Basic Education System and Transformation

(BEST)

ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

(ESMF)

DRAFT

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The Government of Democratic Republic of Timor-Leste

ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
BEST	Basic Education System and Transformation
CPF	Country Partnership Framework
DLCPS	Directorate of Land, Property, and Cadastral Survey
DNCPIA	National Directorate of Pollution Control and Environmental Impact
EA	Environmental Assessment
ECOP	Environmental Code of Practices

EHSG	Environmental Health and Safety Guidelines
EIA	Environmental Impact Assessment
ELL	Environmental Licensing Law
EMIS	Education Management Information Systems
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
FPIC	Free prior and informed consent
GOTL	Government of Timor Leste
GRM	Grievance Redress Mechanism
IA	Implementing Agency
IDA	International Development Association
IP	Indigenous Peoples
IPP	Indigenous Peoples Plan
LARAP	Land Acquisition and Resettlement Action Plan
LUA	Land Use Agreement
MOEYS	Ministry of Education, Youth and Sport
MOF	Ministry of Finance
MOJ	Ministry of Justice
NESP	National Education Sector Plan
OHS	Occupational Health and Safety
OP	Operational Policy of the World Bank (safeguards)
PIM	Project Implementation Manual
PIU	Project Implementation Unit
PIMU	Project Implementation and Management Unit
RPF	Resettlement Policy Framework
SA	Social Assessment
SOP	Standard Operating Procedures
TA	Technical Assistance
TLM	Teacher Learning Material
TLSLS	Timor Leste Standard of Living Survey
TOR	Term of Reference
VLDP	Voluntary Land Donation Protocol of the World Bank
WDR	World Development Report
WB	World Bank

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I. Introduction

A. Purpose and Scope of the ESMF

1. This Environment and Social Management Framework (ESMF) has been prepared for the Timor-Leste Basic Education System and Transformation. The ESMF has the following objectives:
   (i) To establish clear procedures and methodologies for the environmental and social planning, screening, review, approval and implementation of subprojects to be financed under the Project;
   (ii) To specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns, including those relating to gender and different sub-groups within the beneficiary communities, that will arise from the subprojects;
   (iii) To determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF;
   (iv) To establish the project funding required to implement the ESMF requirements; and
   (v) To provide safeguards tools and templates for implementing the ESMF.

2. The purpose of this ESMF is to guide the Implementing Agency (IA) and subproject proponents on the environmental and social screening and subsequent assessment of specific activities during project preparation, design and implementation.

3. The procedures outlined in the ESMF serve to ensure that potential adverse environmental and social impacts that may be generated as a result of each subproject activity are identified early, and appropriate safeguards instruments are prepared prior to implementation to avoid, minimize, mitigate and, in cases where there are residual impacts, offset or minimize adverse environmental and social impacts. The ESMF also contains safeguards instruments that sets out approaches for managing the risks and impacts to the extent possible.

4. The scope of this ESMF includes a description of how safeguards issues will be dealt with by outlining:
   (i) Screening form to identify activities that will not be supported by the project (**Annex A**);
   (ii) Procedures for safeguards screening and assessment to determine early identification of potential safeguards issues;
   (iii) Project-specific safeguards instruments and procedures for activities that may trigger adverse environmental and/or social impacts; and
   (iv) Key responsibilities for ESMF implementation;
   (v) Institutional, monitoring arrangements and budgeting.

5. The ESMF will ensure a robust approach to consider environmental and social risks and impacts in line with World Bank safeguards policies[1], and to prepare appropriate good practice safeguards instruments for the actual mitigation and management measures identified in final activities plan/s. The document is structured as follows:
   - **Section 1** provides introduction to the ESMF;
   - **Section 2** summarizes of the project description and national context;

[1] The World Bank safeguard policies are available at www.worldbank.org/safeguards.

- **Section 3** summarizes regulatory setting in which the Project will take place, and the World Bank's Safeguards policies that apply to the Project;
- **Section 4** describes the potential environmental and social risks that may eventuate under the Project bearing in mind the project is demand-driven and some subprojects will only be identified during implementation and identifies safeguards strategies to mitigate potential environmental and social risks under the project as well as applicable safeguards instruments and overview of the safeguards procedures for minimizing adverse impacts.
- **Section 5** summarizes public consultation and participation with project stakeholders that has occurred to inform the project's design, and ongoing consultation and engagement activities.
- **Section 6** describes the institutional staffing, capacity, training requirements and responsibilities for implementing the ESMF.
- **Section 7** describes the budget provision for the implementation of the ESMF.

6. Appendices will consist of (i) screening form of project activities, (ii) Community Consultation Framework, (iii) Grievance Redress Mechanism, (iv) Resettlement Policy Framework including Voluntary Land Donation Protocol, (v) Environmental Code of Practices, (vi) e-waste disposal and management procedure.

II. Project Description

A. Local Context

7. **Timor-Leste has made important strides towards securing lasting peace and stability since 2002**. When Timor-Leste became the first new sovereign state of the 21st century in May 2002, public infrastructure, including schools, universities, hospitals, roads, ports and airports, water and sanitation systems, and other government facilities, was either non-existent, destroyed or severely dilapidated. Additionally, Timor-Leste's institutional frameworks were weak, extreme poverty and hunger the norm, and conflict and violence were ongoing threats. Shortages of human capital were equally severe. Few Timorese having government experience or the necessary skills and formal education for professional services or business. While there remain elevated internal and external risks that may yet thwart further development, Timor-Leste today is a more peaceful and democratic nation, having gone through two planned presidential elections since 2012.

8. **Timor-Leste is considered a lower middle-income country, with a non-oil per capita GDP of US$ 1,618 in 2017.** Economic growth has been driven largely by the oil and gas sector, which accounted for about 61 percent of GDP in 2017[2], and represents almost 90 percent of government revenues and 99.5 percent of total exports (IMF, 2017). The non-oil and gas sector of the economy has grown about 10 percent annually since 2006, largely based on state capital expenditure. The construction sector has been driven by public infrastructure investment, and together with the public sector, local commerce, and agriculture and fisheries, dominates the non-oil and gas economy of Timor-Leste. Furthermore, declining oil production due to both external factors and decreasing oil reserves, have contributed to a fall in GNI from a peak of US$4.6 billion in current prices in 2011 to US$2.6 billion in 2017.

[2] This represents a steep decline from 2015 when the oil and gas sector accounted for 70 percent of GDP.

9. Poverty levels remain very high with more than 40 percent of the population lacking the minimum resources needed to satisfy basic needs. Based on the latest Survey of Living Standards (2014/15), 30 percent of the population live below the $1.90 a day international poverty line. Various other surveys[3] indicate that half of all children suffer from stunting due to a lack of adequate nutrition and calorie consumption.

10. **Over the last decade, Timor-Leste has been able to create jobs, but largely due to expansion of the public sector.** Job creation is a key priority for the government for accelerating growth and prosperity. The government's strategy is to take advantage of the demographic dividend and avoid the possible negative social impacts of a large and growing number of unemployed youth and adults. However, there is a recognition that it is important to control the continued expansion of the public sector, and instead put in place policies and strategies to support the growth of the private sector.

11. **Timor-Leste will need to foster a private sector that can create jobs for its fast-growing working age population.** The population of Timor-Leste has been growing steadily at an annual rate of over 2 percent since independence in 2002. According to the Census 2015, the total population of the country is 1,183,643 individuals, of which 50.8 percent are male and 49.2 percent female. The population under 15 years of age comprises 39.1 percent of the total, with 48.7 percent of the population under 18 years of age. This high proportion of the young population imposes enormous pressure on the education system and creates a major challenge in providing education services. At the same time, it also offers great potential for the development of the future workforce that, if properly qualified, could lead Timor-Leste toward a period of remarkable productivity and economic growth.

12. The development of public institutions that enable the private sector, provide public services, and are accountable is a long process that needs to be sustained over time. In Timor-Leste, a resource-rich country, there is a heightened risk that institutional development may become stalled by entrenched interest groups and rent-seeking. The 2017 World Development Report on Governance and the Law highlights the criticality of institutional development and how political economy concerns should be integrated into development programs, particularly for countries like Timor-Leste that seek to make the transition out of fragility.

B. Program Components

13. The project development objective of BEST is to improve the learning environment of basic schools and increase the efficiency and equity of basic education programs.

14. Delivering quality education services to prepare globally competitive students with 21st Century Skills will require a focus on both cognitive and socio-emotional skills, both of which can be developed through appropriately designed infrastructure, comprehensive and modernized curriculum, well-prepared teachers who demonstrate the needed content knowledge and are well-versed in the modern pedagogical techniques, and finally, children who are eager and prepared to learn[4]. The

[3] For example, the Demographic Health Survey (2010)

[4] Children in Timor-Leste are among the most nutritionally deprived, with high levels of stunting. For this reason, even though the project does not directly support school feeding, it will support the government to begin to obtain

development of 21st Century Learning Environments requires a convergence of these multiple inputs with an emphasis on learning.

15. BEST will finance the government's efforts to improve educational outcomes in Timor-Leste through transformational changes covering physical infrastructure, teaching-learning material, learning assessments, teacher preparation and management, and information systems to support management efficiency of the education sector. BEST comprises three main technical components and a component to support project implementation. It will help align the education system around learning by combining 21st century learning spaces, with well-developed and accessible teaching-learning material and qualified teachers to support learning. The project also begins to lay the foundation for improving educational outcomes by periodically and systematically measuring learning in early grades during implementation.

16. The project will ensure that interventions and outcomes take into account gender-specific concerns. Key indicators will be disaggregated by gender where possible, and specific concerns on gender equity both in opportunities and outcomes will be explored under the various components and sub-components.

Component 1: **Developing 21st Century Learning Spaces (IDA US$ 15 million; GPE 0 million)**

17. This component supports the ministry in transforming how school infrastructure investments are made, and in the development of infrastructure in schools that are in greatest need. Comprising of two sub-components, it focuses on improving infrastructure planning, and expanding the provision of classrooms and non-academic infrastructure[5] meeting minimum standards;

18. The activities under this component help to enhance the efficiency of project investments in infrastructure development by focusing the investments on schools and classrooms that have the greatest needs as identified by a clear system for prioritizing schools and classrooms, and by using standards-based designs. Similarly, they will promote equity in the provision of quality learning spaces as the prioritization criteria will focus on the adequacy of learning environment, including in terms of overcrowding, physical condition, and health hazard; and the most disadvantaged or worst performing schools/classrooms in terms of these criteria will automatically receive more investments. To directly incentivize these results, US$ XX million of the total financing for this component (US$ 15 million) will be tied to the achievement of targets for two disbursement linked indicators (DLIs) reflecting the above concepts of efficiency and equity:

- Reduction in share of classrooms that are physically unsafe and/or are severely overcrowded according to government standards *[equity]*
- Infrastructure development and maintenance based on standards and needs *[equity and efficiency]*

measures of physical well-being during implementation which are known to be closely linked to schooling outcomes.

[5] Non-academic infrastructure could include WASH facilities, electrical and digital connectivity; sports and play areas, school boundary walls or fences, teacher residence facilities, etc.

19. **Sub-component 1.1: Standards for 21st Century Schools**. This sub-component aims to improve MOEYS's ability to manage the planning, budgeting, designing, financing, construction and maintenance of basic school infrastructure projects. Given the enormous infrastructure deficits in education, this component will finance the development of a system to prioritize school infrastructure investments. The prioritization guidelines will be widely disseminated and discussed to ensure that these are well understood by all stakeholders. This system for infrastructure planning and expansion will then be used for all infrastructure expansion in public schools, regardless of whether the source of financing is domestic or external[6].

20. This sub-component will finance (i) capacity building of the MOEYS to systematically plan and budget the expansion of academic and non-academic school infrastructure[7], recognizing that rehabilitation and expansion of infrastructure will need to be a multi-year effort planned in phases; (ii) development of 21st Century School Standards; (iii) development of infrastructure planning guidelines for prioritizing infrastructure investments[8]; and an infrastructure prioritization plan (iv) the development of an on-line school infrastructure management system or module (linked to the EMIS); (v) the implementation of a school infrastructure census; and (v) the development of standardized school designs[9]. As part of the planning and budgeting process, MOEYS will assess grade-level student enrollment trends, and establish standards for schools, classrooms, classroom furniture, WASH[10], and other non-academic infrastructure to increase the effectiveness of infrastructure construction, rehabilitation and growth. The prioritization guidelines will initially be tested and applied to prioritize classrooms across a small purposive sample of public schools for which infrastructure data will be collected. The guidelines will be subsequently applied to prioritize the remaining public schools utilizing data from the school infrastructure census. The census will cover all schools in the nation, including both public and private preschools, basic schools and secondary schools.

21. The on-line school infrastructure management system will include regularly updated, detailed information on the infrastructure condition of each school; tools for generating a prioritized list of schools for infrastructure construction and maintenance based on the planning guidelines and prescribed standards; infrastructure monitoring data; and the status of maintenance requests submitted by each school. Information and data collection are not a one-way process. Planning requires the participation of stakeholders at the grassroot level. This bottom up planning approach will be strengthened by standardizing the planning for annual work plans and budgets (AWPBs) across Filial and Central Schools. School principals, teachers, and other stakeholders will be trained on how to use these standardized templates to prepare the AWPBs. Standardization will also extend to school infrastructure. The development of standardized school designs will improve the cost-effectiveness

[6] Other development partners who have provided generous support to the education sector have not supported large scale infrastructure development. This is because infrastructure alone is unlikely to result in improvements in outcomes if the government does not simultaneously make inroads to improving the impact of teachers in classrooms and teaching and learning material. Other development partners have expressed an interest to support infrastructure development if the Bank could support the government to help set up a system for infrastructure investments.

[7] Non-academic infrastructure refers to WASH, sport and play facilities, etc.

[8] It is expected that prioritization will be based on, inter alia, safety and health, overcrowding, and distance.

[9] The standardized designs will also incorporate safety and engineering standards to help reduce the impacts of both climate and non-climate natural disasters, and to ensure that these assets are treated as critical assets in the event of a natural disaster.

[10] For example, physical size of classrooms for the different grades/levels, the number of students per classroom, the minimum quantity and quality of furniture, number of students per WASH block, etc.

and efficiency with which infrastructure expansion can take place. The pre-approved set of school building/classroom designs will have to meet health, safety, environmental, aesthetic and education standards established under this component.

22. 21st Century School Standards are expected to support the development of 21st Century Skills. The Partnership for 21st Century Skills (P21) focuses on four broad thematic areas including Learning Skills (e.g., critical thinking and problem-solving skills), Innovation and Creativity Skills, Life and Career Skills, and Information, Media, and Technology Skills. Across the world, increasing emphasis on these skills have necessitated a review of the curriculum, pedagogical practices, teaching-learning materials, student assessments, teacher preparation approaches, and physical infrastructure. Appropriate physical infrastructure that supports the development of 21st Century Skills is expected to be: safe and child-friendly; flexible in design and use; designed to support learning across the school; designed to support individualized learning goals; supportive of teaching transacted across numerous modalities; and conducive to collaborative learning and problem solving. In practice, this translates to schools and classrooms (i) which are flexible in design; (ii) where all spaces are fully used and classroom settings can be modified to suit particular learning goals; (iii) where students can learn at their own pace; (iv) where students have increased opportunities for peer to peer learning and can collaborate and solve problems together in multidisciplinary settings; (v) where students can learn and work in settings which would be similar to what they would face in the real world; and (vi) where appropriate ICT can be effectively utilized to enhance the teaching learning process.

23. **Sub-component 1.2: 21st Century Classrooms and Schools**. Based on the set of standards established, designs developed, and prioritization approach adopted under sub-component 1.1, this sub-component will finance the construction and rehabilitation of classrooms, schools, and all the associated non-academic infrastructure. Under this sub-component, the MOEYS will focus on systematically reaching prescribed standards in school infrastructure. The project will also incorporate key engineering and architectural design elements into the construction of the schools that 1) strengthen resilience to disasters and climate change (such as improved roofing and drainage, which make them more resilient to climate-related hazards such floods and storms); 2) maximize energy efficiency through the use of natural light to minimize the need to artificially manage the temperature in classrooms; and 3) promote sustainability through rain water harvesting, the use of solar panels for dedicated power generation, emphasis on the need for responsible waste management system etc. Efforts will be made to ensure that investments will be concentrated and deepened[11] under this sub-component, with the aim of gradually expanding these standards across schools in the country. This will help support the MOEYS's desire to build structurally sound, high quality and environmentally friendly infrastructure which can also potentially serve as vital pieces of public infrastructure in the event of emergencies or disasters.

24. All schools supported under this sub-component will meet three key goals: (i) design and construct all classrooms and schools to increase building performance and reduce building vulnerability[12]; (ii) ensure that all school facilities support inclusion and are differently-abled friendly; and (iii) minimize the environmental and carbon footprint from school development (e.g. by

[11] Effective utilization of the infrastructure prioritization guidelines will enable the MoEYS to make more targeted investments.

[12] Given that Timor-Leste is vulnerable to a range of natural disasters such as seismic activities, flooding, cyclones and landslides.

developing appropriate lighting and cooling systems used in the classrooms and schools) and ensure that rain water harvest systems are in place in most schools[13].

25. A school is more than a simple collection of classrooms and teachers' offices. Classrooms need to be coupled with other infrastructure, for example, electricity and WASH infrastructure, safe drinking water, ICT infrastructure to help address digital divide, school grounds, and sports infrastructure. This sub-component will also finance the provision of these types of non-academic infrastructure in schools using the school infrastructure prioritization system and packaging developed under sub-component 1.1. It will ensure that a package of non-academic infrastructure will be made available for each school design and will be parceled together with the rehabilitation and construction of classrooms and schools. This will require support from other agencies of the GOTL such as the Water Department, the Ministry of Power, and the Ministry of Public Works[14]. The sub-component will support capacity development within the MOEYS to manage such infrastructure development. Many schools in Timor-Leste were built several decades ago. They do not meet today's standards on several different dimensions, most notably in the areas of safety and health standards. For example, it is noted that asbestos has been used in school construction in the past and this issue will need to be addressed as schools are rehabilitated[15].

Component 2: Improving Teacher Effectiveness (IDA YS$ 0 million; US$ 2.75 million)

26. Well-trained and high-quality teachers are critical inputs for improving learning outcomes. As noted by Hanushek (2011) "…*can be responsible for increases in math and reading levels that range from a low of one-half year to a high of one and a half years of learning each academic year*". However, to have a significant impact on student learning, teachers' content knowledge and pedagogical skills need to be effectively translated into practice in the classroom. Simultaneously, together with highly qualified, trained and dedicated teachers, research has also shown that principal quality impacts student outcomes. This component provides holistic support to improving the quality of classroom and school transactions. The component focuses on three key areas: (i) classroom and school diagnostics to improve the flow of information on what actually gets transacted in classrooms and how to use this information to improve student and school outcomes; (ii) leadership training for school directors, deputy directors, coordinators and other potential school leaders, and providing them the tools to support teachers and student learning; and (iii) training of teachers with an emphasis on classroom techniques focused on improving learning outcomes[16].

27. The provision of required training to teachers combined with effective observation of the classroom teaching-learning process by school directors, peers and other officials for monitoring and

[13] The project aims to create a transformative system of planning for the education sector. The exact number of schools, classroom, and other related infrastructure to be constructed is expected to emerge from this planning process. However, due to budget constraints it was estimated that, during the project period, up to 200 classrooms could be rehabilitated, and about 480 classrooms could be constructed. These figures are likely to change during implementation once more realistic cost estimates are obtained.

[14] The proposed project will also encourage other Bank-financed operations to support the provision of such non-academic infrastructure. While packaging school infrastructure in this fashion is important, non-academic infrastructure or services for schools may need to be procured and packaged separately to allow for greater flexibility in design.

[15] The MOEYS, in conjunction with other agencies, will develop asbestos removal plan as part of the environmental safeguards for this operation.

