not have required environmental safeguard expertise. Through hiring qualified specialists to Safeguard Cell and outsourcing the conduct of environmental assessment to competent agencies or persons, this weakness could be overcome. The anticipated adverse environmental impacts of SESIP are not significant and are limited.
3. Examine alternatives to the project's location, design, technology, components, and their potential environmental and social impacts and document the rationale for selecting the particular alternative proposed. Also consider the "no project" alternative.	No	Not applicable to the Program's refurbishment activities as it will have all construction works at current sites. New locations are not anticipated under SESIP.	See above.

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between Local System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
4. Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an ESMP 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.	Partially yes	See note on Principle 1 above. Each subproject with some environmental impacts will require an ESMP. The environmental regulatory framework provides limited directions on the actual formation of ESMP when compared with ADB's safeguard requirements. The Program's ESMF will provide sufficient and comprehensive guidance in this regard. Under SESIP, a format of an ESMP is provided and listed in the ESMF (Annex 6).	During review of ESDP I safeguard activities, due to the lack of monitoring and reporting it is difficult to judge the effectiveness. The main areas where mitigation will need to pay attention under SESIP activities include hazardous waste management, and health and safety measures during construction. Management of mitigation measures need to be addressed during the planning phase and during supervision of works. It is important that a budget be allocated for monitoring and implementation of ESMP. A mechanism to stimulate effective monitoring and reporting at MOE is currently lacking.
5. Carry out meaningful consultation with affected people and all other stakeholders. Continue consultations during project implementation.	Yes but at a minimal level	The environmental regulatory framework provides limited opportunity for consultation with affected persons and other stakeholders although consultations are part of IEE/EIA formulation and approval under NEA. It is limited to presenting comments, complaints, and recommendation at the IEE review phase. 21 days are given for such public response in case of an IEE. However, under SESIP, IEE process will be unlikely with the limited scope of civil works. However, safety clause for the requirement of an ESMP for large scale renovations will involve ESMP in some instances. This will only involve consultations with the affected persons.	The Safeguards Cell is the institutional vehicle to ensure consultation with all stakeholders at MOE and/ or at its affiliated institutions or colleges. However, this component remains weak. This needs development as part of capacity development along with allocation of adequate funds. This should be monitored and implemented by the Safeguard Cell.

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between Local System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
6. 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.	Partially yes	Environmental regulatory framework directs PAA to disclose draft EIA/IEE to the public and to seek their views, comments and recommendations. Under SESIP only the ESMP will be disclosed.	Safeguards Cell has to ensure that proper consultations are carried out at the beginning and thereafter with affected people. All documents should be made available in a publicly accessible location and affected people should be informed.
7. Implement the ESMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.	Yes	Limited scope in the local regulatory framework to monitor the implementation of actions in EIA/IEE and the formulation of corrective actions, if required. The ESMF has elaborated these requirements and provide guidance on this aspect.	ESMPs are currently seldom parts of the contract documents in the building permit process. Hence, the probability that contractors follow good safeguard practices is low. Training and capacity building is needed in the implementation of the ESMP.
8. Do not implement project activities in areas of critical habitats. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. Use a precautionary approach to the use, development, and management of renewable natural resources.	No	The regulatory framework provides for the protection of critical habitats and environmentally sensitive areas.  In the case of SESIP, new sites will not be considered. Projects in environmentally sensitive areas will fall into EIA category of "prescribed" projects under NEA 1980 which are completely excluded under SESIP.	Not applicable to SESIP

ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between Local System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
<p>9. Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank'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. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>	Yes	<p>NEA provides sufficient instructions in this regard. Environmental regulatory framework generally meets the World Bank's Environmental, Health and Safety Guidelines.</p> <p>ESMF will have elaborated them further (refer Annex 10 for WB EHS standards).</p>	<p>Safeguards Cell to ensure application for relevant environmental approvals and licenses early on in the development cycle.</p>
<p>10. Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that ESMP employ qualified and experienced experts during environmental assessment. Provide for</p>	No	<p>The environmental regulatory framework provides for the conservation of physical cultural resources and to protect such resources.</p> <p>Not applicable to refurbishment of existing buildings under SESIP. No development will be planned in a sensitive or "unexplored" area.</p>	<p>Not applicable to SESIP</p>



ADB Policy Principle	Triggered by the Program	Gap Analysis	
		Congruence Between Local System and SPS Environmental Safeguard Requirements	Assessment of Implementation Capacity
the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.			
11. Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures.	Yes	The local laws and procedures cover these sufficiently.	The implementation is poor due to lack of proper training, financial resources, and control by ICTAD. This is often beyond the capacity of the Safeguards Cell unless they are in a position to select the higher grade contractors at a higher cost. Reasonable provisions should be provided in the BID and general conditions of safeguard requirements should be included in the contract (see Appendix 8).

ADB = Asian Development Bank, CEA = Central Environmental Authority, EIA = environmental impact assessment, ESMP = Environmental Management Plan, IEE = initial environmental examination, MOE = Ministry of Education, NEA = National Environmental Act, PAA = project approving agencies, SPS = social safeguard policy, ESDP = Education Sector Development Program, TOR = terms of reference.

Source: Asian Development Bank.

## ANNEX 3: ENVIRONMENTAL, INVOLUNTARY RESETTLEMENT, AND INDIGENOUS PEOPLES CHECKLISTS

### ENVIRONMENT CATEGORIZATION

Date: \_\_\_\_\_

<p><b>A. Instructions</b></p> <p>(i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO). OMF1/OP on <i>Safeguard Review Procedures</i> (paras. 4-7) provides the requirements on environment categorization.</p> <p>(ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.</p> <p>(iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.</p>					
<p><b>B. Project Data</b></p> <p>Country/Project No./Project Title _____                  : _____                  : _____                  Department/ Division _____                  Processing Stage _____                  Modality _____</p> <p> <input type="checkbox"/> Project Loan      <input type="checkbox"/> Program Loan      <input type="checkbox"/> Financial Intermediary      <input type="checkbox"/> General Corporate Finance  <input type="checkbox"/> Sector Loan      <input type="checkbox"/> MFF      <input type="checkbox"/> Emergency Assistance      <input type="checkbox"/> Grant  <input type="checkbox"/> Other financing modalities: _____                 </p>					
<p><b>C. Environment Category</b> (please tick one category based on the set of criteria in <a href="#">OMF1</a> (paras. 6-7))</p> <p style="text-align: center;"> <input type="checkbox"/> New                      <input type="checkbox"/> Recategorization — Previous Category [ <input type="checkbox"/> ]                 </p> <hr style="border-top: 1px dashed black;"/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center; vertical-align: middle;"> <input type="checkbox"/> Category A                 </td> <td style="width: 25%; text-align: center; vertical-align: middle;"> <input type="checkbox"/> Category B                 </td> <td style="width: 25%; text-align: center; vertical-align: middle;"> <input type="checkbox"/> Category C                 </td> <td style="width: 25%; text-align: center; vertical-align: middle;"> <input type="checkbox"/> Category FI                 </td> </tr> </table>		<input type="checkbox"/> Category A	<input type="checkbox"/> Category B	<input type="checkbox"/> Category C	<input type="checkbox"/> Category FI
<input type="checkbox"/> Category A	<input type="checkbox"/> Category B	<input type="checkbox"/> Category C	<input type="checkbox"/> Category FI		
<p><b>D. Basis for Categorization/ Recategorization</b> (please. attach supporting documents):</p> <p> <input type="checkbox"/> REA Checklist  <input type="checkbox"/> Project and/or Site Description  <input type="checkbox"/> Other: <u>Pictures</u> </p>					
<p><b>E. Comments</b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border-right: 1px solid black; padding: 5px; vertical-align: top;">                 Project Team Comments                  Factory take water from natural streams             </td> <td style="width: 50%; padding: 5px; vertical-align: top;">                 RSES Comments             </td> </tr> </table>		Project Team Comments Factory take water from natural streams	RSES Comments		
Project Team Comments Factory take water from natural streams	RSES Comments				
<p><b>F. Approval</b></p>					

