IPP592

P128178 *Timor-Leste* Education Sector Support Project

Additional Financing 2012

Safeguard Policy Issues

**Background and Rationale for Additional Financing**

1. The Education Sector Support Project (ESSP), financed with a USD 6 million IDA grant and a USD 6 million grant from the Australian Agency for International Development (AusAID), was approved by the Board on June 19, 2007 and became effective on January 04, 2008. The closing date is January 31, 2013. The PDO is to “strengthen the capacity of the Ministry to develop and execute policy effectively, to manage resources, and to improve learning conditions.”
2. The project originally included four components: (i) Capacity building for Policy, Planning and Program Development, (ii) Learning materials, (iii) Construction/Rehabilitation Design and Quality Assurance; and (iv) Work Skills for Pre-Secondary students.
3. After a slow start, implementation of the ESSP has been continuously rated “satisfactory” since 2008 (see Table 1). IDA Additional Financing (AF) in 2010 sought to support the transition of focus in the Timorese Education sector from education access to education quality through support to *Escola Básica*  management training and further early grade learning response interventions and measurement. Additional Financing of USD 5 million from IDA approved in June 2010 added activities under Components 1, 2 and 3, and added a Component 5, “Early Grade Learning.”

**Table 1: ISR Ratings for ESSP**

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| --- | --- | --- | --- | --- | --- | --- | --- |
| ISR Sequence and Date | Develop-ment Objectives | Overall Implement-ation Progress | Project Manage-ment | Financial Manage-ment | Counterpart Funding | Procure-ment | Monitoring & Evaluation |
| 1. Jul. 12, 2008 | MU | U | MU | MU | MU | U | U |
| 2. Dec. 22, 2008 | MS | MS | MS | S | MS | MS | MS |
| 3. May 12, 2009 | S | MS | S | S | MS | MU | MS |
| 4. Feb. 05, 2010 | S | S | S | S | S | S | MS |
| 5. Feb. 08, 2011 | S | S | MS | S | S | S | S |
| 6. Mar XX, 2012 | S | S | MS | S | S | MS | S |

**Development Objective**

1. The Project Development Objective remains the same: Strengthening the capacity of the Ministry of Education (MoE) to develop and execute policy effectively, to manage resources, and to improve learning conditions.

**Project Components:**

1. Sub-component 3.1 renamed: Support for the Infrastructure Facilities Unit (IFU), National Education Strategic Plan (NESP) infrastructure planning and community consultation. The original result of sub-component 3.1 was to “ensure the quality and cost-effectiveness of the Recipient-financed construction or rehabilitation of an estimated 2,100 classrooms.” Additional Financing will build or rehabilitate an additional 142 classrooms. Additional Financing will add the result of “IFU fully effective in achieving its identified tasks in NESP Priority Program 2 Basic Education Annual Action Plan for 2012.”
2. Sub-Component 3.2: School Site Selection: Reviewing: (a) school site selection procedures and criteria; (b) locations that merit multi-grade schools; (c) existing primary school dormitories to assess the possibility of expanding these; and (d) kitchen needs at schools participating in the Ministry of Education/World Food Program school feeding program. The only change proposed in Additional Financing is removal of the paragraph proposing a “single consultant contract” paragraph from the PAD.
3. Sub-component 3.3: Additional Furniture: Procurement of furniture for 30,000 children in primary schools and 24,000 children remote area schools.
4. Sub-Component 3.4: *Escola Básica*  Classroom Construction. Successful construction to agreed IFU standards of six packages upgrading existing schools to *Escola Básica*  service delivery level.
5. Sub-component 3.5: Community Maintenance: Minor maintenance works satisfactorily undertaken in 50 schools with satisfactory community participation.
6. Sub-component 3.6: Community Construction/Rehabilitation: 26 School Packages constructed to IFU standard with satisfactory community participation.