[16] The training will also prepare teachers in the application of digital resources available to them.

feedback purposes can potentially have a significant positive effect on the quality of teaching, and ultimately on student learning outcomes. This is particularly true for lagging areas where the overall quality of the learning environment is poor. Hence, to incentivize the improvement in teaching quality and reduction in spatial disparities in the learning environment, US$ XX million of the total financing for this component (US$ XXi million) will be tied to the achievement of targets for the following DLI:

> Increase in share of Basic school teachers in rural areas who utilize effective teaching approaches in the classroom *[equity and learning outcome/environment]*

While supporting the development and training of school directors, assistant directors, coordinators and other school leaders, this component also recognizes that school leadership positions are currently held mainly by men, and that there is a need for increasing the number of female school leaders. Accordingly, as a step in this direction, it supports leadership capacity building of women by tying $XX of the financing for this component to the following DLI:

> Increase in share of females among the participants in leadership training during the current fiscal year *[equity]*

28. **Sub-component 2.1: Classroom and School Diagnostics.** Structured observation of the classroom teaching-learning process by properly trained school officials is an effective way of monitoring and improving transactions within the classroom to support the improvement of student learning outcomes. There are a number of tools available for monitoring classroom transactions. This sub-component will support the upgradation of a TEACH-like classroom observation tool[17] and its use by directors, assistant directors, coordinators and other school officials to monitor classroom processes. More specifically, it will finance the finalization of the tool and its deployment in schools across the country. Deployment will involve ensuring that all directors have access to the tool, the necessary training to field the tool and gather information, and the necessary back-up support to analyze and draw conclusions on the best course of support for each teacher under their supervision. Given that deployment is costly, the delivery of necessary training to principals and the deployment of the tool will be expanded gradually across the country. This will allow the MOEYS to randomize the roll-out of this intervention and provide it with an opportunity to understand the effectiveness of this strategy through rigorous impact evaluations. The gradual roll-out approach will also enable MoEYS to improve the tool as it is deployed across all schools.

29. **Sub-component 2.2: Supporting School Leaders Training.** School principals play an important role in creating the conditions for optimal teaching and learning. This sub-component supports the strengthening of school instructional leadership with an emphasis on improving student learning. It supports four key areas: (i) defining roles for school directors and other school leaders, (ii) training on knowledge and skills to be an effective leader, (iii) supporting and developing distributed leadership models in school clusters, and (iv) mentoring and coaching programs for new

[17] There are a number of such tools available for the MOEYS to consider. The World Bank has recently developed a tool known as "TEACH". TEACH is an open source tool designed for use in primary classrooms of low- to middle-income countries. It helps track and improve the quality of teaching. MoEYS has developed an electronic-tablet based PLMP classroom observation tool which is being used on a small scale. This tool allows systematic classroom observation data to be electronically captured and recorded for consolidation and analysis at the center. It is proposed that the existing tool be revised to incorporate relevant elements from the TEACH tool to increase the quality of classroom observation. The World Bank is also developing a supporting tool called "COACH". Together these can be used by school principals and others to monitor classroom processes and improve upon existing practice.

directors and other school leaders. Defining roles involves specifying the responsibilities and scope of authority for directors and other school leaders, developing leadership frameworks which will help improve teachers' competencies and induct well-performing teachers into leadership roles, specifying the responsibilities and authority of school leaders within school clusters, and setting goals and assessment frameworks for these leaders. The training of directors and other school leaders will focus on the development of theoretical and practical skills needed to be effective both within the school and within school clusters (through a model of distributed leadership). Coaching and mentoring programs will be implemented to support new teachers inducted into leadership roles. To help promote more women in leadership positions in the future, MoEYS will ensure that progressively larger proportions of the participants in leadership training programs each year are women. Most of these activities are already being implemented in some municipalities through an existing donor supported project. Hence, BEST will focus on expanding the coverage of these activities to the rest of the country and institutionalizing them by undertaking the expansion using the government system.

30. **Sub-component 2.3: Supporting Teacher Quality Improvements.** Teachers are notably the single most important input in terms of improving student outcomes. It is, therefore, imperative that the creation of 21st Century Learning Spaces is accompanied by a focus on ensuring that teachers are properly trained and supported to deliver better learning outcomes. This sub-component will finance the following teacher focused interventions: (i) strengthening the MOEYS's capacity to plan, deliver, monitor and evaluate in-service teacher training[18] and professional development; and (ii) the delivery of continuous professional development focused on improving classroom techniques for improved teaching.

31. The first intervention consists of activities that focus on obtaining a better diagnosis of the delivery of quality in-service teacher training. A teacher training evaluation tool will be developed and used to document the design and implementation details of in-service teacher training programs; obtain comprehensive and systematic information on the effectiveness of teacher training programs; make recommendations to align them with international good practice and provide feedback to teacher trainers.

32. The second intervention supports continuous professional development of teachers with an emphasis on improving classroom techniques for enhancing student learning in mathematics and reading/literacy. It seeks to prepare basic school teachers to effectively implement the new curriculum in their classrooms and will have a special focus on the development of math and reading skills in early grades. Accordingly, in-service training focusing on foundational literacy and numeracy will be provided to all teachers who teach grades 1-4 (Cycle 1). Teachers will also be trained to closely and continuously track individual student learning in early grade reading and math and provide students with the necessary support so that no children are left behind as they progress through the grades. Schools will institute academic support activities for children who need additional support.

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[18] For example, the World Bank developed In-Service Teacher Training Survey Instrument (the ITTSI) or a similar tool. OECD has used Tthe Teaching and Learning International Survey (TALIS)--an international survey which can be used to examine teaching and learning environments in schools by asking teachers and principals about what happens in classrooms, what happens in their schools, and in general about their work environment (OECD 2016). https://www.oecd-ilibrary.org/docserver/2745d679-en.pdf?expires=1565105994&id=id&accname=guest&checksum=CC2E8E8077D3BDFD179D799B4BCBE1EE

Component 3: Improving TLM and Student Assessment (IDA US$ 0 million; GPE US$ 1.45 million)

33. **Sub-component 3.1: Teaching-Learning Material**. Teaching-learning materials (TLM) constitute an important input to a student's schooling experience and education. TLM for Cycles 1 and 2 have already been developed by the MOEYS. However, the distribution of these materials needs to be improved. Cycle 3 curriculum revision and the development of its TLM are scheduled to commence in 2019. This sub-component will support the development of systems to help improve the distribution of Cycle 1 and 2 TLM, and the development of Cycle 3 TLM. More specifically, this sub-component will finance the following[19]:

(i) Development of the systems and mechanisms to support the acquisition, packaging, and distribution of TLM, including textbooks, to students in the 1st and 2nd Cycles, and monitoring of this process: While the actual provision of TLM for the 1st and 2nd Cycles will remain the responsibility of the MOEYS, the project will finance the strengthening of the book acquisition, packaging, distribution, and monitoring system. To ensure timely receipt of 1st and 2nd Cycle textbooks and other TLMs, the MOEYS also plans to introduce a book distribution day, at the beginning of every new school year when TLMs will be distributed to all students.

(ii) Revision of the curriculum, and development of TLM standards and materials for the 3rd Cycle: This is likely to directly benefit approximately 89,598 students. Other beneficiaries include, *inter alia*, graphic designers, national and international consultants, material writers, and teachers/trainers.

(iii) Development of MOEYS capacity to estimate and plan for the number of books to be printed each year, and the establishment of a feedback system to provide schools with updates on the status on their TLM needs.

(iv) Development of digital versions[20] of the 1st, 2nd, and 3rd cycle books: These materials will be made available to all 1st, 2nd, and 3rd cycle schools, and will also be accessible through the E-library planned to be developed under this project.

(v) Provision of a book corner/library with age and grade appropriate children's books in each classroom in Cycles 1 and 2 in the poorest four municipalities, and short orientations to teachers on the use of these books: This could help increase the time children spend reading, develop in them the reading habit, increase their love for reading and written material, and ultimately enable them to reach higher levels of reading achievement.

34. **Subcomponent 3.2: Strengthening Learning Assessments.** Well-designed student assessments are an important aspect of improving learning outcomes as they allow the system to gauge the effectiveness of translating teaching into learning. The project will finance periodic national student learning assessments on a sample basis during the project period and strengthen the capacity of MoEYS to manage them. Although project inputs span all years of basic education, covering Cycles 1-3, the project will focus on learning outcomes in the early grades (grades 2 and 3) and at the

[19] This sub-component will also ensure that school curriculum across all years begins to touch on climate concerns.
[20] Text and audio inclusive materials.

end of cycle 2 (grade 6). There are several reasons for doing this including: (i) learning outcomes at the primary level in general, and early grades in particular, determine achievement in later years and provide an important and early indication of problems; (ii) education reforms have been prioritized from the early years to later years as expected, and the assessments would provide a reasonable steady state assessment of learning in the primary grades as related curricular reforms and training of teachers at this level have had time to take root, and (iii) a national exam at the end of Cycle 3 already exists. Learning assessments in language and mathematics for the targeted grades will be carried out on a sample basis in the first and fourth year of project implementation. In addition, MoEYS will also explore the possibility of Timore Leste's participating in the Southeast Asia Primary Learning Metric (SEA-PLM) learning assessment in either the 4th or the 5th year of the project period. MoEYS will team up with a specialized agency with expertise in designing and implementing national assessments to carry out these sample-based student learning assessments.

35. The National Curriculum Unit (NCU) in MoEYS will oversee the assessments and work with the specialized agency. Apart from supporting the design and implementation of the learning assessments, the specialized agency will also conduct capacity development workshops/training for NCU and other relevant MoEYS officials on key topics such as assessment principles, instrument development, sampling, test administration procedures, and data management and analysis to familiarize them with the basics of national assessments and their use. An action plan for reform interventions will be prepared by NCU based on the findings of these assessments to inform curriculum reform and teacher training.

36. This subcomponent will also support the enhancement of the quality of the national examinations taken by students at the end of grade 9. It is generally recognized that these exams tend to test rote learning rather than rather than ability to think. Analyses of national examination results and content will be used to inform and guide changes in further test-item design and teacher training. Training on assessment theory, test-item development and exam marking and analysis will be provided to relevant NCU staff and other experts to build system capacity in this area.

37. As noted earlier, the timely availability of TLM, including textbooks, is important for creating a conducive learning environment in school. But their effectiveness in improving learning depends on whether the textbooks received by schools have been distributed to the students and whether or not the students use them regularly in the classroom. To incentivize the distribution of textbooks to students and their regular use in the classroom, $XX of the total financing for Component 2 is tied to the following DLI:

> Share of students in cycle 1 and 2 who have individual textbooks in the classroom *[learning outcome/environment]*

Component 4: **Data Driven Planning, Budgeting, Financing and Implementation (IDA US$ 0 million; GPE US$ 2.95 million)**

38. This component supports the MOEYS to use data more effectively in decision making and program implementation. The MOEYS currently has a stand-alone Education Management Information System (EMIS), and a separate school management platform (currently being piloted) with a set of applications for sharing information and monitoring different aspects of education service delivery. This component focuses on strengthening these systems and integrating them into a single user-friendly system.

39. Reliable and valid EMIS data are essential for efficient planning of activities and budget allocations each year. Hence, along with supporting the enhancement of the EMIS system and EMIS data quality, this component also incentivizes the use of these data in budget planning by linking $XX to the following DLI:

Verified EMIS data utilized for the preparation of annual budgets *[efficiency]*.

40. **Sub-component 4.1: Integrated Sistema de Gestão Escolar**. This sub-component will finance (i) the development of the system core for an integrated education monitoring and data management system (i.e., the *Gestão Escolar* system) that builds upon the existing systems at the MOE – the EMIS and the web-based school management platform, (ii) the installation of the associated hardware, including servers, at MoE and the installation of relevant hardware and internet connectivity[21] in all municipal offices and central schools[22], (iii) updating/development of individual applications that will be included in the integrated *Gestão Escolar* system, and (iv) training of teachers/staff at the central, municipality, and school levels on the use of the system and the individual applications. The *Gestão Escolar* system will enable users to access the various applications, as well as the EMIS, through a single, user-friendly integrated dashboard. It is expected that all schools will be able to access and use the integrated system by the end of the project period.

41. While it will be possible to add more applications to the *Gestão Escolar* system as per the evolving needs of MOEYS, the following applications will initially be considered for development:

- Teacher attendance application: This application allows school principles to report and electronically record teacher absence through a simple tablet.
- Communications application: This application will facilitate bilateral or group communication between schools, municipalities and the center: It will allow schools to establish direct contact with authorities, and report missing inputs in the education process.
- Content sharing application: This application will support the sharing of the National Curriculum (which is scripted) and teaching tips for pedagogical purposes.
- School report card application: This application will provide information to schools based on the EMIS data as well as data from the national student assessments where relevant. One of its key features will be the reporting of trends within individual schools and across schools.
- E-library application: This application will give access to freely available text (including children's literature), images, audio, videos, and interactive teaching-learning materials targeted towards students, teachers, and families.
- Prototypes of the first three applications already exist and are being used by MoEYS. The school report card application and the e-library application need to be developed.

42. **Sub-component 4.2: Strengthened EMIS.** The EMIS is currently partly paper-based and partly web-based and uses outdated technology. Furthermore, there are concerns about the reliability of the existing EMIS data as independent verification of collected data have not yet been done. This sub-component will finance (i) updating of the EMIS software to bring it to current industry

[21] Where internet is not accessible through cables, 4G mobile technology can be used.
[22] There are 13 municipalities (including the Special Economic Region of Oecusse) and 202 public central schools in the country.

standards[23], (ii) relevant training needed at the central, district, and school levels to operate the EMIS, and (iii) implementation of an independent school census for EMIS data verification in year 1 and a follow-up independent verification survey in year 4 to enhance the reliability of EMIS data.

43. The strengthened EMIS will allow for different levels of access at the ministry, municipality and school levels. Furthermore, it will not only include student-level information on initial enrollment and year-end enrollment but will also support the recording and reporting of student attendance and performance. The EMIS training, which can be combined with the training on the use of the *Gestão Escolar* system, will cover all municipalities and schools in the country, with at least one official from each municipality and each school receiving the training. By the end of the project period, the vast majority of the schools will be expected to submit their annual school-specific EMIS data through the *Gestão Escolar* system. In addition, this subcomponent will support the development of an EMIS policy which will specify, *inter alia*, the authority and responsibilities of each level of the education system vis a vis the collection, analysis, management, and use of EMIS data. The policy will also specify which unit or level will be accountable for which aspect of the EMIS and support a decentralized approach to data collection and management. The verified EMIS data will be utilized by MoEYS in the preparation of annual work plans budgets, contributing to the efficiency of the education system.

Component 5: Project Implementation and Management (IDA US$ 0 million; GPE US$ 1.4 million)

44. The component will finance the overall management of the project and put in place mechanisms for monitoring and evaluating the program. A Project Implementation and Management Unit (PIMU) will be created within the MOEYS to manage and coordinate the implementation of all activities financed under the project. Specific activities under this component include: (i) project management, (ii) M&E, (iii) fiduciary management; and (iii) reporting and communications. Ideally, a unit within the MOEYS would coordinate all DP financed programs to minimize redundancy and ensure that the various inputs are well coordinated at the school level. The PIMU will include staff seconded from the MOEYS as well as directly recruited staff. The PIMU will develop standards to be used in all schools.

III. Legal and Policy Framework and Regulatory Requirements

45. This section describes the applicable World Bank safeguards operational policies (OPs) and country specific policy, legal and administrative frameworks and rules and regulations applicable to the BEST. It also provides an overview of current gaps between Bank policies and existing country systems.

A. World Bank Safeguards Policies[24]

46. The World Bank's safeguards policies (also referred to as operational policies) cover environmental, social and legal aspects of proposed projects. There are three safeguards policies that

[23] The updated EMIS will also be designed to extract and save teacher attendance data from the teacher attendance application periodically.

[24] Safeguard policies refers to the operational policies (OPs) and Bank Policies (BPs) of the Bank, namely OP/BP 4.01 (Environmental Assessment), OP/BP 4.04 (Natural Habitats), OP/BP 4.09 (Pest Management), OP/BP 4.10

the project triggered i.e. OP 4.01 Environmental Assessment, OP 4.10 Indigenous People, and OP 4.12 Involuntary Resettlement.

47. **OP 4.01 Environmental Assessment.** OP 4.01 Environmental Assessment requires the conduct of an environmental assessment (EA[25]) of projects/programs proposed for Bank financing to help ensure that they are environmentally and socially sound and sustainable. This is the umbrella policy for the Bank's environmental and social safeguards policies. Under subcomponent 1.2 of the project, the activities will involve infrastructure/civil works (ie. School construction and rehabilitation) which expected to be small and medium scale; and are not envisaged to cause significant environmental and social impacts. Minor environmental impact and risks are expected to occur during construction-related activities which need some mitigation measures through OHS procedures, traffic management, building codes, and community engagement guidelines. The project subcomponent 4.1: Integrated Sistema de Gestion Escolar will finance the development of system core for an integrated education monitoring and data management system, and updating/development of individual applications; and subcomponent 4.2 : Strengthened EMIS will finance updating the EMIS software; installation of associated hardware (including server); installation of relevant hardware and internet connectivity in district office and school; conduct relevant training and implementation of school census for EMIS data verification. All activities under Component 4 likely will involve some activities related to procurement of ICT software and hardware in the central and district and as well as school. However, the project is not expected to generate significantly more e-waste (electronic waste) than would be in the case of the absence of the project. The Project Implementation Manual (PIM) will include some simple technical guidelines (ECOP –Environmental and Social Code of Practice or SOP) on how to handle the unused electronic equipment which is categorised as hazardous waste (if any) by recycling, trade in to the vendors or to dispose them properly. In the meantime, the type of constructions under the project will be the rehabilitation of existing schools are designed to address building safety, new buildings with a 21st Century design, addition of rooms to be used as classroom space, and provisions of non-academic facilities such as WASH facilities, sports facilities, library etc. These facilities will benefit the local community as well as generate positive impacts to the environment.

48. **OP 4.10 Indigenous People.** This policy aims to design and implement projects in a way that fosters full respect for Indigenous Peoples' dignity, human rights, and cultural uniqueness and so that they: (a) receive culturally compatible social and economic benefits; and (b) do not suffer adverse effects during the development process if they reside in proximity to the project area. The World Bank recognizes that the identities and cultures of Indigenous People are inextricably linked to the lands on which they live and the natural resources on which they depend. In relation to Component 2, this may have implications on education of children of Indigenous Peoples through changes to education policy, teaching practices and learning materials. Indigenous People are defined under OP 4.10 as distinct, vulnerable, social and cultural groups possessing the following characteristics in varying degrees:

- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;

(Indigenous Peoples, OP/BP 4.11 (Physical Cultural Resources), OP/BP 4.12 (Involuntary Resettlement), OP/BP 4.36 (Forest), and OP/BP 4.37 (Safety of Dams)

[25] Environmental assessment and environmental impact assessment are used interchangeably.

- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories;
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture, and
- An indigenous language, often different from the official language of the country or region.

49. Social Assessment undertaken during the BEST preparation concluded that a separate Indigenous People Plan or Framework is not necessary since no significant differences of cultural and identity exists. The aspects of an Indigenous People Plan will be mainstreamed into BEST to ensure that the project will result culturally appropriate benefits and outputs.

50. **OP 4.12 Involuntary Resettlement.** Involuntary resettlement refers to management of adverse impacts of loss of, or damage to, land, assets or livelihoods, where the affected persons have no choice. This policy aims to avoid or minimize involuntary resettlement and, where this is not feasible, assist affected persons in improving or restoring their livelihoods and standards of living to levels prevailing prior to affected by the project. The project triggers OP 4.12 on Involuntary Resettlement as a precaution. The construction activities mainly will be limited to renovation of the existing school buildings, addition of classrooms to a new or an existing building, and the provisions of non-academic infrastructures such as WASH facilities, sports ground, as well as drainage and sewerage systems. Activities will be conducted in school's or government's land however some schools have limited land sized and therefore may prompt the needs for additional land. Therefore, a resettlement policy framework (RPF) is included in this ESMF. A land donation may be envisaged, and a voluntary land donation protocol (and procedure on land use agreement – if applicable) is provided.

B. National Legislative and Regulatory Setting

51. **Decree Law No. 26/2016 Environmental Basic Law**. This regulation covers general provision, governing bodies, instruments and relations with other sectors, protection, conservation and sustainable use of environmental components, pollution and waste, financial measure and economic instrument, environmental information and education, inspection, emergency situation, civil liability insurance and guarantees, liability and judicial oversight and final & temporary provision. This sets the framework for other environmental legislation such as the Decree 05/2011 Environmental Licensing Law (ELL).

52. **Decree Law No. 5/2011 Environmental License (ELL)**. This regulation covers general provision, environmental licensing system, information phase of the environmental assessment, procedure for the environmental impact assessment & for granting environment license, protection of traditional customs & rights, initial environmental examination & granting of environmental license, environmental license (type of environmental license, issuance of environmental license and duration and renewal of license) and alteration to the condition of environmental license.

53. The ELL implements a system of environmental impact assessment and licensing in Timor Leste. Under the ELL, proponents of projects or activities that may impact the environment are required to undertake a process of environmental assessment to determine the project category (Category A, B, or C) based on the requirements, type and scale of development. Environmental and social analysis and documentations for each categories according to the procedure established through the ELL must be submitted to the National Directorate of Pollution Control and Environmental Impact (DNCPIA). If the Minister determines to approve the project or activity, based on the

recommendations of DNCPIA, the proponent is granted an environmental license by DNCPIA to conduct the project or activity.