<b>Proposed by:</b>		<b>Endorsed by:</b>	
Project Team Leader, {Department/Division}		Director, RSES	
Date:		Date:	
<b>Endorsed by:</b>		<b>Approved by:</b>	
Director, {Division}		Chief Compliance Officer Date:	
Date:		<input type="checkbox"/> Highly Complex and Sensitive Project	

### Rapid Environmental Assessment (REA) Checklist

**Instructions:**

- (i) The project team completes this checklist to support the environmental classification of a project. It is to be attached to the environmental categorization form and submitted to the Environment and Safeguards Division (RSES) for endorsement by Director, RSES and for approval by the Chief Compliance Officer.
- (ii) This checklist focuses on environmental issues and concerns. To ensure that social dimensions are adequately considered, refer also to ADB's (a) checklists on involuntary resettlement and Indigenous Peoples; (b) poverty reduction handbook; (c) staff guide to consultation and participation; and (d) gender checklists.
- (iii) Answer the questions assuming the "without mitigation" case. The purpose is to identify potential impacts. Use the "remarks" section to discuss any anticipated mitigation measures.

**Country/Project Title:**

**Sector Division:**


Screening Questions	Yes	No	Remarks
<b>A. Project Siting</b> Is the Project area adjacent to or within any of the following environmentally sensitive areas?			
▪ Cultural heritage site			
▪ Protected Area			
▪ Wetland			
▪ Mangrove			
▪ Estuarine			
▪ Buffer zone of protected area			
▪ Special area for protecting biodiversity			
▪ Bay			
<b>B. Potential Environmental Impacts</b> Will the Project cause...			
▪ ecological disturbances arising from the establishment of a plant or facility complex in or near sensitive habitats?			

▪ eventual degradation of water bodies due to discharge of wastes and other effluents from plant or facility complex?			
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Screening Questions	Yes	No	Remarks
▪ serious contamination of soil and groundwater?			
▪ Aggravation of solid waste problems in the area?			
▪ public health risks from discharge of wastes and poor air quality; noise and foul odor from plant emissions?			
▪ short-term construction impacts (e.g. soil erosion, deterioration of water and air quality, noise and vibration from construction equipment)?			
▪ dislocation or involuntary resettlement of people?			
▪ disproportionate impacts on the poor, women and children, Indigenous Peoples or other vulnerable groups?			
▪ environmental degradation (e.g. erosion, soil and water contamination, loss of soil fertility, disruption of wildlife habitat) from intensification of agricultural land use to supply raw materials for plant operation; and modification of natural species diversity as a result of the transformation to monoculture practices?			
▪ water pollution from discharge of liquid effluents?			
▪ air pollution from all plant operations?			
▪ gaseous and odor emissions to the atmosphere from processing operations?			
▪ accidental release of potentially hazardous solvents, acidic and alkaline materials?			
▪ uncontrolled in-migration with opening of roads to forest area and overloading of social infrastructure?			
▪ occupational health hazards due to fugitive dust, materials handling, noise, or other process operations?			
▪ disruption of transit patterns, creation of noise and congestion, and pedestrian hazards aggravated by heavy trucks?			
▪ disease transmission from inadequate waste disposal?			
▪ risks and vulnerabilities related to occupational health and safety due to physical, chemical, and biological hazards during project construction and operation?			

<ul style="list-style-type: none"> <li>▪ large population increase during project construction and operation that cause increased burden on social infrastructure and services (such as water supply and sanitation systems)?</li> </ul>			
<ul style="list-style-type: none"> <li>▪ social conflicts if workers from other regions or countries are hired?</li> </ul>			

Screening Questions	Yes	No	Remarks
<ul style="list-style-type: none"> <li>▪ community health and safety risks due to the transport, storage, and use and/or disposal of materials likely to create physical, chemical and biological hazards during construction, operation and decommissioning?</li> </ul>			

## ENVIRONMENT CATEGORIZATION

Date: \_\_\_\_\_

### A. Instructions

(iv) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO). OMF1/OP on *Safeguard Review Procedures* (paras. 4-7) provides the requirements on environment categorization.

(v) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.

(vi) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

### B. Project Data

Country/Project No./Project Title \_\_\_\_\_  
 :

Department/ Division \_\_\_\_\_  
 :

Processing Stage \_\_\_\_\_  
 :

Modality

Project Loan       Program Loan       Financial Intermediary       General Corporate Finance

Sector Loan       MFF       Emergency Assistance       Grant

Other financing modalities:

### C. Environment Category (please tick one category based on the set of criteria in [OMF1](#) (paras. 6-7))

New       Recategorization — Previous Category [  ]

Category A

Category B

Category C

Category FI

### D. Basis for Categorization/ Recategorization (please, attach supporting documents):

REA Checklist

Project and/or Site Description

Other: Pictures

### E. Comments

Project Team Comments

Factory take water from natural streams

RSES Comments

### F. Approval

Proposed by:

Endorsed by:

Project Team Leader, {Department/Division}		Director, RSES	
Date:	Date:		
<b>Endorsed by:</b>		<b>Approved by:</b>	<input type="checkbox"/> Highly Complex and Sensitive Project
Director, {Division}	Date:	Chief Compliance Officer Date:	



## Checklist for Preliminary Climate Risk Screening

**Country/Project Title:**

**Sector:**

**Subsector:**

**Division/Department:**

Screening Questions		Score	Remarks <sup>3</sup>
<b>Location and Design of project</b>	Is siting and/or routing of the project (or its components) likely to be affected by climate conditions including extreme weather related events such as floods, droughts, storms, landslides?		
	Would the project design (e.g. the clearance for bridges) need to consider any hydro-meteorological parameters (e.g., sea-level, peak river flow, reliable water level, peak wind speed etc)?		
<b>Materials and Maintenance</b>	Would weather, current and likely future climate conditions (e.g. prevailing humidity level, temperature contrast between hot summer days and cold winter days, exposure to wind and humidity hydrometeorological parameters likely affect the selection of project inputs over the life of project outputs (e.g. construction material)?		
	Would weather, current and likely future climate conditions, and related extreme events likely affect the maintenance (scheduling and cost) of project output(s)?		
<b>Performance of project outputs</b>	Would weather/climate conditions, and related extreme events likely affect the performance (e.g. annual power production) of project output(s) (e.g. hydro-power generation facilities) throughout their design life time?		

Options for answers and corresponding score are provided below:

Response	Score
Not Likely	
Likely	
Very Likely	

Responses when added that provide a score of 0 will be considered low risk project. If adding all responses will result to a score of 1-4 and that no score of 2 was given to any single response, the project will be assigned a medium risk category. A total score of 5 or more (which include providing a score of 1 in all responses) or a 2 in any single response, will be categorized as high risk project.