**II. Key Safeguard Policy Issues and Their Management**

***Environmental Assessment (OP/BP 4.01)***

1. The proposed new activities do not pose a substantial change in the overall project risks or environmental categorization. In the original ESSP, safeguards policy OP 4.01 (Environmental Assessment) was triggered. In respect to the MoE’s proposed school construction program, while no major safeguard issues exist, ESSP was to ensure that (i) appropriate construction and maintenance techniques are used on all school sites; (ii) water supply and sanitation facilities would be properly placed; (iii) sewage is properly disposed of; (iv) building waste is properly disposed of; and (v) any impacts concerning asbestos material in existing construction would be dealt with properly. No land acquisition or resettlement concerns were identified as all civil works would be conducted on sites on which existing schools are being rehabilitated, expanded or replaced, or on sites that are on vacant government land that is free from all encumbrances, habitation, dispute, claim and controversy. The use of the land would neither require a resettlement plan nor a resettlement framework.
2. Civil works undertaken are purely for development of the school and the school site—for foundations, construction of buildings, and playground area for students.To save money playgrounds were cut out, instead leaving level ground for the community to further develop. Originally civil works included retaining walls on sloping sites, for example to develop volleyball courts, but to reallocate money to additional school construction this was also excluded. Sites are not fenced but fencing is left to the community. Generally the community fences the site after construction work.
3. The project will only work on existing school sites to rehabilitate and extend existing facilities. Only sites with clear land tenure by the government are developed. Land tenure by the government has been required to be confirmed prior to site development. A number of sites have not been developed because of ongoing land ownership disputes. The project will therefore also avoid any sites with land ownership disputes.
4. Selection of sites requires an assurance that water is or will be available for connection to toilets. Construction does not involve any new digging of wells or development of water sources, but does include connection of water and installation of water tanks. Runoff has always been through septic tanks. Draining is part of site establishment civil works—including the effluent disposal from septic tanks. A leach trench adjacent to the septic tank, usually 40 meters long and of gravel/sand, is part of the installation for overflow effluent to be dispersed into the adjoining ground.
5. Adequate government maintenance budget to ensure the regular (every 5 years) pumping out and reactivating of septic tanks is a concern. The benefit of Additional Financing including community maintenance is that this need will be partly addressed for existing upgraded schools. Topsoil of the area is always stockpiled for reuse in gardens and rehabilitation work. This is done in consultation with the community and the head teacher –this is a checklisted item at contract completion.
6. Measures taken by the borrower to address safeguard policy issues since project effectiveness include upgraded school construction standards and the original ESSP Environmental Management Framework. Safeguards approaches have all been satisfactorily implemented. The recipient has adequate capacity to continue satisfactory implementation.

**Indigenous Peoples (OP/BP 4.10) Approach/ Social Assessment**

***Definition and Social Assessment***

1. The project will be implemented nationwide. The *Timor-Leste* population is indigenous because it has: (i) collective attachment to geographically distinct territories; and, (ii) descends from groups present in specific areas prior to the establishment of modern states and relative borders, due largely in respect of *Timor-Leste* being established as a sovereign nation in 2002.
2. Previously, consideration of essentially everyone in *Timor-Leste* as indigenous was interpreted by the World Bank to mean that the Indigenous Peoples policy (OP/BP 4.10) was not triggered and an Indigenous People’s Plan (IPP) was not proposed for such activities, nor specific approaches in relation to ethnic minorities. However, during consideration of the transfer decision to the EASHE Sector Manager on the Integrated Safeguards Datasheet for this activity, advice was provided by the EAP Regional Safeguards team in December 2011 requiring an Indigenous People’s approach on the basis that all recipients were indigenous. According to this definition therefore, a further World Bank Safeguard Policy is triggered by this project, i.e., Indigenous Peoples (OP/BP 4.10).
3. In the context of this project, the project target population is defined as “isolated vulnerable peoples” (IVP): groups that have the specific vulnerable characteristics of “indigenous peoples” as used in OP 4.10. The definition of IVP used in this framework in a generic sense refers to a distinct, vulnerable group (poor, remote, etc.) with specials needs in education.
4. The population of *Timor-Leste* is significantly poor and rural. The poverty rate in 2007 was 49 percent. Human Development outcomes are weak but improving. There are 32 language groups in *Timor-Leste*, indicating a significant diversity of social groupings. Divisions along ethno-political lines marked unrest in 2006 which affected service delivery. Of service delivery concerns raised with government, civil society and donor partners—commonly including teacher absenteeism, school feeding programs, and access to tertiary scholarships—none have been raised along ethnic lines.[[1]](#footnote-1) However, there is a perception of systemic bias to Dili-based elites regarding the awarding of tertiary scholarships. Due to low levels of Portuguese fluency which vary across the country, language of instruction is a source of frustration, with teachers poorly trained in the skills needed to teach languages including the most common language of Tetum.
5. Indigenous Policy is triggered because the Indigenous Population is present in the project area and not because the project has any negative or positive impacts. The proposed Additional Financing is not expected to have negative impacts on these social factors. Rather, the prioritization of disadvantaged rural communities currently practices by the Ministry’s selection of school sites for community rehabilitation and maintenance activities suggests that more vulnerable communities perceived as disadvantaged in current education service delivery will receive greater benefit from the project through improvement to conditions for learning.