54. **Law No. 4/2012 Labor Code.** The labor code of the Democratic Republic of Timor Leste was approved through UNTAET regulation No. 2002/05 of 1 May. Since then, labor relations in the country have been governed by such code.

55. The country's social and economic progress over the last decade requires the approval of a legislative instrument that responds to the current needs of the labor and entrepreneurial market in the country, there by enable investment in, and development of, entrepreneurial activities as well as the protection and professional development of workers in a harmonious manner. This law was cover employment contract, provision of work, remuneration, terminations of the employment contract, and special labor protection regimes such as protection of maternity & paternity, worker with a disability of chronic disease, working student, foreign worker, etc.

56. **Resettlement and Land Acquisition**. Currently there are no specific laws on involuntary land acquisition and compensation, although the proposed Expropriation Law would be the most relevant one but still under the parliament for approval. Though no written policy yet, when any works required land in the past, the Government negotiated with the owners or users including informal settlers on a case by case basis. According to past practice, when land was required for project development, concerned parties under the direction of local authorities (district and sub-district Land and Property Units and village) negotiated and reached agreement on compensation rates, total compensation amount, and the procedures or mechanism for compensation and transfer. In addition to these laws, any land acquisition/resettlement activities under this project will follow the procedures outlined in the World Bank's OP 4.12 on Involuntary Resettlement.

57. National policies and legislation concerning resettlement and land acquisition are enshrined in the Constitution which states that the ownership, use and development of land are key factors for economic production, and they shall be regulated by law. Section 54 of the Constitution covers the right to private property and provides that: (i) every individual has the right to private property and can transfer it during his or her lifetime or on death, in accordance with the law; (ii) private property should not be used to the detriment of its social purpose; (iii) requisitioning and expropriation of property for public purposes shall only take place following fair compensation in accordance with the law and (iv) only national citizens have the right to ownership of land.

58. The first land law of Timor-Leste was promulgated in March 2003 and was designed to serve as an umbrella law for the rest of the land and property regime. The law established by the Directorate of Land, Property and Cadastral Survey (DLPCS) as a legal entity and defined its jurisdiction, and articulated general rules concerning land tenure and property rights to be further developed by ensuing legislation. Moreover, this law established a one-year period for both nationals and non-nationals to register their land claims. Effectively Law No. 1/2003 vests all land that belonged to the Portuguese state, and all state property acquired or built by the Indonesian regime, in the new state of Timor-Leste. Law No 1/2003, Juridical/Legal regime for real estate (Asset and properties). This law covers general provision, illicit/unauthorized, administrative eviction of government properties, and final provision and transitory.

59. A decree issued by the Government in February 2011 provides for granting compensation to relocate unlawful occupants of State property based on humanitarian considerations. The Ministry of

Justice (MOJ) through Ministerial Decree, which is yet to be finalized, will establish the basis for calculating compensation. Another decree promulgated in July 2011 passed in June 2011 allows private property rights registration by landowners/persons in areas where cadastral surveys have been completed (following registration and verification of claims by the government) and confirmed that the claims to land are undisputed. Among the claims registered so far under the Ita Nia Rai program, which has been limited to urban areas, 92 percent of claims are undisputed.

60. The following three laws were passed by Parliament but returned by President in the past. These laws are being redrafted for resubmission to Parliament: (i) draft Land Law interprets who owns what land and in the case of conflicting claims, who has the strongest right to the land (ii) draft Expropriation Law determines the conditions and establishes the procedures under which the state can take land for "public good" and under which it will provide fair compensation and (iii) draft Real Estate Finance Fund provides compensation as determined under the other laws..

61. The draft Expropriation Law recognizes the right to private property and guarantee of fair compensation for expropriated land, as fundamental rights of citizens. Under the draft Expropriation Law, the expropriation of property for public purposes will be only possible where it is not possible to acquire it amicably through private negotiations. The Council of Ministers, with advice of the Ministry of Justice, will be empowered to issue a notice of public purpose for expropriation.

62. The Government of Timor-Leste issued Law No. 13/2017 of June 5 on Special Regime for the Definition of the Ownership of Property. The present law aims at clarifying the legal situation of land ownership, bringing into effect the different dimension of the right to private property provided for in Article 54 no 1 of the Constitution of the Democratic Republic of Timor-Leste. The process of regularisation of the ownership of immovable property provided in this law is essential to ensure peace, and social and economic development of the country. Based on the historical and juridical situation of Timor-Leste, the main objectives of this law are to clarify the legal status of property and promote distribution and access to land. Clarification of property right is done through the recognition of prior property rights.

63. The project has been designed to avoid to the greatest extent the need to use land other than school's or government owned land or land owned by substantial land owners with whom equitable negotiations towards either "willing buyer – willing seller" or "voluntary land donations" can be executed. It is also possible that involuntary land acquisition may be required if additional land is required and the landowner is not a beneficiary of the project and the pre-requisite for negotiated settlement are not satisfies (however, it is considered very unlikely), or where land acquisition is for some reason restricted and involuntary land acquisition processes need to be applied. With the absence of national regulation on involuntary land acquisition, A Resettlement Policy Framework (RPF) following the WB OP 4.12 on Involuntary Resettlement will provide an umbrella on involuntary land acquisition process for this project.

C. Gap Analysis of GOTL Policies and WB Safeguards Requirements

64. **Environmental Assessment.** Table 1 outlines the differences between the World Bank and GOTL project categories.

Table 1 World Bank and National Requirements for EA/EIA

	World Bank	GoTL
Category A	*Category A* projects are those that have potential significant adverse environmental and social impacts that are: (i) sensitive (i.e., a potential impact is considered sensitive if it may be irreversible); (ii) diverse, or unprecedented; and/or (iii) affecting an area broader than the sites or facilities subject to physical works (e.g., a dam that may affect downstream communities or road construction that may have induced impacts on nearby forests and natural habitats).	Includes projects that may potentially cause significant environmental impacts, and are subject to the procedure of Environmental Impact Assessment (EIA), this based on Impact Analysis and Environmental Management Plan (EMP) in accordance with the provisions in this law.
Analysis and documentation required:	Environmental and Social Impact Assessment (ESIA)	Environmental Impact Statement (EIS)
Category B	Projects that have potential adverse environment and social impacts that are less adverse, site-specific, that can be readily addressed through mitigation measures; and few if any of the impacts are irreversible.	Includes projects that may cause environmental impacts, and are subject to the procedure of Initial Environmental Examination (IEE), this based on the Environmental Management Plan in accordance with the provisions of the Decree Law.
Analysis and documentation required:	Environmental and Social Impact Assessment (ESIA)	Initial Environmental Examination (IEE)
Category C	Projects that have minimal or no adverse environmental and social impacts. Although they may not require formal assessment, their implications need to be closely monitored	Includes projects where environmental impacts are negligible or nonexistent, and not subject to any procedure for Environmental Assessment in accordance with the provisions of this law
Analysis and documentation required:	Screening form	None

65. **Occupational Health and Safety (OHS).** Timor-Leste has not enacted laws or implemented regulations for working conditions, health and safety. UNTAET Regulation 2002/05, the Labour Code for Timor-Leste, is broadly relevant but it does not regulate health and safety. This Labour Code creates a National Labour Board with the mandate to provide independent advice on occupational safety and health matters as well as programs on vocational training and skills development, grant exemptions, set minimum wages and other related functions. However, the National Labour Board has not yet been established. The Occupational Health and Safety Law was drafted in 2004 but has not yet been enacted. Therefore, during construction, the Project will conform to the Environmental,

Health, and Safety General Guidelines published by World Bank unless the local legislation supersedes the international standards.

66. **Environmental Guidelines**. In addition to the legal requirements DNCPIA also issues guidelines from time to time and refers to best international practice. Contractor will implement this UEMP by reference to DNCPIA guidelines and the World Bank Group's Environmental Health and Safety Guidelines (EHSG) unless the local legislation supersedes the international standards.

IV. Potential Environmental and Social Impacts and Risks and Mitigation Plans

67. This section describes the procedures in place to determine how potential impacts will be addressed through the selection of appropriate mitigation and management plans. Approved BEST activities must be consistent with these procedures.

A. Potential Environmental and Social Impacts and Risks

68. BEST aims to address the lack of school facilities needed to support basic education in Timor-Leste by providing support for basic education planning, budgeting, and implementation. Because of the geographical limitation and the potential impact that is expected to be insignificant, the ESMF can be used as a safeguards instrument for projects with category B based on OP 4.01 Environmental Assessment. The overall social and environmental impact of the BEST is expected to be positive and it is unlikely for the minor works activities to result *insignificant* risk or *irreversible* adverse environmental or social impacts if carried out in compliance with this ESMF. Potential investments and activities under BEST include the development of 21st century learning spaces (Component 1), improving teacher effectiveness (Component 2), improving teaching learning material and student assessment (Component 3), and use of data driven for planning, budgeting, financing and implementation (Component 4), and project implementation and management (Component 5).

69. Component 1 will promote better planning and budgeting of school infrastructures through the development of an investment prioritization system and support the improvement of learning conditions by financing minor constructions for academic and non academic infrastructures such as constructing new classrooms for primary and secondary schools, rehabilitation of existing classrooms, and provision of WASH facilities, sports facilities, electrical power, fire safety system, drainage and sewerage systems, etc. Constructions will be done in small scales and therefore, environmental risks are expected to be low and can be managed locally. These activities may cause impacts such as noise, dust, waste disposal, community and labor health and safety issues including traffic safety (mobilization of material and equipment) from construction activities, as well as potential generation of hazardous waste including from asbestos removal during demolition activities. Environmental risks during implementation/facility operation stage include water-borne disease due to poor construction and design of sanitation facilities, increased demand for water, building safety, etc. These potential risks can be readily managed through standard mitigation measures, occupational health and safety (OHS) measures prescribed within the standard good engineering designs and good practice in building constructions, safe and secure school designs, introduction of building safety measures. In addition, the following measures to receive attention are hygiene practices at school emphasising the importance of hand washing, regular maintenance/cleaning of the sanitation facilities, and provision of water (i.e. connection to the existing piped water to the target schools), installation of roof water catchment and tanks in locations where water is scarce as well as notices for water conservation.

70. Constructions done under Component 1 will need to consider the possibilities of natural disasters as Timor-Leste is vulnerable to strong winds, floods, tsunamis and landslides[26]. The country is affected by two sets of monsoonal conditions: The Northwest (wet monsoon) that brings storms and flooding, and the Southeast (dry monsoon) that brings strong winds to the south of the island. Monsoonal storms may lead to floods and landslides which has the potential to destroy schools, houses, water pipelines, or other infrastructures with weak structures. Considering these disaster related risks, there is a strong need for technical support to help improve planning, engineering designs, and the understanding of these risks to minimize infrastructure losses.

71. Undergoing school rehabilitations or constructions may have few possible impacts to students and teachers, such as disruption to classroom activities caused by construction noises, discomfort from construction dust, and also safety risks especially for students. The significance of these impacts will depend on the scope of construction in each school, which will be determined during project implementation through the prioritization mechanism that is planned to be established under Component 1. Therefore, several mitigation strategies to address this issue may apply. Considering that construction will be done in small scales, it is expected that mitigations can be managed locally.

72. BEST is designed support the government's efforts to improve the quality of primary education across the nation, one of which includes financing small infrastructure works as stated in the project description. The MOEYS will focus on improving school infrastructure in a targeted manner, but with the aim of gradually covering all schools in the country. This will be done through a prioritization mechanism that will be developed under Component 1 so therefore target schools are yet to be determined. It is possible that target schools will require additional lands to build new classrooms or other school facilities due to their limited land size. In this case, additional land may be needed.

73. The process of acquiring land during project implementation will unlikely affect any structures, cause any physical relocations nor loss of income. Since the project will only finance small scale infrastructures, therefore only a small area of land will be needed. However, nearby vegetations may be subjected to land clearance as trees or other plants will need to be removed or relocated to provide space.

74. Activities relevant to the development or strengthening of the Education Management Information System (EMIS) under Component 4 will involve investment in the provision of ICT (Information and Communication Technology) software and hardware (including computer desktop, laptop, tablet, etc.) and other electronic equipment supporting internet connectivity. Subsequently, the World Bank's Safeguards Policies OP 4.01 on environment assessment will be triggered due to the potential generation of electronic waste (e-waste). E-waste includes any electronic items or equipment which are no longer needed (whether still functioning or broken) and which intended to be discarded. This type of waste is categorized as hazardous waste as it contains various hazardous and toxic materials such as lead, mercury, arsenic, cadmium, selenium and chrome. Hazardous wastes including e-wastes are specific wastes which need special treatment. Without a proper disposal management, this e-waste can cause negative impacts to the human health and environment.

[26] Natural Hazard Risk Assessment in Building Climate and Disaster Resilience in Communities along Dili-Ainaro and Linked Road Corridors Project dated May 2015

75. Lack of people's participation in planning stage is one of risks that need to be addressed crucially, especially as most of the communities in Timor-Leste fulfill the characteristics of Indigenous Peoples (IP) that each of them has their own language. Failures in addressing this issue may cause impacts such as language mismatch in the provision of student workbooks, learning materials, etc. or the ineffectiveness of teacher performances in classes.

B. Mitigation Strategies and Applicable Safeguards Instruments

76. The ESMF includes environmental and social safeguards principles and strategies, with actions planned, to serve as guidelines for the PIMU, consultants, as well as communities in both planning and implementing stage of BEST. The ESMF preparation involved assessing environmental and social consideration gaps between Bank Policy and GoTL regulations, stakeholder engagemnets, and undertaking a social assessment through desk study and consultations.

77. The safeguards mitigation approaches to environmental and social issues in BEST broadly include embedding environmental and social aspects into project planning and implementation as well as promoting social inclusion by improving the quality of public participation, as well as ESMF socialization and public consultation in particular. Applicable safeguards instruments that supports the mitigation strategies include:

- Social Assessment in regards triggering OP. 4.10 on Indigenous People to find out any requirements to ensure the engagement of Indigenous Peoples in to the project and to ascertain a board community support;
- Development of Community Standard Operational Procedures (SOP) and Environmental Code of Practices[27] (ECOP) for construction activities;
- Provision of E-waste disposal management procedure;
- Strengthening citizen engagement with the development of the Community Consultation Framework; and
- Development of Resettlement Framework as a precaution for possible land acquisitions, including Voluntary Land Donation Protocol.

78. Small scale constructions are planned to be executed with the combination of community-based constructions and national competitive bidding. With the two schemes, it is necessary to prepare a Standard Operational Procedure (SOP) for communities and an Environmental Code of Practices (ECOP) to be included in bidding documents to address Occupational, Health and Safety (OHS) for construction workers, community health and safety. The ECOP will provide guidance on the implementation best practices in construction projects and is attached in this ESMF as **Annex G**.

79. Construction activities envisage to cause negatively affect the learning process and therefore cause teaching inefficiencies. However, considering that each target schools may have varying scope of constructions with different levels of impact, several mitigation procedures may be needed to address the issue. Below are some possible mitigations:

- Provision of temporary building;
- Relocation of student to other school if safety risks are present; or
- Schedule adjustment between classes and renovation activities.

[27] The ECOP was developed based on the IFC Environmental, Health, and Safety Guidelines (EHSG) with the purpose of simplifying the guidelines for the ease of use by contractors for small scale works

80. The BEST triggered s OP 4.12 Involuntary Resettlement as a precaution. A Resettlement Policy Framework following the OP 4.12 has been prepared in this ESMF, including the Voluntary Land Donation Protocol (VLD), both provided in **Annex D**. The project will finance small infrastructure works stated in the project description. It is possible the target schools will require additional lands to build new classrooms or other school facilities due to their limited land size. In this case, land acquisition may happen. Any affected vegetations will be compensated by either the school or MOEYS in accordance to the rates prescribed under the Ministry of Agriculture's law, unless the owners would like to donate.

81. The project has been designed to avoid to the greatest extent the need to use land other than school's or government owned land. If additional land is needed, the following approachs may be executed i.e. land owned by substantial land owners, with whom equitable negotiations towards either "willing buyer – willing seller" or "voluntary land donations". However, if additional land is required and the landowner is not a beneficiary of the project and the pre-requisite for negotiated settlement are not satisfactory (however, it is considered very unlikely), involuntary land acquisition processes need to be applied.

82. With the presence of Indigenous Peoples that might be affected by the Project, a social assessment was undertaken based on a Free, prior and informed consultations (FPIC), please refer to the SA in section IV.C. The social assessment concluded that a separate IPP is not necessary since no significant differences of cultural and social identity exist, as result an Indigenous People Framework/Plan is not prepared, However, IP inclusion will be mainstreamed into BEST to ensure that the project will result culturally appropriate benefits and outputs.

83. On the issue of vulnerable groups, they are identified as project beneficiaries of the improving the basic education quality. In terms of project location, the project will include schools in remote areas. Women, teachers, and children with disability will be part of project beneficiaries. From public consultation result, accessible issue for students with special conditions was raised. it was recommended that the project refer to the resolution number 14/2012 on National Policy for Inclusion, Promotion of Human Rights of People with Disability and also recommended the project will involve relevant institutions to incorporate issues on physical school access for students with special conditions.

84. There are no administrative data on education for students with special educational needs apart from small-scale studies which found access was low and conclude that there was a need for better training of teachers. The census in 2015 allows for the identification of approximately 1,381 children and youth (3-24 years) with disabilities who attend some level of schooling from pre-school to secondary school. Using 2016 EMIS data, it is possible to estimate that the number of children and young people with disabilities attending school represents 0.35 percent of all students enrolled in schools (public and private).

85. The data also indicate that of the 1,140 pupils with disabilities attending basic education, about 16 percent were in primary education and were between the ages of 12 and 24 years. 88 percent were in pre-secondary education and were between the ages of 18 and 24 years. In secondary education, all students with disabilities attending school were between the ages of 19 and 24.

86. The 2015 census reveals that about 0.47 percent of children and young people had some type of disability. Assuming that this group of children should be represented equally in the number of pupils, the exclusion rates are relatively high for children with disabilities. It is estimated that about 46 percent and 55 percent of children and young people with disabilities, respectively between the ages of 3 and 18 years and between 3 and 24 years, are not in school.

87. The BEST PIMU will be responsible for the preparation of safeguards instruments prior to the commencement of activities, and application of safeguards instruments during the implementation/operations phase.

88. Table on possible environmental and social impacts and interventions are provided below.

Table 2 Environmental Impacts and Mitigation Measures

Subproject Action	Possible Environmental Impacts	Interventions
Construction	• Noise and vibration • Soil and water contamination • Waste generation • Traffic congestions • Community and worker's safety.	The impacts shall be mitigated or minimized by applying good practices and management actions during construction. Contractors will be responsible for the implementation of these practices and will report to the PIMU regularly. After the completion of construction activities, contractors must ensure that the site is entirely cleaned from construction materials and tools. Contractors should also consult the communities regarding these impacts as necessary. Detailed mitigation actions shall refer to the ECOP provided in **Annex G**.
Post Construction	• Generation of E-Waste and household waste • Possible water borne disease	During the post-construction of subprojects, the responsibilities for the possible environmental impacts will be taken by the MOEYS or school staffs. Future downstream impacts such as the generation of E-Waste from the provision of electronic hardwares and

		regular household waste must be addressed by implementing proper solid waste management procedures and the e-waste disposal procedure provided in **Annex H**. The possibility of the spreading of water borne diseases is likely to be caused by poor sanitation. Therefore, sanitation facilities must be maintained based on practices stated in the ECOP (**Annex G**).

Table 3 Social Impacts and Mitigation Measures

Social Impacts	Interventions
Land	It will use school or government land or applying negotiated settlement or VLD or applying RPF.
Vegetation: Removal of trees/vegetation privately owned to additional land.	Require consultation with the tree owner to obtain consent. If there is any demand for the compensation to remove the affected trees from the owner, school or MoEYS will provide compensation for the trees in accordance with rates prescribed under law (referring to rates issued by Ministry of Agriculture).
Structure	No impact to structure. The project will avoid any impact to structure.

89. Monitoring procedures, safeguards responsibilities, and the environmental and social mitigation strategies will be covered by the PIM in more detail.

C. Addressing OP 4.10 on Indigenous People and Social Assessment

90. BEST triggers OP 4.10 on Indigenous People on the premise of precautionary measures to address safeguards requirements. No impacts on Indigenous Peoples are envisaged in this project. A social assessment undertaken indicated that there are no significant differences of cultural and social identity exist among the people who speak different languages, except for a small number of Muslims in an overwhelmingly Roman Catholic society. As a result, the Borrower will not prepare a separate Indigenous Peoples Plan/Indigenous Peoples Policy Framework. However, the following note explains how aspects of an Indigenous People Plan have been integrated into project design.