**Result of Initial Screening (Low, Medium, High):**

**Other Comments:**

**Prepared by:**

<sup>3</sup> If possible, provide details on the sensitivity of project components to climate conditions, such as how climate parameters are considered in design standards for infrastructure components, how changes in key climate parameters and sea level might affect the siting/routing of project, the selection of construction material and/or scheduling, performances and/or the maintenance cost/scheduling of project outputs.

## INDIGENOUS PEOPLES IMPACT CATEGORIZATION

<b>A. Instructions</b>			
<p>XVIII. (i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO).</p> <p>(ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.</p> <p>(iii) The project team indicates if the project requires broad community support (BCS) of Indigenous Peoples communities. BCS is required when project activities involve (a) commercial development of the cultural resources and knowledge of indigenous peoples, (b) physical displacement from traditional or customary lands; and (c) commercial development of natural resources within customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual use that define the identity and community of indigenous peoples.</p> <p>(iv) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally in unrelated potential social and/or environmental impacts.</p>			
<b>B. Project Data</b>			
Country/Project No./Project Title	X	_____	
	X	_____	
Department/ Division	X	_____	
Processing Stage	X	_____	
Modality	X	_____	
<input type="checkbox"/> Project Loan	<input type="checkbox"/> Program Loan	<input type="checkbox"/> Financial Intermediary	<input type="checkbox"/> General Corporate Finance
<input type="checkbox"/> Sector Loan	<input type="checkbox"/> MFF	<input type="checkbox"/> Emergency Assistance	<input type="checkbox"/> Grant
<input type="checkbox"/> Other financing modalities:			
<b>C. Indigenous Peoples Category</b>			
<input type="checkbox"/> New		<input type="checkbox"/> Recategorization — Previous Category <input type="checkbox"/>	
<input type="checkbox"/> Category A	<input type="checkbox"/> Category B	<input type="checkbox"/> Category C	<input type="checkbox"/> Category FI
<b>D. Project requires the broad community support of affected Indigenous Peoples communities.</b>			
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>E. Comments</b>			
Project Team Comments:		SDES Comments:	
There are no indigenous people within or in the surrounding areas. This is a rural area with a forest patch.			
<b>F. Approval</b>			
<b>Proposed by:</b>		<b>Reviewed by:</b>	
Project Team Leader, {Department/Division}		Social Safeguard Specialist, SDES	
Date:		Date:	
		<b>Endorsed by:</b>	
A.K.S.S.S. Atapattu, Director/Safeguards, TMS Company (Pvt) Ltd		Director, SDES	
Date: 07/04/20		Date:	
<b>Endorsed by:</b>		<b>Approved by:</b>	
Director, {Division}		Chief Compliance Officer	
Date:		Date:	
		<input type="checkbox"/> Highly Complex and Sensitive Project	

### Indigenous Peoples Impact Screening Checklist

<b>KEY CONCERNS</b> (Please provide elaborations on the Remarks column)	<b>YES</b>	<b>NO</b>	<b>NOT KNOWN</b>	<b>Remarks</b>
<b>A. Indigenous Peoples Identification</b>				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, schedules tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
<b>B. Identification of Potential Impacts</b>				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				

12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
<b>C. Identification of Special Requirements</b> <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples ?				
17. Acquisition of lands that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?				

**D. Anticipated project impacts on Indigenous Peoples**

<b>Project component/ activity/ output</b>	<b>Anticipated positive effect</b>	<b>Anticipated negative effect</b>
<b>1. LIST ALL PROJECT COMPONENT / ACTIVITY / OUTPUTS HERE</b>	<b>--- INDICATE EFFECTS TO IPS OR PUT N/A AS NECESSARY</b>	
<b>2. there are no impacts on the Indigenous community</b>		
<b>3.</b>		
<b>4.</b>		
<b>5.</b>		

Note: The project team may attach additional information on the project, as necessary.

## INVOLUNTARY RESETTLEMENT IMPACT CATEGORIZATION

Date: \_\_\_\_\_

### A. Instructions

- XXIV. (i) The project team completes and submits the form to the Environment and Safeguards Division (RSES) for endorsement by RSES Director, and for approval by the Chief Compliance Officer (CCO).  
 (ii) The classification of a project is a continuing process. If there is a change in the project components or/and site that may result in category change, the Sector Division submits a new form and requests for recategorization, and endorsement by RSES Director and by the CCO. The old form is attached for reference.  
 (iii) In addition, the project team may propose in the comments section that the project is highly complex and sensitive (HCS), for approval by the CCO. HCS projects are a subset of category A projects that ADB deems to be highly risky or contentious or involve serious and multidimensional and generally interrelated potential social and/or environmental impacts.

### XXV. B. Project Data

XXVI. Country/Project No./Project Title	XXVII. : XXVIII.	
XXIX.	XXX. : XXXI.	_____
XXXII. Department/ Division	XXXIII. : XXXIV.	_____
XXXV. Processing Stage	XXXVI. : XXXVII.	_____
XXXVIII. Modality	XXXIX. : XL.	_____
<input type="checkbox"/> Project Loan	<input type="checkbox"/> Program Loan	<input type="checkbox"/> Financial Intermediary <input type="checkbox"/> General Corporate Finance
<input type="checkbox"/> Sector Loan	<input type="checkbox"/> MFF	<input type="checkbox"/> Emergency Assistance <input type="checkbox"/> Grant
<input type="checkbox"/> Other financing modalities:		

### XLI. C. Involuntary Resettlement Category

XLII.  
 XLIII.  New  Recategorization — Previous Category

<b>XLIV.</b> Category A <input type="checkbox"/>	<b>XLV.</b> Category B <input type="checkbox"/>	<b>XLVI.</b> Category C <input type="checkbox"/>	<b>XLVII.</b> XLVIII. Category FI <input type="checkbox"/>
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### D. Comments

Project Team Comments:

SDES Comments:

### E. Approval

Proposed by:

Reviewed by:

Project Team Leader, {Department/Division}  
Date:Social Safeguard Specialist, SDES  
Date:

Endorsed by:

Social Development Specialist, {Department/Division} Date:	Director, SDES Date:	
<b>Endorsed by:</b>	<b>Approved by:</b>	<input type="checkbox"/> Highly Complex and Sensitive Project
Director, {Division} Date:	Chief Compliance Officer Date:	

### Involuntary Resettlement Impact Categorization Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
<b>Involuntary Acquisition of Land</b>				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?		-		
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
<b>Involuntary restrictions on land use or on access to legally designated parks and protected areas</b>				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
<b>Information on Displaced Persons:</b>				
Any estimate of the likely number of persons that will be displaced by the Project? If yes, approximately how many? _____	[ ]	No	[ ]	Yes
Are any of them poor, female-heads of households, or vulnerable to poverty risks?	[ ]	No	[ ]	Yes
Are any displaced persons from indigenous or ethnic minority groups?	[ ]	No	[ ]	Yes

## ANNEX 4: ADB PROHIBITED INVESTMENT ACTIVITIES LIST

The following investment activities will not qualify for ADB support:

- (i) production or activities involving harmful or exploitative forms of forced labor<sup>1</sup> or child labor;<sup>2</sup>
- (ii) production of or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements or subject to international phase outs or bans, such as (a) pharmaceuticals,<sup>3</sup> pesticides, and herbicides,<sup>4</sup> (b) ozone-depleting substances,<sup>5</sup> (c) polychlorinated biphenyls<sup>6</sup> and other hazardous chemicals,<sup>7</sup> (d) wildlife or wildlife products regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora,<sup>8</sup> and (e) trans boundary trade in waste or waste products;<sup>9</sup>
- (iii) production of or trade in weapons and munitions, including paramilitary materials;
- (iv) production of or trade in alcoholic beverages, excluding beer and wine;<sup>10</sup>
- (v) production of or trade in tobacco;<sup>10</sup>
- (vi) gambling, casinos, and equivalent enterprises;<sup>10</sup>
- (vii) production of or trade in radioactive materials,<sup>11</sup> including nuclear reactors and components thereof;
- (viii) production of, trade in, or use of unbonded asbestos fibers;<sup>12</sup>
- (ix) commercial logging operations or the purchase of logging equipment for use in primary tropical moist forests or old-growth forests; and
- (x) marine and coastal fishing practices, such as large-scale pelagic drift net fishing and fine mesh net fishing, harmful to vulnerable and protected species in large numbers and damaging to marine biodiversity and habitats.

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<sup>1</sup> Forced labor means all work or services not voluntarily performed, that is, extracted from individuals under threat of force or penalty.

<sup>2</sup> Child labor means the ESMPloyment of children whose age is below the host country's statutory minimum age of ESMPloyment or ESMPloyment of children in contravention of International Labor Organization Convention No. 138 "Minimum Age Convention" ([www.ilo.org](http://www.ilo.org)).

<sup>3</sup> A list of pharmaceutical products subject to phaseouts or bans is available at <http://www.who.int>.

<sup>4</sup> A list of pesticides and herbicides subject to phaseouts or bans is available at <http://www.pic.int>.

<sup>5</sup> A list of the chemical compounds that react with and deplete stratospheric ozone resulting in the widely publicized ozone holes is listed in the Montreal Protocol, together with target reduction and phase-out dates. Information is available at <http://www.unep.org/ozone/montreal.shtml>.

<sup>6</sup> A group of highly toxic chemicals, polychlorinated biphenyls are likely to be found in oil-filled electrical transformers, capacitors, and switchgear dating from 1950 to 1985.

<sup>7</sup> A list of hazardous chemicals is available at <http://www.pic.int>.

<sup>8</sup> A list is available at <http://www.cites.org>.

<sup>9</sup> As defined by the Basel Convention; see <http://www.basel.int>.

<sup>10</sup> This does not apply to investee companies who are not substantially involved in these activities. Not substantially involved means that the activity concerned is ancillary to an investee company's primary operations.

<sup>11</sup> This does not apply to the purchase of medical equipment, quality control (measurement) equipment, and any equipment for which ADB considers the radioactive source to be trivial and adequately shielded.

<sup>12</sup> This does not apply to the purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20%.

**ANNEX 5: OUTLINE OF AN ENVIRONMENTAL AUDIT/IEE**

**OUTLINE OF AN ENVIRONMENTAL AUDIT/DUE DILIGENCE REPORT**

- I. EXECUTIVE SUMMARY
- II. SUBPROJECT DESCRIPTION
- III. ITS PAST AND CURRENT ACTIVITIES
- IV. SUMMARY OF NATIONAL ENVIRONMENTAL LAWS, REGULATIONS, AND STANDARDS AND ADB SAFEGUARD PRINCIPLES APPLICABLE
- V. AUDIT AND SITE INVESTIGATION PROCEDURE
- VI. FINDINGS AND AREAS OF CONCERN
- VII. CORRECTIVE ACTION PLAN TO ADDRESS AREAS OF CONCERN
- VIII. BUDGET/COST
- IX. TIMEFRAME



## ANNEX 6: GENERAL ESMP

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<b>1. PLANNING PHASE</b>				
A. Site Selection	<p>If site is <b>close to a wetland</b> the following impacts are possible:</p> <ul style="list-style-type: none"> <li>• Damage to ecosystems</li> <li>• Sedimentation of streams and surface water</li> <li>• Contamination of water supplies</li> <li>• Biodiversity loss</li> <li>• Contributing to flooding potential</li> </ul>	<p>Wetlands and riparian ecosystems (those sited next to a body of water) are extremely sensitive. Wetlands provide important environmental services such as water storage, bird and animal habitat, flood control, and filtering toxins and nutrients from runoff</p> <ul style="list-style-type: none"> <li>• Set back any infrastructure as far as possible from the water body/wetland and minimize the amount of wetland destroyed by infrastructure construction.</li> <li>• Re-vegetate as soon as possible</li> </ul>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>MOE/PC</p> <p>Sri Lanka Land Reclamation and Development Corporation</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
	<p>If site has a <b>hilly landscape</b> with a sloppy terrain:</p> <ul style="list-style-type: none"> <li>• Sedimentation of streams and surface water</li> <li>• Contamination of ground and surface water supplies</li> <li>• Cause erosion and damage to terrestrial and aquatic ecosystems during construction or use</li> <li>• Potential risk in increasing the foundation/earth stability.</li> </ul>	<ul style="list-style-type: none"> <li>• Design facility and apply construction practices that minimize risks, e.g., use sand stacks or hay to control erosion during construction</li> <li>• Pay particular attention to potential erosion and redirection of water flows during design and construction. Re-vegetate as soon as possible</li> <li>• Maintain design features to accommodate possibility of earth slips.</li> </ul>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>MOE/PC</p> <p>Sri Lanka Land Reclamation and Development Corporation</p>
	<p>If site is <b>prone to flooding</b>:</p> <ul style="list-style-type: none"> <li>• Pose a safety risk for workers and occupants.</li> <li>• Cause environmental damage from accidental release of toxic, infectious or otherwise harmful material during flooding</li> <li>• Contaminate drinking water</li> </ul>	<ul style="list-style-type: none"> <li>• Find alternative design for infrastructure so it is raised above flood plain, if possible. Design infrastructure to minimize risk, e.g. design with proper grading and drainage</li> <li>• Maintain design features such as drainage structures</li> <li>• Avoid constructing sanitation or other facilities that will use and store harmful materials at flood-prone areas</li> <li>• Choose dry sanitation options or closed disposal systems, instead of wet ones such as septic tanks or detention ponds</li> </ul>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>MOE/PC</p> <p>Sri Lanka Land Reclamation and Development Corporation</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
	<p>If site is within a <b>landslide prone</b> area it can lead to: Exposure of workers and occupants to risk of injury or death</p> <p>Additional civil works may increase the risk of landslide and foundation stability.</p>	<ul style="list-style-type: none"> <li>• Do not plan expansions of building footprint unless passed by NBRO.</li> <li>• Design infrastructure to minimize risk, e.g., plant trees all around facility</li> <li>• Maintain protective design features</li> <li>• Avoid constructing sanitation or other facilities that will use and store hazardous or bio-hazardous materials at landslide-prone sites</li> <li>• If that is not possible: <ul style="list-style-type: none"> <li>○ Design storage area so that hazardous materials are stored in leak-proof containers.</li> </ul> </li> <li>• Chose dry sanitation options or closed disposal systems, instead septic tanks</li> </ul>	<p>Evaluation of designs and plans</p> <p>Observation and reporting</p>	<p>MOE/PC</p> <p>Sri Lanka Land Reclamation and Development Corporation</p>
<p>B. Cutting trees for clearing land as well as for materials for reconstruction</p>	<p>Loss of trees and vegetation may lead to:</p> <ul style="list-style-type: none"> <li>• Increase in disaster related issues (i.e. soil erosion, landslides).</li> <li>• Lack of ventilation and shading to students and teachers</li> <li>• Reduction in aesthetic value and greening of area.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider alternate options to reduce the loss of trees and vegetation</li> <li>• For any trees removed – compensatory of same or similar species of trees and vegetation will be mandatory.</li> <li>• Minimize use of wood for construction</li> <li>• Use local materials as much as possible</li> <li>• Innovations shall be integrated in the design plan</li> <li>• Contractor will supply kerosene or LPG at camps and restrict cooking and heating using firewood</li> </ul>	<p>Trees planted</p> <p>Progress reports</p>	<p>Head, ARH/Schools/MOE/PC</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
C. Worker welfare facilities at the construction site	Lack of proper worker welfare facilities including toilets, meal room, first aid, sick room, hand washing facilities, etc may lead to social issues within the school community/ARHs and lack of worker satisfaction and safety. Special attention should be paid to COVID 19.	<p>Worker welfare facilities to be included in the design and construction plan</p> <p>Provision of temporary toilet with washing facility for the construction workers</p> <p>Ensure COVID 19 Regulations are taken into consideration – Refer the following documents and any updated guidelines at time of implementation.</p> <p><a href="https://www.adb.org/sites/default/files/publication/614811/safety-well-being-workers-communities-covid-19.pdf">https://www.adb.org/sites/default/files/publication/614811/safety-well-being-workers-communities-covid-19.pdf</a>)</p> <p><a href="http://www.cida.gov.lk/newsevents/COVID%20Guidelines.Version.2.26th.May.2020.pdf">http://www.cida.gov.lk/newsevents/COVID%20Guidelines.Version.2.26th.May.2020.pdf</a> for Health and Safety Guidelines for Sri Lankan Construction Sites to be Adopted During COVID 19 Outbreak)</p>	Check for such facilities on construction site	<p>Head, School/ARH MOE/PC</p> <p>Contractor</p>
D. Disaster Management	Extreme climate (e.g. cyclone, storm surge), natural disasters (e.g. earthquake), and fire may cause damage to lives and properties	<ul style="list-style-type: none"> <li>Adoption of appropriate adaptation and disaster risk reduction strategy, and emergency preparedness.</li> <li>School building located in the cyclone and earthquake prone areas should be designed and constructed in way to be disaster</li> </ul>	Disaster Management Plan for the School	<p>Head, School/ARH/MOE/PC</p> <p>Disaster Management Centre</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
		and earthquake resilient or "climate-proof" <ul style="list-style-type: none"> <li>• Create awareness about natural calamities and extreme climate to teachers, students, and workers.</li> <li>• Fire safety management and mock drill</li> <li>• Ensure emergency equipment and facilities like fire extinguisher/water hose, first aid boxes, whistles, torchlights, etc are readily available</li> </ul>		
<b>2. DESIGN PHASE</b>				