**Summary of how elements of Indigenous Peoples policy have been integrated in the project design**

1. Several steps have been taken to integrate Indigenous Peopls Policy in the project design. A Safeguards Policy Note incorporates a brief social assessment to identify the presence or collective attachment of Indigenous Peoples to the project area. Ongoing processes of free, prior, and informed consultation with the affected Indigenous Peoples’ communities have been identified, have contributed to site selection by the implementing agency, and will take place during implementation, with further support through engagement of a Community Development Specialist supporting community participatory approaches. The Safeguards Policy Note proposes a brief Indigenous Peoples Approach incorporating Indigenous Peoples Policy actions. The note will be disclosed locally and through the World Bank InfoShop. Finally, the level of detail necessary to meet the requirements specified in paragraph 6 (b), (c), and (d) is proportional to the complexity of the proposed project and commensurate with the nature and scale of the proposed project’s potential effects on the Indigenous Peoples, whether adverse or positive. Particular additional elements include that only existing school sites will be included in school infrastructure support, and only land with clear government ownership and not subject to land ownership dispute will be included in infrastructure activities. There is no resettlement as a result of the project. To implement and monitor the indigenous peoples framework, the PIU will hire a community development/ indigenous peoples specialist under terms of reference agreed by the Bank. The specialist will be located in the PIU and report to the project coordinator as the responsible individual identified in the updated management structure of the project on matters of policy and strategic planning

**Treatment of Safeguards risk/ Proposed Framework**

1. Based on the type of activities ESSP AF is expected to have some moderate social impacts in indigenous people, including on IVP. The activities under ESSP AF are likely to affect IVP in a positive way as described above.
2. This framework has been designed to guide the implementation of ESSP AF in issues related to IVP. The framework will be an integrated part of the Project Operation Manual (POM). The framework aims to enable IVP to benefit equally from the project.