91. For the application of the OP 4.10 a social assessment (SA) is necessary to find out any requirements to ensure the engagement of Indigenous Peoples in to the project and to ascertain a board community support. The activity was conducted through a rapid review of available sources of information using secondary materials such as the Timor Leste Survey of Living Standards and the 2015 Timor Leste census publication, combined with field assessments, including conducting consultations in March 23, 2019 to describe the socio-cultural in which the project operates the

consultations adequately represent the views of women, youth and other vulnerable community members. The consultation was conducted in two schools as sample i.e. the Matata School, District of Ermera and Bebonuk Primary School 02, District of Dili (please see **Annex H** for the minutes of meeting). As the project location has not determined yet, using the available secondary data, the SA was undertaken for 4 districts as a sample, i.e. district of Ermera, Bobonaro, Baucau, and Dili.

92. The Timor-Leste Standard of Living Survey (TLSLS) 2014/2015 shows a significant reduction in poverty in the country since 2007. At the national poverty line, which represents the cost of meeting basic needs in relation to food, shelter and non-food items in Timor-Leste, the proportion of Timorese living in poverty declined from 50.4 percent in 2007 to an estimated 41.8 percent in 2014. Among others, the 2014 TLSLS surveys include household education status as an item in the non-food component of the poverty line. The determination of household education status considers two indicators, namely years of schooling and child school attendance. Results from the survey indicates that in 2014 there was a decline in the percentage of household populations with at least one member that did not complete five years of schooling and children that did not attend schools as much as 25 percent and 5 percent respectively. This shows that there were significant improvements in Timor-Leste's education sector.

93. BEST will support development of standards of school infrastructure in a total of 13 districts in Timor-Leste. These locations will be identified later during project implementation based on the school infrastructure survey. Studies show that the District of Ermera, Bobonaro, and Baucau were identified to have the highest needs for infrastructure investments and has a high potential to be included in BEST activities. Therefore, these three districts will be used as samples for the district level assessment, in addition to District of Dili.

94. Dili District is national capital of Timor-Leste and is located in the central region. The district spatially is the smallest district comprises 6 sub-districts and 31 villages (sukus). It is 364 km^2 in area with a population of 277,279 people based on the the country's census data in 2015. A total of 60,127 childrens between the age of 5-14 years old or 22 percent of the district's residence were identified in the cencus. The average population density of Dili is 761.51 person per km^2 and has a male to female ratio as much as 107.54. Among other districts in Timor-Leste, Dili is shown to be the most urbanized with 88 percent of it's people living in urban areas. Dili has a total of 42,485 households with the average size of 6.49. The mother tongue of 82 percent of Dili's population is Tetum Prasa, while 4 percent of the population speaks the Mambai language, and 14 percent speaks other languages. Youth literacy in is divided into several stages, which are those who do are able to speak, read, and write; speak and read; read only; and speak only. Children of the age of 5-14 in Dili are 94 percent literate in Tetum with 16 percent can only speak, 2 percent can only read, 2 percent can speak and read, and 78 percent can speak, read, and write. In comparison with the population of children aged 5-14 years old across the nation, Dili have as much as 18 percent or 56,721 children who is literate in Tetum, which is higher that most districts.

95. Ermera District is located in the West of Timor-Leste. It is 756.5 km^2 in area with a population of 125,203 people. The data indicates that 33,254 children were identified to reside in the district, or about 27 percent of the district population. The average population density of Ermera is 166.17 person per km^2 and has a male to female ratio as much as 102.27. The data shoes that there are more people in Ermera district who are still living in rural areas compared to urban areas with percentages as much as 93 percent and 7 percent respectively. The district is divided into 5 subdistricts with a total of 20,670 households with the average size of 6.06. The mother tongue of 61 percent of Ermera's

population is Mambai, while 15 percent of the population speaks the Kamak language, 19 percent speaks Tetum Prasa, and 5 percent speaks other languages. Children of the age of 5- 14 in Ermera are 88 percent literate in Tetum with 38 percent can only speak, 3 percent can only read, 2 percent can speak and read, and 66 percent can speak, read, and write. In comparison with the population of children aged 5-14 years old in the whole country, Ermera have as much as 10 percent or 31,026 children who is literate in Tetum.

96. Bobonaro District is located in the West of Timor-Leste. It is 1,378 km^2 in area with a population of 97,762 people. As much as 27,272 people or 28 percent of the district's residence are children aged 5-14 years old. The average population density of Bobonaro is 70.94 person per km^2 and has a male to female ratio as much as 99.98. There are more people in Bobonaro district who are still living in rural areas compared to urban areas with percentages as much as 87 percent and 13 percent respectively. The district is divided into 6 subdistricts with a total of 17,635 households with the average size of 5.51. The mother tongue of 44 percent of Bobonaro's population is Kamak, while 25 percent of the population speaks the Bunak language, 25 percent speaks Tetum Prasa, and 6 percent speaks other languages. Children of the age of 5- 14 in Bobonaro are 89 percent literate in tetum with 30 percent can only speak, 3 percent can only read, 3 percent can speak and read, and 58 percent can speak, read, and write. In comparison with the population of children aged 5-14 years old in the whole country, Bobonaro have as much as 8 percent or 24,136 children who is literate in Tetum.

97. Baucau District is located in the eastern part of Timor-Leste. It is 1,504 km^2 in area with a population of 123,203 people. As much as 33,254 people or 27 percent of the district's residence are children aged 5-14 years old. The average population density of Baucau is 127.95 person per km^2 and has a male to female ratio as much as 100.74. There are more people in Baucau district who are still living in rural areas compared to urban areas with percentages as much as 86 percent and 14 percent respectively. The district is divided into 6 subdistricts with a total of 22,976 households with the average size of 5.34. The mother tongue of 60 percent of Baucau's population is Makasai, while 17 percent of the population speaks the Waima'a language, 13 percent speaks Tetum Prasa, and 4 percent speaks other languages. Children of the age of 5- 14 in Baucau are 83 percent literate in Tetum with 18 percent can only speak, 5 percent can only read, 2 percent can speak and read, and 66 percent can speak, read, and write. In comparison with the population of children aged 5-14 years old in the whole country, Baucau have as much as 9 percent or 27,577 children who is literate in Tetum.

98. The social assessment was also conducted on school levels to determine their baseline conditions on March 27-28, 2019, including the language used for learning processes, quality of school facilities, student municipalities and parent's economic conditions. Two schools in the Ermera and Dili districts were visited for this purpose, namely EBF Fatuhada and EBF 244 Matata.

99. EBF Fatuhada is located in Fatuha Village, Dom Alexo Sub district, and Dili Municipality. The school accommodates 1,410 students from two villages (Sukus), namely Fatuhada and Kampung Alor village. A majority of the students in the area are able to speak Tetum on a daily basis. However, classes use Tetum and Portuguese language. Most parents are economically active in agricultures, governments and private sectors. Around 99.5 percent of students are identified as Roman Catholic believers while 0.5 percent were Muslims. The people in this area are still attached to customary beliefs and cultures of their villages (sukus) and are identified as Indigenous Peoples. Proper waste bins are readily available in all classes. Several issues found in this school were none other that the poor and unsafe building qualities (cracks on walls and old structures), frequent floodings, and lack of water resources due to line blockage during rainy season.

100. EBF 244 Matata school located in Matata Village, Railaco Sub district, and Ermera Municipality was taken as part of a sample for the school level social assessment for this project. The school accommodates student from 6 villages (Sukus) which includes; Matata, Tokoluli, Leorema, Poetete, Talimoro and Ponilala village. The majority of students speak the Mambae language and Tetum in daily conversations and uses Tetum and Portuguese and Mambae for learning processes in school. Approximately 98 percent of parents are economically active in the agriculture sector while the other are government employees. A majority of students are Roman Catholic (around 97 percent) believers and 3 percent of them are Christian Protestant. The people in this area are still attached to customary beliefs and cultures of their villages (sukus) and are identified as Indigenous Peoples. In general, the condition of the school is green and clean, the facilities such as waste bins are available in every classroom, and the major problem in this school is the lack of water and toilets.

101. Since there are no significant differences of cultural and social identity exist, an Indigenous People's Plan or Framework was not prepared. However, consistent with the requirements of OP 4.10, during project preparation free, prior, and informed consultation with the project beneficiaries and/or affected communities in the project locations carried out in Bebonuk Primary School 02 Dili District and Metata Primary School in Ermera District in March 23, 2019. These consultations confirmed broad community support for the project. All consultations found that the community broadly supports the rehabilitation of existing schools or additional room for class space.

102. The following aspects of an Indigenous People Plan have been integrated in design and preparation of the project:

- *Free, prior and informed consultation leading to broad community support took place during project preparation.* Consultations took place in Bebonuk Primary School 02 Dili District and Metata Primary School in Ermera District in March 23, 2019. The sites were chosen as they were representative of the project area. The consultations corroborated that there is in fact broad community support for the project. Currently, school facilities in both districts were reported to be in low quality and could not fully support the student's learning process. Issues found in these schools include overcrowding (60-71 students/class), unsafe conditions (no fences), poor quality of WASH facilities, and insufficient teachers. With these conditions, local communities, especially parents felt the urgency of shool rehabilitations and therefore support the project as they will benefit from improved schools facilities.
- *A framework for free, prior and informed consultation will be put in place during project implementation.* Detailed and continuous consultations will take place with communities in where the targeted school locations, once they are finalized. These consultations will ensure that there continues to be broad community support for the project and that local people get an opportunity to provide feedback to project design. If impacts as a result of the project are experienced, additional consultations will also take place to include people in the mitigation process.
- *Measures to ensure culturally-appropriate benefits are being included in the project.* The project is culturally-appropriate as it provides improved school infrastructures and learning materials and other facilities (school toilet, etc.) that is expected to increase the rate of student enrollment. BEST will also support the provision of resources for literacy and numeracy classroom enrichment that is expected to help increase students interaction with books, positive attitudes toward reading, and levels of reading achievements. Consultation was undertaken to

get inputs on learning materials to be used to ensure culturally appropriate (such as language) so that improving capacity of teachers and students in learning process.

- *Measures to ensure that adverse impacts are mitigated, including an appropriate grievance system, will be in place*. The proposed grievance system was discussed with local stakeholders, to ensure appropriate mechanisms are in place. This grievance system is based on existing traditional community structures in Timor-Leste. During the initial project consultations, stakeholders were informed of the grievance system in place, and will be reminded and re-informed of this process during consultations at the design stage.
- *Measures for disclosing key project documents are in place.* The ESMF will be translated into Tetum, shown to be a language widely spoken in the communities as noted in the social assessment. The draft ESMF publicly consulted on May 8 and May 14, 2019 in Dili with the minutes of the meeting was provided as Annex I. The ESMF was publicly disclosed at MOEYS website, available at the MOEYS Project Management Unit, the World Bank's Office in Dili and in the World Bank's Infoshop. Given low literacy levels in the country, the project will need to ensure that communication is presented orally and visually as well as in written form, to ensure stakeholders can understand the project and its potential impacts and benefits.

D. Environmental and Social Safeguards Procedures

103. This section will provide explanations on the procedure to identify and assess safeguards impacts of project activities and mitigation measures.

104. **Screening.** Sub-projects included in BEST will be screened using the screening form provided in **Annex A.** The screening process is important to identify the eligibility of the sub-project as well as preliminarily identify potential environmental and social risks. The outputs of the screening will contribute to sub-project selection process and provide background information to the sub-project design proposals.

105. **Implementation.** The main strategy for mitigating potential impacts of activities financed under BEST is to include environmental and social aspects in subproject planning and implementation. This will require the preparation for necessary safeguards documents listed in the previous section. The implementation of the ESMF will occur as follows:

- MOEYS or the safeguards consultants will include environmental and social aspects into school rehabilitation proposals and DEDs which will be reviewed by the Bank;
- Sub-project planning must include consultations with relevant stakeholders that refers to the Community Consultation Guidelines provided in **Annex B**;
- No work will begin on site until land acquisition, resettlement (if any) and environmental assessment and licensing have been completed;
- During construction, contractors or communities must refer to the ECOP attached in this ESMF as **Annex G** to prevent or minimize any environmental pollution and possible accidents that may occur.

106. It is also important to note that during project implementation, activities that include criterias listed below are not eligible for funding:

- Activities that will cause significant and/or irreversible impacts to the environment;
- Located in vulnerable areas (subject to frequent flooding or storm surges, strong winds, steep slopes, etc.);

- Construction of large-scale infrastructure such as new large schools;
- Purchase and use of dangerous chemicals; asbestos, asbestos removal and other investments detrimental to the environment;
- Purchase and use equipment contain ozone depleting substance (ODS);
- Activities that will adversely impact physical cultural resources;
- Production or activities involving harmful or exploitative forms of forced labour/harmful child labour;
- Purchase timber from unsustainable harvest or illegal logging operations.

E. Monitoring

107. MOEYS as the project management unit will report progress with a frequency agreed and as indicated in the loan agreement and Project Implementation Manual (PIM). In addition, specific activities to be monitored are inclusion of safeguards aspects in work plans and bidding documents. The detail of the monitoring arrangement will be provided in the PIM.

F. Documentation

108. All consultation sessions shall be documented and recorded by relevant project staff. All agreements made with landowners shall be verified but shall remain confidential and not for public disclosure.

V. Consultation, Participation and Information Disclosure

A. Consultation to date

109. Consultation for the project has been done on 23 March 2019 in Dili and Ermera Disctricts which was participated by 101 people in Dili and 59 peoples in Ermera, consisting of parents, teachers and local authorities. Following the consultations, broad community support was obtained, and communities' input was recorded in the ESMF (refer to **Annex H**).

B. Safeguards Consultation and Information Disclosure

110. The ESMF is subjected to public consultation prior to its finalization. Key stakeholder such as the Implementing Agency, government ministries, and other stakeholders with an interest in education will be invited to participate in meaningful discussions and contribute to the development of this ESMF.

111. Since OP 4.10 on Indigenous People is triggered for this project, consultation conducted by BEST must follow the key principles for free, prior, and informed consultation (FPIC) which include:

- FREE – Information should be transparent and free from coercion or bias and conducted in a manner that allows Indigenous Peoples to openly communicate their preferences or concerns without intimidation or trepidation;
- PRIOR – Consultation starts as early as possible in the project planning. This include giving Indigenous Peoples enough time to go through the traditional process of decision making, deliberation and consensus-building, such that the preferences or concerns raised by Indigenous

Peoples communities may be considered before project design decisions or implementation arrangements are finalized;

- INFORMED – Indigenous Peoples must be given enough information, transparent about the project scale, and in such a way that allow them to understand fully the impacts being discussed with them and feed into the decision-making process where appropriate, and had sufficient opportunity to consider relevant information about the project;
- CONSULTATION – An inclusive process that allows Indigenous Peoples to participate meaningfully in decisions directly affecting them, including proposed management and mitigation measures and benefit sharing or distribution, through methods that enable concerns of women, the elderly, or others who customarily may not be expected or allowed to participate in community meetings to be considered.

112. Information disclosure is mandated by OP 4.01, OP 4.10, and the Bank's Disclosure Policy. Dedicated channels for information dissemination will be established to ensure consistent communication at national, sub-national and local levels throughout the Project. Safeguards instruments must be disclosed in a language and format accessible to people, communities and civil society who may be interested in, or affected by, Project activities to ensure sufficient understanding of the project activities, potential impacts and management arrangements, as well as the grievance redress mechanism. Translation of documents (or summary) in Tetum will be required.

113. Disclosure occurs through:

- Draft safeguards instruments or project concepts are disclosed during the preparation phase to gather feedback and input from local communities and other stakeholders on the proposed activities and safeguards measures.
- Assessment documents (e.g. SA) are disclosed during activities preparation and prior to their final review and approval.
- Final safeguards documents are disclosed to inform local communities of implementation measures and how their concerns have been considered.

114. With assistance from the World Bank, the MOEYS are responsible for managing information dissemination, overseeing public consultation and assuring compliance to guidelines and procedures set out by safeguards instruments and ensure relevant personnel are trained.

115. Disclosure will conform to the Public Communications Policy of the WB: Disclosure and Exchange of Information which requires that the ESMF document for WB projects be accessible to the interested parties and the general public. Prior to the appraisal, the ESMF document will be disclosed in the World Bank Infoshop and made available to the public.

C. Grievance Redress Mechanism

116. World Bank funded projects are required to implement a Grievance Redress Mechanism (GRM) to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's performance, including concerning environmental and social impacts and issues.

117. A GRM will be developed for BEST to manage any project-related complaints and detailed in **Annex C**. The GRM is for people seeking satisfactory resolution of their complaints on any aspect of the project, including the environmental and social performance of the project. The Mechanism ensures that: (i) the basic rights and interests of every affected person by poor performance, including

environmental performance or social management of the project, are protected; and (ii) their concerns arising from the poor performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.

118. In the early stages of engagement, project stakeholders and affected communities must be made aware:

(i) of how they can access the GRM;
(ii) who to lodge a formal complaint too;
(iii) timeframes for response;
(iv) that the process must be confidential, responsive and transparent; and
(v) alternative avenues where conflicts of interest occur.

119. The grievance process is based upon the premise that it imposes no cost to those raising the grievances (i.e., Complainants); that concerns arising from project implementation are adequately addressed in a timely manner; and that participation in the grievance process does not preclude pursuit of legal remedies under national law.

120. The GRM will be established in the national level as well as in target schools. Any grievances/complains in the future that is related to schools construction can be submitted through a phone line that will be created specifically for this project which will allow community members and the general public to channel complaints and inquiries. In the case that complaints cannot be solved at the school levels, the MOEYS will facilitate the follow-up and dispute resolutions as necessary.

121. Target schools and the MOEYS will appoint a team or a focal point to receive and facilitate resolution of specific concerns of affected communities not only limited to environmental and social issues, but other issues related to the Project. The GRM will aim to resolve concerns promptly, in an impartial, understandable and transparent process tailored to the specific community, and at no cost or without retribution to the complainant/s.

VI. Institutional Capacity and Responsibilities

122. This section describes the institutional arrangements to implement the ESMF, from the screening of subprojects for environment and social issues, preparation of subproject safeguards instruments, and review and clearance of subprojects through to the monitoring of implementation. It also details specific tasks and responsibilities of key stakeholders involved in the BEST.

A. Capacity

123. The Ministry of Education, Youth and Sport (MOEYS) is the government department responsible for the design, implementation, coordination and evaluation of the policy, defined and approved by the Council of Ministers, for the sectors of education and qualification of all levels of education, except for tertiary education. The MOEYS has the authority to define the national curriculum at the various levels of education and the student evaluation regime and approve the teaching programs as well as the guidelines for their implementation. Under the Ministry of Education, Youth and Sport are: National Sports Commission (CND); Martial Arts Regulatory Commission (CRAM); National Institute of Training of Teachers and Education Professionals of (INFORDEPE).

124. The MOEYS have had experiences working with the World Bank in the past, specifically in the Education Support Sector Project in 2006. However, due to staff rotation and other reason, only few remaining staff in the MOEYS is familiar with the implementation of World Bank financed projects, in particular for the safeguards issue. There is no specific division at MOEYS which is responsible for environmental and social safeguards issues. Nevertheless, through the current project, the MOEYS is envisaged to have the capacity to develop, establish and enforce safeguards policies in respect to school rehabilitation and construction with the assistance of an individual safeguards consultant that will be hired by the Project Implementation Management Unit (PIMU) for this project as well as capacity building program that need to be arranged under the project. Cost for training arrangement should be budgeted under the Components 2, 3 and 4 of the project.

B. Institutional Arrangement and Responsibilities

125. The MOEYS will have the overall responsibility for coordinating and implementing BEST. This will include all aspects related to education service delivery, procurement, disbursement, financial management and social safeguards. The MOEYS will be the implementing agency for the project. A single Project Implementation and Management Unit (PIMU) will be established within the MOEYS for the implementation of all components. The PIMU will report to the minister or an official designated by the minister, to ensure that this broad-based program, can be viewed in an integrated and unified manner.

126. A Project Steering Committee (PSC) will guide the implementation of the project. The PSC will be jointly chaired by the Minister of MOEYS and the Minister of Finance (MOF). The PSC will also include the Vice Minister for Education, the relevant Director Generals of the MOEYS, a representative of the MOF's Loans Department and a representative of the Ministry of Planning and Strategic Investment and Ministry of State Administration and two eminent personalities. The main function of the PSC will be to set the annual objectives for the project through a Plano Ação Anual[28] (PAA) of the MOEYS. The PSC will also ensure that the PAA is submitted for subsequent approval by the Parliament and inclusion in the national budget law. The PSC will meet twice a year no later than the third week of June and the third week of January[29].