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<b>A. Provision of health and sanitary services</b>	<p>Discharge untreated or insufficiently treated sewage would result in:</p> <ul style="list-style-type: none"> <li>• Contaminates drinking water (ground and surface)</li> <li>• Spreads diseases</li> <li>• Degrades aquatic ecosystems</li> </ul> <p>Lack of adequate sanitary facilities with adequate facilities will lead to compromised health and sanitation issues.</p>	<ul style="list-style-type: none"> <li>• Number of sanitary facilities comply with MOE standards</li> <li>• Obtain building certification standards and requirements of the local authority</li> <li>• Avoid sites where water table is high or underlying geology makes contamination of groundwater likely</li> <li>• Choose dry sanitation options or closed disposal systems instead of wet ones such as septic tanks or detention ponds</li> <li>• Ensure adequate and maintained sanitary facilities. Maintain required ratio of male and female toilets</li> <li>• Ensure female sanitation requirements are catered for hygienically.</li> <li>• Maintain the drainage system cleanly without water logging.</li> <li>• Ensure COVID related sanitation measures are in place such as hand washing stations /or any other appropriate sanitization protocol as required.</li> </ul>	<p>Check whether there is building certification for the building sanitary facility</p> <p>Check whether there is adequate number of sanitary facilities provided with respect to usage population</p>	<p>MOE/PC</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<b>B. Upgrading of Science Labs to Innovation Labs</b>	<p>Lack of properly designed disposal mechanisms for chemical and other waste (such as computer waste) may lead to contamination of water resources, and adjoining environment.</p> <p>Lack of safety measures within the design will lead to fire and increase occupational safety hazards</p>	<p>Design with proper storage, handling and treatment facilities</p> <p>Avoid site near wetlands or bodies of water</p>	Review the design plans and inspect the siting of the building initially	MOE/PC
<b>C. Upgrading of Teacher Training Centers to ARHs</b>				
<b>3. DEMOLITION PHASE</b>				
<b>A. Refurbishment /renovation of school labs and teacher training facilities</b>	Spoil material generated due to any demolition work, cutting, and grinding work (e.g. for electrical work) would obscure the landscape and may be a health risk to the surrounding community and workers.	<p>Deposal of solid waste should be carried out according to the guidelines of the local authority. Disposal locations should be identified prior to demolition.</p> <p>Make arrangements with the local authority for disposal of waste.</p> <p>Demarcate an area for waste collection until disposal within the construction premises and practice waste minimization practices such as recycling and composting.</p>	Spot check and site observations on a quarterly basis.	Contractor MOE/PC/Head School, ARH
<b>B. Safe handling of asbestos</b>	Health and safety hazards with loose asbestos fibers for the workers.	<p>Follow the rules outlined in the NEA. (Guidelines are also provided as part of the ESMF)</p> <p>Where needed, only bonded asbestos cement sheeting that contains less than 20% of asbestos should be used in any construction under this project</p>	Spot checks	Contractor/ MOE/PC-FP

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<b>C. Health and Safety</b>	<p>Unless precautions are taken during demolition it may lead to accidents of workers and in-house community.</p> <p>Unless safety measures are adoption it may lead to compromised health.</p>	<p>Any Demolition area should be cordoned off and signage put up to keep people out.</p> <p>Demotion activities in schools ill be undertaken outside of school hours or with minimum disturbance and this should be carried out in consultation with the School of Teacher Training Center heads.</p> <p>If demotion work is being carried out any potential electrical systems should be switched off in the area.</p> <p>Workers will adopt safety measures and wear appropriate safety gear.</p> <p>Dust screens may have to be put up depending on the scale of the demolition.</p>		Contractor/ MOE/PC-FP
<b>4. CONSTRUCTION PHASE</b>				
<b>A. Expansion/Renovation of Science Labs in schools and Teacher Training Centers</b>	<p>Lack of solid waste management on site can lead to the lack of general cleanliness due to waste material resulting from the demolition of old buildings</p> <p>The waste material would be hazardous to the occupants health and safety (i.e. injuries from corroded metal waste)</p>	<p>Make arrangements with the local authority on disposal of solid waste generated during construction</p> <p>Observation of cleanliness and good housekeeping practices onsite</p> <p>Demarcated waste storage area in operation</p> <p>Under no circumstances should the solid waste be burned on site</p>	<p>Solid waste storage is demarcated</p> <p>All construction solid waste removed at end of construction</p>	Contractor MOE/PC-FP