1. The overall framework within which ESSP AF TL will address IVP issues operating at four levels:
	1. ***Consultation and Participation***
2. Bank Indigenous People’s Policy for consultative approaches provides guidance that the Project Implementation Unit (PIU) has to ensure that where the proposed project affects IVP, it engages in free, prior, and informed consultation with them. To ensure such consultation, the PIU:
	* + Establishes an appropriate gender and inter-generationally inclusive framework that provides opportunities for consultation with the affected IVP communities.
		+ Uses consultation methods to the social and cultural values of the affected IVP communities and their local conditions and, in designing these methods, gives special attention to the concerns of gender disparity in access to opportunities and benefits under ESSP AF TL .
		+ Provides the affected IVP communities with all relevant information about the project, including the potential adverse impacts, if any, in a culturally appropriate manner at each stage of subproject preparation and implementation.
3. The IFU has existing and demonstrated experience in facilitating consultations with community members prior to and during construction activities. The status of the entire population of *Timor-Leste* as indigenous, and the fully Timorese staffing of the unit, contributes to a greater likelihood of culturally appropriate practices in community consultation. A key element of strengthening community participatory approaches and the focus on isolated and vulnerable communities will include engagement of a community development specialist.
4. During the project and including through engagement of international technical assistance in subcomponent 3.1 and a community development specialist, the IFU will further strengthen community participatory consultative planning processes, benefiting from training in new methods of autonomy and school-based management through *Escola Básica*  reform support training to school directors. ESSP will support further inputs to develop modules and training in this area.
5. As already strengthened in ESSP sub-component 3.2 of School Site Selection and Mapping, existing government process through the IFU for selecting schools for community rehabilitation and maintenance activities involves regular field visits to Districts and discussion between the Infrastructure Facilities Unit engineers, District Education Officials, and School Principals and *Suco* (commune) chiefs to identify priorities based on the condition of school infrastructure as the primary priority. The IFU prioritizes activities in economically disadvantaged communes. Site selection procedures include evidence-based decision-making such as reference to the Education Management Information System (EMIS) and the Building Management Information System (BMIS) of the IFU. Further strengthening of a community participatory approach to site identification will be a key task of a community development specialist, including adequate consultation and socialization among communities.
6. Selection of community leaders is a key element of the community rehabilitation and maintenance approach. The selection is currently undertaken in coordination with Schools Parent Teacher Associations, including *Suco* (commune) Chiefs and *Aldeia* (village) Chiefs. Parent Teacher Associations themselves are formed based on voluntary participation with all parents of community children eligible to participate. Engineers from the IFU visit communities to explain the scope of work of potential work, the role of the community in the contract agreements for work issued between the Ministry and the community, and following this discussion the Parent Teacher Association, *Suco* Chief and *Aldeia* Chief reach agreement to select the community leader.
7. The community leader then becomes the community representative responsible for coordinating decision-making and project work between the community and the IFU. The role and the task of selected Community leader is to manage and coordinate the implementation of construction work and workers involved in the agreed projects, drawn from the local community.

***b. Land Status and Ownership***

1. Only sites with clear land tenure by the government are developed. The Additional Financing construction work will only be undertaken on existing school sites. Land tenure by the government has been required to be confirmed prior to site development, and a number of sites have not been developed because of ongoing land ownership disputes. There are therefore no resettlement issues triggered.

***c. Implementation Arrangements***

1. The PIU will integrate selection criteria and procedures for participating schools, and procedures for community participation and monitoring in construction work, into the Project Operations Manual.

***d. Monitoring and Evaluation***

1. Continuous, internal monitoring will be established along with information collection by the Infrastructure Facilities Unit and the Directorate of Policy, Planning, Information Technology and Statistics to ensure that project interventions are being carried out in compliance with agreed procedures detailed in the Project Operations Manual (POM).
2. To implement and monitor the framework, the PIU will hire a community development/ indigenous peoples specialist under terms of reference agreed by the Bank. The specialist will be located in the PIU and report to the project coordinator as the responsible individual identified in the updated management structure of the project on matters of policy and strategic planning. The duties of the specialist will include, but not be limited to:
3. Contribute outputs to training module development and training delivery for improved community participatory management approaches.
4. Design local community participation activities and approaches in a manner to ensure that IVP receive social and economic benefits that are culturally appropriate and gender inclusive.
5. Support the Ministry’s process of free, prior, and informed consultation with affected IVP.
6. Develop IVP plans for affected communities and evaluate the project activities’ potential impacts on IVP.
7. Ensure that the details of the plan are disseminated in affected communities and surrounding communities and routinely updated on the project website.
8. Ensure that the Project Operations Manual is updated as necessary to reflect standard operating procedures for dealing with IVP.
9. Conduct training for PIU and MoE staff in matters related to the identification, communication and provision of services to IVP.
10. Ensure that IVP communities are appropriately represented in discussions at an early stage in the project (for example by village council, or traditional community leaders).
11. The specialist will also ensure that involvement of the indigenous community provides for the culturally appropriate inclusion of community members regardless of gender or age.
1. *Early Warning and Early Response System: Policy Brief: Access and Opportunity in Education,* Belun EWER program, Dili, *Timor-Leste*, August 2010. [↑](#footnote-ref-1)