127. The PIMU will be headed by a Project Manager and this person will be the PSC's member secretary. The PIMU will have responsibility for the overall coordination of the project, fiduciary management, accountability for safeguards, and reporting. The PIMU will also have other key staff including, inter alia, a set of civil servants and technical advisors covering key aspects of the proposed project components recruited competitively, based on terms of reference acceptable to the Bank, to provide support to the MOEYS: a monitoring and evaluation specialist, financial management specialists, procurement specialists, engineering and safety staff, one environmental and social safeguards specialist, and support staff. The PIMU will work closely with the other units/structures within the MOEYS on project implementation: these include the Directorate-Generals of Policy, Planning and Partnerships; Pre-School and Basic Education; Secondary Education; and Administration and Finances, and the President of INFORDEPE. The PIMU will provide quarterly technical and financial reports to the PSC and relevant stakeholders through the Minister's Office.

[28] This is the government's annual work plan and budget document
[29] The June meeting of the PSC will be in alignment with the Government's budgeting process which is typically completed by August of every year

128. These responsibilities are highlighted in Table 4 below in particular for school infrastructure:

128. **Table 4 Key Responsibilities for Safeguards Implementation For School Infrastructure**

	Tasks	**Responsible party**
Safeguards Preparation	Review and approval of ESMF	WB
	Disclose ESMF	MOEYS/ WB
	Confirm consultations are adequate	WB
Screening	Screen all proposed activities for adverse environmental and social impacts with Safeguards Screening Form	MOEYS
	Screening records filed for review	MOEYS
	Eliminate all sub-project activities ineligible for financing based on the Screening Form	MOEYS
	Review screening process	WB
Subproject Preparation and Design	Undertake field surveys to inform subproject design.	MOEYS/Target Schools
	Design subproject and activities in accordance with project guidelines	MOEYS/ Target Schools
	Approve subproject design	MOEYS
	Consult with relevant authority(ies) to obtain environment license[30] and/or building permit (if applicable, in particular for new building school) and/or other necessary administrative requirement, if any	MOEYS, NDCPIA
	Support review process and documentation	WB
	Establish grievance focal point and address grievances	MOEYS and Target Schools
	Undertake consultation with stakeholders and affected peoples as required	MOEYS and Target Schools
	Incorporate mitigation measures and stakeholder feedback into design	MOEYS

[30] /Decree law no 12/2012 on Environmental Basic Law requires any program or project initiated by public or private institution that might affect environment, national territory, quality of life and health need to comply with environmental assessment and licensing system.

	Tasks	Responsible party
	Review and approval of design	MOEYS
	Prepare cost estimates	MOEYS
	Approve budget	MOEYS
	Review subproject proposals and confirm consultation process was adequate	WB
Subproject Implementation	Effective implementation of mitigation measures required in this ESMF	MOEYS
	Prepare progress reports and document the implementation of safeguards measures	MOEYS
	Periodic supervision of implementation process, safeguards and progress reports	WB

129. MOEYS with support from safeguards specialist will also responsible for monitoring other project activities (eg. Provision of support on ICT equipment's to MOEYS, districts and schools) which might affect to environment health and safety. This include to follow the guidelines developed under this ESMF on e-waste disposal management to prevent their impact to the environment. The Environment Code of Practice for disposal management of e-waste is available in the **Annex H**.

VII. Budget Provision

130. All of the requirements in the ESMF will be covered by MOEYS.

Annex A Safeguards Screening Form

This form is to be used by the Implementing Agency (IA) to screen potential environmental and social safeguards issues in subprojects, and determine which safeguards instrument/s is to be prepared prior to implementation. It may be modified for the purpose of the PIM, subject to Bank approval.

Questions	Answer		Actions Needed
	Yes	No	
Is the proposed subproject likely to have minimal or no adverse environmental impacts?[31] Please provide brief justification.			No action needed beyond screening
Will the proposed subproject activities include small to medium scale physical investments?			Refer to ECOP
Will the proposed subproject involve the procurement of digital hardwares that may lead to the generation of e-wastes?			Refer to TOR for E-waste
Will the proposed subproject include construction of large-scale infrastructure and significant land acquisition?			Not eligible for funding
Are there any use of dangerous chemicals such asbestos and/or other materials detrimental to the environment including the use of Ozone Depleting Substances (ODS) in certain equipments (e.g air conditioning)?			Not eligible for funding
Will the proposed subproject involve the purchase of timber from unsustainable harvest practice operations?			Not eligible for funding

[31] Examples of projects likely to have minimal or no adverse environmental impacts are supply of goods and services, technical assistance, simple repair of damaged structures, etc.

Questions	Answer		Actions Needed
	Yes	No	
Does the subproject need to acquire new land, involve involuntary land acquisition, loss of assets or access to assets, or loss of income sources or means of livelihood? Please provide brief justification			Refer to Land Access and Resettlement Policy Framework

Safeguards Instruments Required

The following safeguards instruments will be followed and/or prepared for the subproject:

Tick all that apply:

- ☐ Environmental Codes of Practice (ECOPs)
- ☐ Voluntary Land Donation Protocol (VLDP)
- ☐ Land Use Agreement (LUA)
- ☐ Land Acquisition and Resettlement Action Plan (LARAP)

Annex B Community Consultation Framework

World Bank safeguards policies require consultation with the stakeholders and communities throughout the life of the project. This section outlines a Consultation Strategy that meets national and World Bank requirements to be followed for the Project.

Purpose

The purpose of public consultation and community engagement is to inform stakeholders about the proposed activities, gather feedback on the design and how the proposal may affect the environment or themselves, provide notification prior to construction activities, and to gauge the effectiveness of mitigation measures once implemented.

Implementation

Consultations should occur at the following stages:

- when considering subproject concept, feasibility and alternatives;
- during the design phase to gather feedback on potential options;
- upon finalization of project design;
- to raise awareness of timing of construction activities; and
- subproject completion.

Schools and MOEYS have overall responsibility for ongoing community consultations. A transparent and well-planned engagement process will contribute to building broad community support for BEST activities, as long as stakeholder feel informed and their expectations are managed throughout the process regularly. Misguided and unplanned engagement is likely to lead to miscommunication, mistrust, raised community expectations and/or disputes, which could result in the eventual termination of activities. In order to achieve meaningful consultations, it is expected that the principles listed below are followed:

1. Using local languages;
2. Accessible venues;
3. Reasonable time arrangements;
4. Invitations are sent at least one week before the consultation;
5. Consultation process are well documented that includes informations such as when and where consultation was undertaken, attendees and participant list (gender disaggregation), discussion points and findings from consultation, and feedback and comments from consultation activities.

Reports summarizing consultation activities and meetings shall be submitted to the MOEYS.

Annex C Grievance Redress Mechanism Guidelines

This section provides guidance for complaints management for World Bank-funded projects being implemented by the MOEYS in Timor-Leste. The purpose is to provide a centralized 'grievance redress Mechanism' (GRM) for the Project which can also be applied to meet the Bank's safeguards requirements.

The GRM outlines a process for documenting and addressing project grievances (complaints) that may be raised by affected persons or community members regarding specific project activities, environmental and social performance, the engagement process, and/or unanticipated social impacts resulting from project activities. It describes the scope and procedural steps and specifies roles and responsibilities of the parties involved. The GRM is subject to revision based on experience and feedback from stakeholders.

I. World Bank Requirements

The grievance process is based upon the premise that stakeholders are free to raise their concerns to relevant representatives at no cost or threat of any negative repercussions; that concerns arising from project implementation are adequately addressed in a timely and respectful manner; and that participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

MOEYS will manage the GRM, utilizing formal, informal and traditional grievance procedures suitable to the Timorese context. Generally, complaints and disputes will be resolved at the community level as much as possible through the school grievance redress mechanism. If the issue cannot be resolved at this level, it will be raised to the next level and so on (Figure 1).

MOEYS will aim to address all complaints received, regardless of whether they arise from real or perceived issues. Any stakeholder who considers themselves affected by MOEYS's activities will have access to this Procedure at no cost or threat of any negative repercussions. The statutory rights of the Complainant to undertake legal proceedings remain unaffected by participation in this process.

Limitations

The GRM does not deal with grievances relating to internal communication or disputes between the project team, Implementing Agency, other agencies; nor intra/inter-community conflicts that are not project-related.

Objectives

The GRM has the following objectives:

1. Establish a prompt, easy to understand, consistent and respectful Mechanism appropriate for the Timorese context to support MOEYS in receiving, investigating and responding to complaints from community stakeholders;
2. Ensure proper documentation of complaints and any corrective actions taken; and
3. Contribute to continuous improvement in performance through the analysis of trends and lessons learned.

II. Institutional Arrangements

The MOEYS will establish GRM channel into PIMU. The responsibility of each personal in-charge will be detailed in the PIM.

III. Awareness of GRM

MOEYS will provide training on the GRM to relevant project teams, contractors and key agencies.

Communities and affected persons should be advised of the GRM in the early stages of engagement, and be made aware of:

- How they can access the GRM (i.e. key people and complaint forms);
- Who to speak to and lodge a formal complaint;
- The timeframes for each stage of the process;
- The GRM being confidential, responsive and transparent; and
- Alternative avenues of dispute resolution where conflicts of interest exist.

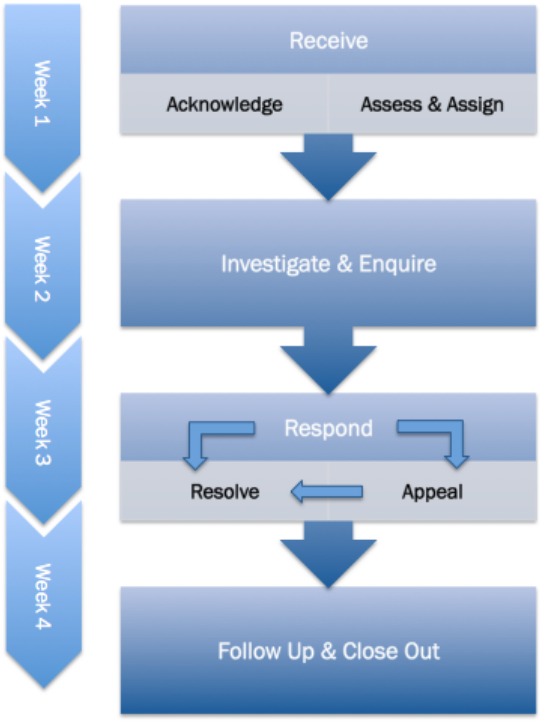
IV. Grievances Procedure

The grievance resolution process includes four key stages – (i) Receive; (ii) Investigate/Enquire; (iii) Respond and (iv) Follow up/Close Out as illustrated in Figure 1.

Relevant personnel will be required to accept formal grievances and ensure avenues for lodging grievances are accessible to the public and affected persons. This may be in verbal or written form. The grievance should be formally documented on the grievance form, assessed on its level of urgency/severity and assigned to the appropriate person who then acknowledges within two days to the Complainant, that the grievance has been received and is under review. Attachment 1 provides a template for lodging grievances.

The severity of each grievance and subsequent course of action shall be determined by MOEYS. If the issue is easily resolvable, the responsible party should endeavor to address the issue directly on site, and record the details for filing into the **Grievance database** managed by BEST PIMU. If the grievance is a more complex issue, it may require additional meetings and further investigation. A formal response should be provided within a two-week timeframe or a timeframe that has been agreed to with the Complainant. If additional time is needed, the Complainant will be advised of this in advance.

Figure 1 Stages in the Grievance Resolution Process



Grievances should be closed out within 30 days (Table 1). The response should communicate findings of the investigation and resolution, and seek approval from the Complainant. The Complainant will either accept or appeal the outcome. If the Complainant is satisfied with the outcome then the grievance is closed out and they provide their signature (or fingerprint) on the grievance form as confirmation.

Table 1 below outlines the timeframes for each stage of the grievance process.

Table 1: Grievance timeframes

Timeframe	Stage
1 day	• Grievance reported and referred to nominated person/project representative
2 days	• Determine severity of grievance • Acknowledge receipt of grievance to Complainant • Resolve immediately if possible • Grievance report sent to Schools/MOEYS and logged in database

14 days	• Meeting with relevant parties, etc • Confirm resolution with Complainant and seek their approval.
30 days	• Grievance closed out • Database updated

A grievance is closed out when no further action can be or needs to be taken. Closure status will be entered into the Grievance database as follows:

- *Resolved* – resolution has been agreed and implemented and signed documentation is evidence of this.
- *Unresolved* – it has not been possible to reach an agreed resolution and the case has been authorised for close out by the Minister.
- *Abandoned* – cases where the attempts to contact the Complainant have not been successful for two months following receipt of formal grievance.

Attachment 1 Grievance Form

GRIEVANCE REPORT FORM

Received by: _____ **Date Received:** _____

Reported by: _____ **Database ID:** _____

Responsible Agency: _____ Staff Name: _____

Location: _____

	Village	First Name, Last Name	Contact Details
Complainant(s)			
Suco Chief			

Acknowledged by: _____ Date Acknowledged: _____

Description of Concern:
…….

Category:

Compensation/Land Access/Inadequate Notification/Disruption to Property/Environmental Damage/Construction Activities/Safety Risk /Traffic/Other

Proposed Resolution or Feedback:

…….

Complainant satisfied with process? Yes ☐ No ☐ Why not?……

Complainant satisfied with outcome? Yes ☐ No ☐ Why not? ……..

Print Name (Complainant): _____

Signed (Complainant): _____ Date:_____

Signed (MOEYS Officer): _____ Date:_____

Copied to: _____

Annex D Resettlement Policy Framework (RPF) including Volutary Land Donation Protocol (VLD)

I. Background

The project has been designed to avoid to the greatest extent the need to use land other than schools or Government owned land or land owned by substantial land owners with whom equitable negotiations towards either "willing buyer – willing seller" or "voluntary land donation" can be executed. However, if additional land is required and the landowner is not a beneficiary of the project and the pre-requisite for negotiated settlement are not satisfies (however, it is considered very unlikely), involuntary land acquisition processes need to be applied. Involuntary Resettlement in Timor-Leste is extremely time consuming and can lead to social unrest and substantial project delays which is part of the reason the MoEYS has no intention of applying eminent domain for the purpose of land acquisition. Notwithstanding this, it is possible that involuntary land acquisition may be required and the requirements of this Resettlement Policy Framework (RPF) will need to be implemented.

The project will finance small infrastructure works stated in the project description. It is possible the target schools will require additional lands to build new classrooms or other school facilities due to their limited land size. In this case, land acquisition may happened. Project components have specifically been selected to minimize land acquisition issues. No structure affected, no physical relocation or loss of income is expected from the implementation of the project.

The land needed for the infrastructure works is expected to be either owned by the school or by the Government. In some instance however private or customary land may be traversed. In this rare circumstance, a negotiated arrangement culminating in a "willing buyer – willing seller" transaction or voluntary land donation (VLD) will be the mechanism. In most cases, the only private land traversed will be owned by the beneficiary households. Any VLD will follow guidance provided in the ESMF.

If involuntary land donation is unavoidable, a Resettlement Policy Framework (RPF) should be followed to prepare an abbreviated Land Acquisition and Resettlement Action Plan (LARAP).

II. Objective, Definitions and Key Principles

The guiding principles for the project are that involuntary resettlement is to be avoided or minimized. Affected people should be better off or at least as well off as before the project. All persons affected by the project are to be consulted throughout the project, have the opportunity to participate in planning, and to share in project benefits. The project should contribute to sustainable development. The principles entrain a process of early identification of stakeholders, and in particular of affected peoples; frank and effective public disclosure of any known impacts; consultation and participation to avoid or mitigate negative impacts identified, and to ensure that no person or impact is overlooked; fair, transparent and timely intervention to support affected peoples during implementation, land acquisition and livelihood restoration; and commitment where possible to improve upon the status quo, particularly for those who may be vulnerable by reason of poverty, ethnicity, gender, age, disability, or social status.

III. World Bank Policy

World Bank (WB) resettlement policy starts from the principle of restoration or improvement of livelihoods at replacement cost, rather than current value, recognizing not only financial and physical assets, but also the environmental, social, and cultural assets of an individual, irrespective gender, ethnic

or social status, in the resettlement context. The Involuntary Resettlement Policy (OP 4.12) enjoins avoidance and minimization of adverse impacts not only because it is less costly, but also because it avoids damage to the less tangible and hard-to-value aspects of livelihoods and cultures. WB resettlement policy has a positive objective of sustainable development, which particular regard for the vulnerable.

IV. Legal Gap Analysis

Currently there are no specific laws on involuntary land acquisition and compensation, although the proposed Expropriation Law would be the most relevant one but still under the parliament for approval. Though no written policy yet, when any works required land in the past, the Government negotiated with the owners or users including informal settlers on a case by case basis. According to past practice, when land was required for project development, concerned parties under the direction of local authorities (district and sub-district Land and Property Units and village) negotiated and reached agreement on compensation rates, total compensation amount, and the procedures or mechanism for compensation and transfer. In addition to these laws, any land acquisition/resettlement activities under this project will follow the procedures outlined in the World Bank's OP 4.12 on Involuntary Resettlement.

The project has been designed to avoid to the greatest extent the need to use land other than school's or government owned land or land owned by substantial land owners with whom equitable negotiations towards either "willing buyer – willing seller" or "voluntary land donations" can be executed. It is also possible that involuntary land acquisition may be required if additional land is required and the landowner is not a beneficiary of the project and the pre-requisite for negotiated settlement are not satisfies (however, it is considered very unlikely), or where land acquisition is for some reason restricted and involuntary land acquisition processes need to be applied. With the absence of national regulation on involuntary land acquisition, A Resettlement Policy Framework (RPF) following the WB OP 4.12 on Involuntary Resettlement will provide an umbrella on involuntary land acquisition process for this project.

V. Approach to Land Acquisition

The RPF applies to the project. In most cases it is anticipated that the land required for project delivery will be obtained via Voluntary Land Donation (VLD) or negotiated arrangements – generally "willing buyer – willing seller", in which case specific requirement will apply. An abbreviated Land Acquisition and Resettlement Action Plan (LARAP) will only needed in the unlikely event of involuntary land acquisition being required for activities funded by the project. These approaches and their key characteristics are shown in table below.

Table 1. Land access arrangements and key characteristics

Land access arrangement	Key characteristics and documentation requirements
Voluntary Land Donation (VLD)	• Minor impacts <10% impact on any individual household or land user • Document to demonstrate compliance with VLD protocol (see appendix 1 of this RPF) o Establish informed consent of the person (s) donating the land. Power of choice is a fundamental foundation of VLD.

	○ Land owner(s) donate the land for the purpose of the project which would benefit the community ○ Determine and document the appropriateness of VLD in the context of Project ○ Due diligence on owners and users of land donated ○ Full consultation and disclosure ○ Document the legal transfer of land donated ○ Grievance Redress Procedure and Mechanism
Negotiated arrangements generally "willing buyer – willing seller"	• Not significance impacts • Documentation to demonstrate: ○ Establish informed consent of the person selling the land ○ Land owner(s) provide a legally binding agreement for the provision ○ May be accompanied by one-off or ongoing payment or other compensation for the provision ○ Due diligence on owners and users of land to ensure correct parties are a part of the negotiated agreement ○ Full consultation and disclosure (possibly without financial terms) ○ Documentation of negotiated arrangement required ○ Grievance Redress Procedure and Mechanism
Involuntary Land Acquisition	• No projects supported by the Bank project will create significant resettlement (or environmental impacts) • Detailed abbreviated LARAP to be prepared which documents: ○ Description of the project activity causing involuntary resettlement and explanation of efforts to avoid or minimize involuntary resettlement associated with the project (alternative project designs considered) ○ Range and scope of potential adverse resettlement impacts ○ Census information on affected persons ○ Description of asset valuation procedures and specific compensation rated (or alternative measures) for all categories of affected assets ○ Other assistance measures, if any, necessary to provide opportunities for livelihood restoration for affected persons ○ Assistance to affected commercial enterprises ○ Eligibility criteria for compensation and all other forms of assistance ○ Land donation arrangements and documentation requirements, if relevant ○ Organizational arrangements for implementation ○ Consultation and disclosure requirements and arrangements ○ Resettlement implementation schedule ○ Cost and budget ○ Monitoring arrangements ○ Grievance procedure

	o Summary entitlement matrix

VI. Preparing LARAP

If involuntary land acquisition is required for the project, a LARAP will be prepared to document the matters identified in above table. The LARAP(s) will be prepared having regard to the following: Responsibility for preparation, implementation and monitoring of LARAPs (including responsibility for meeting all associated costs with their implementation), in accordance with this RPF, rests with MOEYS. As necessary, MOEYS will coordinate actions with any other agencies involved to ensure timely and effective LARAP implementation.