	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
	Dust generation during construction activities may impact workers and community	<p>Wet down and spray water in construction as required</p> <p>Take steps to avoid dust emissions during loading and unloading of construction material</p> <p>Erection of dust screens if impact is significant.</p>	<p>Observations—controlled dust emissions and the spraying of water</p> <p>Check whether the construction material is stored properly to avoid dust emission</p>	Contractor MOE/PC-FP
	Transportation of construction materials may block the access roads and may lead to accessibility problems	<p>Construction materials and machinery should not be placed in a manner that blocks any roads, paths, or local accesses</p> <p>Unloading of construction materials should be carried in a manner and time so as to avoid blockage of roads/paths/access</p> <p>Waste must not be placed on the road.</p>	Observation and field check	Contractor MOE/PC-FP

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
	Construction noise can disturb surroundings and the school environment	<ul style="list-style-type: none"> <li>• All machinery, equipment and vehicles should be maintained in a good condition by engaging skilled mechanics and regularly maintained. National Emission Standards (1994). Noise control regulations stipulated by the CEA in 1996 (Gazette Extra Ordinance, no 924/12) should strictly be implemented for crushers, construction vehicles and equipment.</li> <li>• Contractor must ensure that all vehicles and equipment used in construction shall be fitted with exhaust silencers.</li> <li>• At the construction sites, noisy construction work such as crushing, operation of diesel generator sets, use of high noise generation equipment shall be stopped during the night time between 10:00 p.m. to 6:00 a.m.</li> <li>• The maximum permissible noise levels at boundaries of the land in which the source of noise is located for construction activities will confirm to IFC-WB EHS mix development standards. This is in line with the SPS 2009 requirements. These standards override the NEA standards.</li> <li>• Noise level monitoring will be carried out as per monitoring plan.</li> </ul>	Observation	Contractor MOE/PC-FP

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
	Injury due to lack of occupational safety measures and also health risks	Workers should adopt necessary safety measures  First aid provisions will be made available on site	Check for existence of first aid measures in the premises  Check whether the workers are using the safety gear that is provided	Contractor MOE/PC-FP
	Occupational safety issues: <ul style="list-style-type: none"> <li>• Noise generated from cement pre-casting machines concrete, pilling may pose an occupational health issue</li> <li>• Activities such as loading and unloading shuttering and metal poles and handling of heavy objects may result in accidental injury or crushing</li> <li>• In the absence of non-functional sanitary facilities, health issues may arise among the student population</li> </ul>	Ensure that a detailed health and safety plan is prepared including COVID 19 safety measures and implemented by the contractor,  Ensure that the H&S plan is adequately budgeted.  Train maintenance and operation-staff to monitor and repair machines so that it will increase the efficiency of the machines while reduce the vibration and noise. Noise levels should be maintained within stipulated limits for the construction site  Train the workers on occupational risks involved in lifting heavy construction equipment and occupation risk and safety measures in the project site and environment. Train the workers on managing risks, emergencies and first aid	All workers are inappropriate safety attire  COVID 19 safety measures in place	Contractor MOE/PC-FP

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<p><b>B. Development of water infrastructure (expected to be minimal)</b></p>	<p>Setting up of a storage facility will require water for worker consumption and potential cleaning of equipment</p>	<p>If wells are to be used well should be metered and the Water Resources Board consulted on appropriate extraction levels.</p> <p>Water in the well should be periodically monitored for quality and quantity</p> <p>To ensure minimal wastage of water, train maintenance and operation staff to monitor and repair leaks from cracked containment structures, broken pipes, faulty valves and similar structures</p> <p>A suitable sump and overhead tank should be constructed taking into account the daily requirement of water to ensure uninterrupted water supply Contractor will ensure sufficient potable water for the workers.</p> <p>Water supply to the existing facility should not be hindered. If such a requirement is eminent it should be discussed and pre-planned with the institution Head.</p>	<p>Review water extraction rates and cross check with Water Resources Board recommendations</p> <p>Dug wells should maintain at least 2 meters of water depth to maintain drinking water quality</p> <p>Periodic water quality testing (also indicated under construction)</p>	<p>Head, College Divisional Engineer/TO</p> <p>Water Resources Board/ National Water Supply and Drainage Board</p> <p>Contractor</p>
	<p>Unprotected wells can lead to safety and health issues</p>	<p>Dug well(s) within premises should have a protective wall and appropriate covering to prevent external material from entering the well</p>	<p>Well protected water sources in place and maintained</p>	<p>Institution Head/ Contractor MOE/PC-FP</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
C. <b>Wastewater and sewage disposal</b>	<p>Untreated wastewater disposal will degrade surface and groundwater.</p> <p>Untreated sewage will contaminate and degrade surface and ground waters as well as pose health risks.</p>	<p>Release of wastewater will meet standards set by Sri Lanka Standards Institute (SLSI).</p> <p>Any release of sewage will have to conform to IFC-WB-EHS standards if released in to the environment at any point.</p>	Observations	Institution Head/ Contractor MOE/PC-FP
D. <b>Construction debris, spoil, and waste generated from labor camps, officer's accommodations may impose several negative environmental and social impacts to the subproject affected area including impact on ecology, public health and scenic beauty</b>	<p>Construction debris, spoil, and waste generated from labor camps, officer's accommodations may impose several negative environmental and social impacts to the subproject affected area including impact on ecology, public health and scenic beauty.</p>	<ul style="list-style-type: none"> <li>• Consult the Local Authority at the onset of the subproject on waste collection and disposal. Seek approval from the DS for storage and disposal of spoil material and other gravel.</li> <li>• Selected disposal site by the contractor should exclude areas which are close to public and environmentally sensitive areas.</li> <li>• All debris and residual spoil materials generated from construction activities shall be re-used wherever possible.</li> <li>• Proper solid waste disposal, sanitation, and sewerage facilities (drinking water, urinals, toilets and washrooms) should be provided to the site of construction/labor camps.</li> <li>• Location of labor camps should be approved by the Building Department Engineer and comply with guidelines/recommendations issued by CEA and LAs.</li> </ul> <p>Garbage bins should be provided to all worker-based camps, construction sites and should be dumped regularly in a hygienic manner under the inspection</p>	Observations	Institution Head/ Contractor MOE/PC-FP

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
		of Public Health Inspector (PHI) in the area.		