Preparation of the LARAP begins as soon as it is determined that involuntary land acquisition is essential to complete any of the project activities and shall be finalized prior to the commencement of any works to carry out said project activities. PIMU will carry out, or cause to be carried out, a census survey to identify and enumerate Affected Persons and to identify and inventory land and other assets to be required. The census must cover 100% of the affected persons. The census also establishes whether any affected persons are significantly affected by loss of productive land, whether any commercial enterprises are affected, or whether any households will be required to physically relocate.

The LARAP will be prepared in accordance with the policy, principles and planning and implementation arrangements set forth in this RPF. The LARAP is to be based on accurate baseline census information, and establishes appropriate mitigation measures (e.g., compensation at full replacement cost for loss assets, transitional assistance for relocation, and transitional assistance for livelihood restoration, and transitional assistance for commercial enterprises) for all relevant categories of adverse impacts.

VII. Communal Land Acquisition – Guiding Principles

Given the prevalence of customary (communal land) in Timor-Leste, the following guidance is provided for the preparation of LARAPs for this project:

a) The World Bank's Voluntary Land Donation protocol (see Appendix 1) is to be applied in full where land donation anticipated to allow project delivery.
b) Alternatives to land acquisition are considered. Especially where replacement land is scarce or non-existent, or where customary land tenure is deemed inalienable, negotiated agreements for long-term lease, even for alternative infrastructure siting, should be considered.
c) Where communal land must be acquired, collective compensation may be appropriate. Under such conditions, compensation is used solely for appropriate community purposes, or is distributed equitably among community members. The LARAP describes arrangements for usage of collective compensation.
d) Individual users and occupants of acquired communal land are identified in the census prepared for the LARAP and the LARAP describes mitigation measures or negotiated agreements providing for restoration of their livelihoods or living standards.
e) Where replacement land does not exist, it will be impossible to establish a technical valuation for replacement cost. The LARAP will describe alternative means used for valuation. This may include negotiated agreement with affected communities.
f) If relevant, the LARAP describes any changes that may occur regarding land use and tenurial arrangements for remaining communal land in project-affected areas.

g) The LARAP describes a process by which conflicting claims to ownership or use rights will be addressed.

VIII. Entitlements

Eligibility of an individual entitlements under this RPF will relate to their:

- Loss of land, whether an owner, lessee or informal occupant.
- Loss of trees or other plants, whether on owned, leased or informally accessed land.
- Loss of land-based improvements – houses, shelters, business buildings, also irrespective of the ownership status of the land.
- Loss of access to commons and reserves, e.g. road reserves, whether or not legally encroached, and restricted areas.

Eligibility for loss of non-land assets, whether temporary or permanent, will be recognized for project-induced impacts on:

- An individual's business or income.
- Soil or water quality changes that impact the individual's livelihood activities in the direct or indirect impact area.
- Air, light or noise pollution, or restrictions on access to social or economic resources that impact property values and amenity.
- Access to resources due to quarrying operations.
- Any other assets or elements of livelihoods recognized in Timor-Leste law and in WB Operational Policy that may be discovered during disclosure and consultation.

Persons demonstrating that they will suffer losses from any of these causes as at the cut-off date for entitlements will be regarded as eligible for resettlement assistance. Losses from encroachments or activities commenced after the cut-off date for the respective projects will not be eligible. Table 2 summarizes eligibility and entitlements for AAPs.

Table 2: Entitlement Matrix

Type of Impact	Entitled Person(s)	Entitlements
Temporary use of land.	Legal/customarylandowners/land users	Will only occur with agreement with landowners/APs. Affected landowners/APs will be paid rent on terms negotiated and agreed with them. The land will be returned to respective landowners/APs after its restoration.
Permanent acquisition of land	Legal owner(s)/customary landowners Informal settlers (e.g. on land acquired for ROW) with no legalizable rights	Landowners will be provided equivalent size and quality of land, or cash compensation at replacement cost. APs will be provided compensation for their damaged non-land assets (e.g. crops, trees, and structures) on project- affected land.

Loss of crops and trees	All APs irrespective of their legal status	APs will be given notice to harvest crops and trees before site clearance or removal from required land. If APs are not able to harvest, they will be paid cash compensation at replacement cost. In case of perennial crops and trees, the compensation will also include loss of income for a period until new crops or trees produce an equivalent income
Loss of structures (only a few roadside markets are expected to be affected)	All APs (whether having legal title to land or not)	APs will be provided compensation at replacement cost without deductions for depreciation or salvaged materials and assistance in finding an alternative site. It will be ensured that replacement structures are ready to move before relocation of existing structures. In case business activities are disrupted, the business owners will be provided disruption allowance for the duration of business being disrupted.
Displacement of community structure (if any)	Community representatives identified by the social impact assessment	Affected structures will be restored in consultation with community or the affected community will be provided with cash compensation at replacement value without deductions for any materials salvaged. Community will be assisted in dismantling and relocating structure/property.
Impacts on vulnerable APs	Vulnerable AP households identified by social assessment.	Vulnerable households will receive (i) priority employment in project construction and maintenance works; and (ii) additional cash allowance to purchase foodstuffs during the period of income disruption. Amount to be confirmed in the RP for each road/bridge.
Unforeseen impacts	Concerned affected persons	These will be determined as per the principles of the RPF

IX. Implementation Arrangements

Implementation arrangements such as a time-bound implementation schedule of all activities relating to all land acquisition shall be included at the development of a LARAP. Finalization of land and asset transfer (as relevant) as well as any associated payments (such as where there is a “willing buyer-willing

seller" arrangement etc.) should be completed at least one month prior to land acquisition. If there is a delay of one year or more between land or asset valuation and payment of compensation, compensation rates will be adjusted for inflation purposes.

X. Process for negotiation of Voluntary Land Donations (VLD)

Clear parameters are defined in the VLD protocol in Appendix 1. MOEYS will ensure that the requirements of the protocol are met for land is acquired via VLD. Where land is leased via negotiation, MOEYS will need to ensure the following matters are considered and documented:

- Establish informed consent of the person(s) donating the land. Power of choice is important
- Land owner(s) provide a legally binding agreement such as a lease or right of way over the land for the purposes of the project.
- May be accompanied by one-off or ongoing payment or other compensation for the provision
- Due diligence on owners and users of land to ensure correct parties are a part of the negotiated agreement
- Full consultation and disclosure (possibly without financial terms)
- Documentation of negotiated arrangement required.
- Grievance Redress Procedure and Mechanism.

XI. Budget and Costs

MOEYS bears responsibility for meeting all costs associated with involuntary land acquisition. Any LARAPs require a budget with estimated costs for all aspects of their implementation. All APs are entitled to compensation or other appropriate assistance and mitigation measures, regardless of whether these persons have been identified at the time of resettlement planning, and regardless of whether sufficient mitigation funds have been allocated. For this reason, and to meet any other unanticipated costs that may arise, the LARAP budget shall include contingency funds, i.e., at least 10% of estimated total costs. Compensation must be paid promptly and in full to the APs. No deductions from compensation will occur for any reason. The LARAP is to describe the procedures by which compensation funds will flow from MOEYS to the APs.

XII. Approval of LARAP(s) by the World Bank

All LARAPs will need to be submitted to the World Bank for its clearance and review – and full entitlements delivered - prior to any project works commencing on the land to which the LARAP applies.

XIII. Disclosure and consultation on the LARAP

To ensure that the projects contribute to the objective of sustainable development, MOEYS will adopt a comprehensive disclosure and consultation process that includes all stakeholders during project implementation. The consultation process with APs will reveal all foreseeable impacts, and will elicit AP concepts of how mitigation options and resettlement planning can contribute to their aspirations for sustainable restoration or improvement of their livelihoods. In the unlikely event of loss of land, and land-based assets, the aim will be to replace like for like, and if this is not possible, to compensate for lost land, assets and income, and meet the costs of relocation and restoration of livelihoods. Restoration

includes not only physical assets, but also social and cultural assets. If there is a risk of disruption of these values, which are often disproportionally encountered by women, the APs will contribute to selection of mitigation and resettlement options to ensure policy objectives are met.

The LARAP must describe measures taken to consult with affected persons regarding proposed land acquisition, transitional assistance, relocation arrangements, and other arrangements, and summarizes results of those consultations. MOEYS will also be required to disclose the LARAP to the general public in the project area, in a language and location accessible to them and in the MOEYS website. Disclosure of the LARAP occurs following WB acceptance.

XIV. Monitoring Arrangements

Monitoring arrangements will be established in the LARAP to assess the effectiveness of LARAP implementation in a timely manner. Monitoring includes review of progress in land acquisition, payment of compensation, and functioning of project grievance procedures. The LARAP should establish the frequency of monitoring activities. A monitoring report of the LARAP implementation will be prepared by MOEYS and submitted to the Bank. Any issues or problems associated with LARAP implementation that are observed in the monitoring process will be reported to MOEYS and the WB project team.

XV. Grievance Procedures

During the course of the project it is possible that affected persons or communities may have concerns with the project's social or environmental implementation occurring during construction and possibly during operation.

Any LARAP or other documentation prepared to meet the requirements of this RPF will include details of the specific GRM process applying to that activity. This GRM process will need to ensure that any concerns are addressed quickly and transparently, and without retribution to the affected parties.

World Bank funded projects are required to implement a GRM to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the project's performance, including concerning environmental and social impacts and issues. The mechanism ensures that: (i) the basic rights and interests of every affected person by poor environmental performance or social management of the project are protected; and their concerns arising from the poor performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.

In the early stages of engagement, project stakeholders and affected communities must be made aware of:

- how they can access the GRM;
- who to lodge a formal complaint too;
- timeframes for response;
- that the process must be confidential, responsive and transparent; and
- alternative avenues where conflicts of interest occur.

The grievance process is based upon the premise that it imposes no cost to those raising the grievances; that concerns arising from project implementation are adequately addressed in a timely manner; and that participation in the grievance process does not preclude pursuit of legal remedies under national

law. Local communities and other interested stakeholders may raise a grievance at any time to MOEYS or the World Bank's Inspection Panel.

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit http://www.worldbank.org/GRS. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org

XVI. Voluntary Land Donation Protocol (VLD)

This Voluntary Land Donation Protocol (VLD) has been prepared by the World Bank for the purpose of due diligence. For cases where communities and/or individual landholders have offered to donate their land for the project because it is of benefit to the broader community, the World Bank's Voluntary Land Donation Protocol (VLD) should be followed. The project team is to exercise their best judgment where voluntary land is offered and conduct due diligence to avoid adverse impacts and reputational risks. Donations are based on the premise that the project benefit will offset or outweigh the loss of the land donated.

VLD is only suitable for community driven projects where the landowner and/or community wish to 'gift' land parcels or small areas for small-scale community infrastructure that will be of direct benefit the donor's community.

When VLD is Applicable

Voluntary donation of land by beneficiary households is acceptable where:

- It has been verified the donation did not result from any form of coercion or manipulation and is offered in good faith;
- The donation does not severely affect the living standards of the community and/or individual landholder responsible for the donation (i.e. impacts are marginal based on percentage of loss and minimum size of remaining assets);
- Alternatives and the viability of other locations or sites have been considered;
- The donation does not result in the displacement of households or cause loss of income or livelihood;
- The landholder/s making the donation will directly benefit from the project;
- Consultation has been conducted in an open and transparent manner and to a degree that the landholder/s can make an informed choice;
- The land is free from disputes regarding ownership or tenure;
- Land transactions are supported through the transfer of titles;
- Full and proper documentation of all consultations, meetings, grievances and actions taken to address grievances has been reviewed and made available;
- Where impacts are minor and other alternative sites are not viable.

When VLD is NOT Applicable

VLD is not applicable under the following scenarios:

- Medium/large-scale infrastructure particularly in cases where a government agency or entity that has a statutory obligation to provide the infrastructure and/or services for which the land is required
- Where inadequate consultation with donors results in lack of understanding about the terms and conditions of the donation;
- In lieu of formal procedures for land acquisition where these do not exist;
- Where donor property owners, landowners or customary rights holders do not support, or will not directly benefit from, the Project;
- Where conflicts over land exist, including customary collective ownership;
- Conflicting land titling that make it difficult to establish with certainty who has a right to own, donate and use a specific parcel of land;
- Where donors did not provide their informed consent and were subject to political or social pressure and coerced into making the donation.

Process for Voluntary Donation

This section provides guidance on the process for VLD, namely on how to:

- Determine and document the appropriateness of VLD in the project context;
- Verify the requirements of the donation and the formalization of the donation;
- Carry out due diligence on the owners and users of land donated;
- Ensure appropriate consultation and disclosure;
- Establish informed consent of the person donating the land; and
- Establish grievance redress mechanism.

This section outlines the process that should be followed once the threshold considerations set out in Section 1 have been considered, and it has been determined that it is appropriate for the land to be provided to the project by voluntary donation.

It is necessary to follow a clear process for the donation, and to prepare and maintain documents that demonstrate such process. Each step set out below should be addressed in the context of the specific project, and fully documented.

(i) Determine and document that VLD is appropriate in the circumstances of the project.

The team should record the reasons why it thinks that the donation of land is appropriate for the project. In certain cases, only some of the land the project requires will be donated or alternatives to land donation exist. The project team should identify (in as much detail as possible):

- What the land will be used for;
- How much land the project will require on both a permanent and temporary basis;
- How much of the land will be donated;
- What alternatives to donation exist (e.g., right of use, right of way);
- The terms of the donation;
- The identities of the parties who intend to donate;

- The beneficiary of the donation; and
- Any details that are relevant to why donation may be appropriate.

(ii) Verify the requirements to transfer, and formalize the transfer of, the land

It is important to understand the process that should be followed to transfer the land, and appropriate ways to formalize the transfer so as to achieve certainty for both the transferee of the land and the project. In many countries this will require consideration of the legal and administrative requirements but also, particularly in the case of customary land, local and community processes. In some cases these will constitute two different but parallel (and overlapping) systems and a process will have to be established to ensure that the requirements of each system are satisfied. An important consideration will be how transparent the process and the decision making process actually is, and what can be done to enhance the process.

(iii) Conduct due diligence on who owns and uses the land

Given the specific issues surrounding land ownership and use in the PICs, it is important that the project team carries out careful due diligence to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Thereafter, a more specific due diligence must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- Any competing claims of ownership or use;
- Structures and assets on the land;
- Any encumbrances on the land.

It is important to: (a) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbors.

(iv) Disclosure and Consultation

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

(v) Establishing Informed Consent

It is crucial that the project team is confident that the decision to donate was taken in circumstances of *informed consent or power of choice.* As discussed earlier, this means being confident that the owner(s) or user(s) of the land understand:

- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;
- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
- The exact demarcation of land boundary for the project's use;
- Whether there are proposals which would allow other land to be used;
- What they will need to do to donate the land;
- The intergenerational effect of the donation on their family, what they can do if they (or their family or heirs) want the land back

The terms and conditions of the land donation must be mutually agreed upon and detailing in a written agreement.

(vi) Documentation

It is necessary to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.]

To ensure that any land provided for the siting of subprojects is contributed voluntarily, in accordance with the requirements of the ESMF, two representatives of the landowners (family or clan) are asked to sign a Land Commitment Letter (see below). This certifies that the land is voluntarily donated for the purposes of the subproject and for the benefit of the community. The signature of the Letter is witnessed (as attested by their signature) by a suitable project representative.

The project team should:

- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- Ensure that the agreement:
    - Refers to the consultation has taken place;
    - Sets out the terms of the transfer;
    - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
    - Attaches an accurate map of the land being transferred (boundaries, coordinates);
    - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights.
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land; and
- A map, showing each parcel of land.

The Project implementing agency should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

(vii) Grievance Arrangements

Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Refer to Grievance Redress Mechanism (GRM) in **Annex C** of the ESMF.

Attachment 1

REPORT FORMATS FOR LARAP

List of Content

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List of Appendix

1. Project Description
2. Census Survey of PAPs and assets lost
3. Compensation and resettlement assistance description
4. Consultation with PAPs about compensation alternative
5. Institutional responsibility for implementation and procedures for grievance redress
6. Arrangements for monitoring and implementation
7. Schedule and funding

Appendix

1. Relevant Minutes of Meetings
2. Documentation of socialization meeting
3. Flow chart of Procedure for Grievance
4. Form of monitoring report
5. Other supporting data

Attachement 2

LAND DONATION COMMITMENT LETTER TEMPLATE

Date: _____

Village, Province: _____

I/We _____ [name(s)] acknowledge, I am/we are the rightful representative(s) of the land located at _____,

I/we confirm, I/we have the right under custom law, with agreement of community leaders, to *gift* this land for the purpose of _____ and sign this letter as a commitment of our voluntary donation that will benefit our whole community.

I/we declare that:

I/we have the right to transfer rights to use or access this land;

I/we understand that all residents will have access to this site and in order to maintain the asset/infrastructure;

I/we commit ourselves in upholding the contents and spirit of this agreement for so long as it remains in force;

I/we understand this donation is a gift that will benefit our whole community and understand no compensation payments will be made now or in the future;

I/we understand that dishonoring this agreement could result in project termination.

Details of the land (size in sqm, location in village, structures, Type – unused, bush, garden) _____

For the purpose of: (specify activity) _____

For the duration of: (specify commencement date and duration) _____

*Natural Resources Donation (optional) [This may require a separate agreement form depending on the context, quantity being donated, and number of resource owners]

I/We _____are the rightful resource owner(s) of natural resources (e.g. sand, gravel, rocks, timber) located at _____ that are also being donated to the project.

I/We commit to donating _____ as a contribution for the project.

Signed:

Position	Signature	Name
Male Household head		
Female Household head		
Landowner^		
Clan or landowner representative (if applicable)		
Resource Owner (1)*		
Resource Owner (2)*		
Suco Chief		
Govt/Project Representative		
Witness		

^(append list of all custom owners if relevant)

XVII. Land Use Agreement (LUA)

A Land Use Agreement (LUA) may be required where (i) subprojects or activities require access on a permanent or temporary basis to certain sites on customary land; (ii) no suitable alternative sites exist; (iii) customary landowners have agreed for the land to be used for a specific purpose for the benefit of the whole community; and/or (iv) any other situation where it may be deemed the most appropriate instrument for the local context.

The LUA does not apply when state- or privately-owned land will be utilized or needs to be acquired or leased (LARAP) or national process to be followed in these circumstances). However, where formal land use or leasing agreement are being delayed due to circumstances outside the MOEYS control, the LUA may provide a 'stop-gap' or temporary safeguards instrument, subject to approval by the Bank.

It is important that absentee landowners are engaged, and that a suitable witness (non-clan member) signs the agreement.

The process used to enter into the LUA is as follows:

- Share the rationale for the subproject and its proposed siting, and seek the granting of access of the necessary land by the landowning clan or household;
- Village representatives of the community organize a meeting with the representatives of the specific clan/s who have customary ownership of the proposed land or access-way;
- Any persons with fixed physical assets on the land/proposed site, but not considered a landowner, is involved in meetings and their rights are taken into consideration;
- The meeting would discuss the proposed subproject with the landowning clan or household to reach an understanding that the subproject is for the benefit of the whole community and access of land (either permanent or temporarily) is required;
- The payment of access fees should be discussed and agreed in writing (if applicable);
- The landowners would be clearly notified that the agreement to allow land access should be completely voluntary and the specific timeframe should be mutually agreed too;
- If agreement to proceed is reached, then a LUA will be entered into between the clan, the other clans and the leader of the community;
- The LUA should be endorsed by the Suco Chief or equivalent;
- The signed LUA will be submitted as part of the subproject proposal.
- The LUA is submitted to the local magistrate or equivalent for certification.

Exit Strategy and Grievances

If all landowner parties are in disagreement about the land or conditions of LUA, or if landowners are excluded from initial discussions then the subproject will not proceed and the grievance process must be followed where relevant.

Attachment 3

LAND USE AGREEMENT TEMPLATE

Project: _____ **District:** _____

Location

Land Parcel ……..……

Land Title Reference or GPS Coordinates …….

Dear Sir/Madam,

1) We, the undersigned being the representatives of the …….. hereby acknowledge that…… have the right under the customary law to make decisions on the land known as …….. for the purpose of …….. with the rights to the receive the proceeds of any development or other conducted on the said land. We certify that all members of the village agree to the truth of this certificate and that we are the persons authorized to sign it.

……. …… ……..