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<b>5. OPERATION AND MANAGEMENT PHASE</b>				
<p><b>A. Solid waste management</b></p> <p><b>Domestic solid waste disposal</b></p>	<p>Lack of management of domestic waste water may cause health risks and obscure the landscape</p> <p>Since solid waste collection will not be on a daily basis, there is risk of solid waste piling up on site</p> <p>These can lead to an increase in vector population and health risks</p>	<p>Waste is disposed by the Local Authority</p> <p>Adhere to CEA guidelines of waste disposal applicable to the cement precasting industry</p> <p>Ensure demarcated solid waste storage area with source separation for organic waste and other domestic non-organic waste. This storage facility should be able to accommodate solid waste up to 7 days.</p> <p>Certain schools have adopted measures to decompose domestic solid waste by composting or by recycling. Under the environmental conservation activities taken up by schools "Environmental Brigades" have been formed to maintain a clean environment within the school premises. Productivity program sponsored by the National Productivity Centre promotes competitions based on 5S concept. However, there has not been a proper assessment on schools which maintain good quality physical environment</p>	<p>Construction waste disposed of weekly on schedule and in arrangement with the Local Authority</p> <p>Cleanliness and good housekeeping practices on site</p> <p>Review solid waste management plan in place and in operation during site visits</p>	<p>Institution Head/ MOE/PC-FP</p>
<p><b>B. Domestic liquid waste disposal</b></p>	<p>Lack of disposal of the domestic waste water will result in health issues to the worker</p>	<p>Ensure that the domestic wastewater is directed to soakage pits in conformance to local authority guidelines</p>	<p>Check the design plans for cesspits and soakage pits</p>	<p>Head, Institution Public Health Inspector from the local authority</p>

	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<p><b>C. Hazardous waste disposal</b></p>	<p>Lack of a disposal mechanism for chemical waste may lead to pollution of surface water resources and land due to leachate</p> <p>Potential for increase health risk of students and teachers</p> <p>Lack of a disposal mechanism for computer and IT-based waste management</p>	<p>Disposal of chemical waste according to the stipulated guidelines under NEA on Hazardous waste regulation.</p> <p>Explore the private and public partnership on disposal mechanism on the hazardous waste for a nominal fee</p> <p>Identify a check list and standard mechanism for disposal of hazardous chemical waste</p> <p>Establish a central deposit for the collection of hazardous waste so that disposal will be easier</p>	<p>Checking for adoption of existing disposal guidelines and plans</p>	<p>Head of Institution</p>



	Environmental impacts	Mitigation measure(s)	Monitoring sources	Responsible party(ies)
<p><b>D. Sanitary facilities</b></p>	<p>Discharge of untreated or insufficiently treated sewage, and due lack of maintenance of sanitary facilities may lead to:</p> <ul style="list-style-type: none"> <li>• Contamination of drinking water (ground and surface)</li> <li>• Spreading of diseases among the student population and surrounding community</li> <li>• Degradation of aquatic ecosystems</li> </ul> <p>Lack of suitable sanitary facilities for female users may reduce productivity as well as unhygienic conditions.</p>	<p>Ensure proper maintenance of the sanitary facilities</p> <p>To ensure proper function and operation, train maintenance and operation staff to monitor and repair leaks from cracked containment structures, broken pipes, faulty valves, and similar structures</p> <p>Provide a suitable sump and overhead tank, taking into account the daily requirement of water to ensure uninterrupted water supply for the sanitary facilities</p> <p>A minimum distance of 15 meters should be maintained between a tube-well and a latrine to prevent contamination of water resources. In case of shallow hand tube-wells, this distance should be 20 meters as horizontal filters are used in this type of tube-wells</p> <p>Water supply is available in the toilets</p> <p>One latrine should be designed for about 30 pupils (20 for girls and 40 for boys) for school facilities.</p> <p>Female sanitary facilities should be adequately equipped ensuring hygiene.</p> <p>Adequate hand washing stations in place to accommodate COVID 19 prevention protocol.</p>	<p>Observation and site reports to check the proper maintenance of pipes in sanitary facilities</p> <p>Functional hand washing stations and signage for COVID 19.</p>	

**ANNEX 7: ESMP COMPLIANCE REPORTING TABLE**

**ESMP COMPLIANCE REPORTING TABLE**

Name of person filling the table

Date of visit

Name of Subproject, and Location Details:

Contractor's name and details:

<b>Construction Activity (from ESMP)</b>	<b>Environmental Issue</b>	<b>Mitigation Measures proposed in the ESMP (From ESMP)</b>	<b>Monitoring Parameter</b>	<b>Monitoring Method</b>	<b>Describe level/ degree of compliance</b>	<b>Reasons for non-compliance</b>	<b>Suggestions for improvement</b>	<b>Any other Remarks</b>

## ANNEX 8: ASBESTOS USE IN CONSTRUCTION: GUIDELINES

1. The main risks of exposure to asbestos is where fibers are easily made air borne under little pressure, such as cutting of Asbestos Cement (AC) products that can release fibers. Renovations, repairs, and decommission of buildings containing AC products such as roof sheets can pose a risk.
  2. Health hazards from breathing asbestos dust include:
    - (i) Asbestosis— a lung scarring disease.
    - (ii) Form of cancer such as mesothelioma.
  3. In AC corrugated sheets, the fiber is present in the non-friable form which means that fiber is embedded in cement and cannot be easily air borne. Such materials are known to have little health risk once (i) the roof has been completed and (ii) given that material is in good condition and not disturbed.
  4. Although the World Bank Group's Good Practice Note on Asbestos, and its Health and Safety Guidelines do not encourage the use of asbestos products in construction, in light of the practical uses for construction of college infrastructure, the costs, its availability in local markets and lack of feasible alternatives, the use of asbestos is the most feasible option at some worksites. However, to minimize the health risks that asbestos products do pose, the following guidelines adapted from the World Bank's Health and Safety Guidelines and other sources are recommended to be followed. As Sri Lanka has no regulations regarding the use of Asbestos, the use of International Labor Organization (ILO) convention guidelines as stated above are recommended as well.
  5. ILO asbestos convention requirements include:
    - (i) Work clothing to be provided by employers.
    - (ii) Double changing rooms and wash facilities to prevent dust from going home on street clothes.
    - (iii) Training of workers about the health hazards to themselves and their families,
    - (iv) Periodic medical examinations of workers.
    - (v) Periodic air monitoring of the work environment, with records retained for 30 years.
    - (vi) Development of a work plan for demolition work, to protect workers and provide for proper waste disposal.
    - (vii) Protection from retaliatory and disciplinary measures of workers who remove themselves from work because of their fear that they are exposed to serious health risks.
- A. Construction Phase**
- (i) To minimize the risk of damage of AC sheets for roofing, transportation of material must be done with care. Where possible, sheets should be transported in airtight containers or with dust covers.
  - (ii) During installation of sheets, ensure that damage is minimized. Use of power tools to drill holes that may release particles needs to be kept to the minimum.
  - (iii) Use a protective sheet (i.e. insulation foil) between the AC sheets and the classrooms and lecture theaters to reduce the risk of minute particles entering the rooms.
  - (iv) Workers who handle and install AC sheets should take precautions to minimize exposure by wearing protective masks and showering to minimize spread of dust.

Work clothes used during the installation of sheets should be washed and workers change to clean clothes before leaving the construction site.

- (v) Workers should be made aware of the risks of AC sheets, and how to minimize these risks.

## **B. Decommissioning**

- (i) Contractors should dispose of waste containing asbestos in a manner that does not pose a health risk to the workers concerned or the population in the vicinity. Disposal at approved landfills and prompt burial under various levels of material apply to friable asbestos waste. Contractors should consult the Local Authority and Central Environmental Authority to obtain guidance on proper disposal of material.
- (ii) Contractor should be encouraged to develop an asbestos management plan that identifies the content (whether it is in friable form and has potential to release fibers), and proper removal procedures.
- (iii) During the removal of A C sheets, workers should wear proper protective gear such as masks and shower to prevent the spread of dust. Clothes worn during this process should be washed and workers should change into clean clothes prior to leaving construction site.
- (iv) Workers who are, or have been, exposed to asbestos in their occupational activities should be provided, in accordance with national laws and practices, with such medical examinations as are necessary to supervise their health in relation to the occupational hazard, and to diagnose occupational diseases caused by exposure to asbestos. For the prevention of disease and functional impairment related to exposure to asbestos, all workers assigned to work involving asbestos exposure should be provided with:
  - (v) a preassignment medical examination:
    - periodic medical examinations at appropriate intervals (at least every 3 years);
    - other tests and investigations, in particular chest radiographs and lung function test, which may be necessary to supervise their state of health in relation to the occupational hazard and to identify early indicators of disease caused by asbestos; and
    - a copy of their medical records.

6. The above requirements will be based on the type of construction and its magnitude. The Ministry of Education and Provincial Ministries should apply above guidelines to the extent practical, within the context of the specific construction requirements.

## **ANNEX 9: ENVIRONMENTAL SAFEGUARD REQUIREMENTS IN CONTRACTS**

1. The following environmental safeguard requirements are to be included in contracts as part of Environmental Management Plan.

### **A. General**

- (i) The Contractor and contractor's employees adhere to the mitigation measures set down in ESMP and take all necessary measures required to prevent harm, and to minimize the impact of operations on college, training center, and university environment.
- (ii) The Contractor shall avoid the use of heavy or noisy equipment and/or activities during teaching hours at college, training center or university.
- (iii) The contractor, on completion of construction should take full responsibility in ensuring a clean and safe construction premises.

### **B. Disposal of solid waste and debris**

- (i) All construction debris and residual spoil material including any left earth shall be disposed by the contractor at a location approved by the Local Authority for such a purpose.
- (ii) The debris and spoil shall be disposed in such a manner that (i) waterways and drainage paths are not blocked; (ii) the disposed materials will not be washed away by floods; and (iii) such materials should not cause public nuisance.

### **C. Protection of Ground Cover and Vegetation**

Contractor shall provide necessary instructions to his workers not to destroy ground vegetation cover unnecessarily.

### **D. Soil Erosion**

- (i) Contractor shall take all steps necessary to ensure the stability of slopes including those related to temporary works.
- (ii) Work that will lead to heavy erosion shall be avoided during the rainy season. If such activities need to be continued during rainy season, prior approval must be obtained from implementing agencies and local authorities by submitting a proposal on actions that will be undertaken by the contractor to prevent erosion.
- (iii) The work, permanent or temporary, shall consist of measures as per design to control soil erosion, sedimentation and water pollution. Typical measures would include grass cover, slope drains, retaining walls etc.

### **E. Labor Camps**

- (i) Labor camps shall be provided with adequate and appropriate facilities for disposal of sewage and solid waste. The sewage systems shall be properly designed, built and operated so that no pollution to ground or adjacent water bodies/watercourses takes place. Garbage bins shall be provided in the camps and regularly emptied. Garbage should be disposed of in a hygienic manner.
- (ii) Contractor shall ensure that all camps are kept clean and hygienic. Necessary measures shall be taken to prevent breeding of vectors and diseases.
- (iii) Contractor shall report any outbreak of infectious disease of importance at a labor camp to the Medical Officer of Health (MOH) or to the Public Health Inspector (PHI) of the area immediately.

- (iv) Contractor shall remove the labor camps fully after its need is over, empty septic tanks, if instructed by the engineer shall be closed, remove all garbage, and debris; and clean and restore the area back to its former condition.

**F. Dust Management**

- (i) To prevent dust pollution during the construction period, the Contractor shall carry out regular watering of the construction site and shall cover material stocks onsite to prevent dust and other particles getting airborne.
- (ii) All vehicles delivering materials shall be covered to avoid spillage and dust emission.

**G. Health and Safety**

- (i) Contractor shall take necessary actions to prevent breeding of mosquitoes at places of work, labor camps, material stores, etc. Stagnation of water in all areas including gutters, used and empty cans, and containers shall be prevented.
- (ii) Contractor shall keep all places of work, labor camps, plus office and store buildings clean and devoid of garbage to prevent breeding of rats and other vectors such as flies.
- (iii) Construction vehicles, machinery, and equipment shall be used and stationed only in designated areas of the work site and should not pose any danger to students, teachers, and administrative staff.
- (iv) Material stockpiles shall be located sufficiently away from the areas frequently used by students, teachers, and administrative staff.
- (v) Construction sites should be fenced out temporarily in order to avoid any risk posed to students, teachers and administrative staff from construction activities.
- (vi) The contractor shall enforce vehicle speed limits for construction vehicles in areas near and inside construction premises

**H. Sourcing of Raw Material**

The contractor shall ensure that all raw materials such as sand, rubble, metal, and timber required for the construction of the building are sourced from licensed sources. If the contractor plans to operate own quarry/sand pit, all necessary approvals should be obtained from relevant authorities.

## ANNEX 10: WOLRD BANK EHS STANDARDS

### World Bank EHS Standards and comparison to NEA

#### Ambient air quality standards comparison

NEA standards			IFC-WB EHS Guidelines 2007	
	Averaging Period	Guideline value in mg/m <sup>3</sup>	Averaging Period	Guideline value in mg/m <sup>3</sup>
Sulfur dioxide (SO <sub>2</sub> )	24 hrs	80	24hrs	125 (Interim target-1)* 50 (Interim target-2) 20 (guideline)
Nitrogen dioxide (NO <sub>2</sub> )	24hrs	100	1-year 1-hour	40 (guideline) 200 (guideline)
Ozone	8-hour daily Maximum	-	8-hour daily Maximum	160 (Interim target-1) 100 (guideline)

#### Ambient noise standards

NEA standards			IFC-WB EHS Guidelines 2007	
	Day time 6am-7pm	Night time 7pm-6am	Daytime 07:00 - 22:00	Nighttime 22:00 - 07:00
Commercial Areas	65	55	70	70
Industrial Area	70	60	70	70
Mixed Residential/ Residential; institutional; educational	63	55	55	45

#### Sanitary sewage discharge water quality standards comparison

NEA standards			IFC-WB EHS Guidelines 2007	
Tolerance limits for discharge of effluents into public sewers with central treatment plants			Indicative Values for Treated Sanitary Sewage Discharges	
	Unit type of limit	Tolerance limit values	Units	Guideline Value
pH			pH	6-9
BOD	mg/l, max.	350	mg/l	30
COD	mg/l, max.	850	mg/l	125
Total nitrogen	mg/l, max.	500	mg/l	10
Total phosphorus			mg/l	2
Oil and grease	mg/l, max.	30	mg/l	10
Total suspended solids	mg/l, max.	500	mg/l	50
Total coliform bacteria			MPNb / 100 ml	400a

#### Waste water quality standards provided by SLSI (in line with European Standards)

Parameter	Unit	Bathing Water	Raw water for Drinking	Agriculture Water
Colour	Pt units.	-	100	-
pH	-	6.0-9.0	6.0-9.0	6.0-8.5
Conductivity	dS/m	-	-	0.7
Nitrates	mg/l	5	5	5
Total phosphate	mg/l	0.7	0.7	0.7
BOD <sub>5</sub>	mg/l	4	5	5

Total coliform	MPN/100 ml, (*P=95%)	1000	5000	1000
Fecal coli form	MPN/100 ml, (*P=95%)	50	-	-
Aluminum	mg/l		0.2	0.5