2) We, the undersigned being the representatives of …… clan of

…….. Village, ……..……

District, ……hereby declare that;

(1) We have the right under customary law to allow access or use of the land ……. for the purpose of ……... (project name) and agree to allow access to …… to support this project (entity);

(2) That we undertake not to interfere in any manner on any activities or developments undertaken by our ……on the said parcel of land;

(3) That we understand the use of natural resources located on the said land (edible or non edible plants/shrubs, sand, gravel, rocks, timber, water sources, bush materials and other organic matters) will be usedfor the purpose of the project;

(4) That we understand rental payment of …… will be made by …… for right of access to the said parcel of land (put nil if no rent is expected);

(5) We commit ourselves in upholding the contents and the spirit of this agreement for so long as it remains in force;

(6) We will undertake efforts to convey the contents of this agreement to members of the ……. village/s or clan/s and to ensure that they so honour it.

Sketch of land parcel (including assets, structures, crops, etc):

Infrastructure

Details of infrastructure *funded by Govt*:

…….

…….

Ongoing Maintenance

Responsibility of landowner (detail of specific infrastructure)

…….

…….

Responsibility of MOEYS (detail of specific infrastructure)

…….

…….

Timeframe/scheduling arrangements

…….

…….

3) SIGNATORIES

I/we hereby sign confirming that the above is true and correct:

Party	Name	Signature	Date
Landowner			
Suco Chief/Village Representative			
Project Representative			

4) WITNESSES

We, the undersigned being representatives of …… clan (who share the land boundary with …….. clan) hereby declare that by Customary Law, we are rightful owners of the land known as ‘‘……..” located at ……. Village ……. District and that it has the right by customary law to transfer/ lease the said parcel of land.

Project Partner	Name	Organisation
PIMU Representative		
District Officer		
Local Representative		

Made under our hands these agreements:

This _____ day of _____ 20__ at _____

village _____ District _____ in _____.

Submitted to:

_____

On this _____ day of _____ 20__ at _____.

Annex E Terms of Reference for MOEYS Safeguards Specialist

BACKGROUND

ASSIGNMENT DESCRIPTION: Terms of Reference for Safeguards Specialist

Specific Tasks

Detailed duties include:

i. The provision of guidance to MOEYS for the preparation and implementation of environmental and social safeguards in projects so that environmental and social considerations are effectively mainstreamed into the Project.
ii. Carry-out awareness rising and capacity building within MOEYS and local planning and implementation agencies, on the World Bank's social safeguards requirements and procedures in general, and on the World Bank -supported activities in particular.
iii. Provide guidance to and supervision of local planning and implementation agencies on implementation of social and environmental safeguards issues and requirements following the World Bank's and national policy frameworks.
iv. Review documents to confirm that MOEYS has the required standards of safeguards reporting by staff and consultants.
v. Assist MOEYS to prepare corrective measures in terms of compliance with safeguards requirements which may be identified by monitoring reports, mission findings and others sources.
vi. Advising MOEYS when environmental and social impacts created by the project are not being effectively managed.
vii. Prepare progress reports for MOEYS

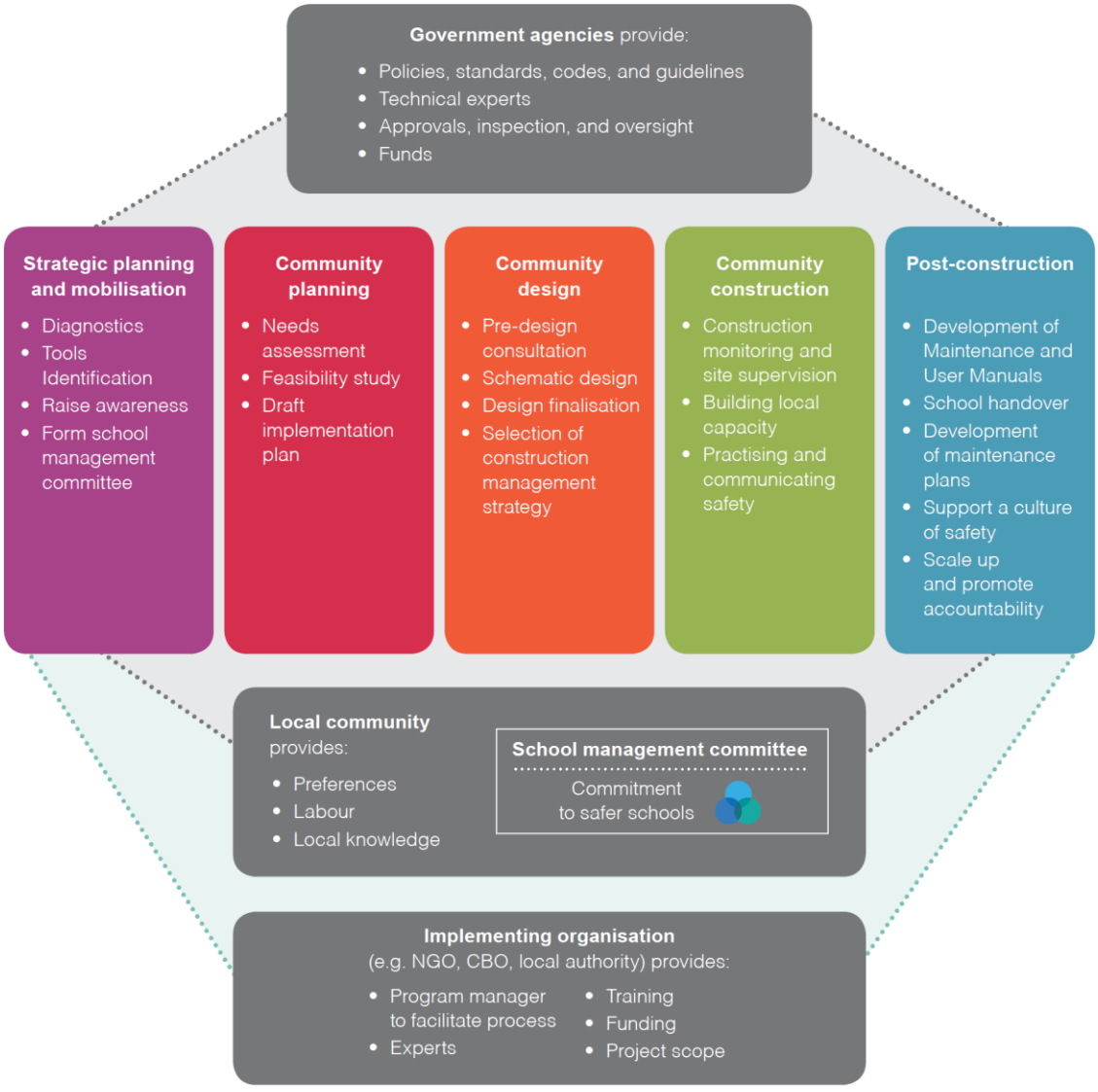
The TOR will be detailed once the hiring process take place.

Annex F Key Activities for Community-Based Construction of School Buildings

The following information is taken from the manual, "Towards Safer School Construction, a community-based approach" developed in 2015 by the Global Alliance for Disaster Risk Reduction & Resilience in the Education Sector (GADRRRES, a multi-stakeholder mechanism composed of UN agencies, international organizations, and global networks). The full manual was accessed through https://www.gfdrr.org/sites/default/files/publication/45179_towardssaferschoolconstruction2015_0.pdf. These key activities provide a structured guideline for implementing community-based construction of school buildings. School construction projects, whether community-based or external, follow similar processes. These projects have a core Planning, Design and Construction Stage. In a community-based construction approach, there are two equally important stages which bookend the process:

- the Mobilisation Stage in the beginning and the
- Post-Construction Stage after construction is finalized.

When a community-based approach is used in a hazard- prone location, several key activities can help ensure school safety. First, the design must be responsive to the needs of the students, staff and community. Second, the community must gain knowledge and skills for disaster risk reduction. Each of the five stages is briefly described below.



1. **Key Activities of the Strategic Planning and Community Mobilization Stage**

   The first stage of a community-based approach seeks to understand the broad, physical, social, cultural and political environment in which the program occurs. Community mobilization follows, culminating in the formation of a school management committee that is broadly representative and committed to safer schools.

   - **Performing diagnostics.** A diagnostic assessment of the education, construction and development sector helps ground projects in local realities and identify champions of school safety.
   - **Identifying tools.** Tools for risk awareness, disaster risk reduction and construction training may already exist. Identifying them ensures the program supports existing community activities.
   - **Raising awareness.** Before communities commit to building safer schools or retrofitting existing ones, they need to understand the risks and believe in the project.
   - **Forming a school management committee.** The school management committee oversees the process. They ensure community needs are met and safety is prioritized.

2. **Key Activities of the Community Planning Stage**

   During the Planning Stage the school management committee and program manager work with stakeholders to identify community goals. The stage also lays groundwork for a safer school by assessing the school site for hazards and identifying what community training is needed.

   - **Assessing needs.** Schools serve important educational and community development purposes. The needs assessment identifies how the school can best serve the community.
   - **Conducting a feasibility study.** A feasibility study ensures projects are practical and achievable in light of community capacity, hazards, material availability and available construction sites.
   - **Drafting an implementation plan.** Before moving into the Design Stage, the school management committee and program manager develop an implementation plan describing tasks and their timeline. Especially important tasks are those that increase community knowledge and skills in hazard-resistant construction.

3. **Key Activities of the Community Design Stage**

   Design teams develop the layout, structural system and construction materials for the safer school project. While technical specialists ensure the functionality and safety of the design, communities make other design decisions and learn how design choices can increase the hazard- resistance of the school.

   - **Conducting pre-design community consultation.** The design team and school management committee agree on the goals of the school and how well it should perform during hazard events.
   - **Drafting of schematic designs.** The design team creates a series of design alternatives from which the school management committee selects their choice. **Universal access on gender aspects and the disabled is incorporated in this activity in accordance with Good International Industry Practice**.

- **Selecting a construction management strategy.** Together, the school management committee and program manager select a person or organization to oversee the construction process and make sure the overseer remains accountable to the community and funder. The school management committee may take this role with appropriate support. Alternatively, the program manager or a hired management company may take the role. **Labor management procedures that covers community workers including informal workers are incorporated into the strategy in accordance with Government regulations and Good International Industry Practices.**

4. Key Activities of the Community Construction Stage

As school construction begins, a community-based approach must carefully pair construction activities with worker training and a transparent oversight process. Without training, community members and construction workers do not understand the hazard-resistant construction techniques needed to make the school safe. Without oversight, safety cannot be guaranteed.

- **Engaging in construction monitoring and site supervision.** In community-based school construction, construction monitoring may be a collaborative task: school management committees and other stakeholders may monitor daily activities and identify potential problems while technical specialists ensure design compliance. Such collaboration helps ensure construction quality even in remote locations and increases local knowledge of hazard-resistant construction. **The ECOP in Annex G of the ESMF and labor management (community workers including informal workers) in accordance with government regulation and Good International Industry Practice are implemented in this activity.**
- **Building local capacity.** When hazard-resistant construction techniques are new to the community, tradespeople and labourers need training. The training needs to be in a format they can easily understand. Hands-on demonstrations, practice sites and pictorial construction drawings work well.
- **Practicing and communicating safety.** The construction showcases safer building practices to the community in ways that can influence future construction practices. Conscientious health and safety procedures and concerted community outreach can help achieve this.

5. Key Activities of the Post-Construction Stage – Operations, Maintenance & Safety

Safety does not end with the completion of construction. Communities need to learn how to use and maintain their safer schools in the Post-Construction Stage. The project can also solidify into a broader culture of safety at the school and in the community, as well as at the organizational and global level.

- **Drafting maintenance and user manuals.** Design and construction teams, government authorities and school staff jointly develop a manual for safe operation, maintenance and future use.
- **Handing the school over.** A commemorative handover establishes institutional memory about safer schools. Students and staff identify and reduce hazards inside the completed school.

- **Developing a maintenance plan.** Stakeholders create regular maintenance plans and identify how the school may be altered in the future. These plans help ensure the school remains a safe building during its entire use.
- **Supporting cultures of safety in schools.** The safer school can continue to teach communities about hazard- resistant construction and valuing safety. Commemorative events, signs and school safety committees support the ongoing learning process.
- **Scaling-up and promoting accountability.** Development organisations and government agencies can promote and scale-up safer school construction, whether through community-based or external approaches, by making a public commitment to safer schools.

Annex G Environmental Code of Practices

This Annex describes environmental codes of practices that are based on good environmental management practices. The BEST activities or sub-projects should use these practices to minimize negative environmental impacts. These good practices are provided as examples, but measures are not limited to the ones described here. Some measures will be locally specific and can be adapted using the best locally available technology.

a. Environmental Duties of Contractors

- Compliance with all relevant legislative requirements in Timor Leste
- Implementation of this ECOP for the duration of the construction period
- Report the monitoring records to PIU
- Employ and train suitably qualified staff to take responsibility for the ECOP

b. General Conditions

- Use only legal timber for construction
- No chainsaws should be used
- Do not use any materials that contain asbestos

c. Site Screening

- Consider potential water pollution
- Protect wetlands from infrastructure construction
- Prevent pollution in nearby habitats
- Respect protected areas

d. Construction Site Management

- Keep construction sites free of hazards
- Reduce and control noise
- Make efforts to control dust during construction

e. Noise and Vibration

- Contractor will be required to maintain all vehicle exhaust systems and noise generating equipment in good working order and maintained regularly;
- Prohibition of any construction activities between 9pm and 6am;
- Contractor will prepare a schedule of operations that will be approved by affected stakeholders. The schedule will establish the days, including identifying days on which there should be no work, and hours of work for each construction activity and identify the types of equipment to be used;
- Workers will be provided with noise abatement equipment as may be required; and
- Any complaints regarding noise will be dealt with by the School or PIMU in the first instance through the redress grievance mechanism.

f. Air Quality

- Mask provision for students and school staffs
- Prohibition of burning debris or waste materials in proximity to schools or nearby villages
- Reduce dust generation through application of water where practical
- Cover stockpiled materials and secure debris with tarpaulins

- Limit heavy vehicle movements and idling
- Identify asbestos risk and hazardous materials to be handle only by qualified or appropriately trained persons

g. Water Supply

- Always practice good watershed management
- Protect and manage forested watersheds
- Do not allow outsiders to clear large forest areas in hilly and mountain watersheds
- Protect primary forest in watersheds
- Protect water sources from pollution and contamination
- Share scarce water sources between different users
- Locate dug wells a safe distance from septic tanks
- Always provide good drainage at public and yard taps
- Construct proper drainage systems
- Keep waste and hazardous materials away from water bodies and do not dispose of waste in creeks or rivers
- Manage site safety to avoid contamination of drinking water from waste materials and pollutants
- Wells should always be located upstream of any septic tank soak-away. Minimum 15 m distance from septic tank is recommended to avoid contamination

h. Sanitation

- Build a complete septic tank system and make sure all parts of the system are working properly
- Use septic tanks for wastewater treatment and disposal of effluent; properly pump out septic sludge periodically
- Treat septic tank effluent before final disposal
- Keep toilets clean

i. Solid Waste Management

- Collect garbage; do not litter
- Separate waste at source for recycling
- Protocol of accidental spills is in place (emergency response)

j. Erosion and Sediment Management

- Disturb as little ground area as possible and stabilize that area as quickly as possible.
- Direct storm water around the work site using temporary drains.
- Install sediment control structures where needed to slow or redirect runoff and trap sediment until vegetation is established. Sediment control structures include sediment catchment basins, straw bales, brush fences, and fabric silt fences.
- In areas where construction activities have been completed and where no further disturbance will take place, re-vegetation should commence as soon as possible.

k. Soil Contamination

- Complete construction works during dry season and avoid wet season
- Re-plant trees and re-vegetate cleared areas immediately after construction

- Properly dispose used construction materials (such as paint, thinner, diesel, etc) to prevent soil contamination

l. Worker Health and Safety

- The community/contractor must comply with all Timor Leste regulations for worker exposure
- All staff/workers will be provided with suitable personal equipment for minimizing accidents.

m. Traffic and Pedestrian Safety Management – Community Safety

In compliance with national regulations the contractor, through the construction environmental and social management plan (CESMP) will ensure that the construction site is properly secured, and construction related traffic regulated. This includes but is not limited to:

- Signposting, warning signs, barriers and traffic diversions: site will be clearly visible, and the public warned of all potential hazards.
- Traffic management system and staff training, especially for site access and near-site heavy traffic. Provision of safe passages and crossings for pedestrians where construction traffic interferes.
- Adjustment of working hours to local traffic patterns, e.g. avoiding major transport activities during rush hours or times of livestock movement.
- Active traffic management by trained and visible staff at the site, if required for safe and convenient passage for the public.
- Ensuring safe and continuous access to office facilities, shops and residences during renovation activities, if the buildings stay open for the public.
- Complete construction works during dry season and avoid wet season

n. Asbestos Protocol

- Upon finding suspected asbestos containing materials, no physical work on the buildings will be done until suspected asbestos has been sampled, the results known, and asbestos removed. The site containing suspected asbestos shall be clearly marked.
- An Asbestos Specialist will be engaged to confirm the presence of asbestos in the buildings or building debris subject to funding under this project.
- The Asbestos Specialist will hold a ‘Certificate of Competency’ or a similar certification indicating training and experience in the handling and disposal of asbestos-containing materials.
- The Asbestos Specialist will visit a sample of the buildings that will be funded under this project and prepare an identification guide and sample handling process along with an estimated inventory of the waste types and volumes that will need to be managed under the Asbestos handling strategy.
- The asbestos sample will be sent to accredited laboratories for asbestos testing, which may need to be conducted overseas.
- An Asbestos handling strategy shall be developed by the Asbestos Specialist, and reviewed by the World Bank, prior to implementation. This shall include:
    - A list of all trained personnel, including an Asbestos Removal Supervisor, who will work on the project (providing certification or training records);

- A list of personal protective equipment required;
- A list of equipment required for containing and disposing the materials.
- Awareness raising methods for community members who may be (or have been) at risk.
- Approved safe-work methods for undertaking building deconstruction, wrapping of contaminated materials and preparation for disposal.
- Disposal of materials at licensed landfill
- All PPE and equipment used in the removal of asbestos is to be treated the same as asbestos containing materials.
- Debris removal should include the external areas of the building surroundings that have been contaminated by asbestos containing debris.
- Preparation of a map showing the location of the disposal of asbestos materials from the project sites to the landfill.

- All work will be carried out in accordance with the World Bank Group 2009 Guidance Note on Asbestos Management (https://siteresources.worldbank.org/EXTPOPS/Resources/AsbestosGuidanceNoteFinal.pdf) including the World Bank Group's "Environmental, Health, and Safety Guidelines" available at: www.ifc.org/ehsguidelines.
- The site of the disposal of asbestos containing materials shall be clearly marked at the site, and in a national register of hazardous sites or similar register of land interests.
- All subprojects under BEST requiring the removal of asbestos or asbestos containing materials will have asbestos materials safely removed in advance of any reconstruction works commencing.
- No asbestos containing materials will be used for construction or reconstruction or repair works under the BEST.

o. Gender-Based Violence (GBV) Code of Conduct

All workers will sign a Gender-Based Violence Code of Conduct (GCC) to ensure that all those engage in the project areas is committed to GBV prevention and that the project is implemented in such a way which minimizes gender-based violence against women, men, boys and girls of the local communities and its workers. This will be done through Codes of Practice (COP), Occupational Health and Safety (OHS) measures, and Contractor Environmental and Social Management Plan (CESMP).

Annex H E-Waste Disposal Management Procedure

Electronic waste or what is known as E-Waste are electronic goods or electronic equipments that are no longer needed (both still functioning and damaged) and will be disposed of/destroyed. This type of waste is included in the category of hazardous waste because it contains various toxic and dangerous substances such as lead, mercury. arsenic, cadmium, selenium and chrome. Hazardous waste including electronic waste requires special handling. Without proper management in terms of disposal, electronic waste will have a negative impact on the environment and human health.

The following are some electronic goods and equipment that are usually related to ICT (Information and Communication Technology),on which if later are no longer needed and will be discarded, its waste must be handled through an electronic waste management procedure:

- Centralized data processing systems: mainframes, mini computers
- Personal computer equipment:
    - Personal computer (Central Processing Unit with input and output devices)
    - Laptop (Central Processing Unit with input and output devices)
    - Notebook computers
    - Notepad /tablet computers
- Printers, including cartridges
- Photocopy equipment
- Scanner
- UPS and Batteries (computers)
- Electronic typewriters
- User terminals and systems
- Fax machine
- Telephones (including mobile phones/smart phones)

The government needs to ensure that electronic waste (e-waste) is handled properly and all parties including the community and individuals need to participate in reducing, separating and carrying this waste to a specific dumping point (Dropping point) or Temporary Collection Facility and subsequently to be collected by certified waste handling companies.

The procedure for electronic waste disposal are as follows:

- Separate waste/electronic waste from other waste
- Place this electronic waste in a special container or other adequate container labeled E-Waste or Hazardous Waste.
- Place electronic waste in this container into the warehouse.
- Depending on the condition of the used goods/e-waste (especially computers/laptops) - the following steps can be carried out as follows:
    - Granting to certain institutions/non-profit organizations for further use; or
    - Bringing electronic waste to the Warehouse of the Department of Asset and Logistic (MOF) for further process (ie Auction and/or discarded)[32]

[32] /There is one Australian Company which crtified to handle hazardous waste (including e-waste) in Timor Leste

The following are procedures for the management of electronic waste from urban areas including those from schools:

- Option 1:
    - Separate waste/electronic waste from other waste
    - Place in special containers (DROPBOX) or other suitable containers
    - Bring waste in the container to a collection point (Dropping Point/Temporary Collection Facility) determined by the Government
- Option 2:
    - "Trade in". It needs to be agreed upon when the procurement transaction of the electronic equipment. The vendor/seller will pick up used equipment when installing new equipment. The vendor/seller will be responsible for the management of electronic waste.
- Option 3:
    - Collected by third parties/certified collection companies

Annex I Community Consultation Minutes and Documentations

Minutes of Meeting of Site Visit to EBF 639 Bebonuk,

District of Dili, on March 23, 2019

The meeting was started at 2:30 PM, with the welcoming guest by the coordinator of the school Mr. Tomas da C. Soares, and continues with the specks from the representative of ministry of education, youth and sport Madam Debbie Katzan, and then the introduction of the World Bank team by Madam Adelaida. In addition, the meeting was participated by parents and teachers with total participants 101 people.

Question and Recommendation:

1. Rosalina da Costa
   - There are several issues need to resolve immediately:
   - The lack of rooms at the schools, 60 students in one room.
   - Student with financial problem, if possible they need the support from World Bank.

2. Olinda Lopes
   - Lack of rooms, it resulted student only come to school 2 hours/day.
   - Unsafe building can be very danger to their children.

3. Graciano
   - Appreciate the program and he suggested this kind of program have to implement as national program (to all the school in Timor Leste) because it necessary to start the development in this country.
   - The learning process disturbing during raining because of flooding.
   - No library, limited rooms, wash facility was so poor, lack of teachers and some of them only volunteer.
   - No office for the teachers etc.

4. Tomas da Conceicao
   - The condition of the school was horrible, specially ceiling.
   - Lack of teacher, 25 teachers included the coordinator of the school.
   - Lack of rooms so there was one room with 71 students.
   - Second floor needs to rehabilitate.
   - Needs to build a new building at free space with 2 more rooms for student.
   - Total student for 2019 was 1175.

5. Rasalina
   - There is no problem for water, but the rehabilitation for toilet and water are required.
   - There are 7 Toilets, 3 for men and 4 for women.
   - Only one waste bin at school.

6. Tomas Pinto
   - The environment of the school has to change.
   - Soil identification must been done, so that if possible the new building will be build vertically.
   - No fence to protect the schools.

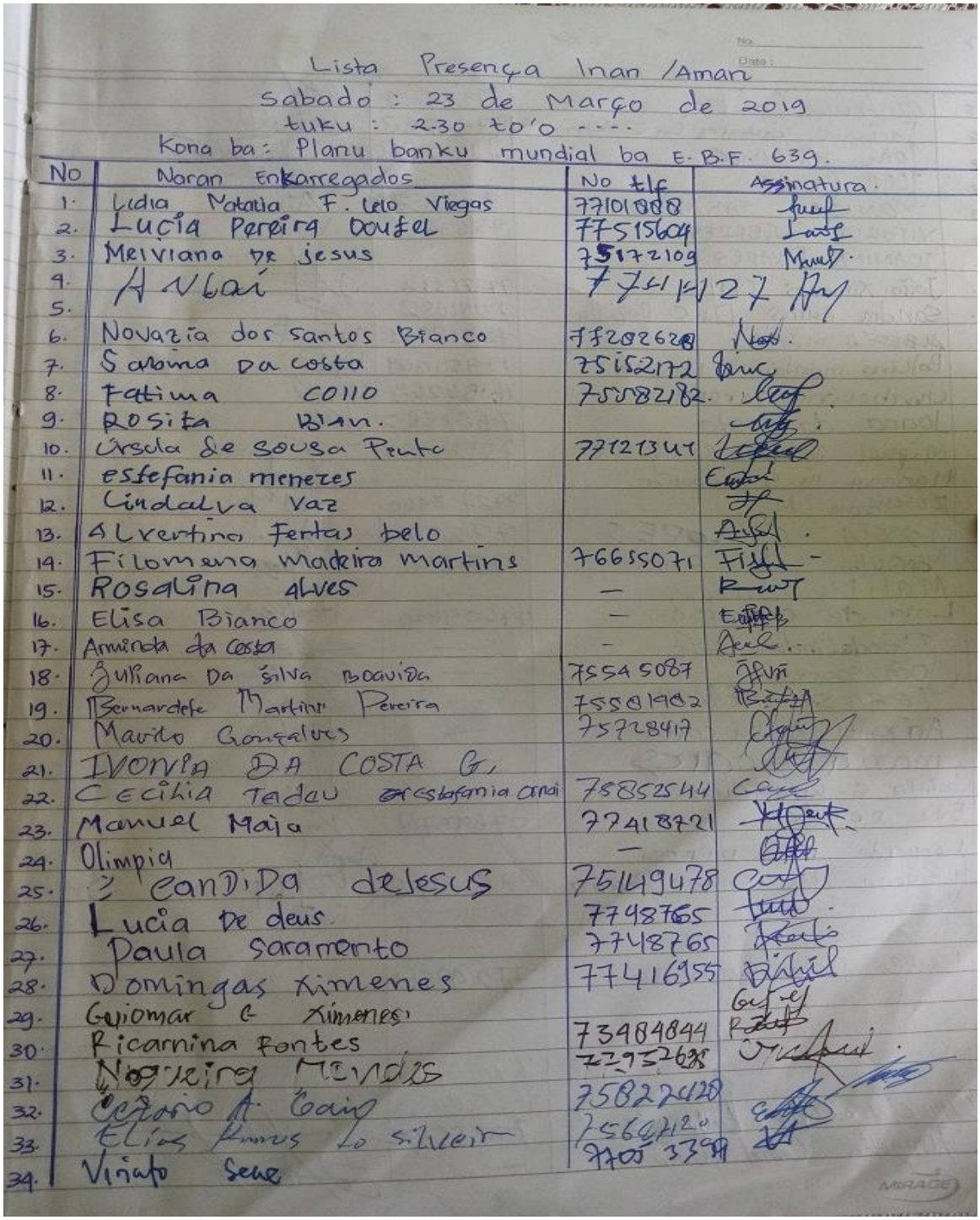
- Temporary building required when the renovation is ongoing.
- Government has to provide more land to build the school.

Resume:

1. Parents were happy with the program in general.
2. Parents, teachers and local authority requested and suggested to renovate or to rebuild the school ASAP.
3. The school condition is unsafe to student and teachers.
4. Lack of room (60-71 students/room), it result negative impact to the students during learning process.
5. The wash facilities need to rehabilitate, a total 7 toilets, 3 for men and 4 for women, all in bad condition, water is available.
6. The parent requested to provide also library.
7. The parent also requested to provide playground facilities, to avoid student boring at classroom.
8. Limitation of the land, so parent requested to build school in vertical way.
9. The waste bin has been provided at school but waste management was inappropriate.
10. Parent requested financial support for some student.
11. For the learning process, they use Tetum and Portuguese, Tetum is for first year student and Portuguese start at second years/class 2.

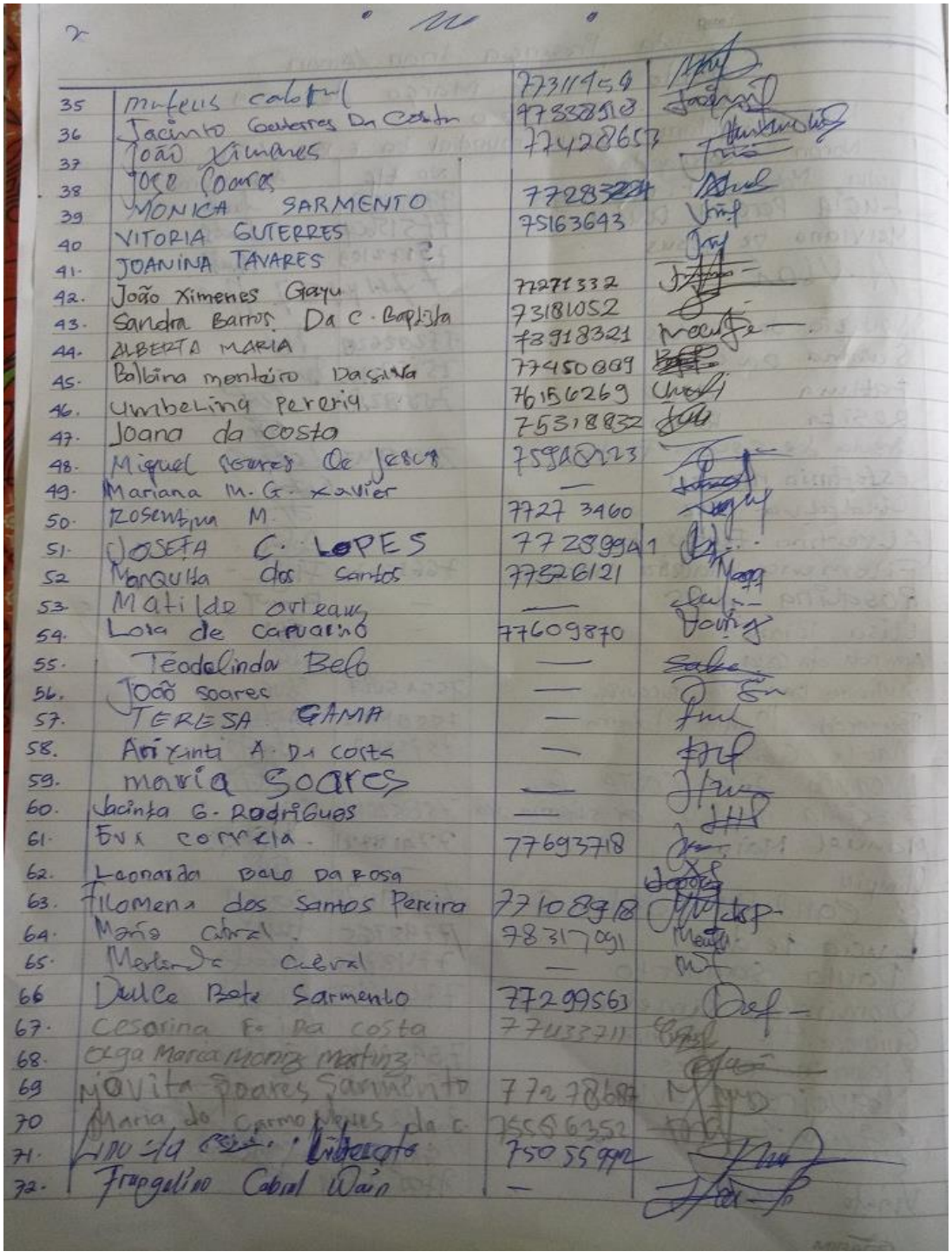
Documentations:

Attendance List:

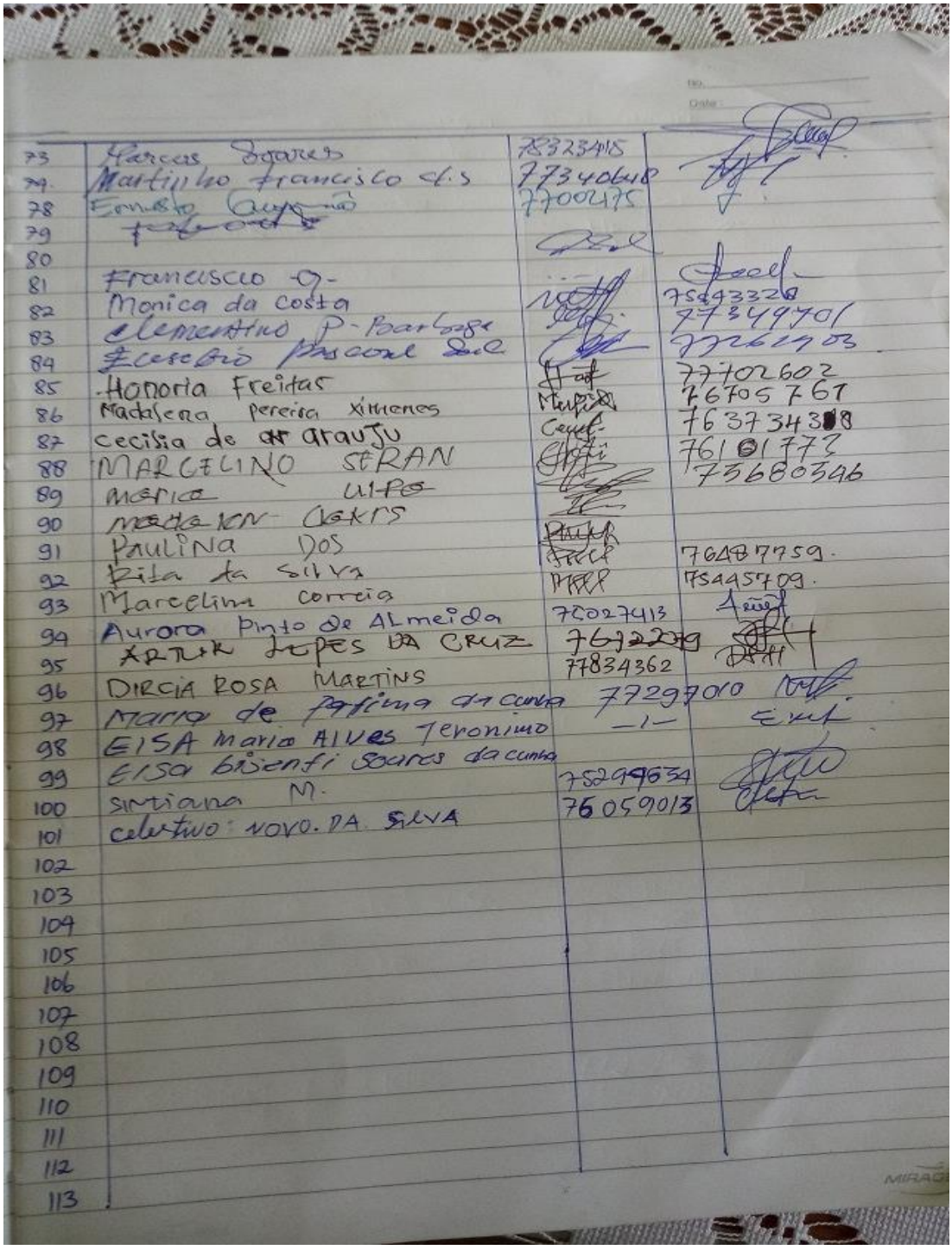


Lista Presença Inan /Amani
Sabado : 23 de Março de 2019
tuku : 2.30 to'o ----
Kona ba: Planu banku mundial ba E.B.F. 639.

No	Naran Enkarregados	No tlf	Assinatura.
1.	Lidia Natalia F. Lelo Viegas	77101888	
2.	Lucia Pereira Doutel	77515604	
3.	Melviana de jesus	75172109	
4.	Alvai	77414127	
5.			
6.	Novazia dos santos Bianco	77202628	
7.	Sabina da costa	75152172	
8.	Fatima COLLO	75582182.	
9.	ROSita Bian.		
10.	Ursula de Sousa Pinto	77121341	
11.	esfefania menezes		
12.	Cindalva Vaz		
13.	Alvertina Fertas belo		
14.	Filomena madeira martins	76655071	
15.	Rosalina alves	—	
16.	Elisa Bianco	—	
17.	Armineta da costa	—	
18.	Juliana Da Silva Boavida	75545087	
19.	Bernardete Martins Pereira	75501902	
20.	Mavito Gonçalves	75728417	
21.	IVONIA DA COSTA G.		
22.	Cecilia Tadeu esfefania anai	75852544	
23.	Manuel Maia	77418721	
24.	Olimpia	—	
25.	Candida dejesus	75149478	
26.	Lucia de deus	77498765	
27.	Paula Saramento	77487765	
28.	Domingas Ximenes	77416955	
29.	Guiomar C Ximenes		
30.	Ricarnina Fontes	73484844	
31.	Nogueira Mendes	77975268	
32.	Cesario A. Caio	75822420	
33.	Elias Amus Lo silveir	75602120	
34.	Vinito Seve	7705 3398	



35	Rafaela Cabral	77311454	
36	Jacinto Gouveias Da Costa	97333513	
37	João Ximenes	77428657	
38	José Soares	77283224	
39	MONICA SARMENTO	75163643	
40	VITORIA GUTERRES		
41.	JOANINA TAVARES		
42.	João Ximenes Gayu	77271332	
43.	Sandra Barros Da C. Baptista	73181052	
44.	ALBERTA MARIA	73918321	
45.	Balbina Monteiro Da Silva	77450009	
46.	Umbelina Pereira	76156269	
47.	Joana da costa	75318832	
48.	Miguel Soares De Jesus	75923123	
49.	Mariana M. G. Xavier	—	
50.	Rosentina M.	7727 3460	
51.	JOSEFA C. LOPES	77289941	
52	Marquita dos Santos	77526121	
53.	Matilde Orleans	—	
54.	Lola de Carvalho	77609870	
55.	Teodolinda Belo	—	
56.	João Soares	—	
57.	TERESA GAMA	—	
58.	Arsinta A. Da Costa	—	
59.	Maria Soares	—	
60.	Jacinta G. Rodrigues	—	
61.	Eva Correia.	77693718	
62.	Leonarda Dalo Da Rosa		
63.	Filomena dos Santos Pereira	77108918	
64.	Maria Cabral	78317091	
65.	Marlinda Cabral	—	
66	Dulce Bete Sarmento	77299563	
67.	Cesarina F. Da Costa	77433711	
68.	Olga Maria Moniz Martins		
69	Novita Soares Sarmento	77278687	
70	Maria do Carmo Neves da C.	75596352	
71.	Lina da Silva Liberato	75055992	
72.	Evangelino Cabral Dias	—	



73	Marcos Soares	75323418	
74	Martinho francisco dos	77340648	
78	Ernesto Augusto	77004175	
79			
80			
81	Francisco G-		
82	Monica da costa		75493326
83	Clementino P- Barbosa		77349701
84	Ezequiel Pascoal Dos		77261703
85	Honoria Freitas		77102602
86	Madalena pereira ximenes		76705761
87	cecilia de araujo		76373438
88	MARCELINO SERAN		76101773
89	Maria Lopes		75680346
90	Madalena Dos Reis		
91	Paulina Dos		
92	Rita da silva		76AB7759.
93	Marcelina correia		75495709.
94	Aurora Pinto de Almeida	75027413	
95	ARLIK LOPES DA CRUZ	76922099	
96	DIRCIA ROSA MARTINS	77834362	
97	Maria de fatima da cunha	77297070	
98	EISA Maria ALVES Teronimo	—1—	
99	Elsa Bisenfi Soares da cunha		
100	Simiana M.	75299634	
101	Celestino NOVO. DA SILVA	76059013	
102			
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Minutes of Meeting

Site visit to the Matata school, Municipality of Ermera on March 23, 2019

The meeting was starting at 10 PM with the welcoming guess by coordinator/director of school Mr. Manuel Salsinha and followed by explanation of the objective of the program by Madam Debbie Katzman representative of the Ministry of Education, Youth and Sport, and self introduction from the team. A total of 59 people were participated in this meeting, such as parent, local authorities and teachers.

Questions and recommendation:

1. Amelia Babo:
   - Need to build one junior high school in Matata, because the distance to junior high school in Railaku is too far the students have to walk 2-3 hours to school because no public transportation and the road condition is really bad.

2. Madalena
   - No water at school because the installation was broken and water source is too far.

3. Erculano de Jesus (Aldeia Chief)
   - No fence, animal was entre to school and destroy the garden.
   - No water facilities, installation pipe was broken, it needs to improve.
   - Need to build junior high school in Metata.

4. Osorio Nunes
   - Needs to provide library, wash facilities, and fence.

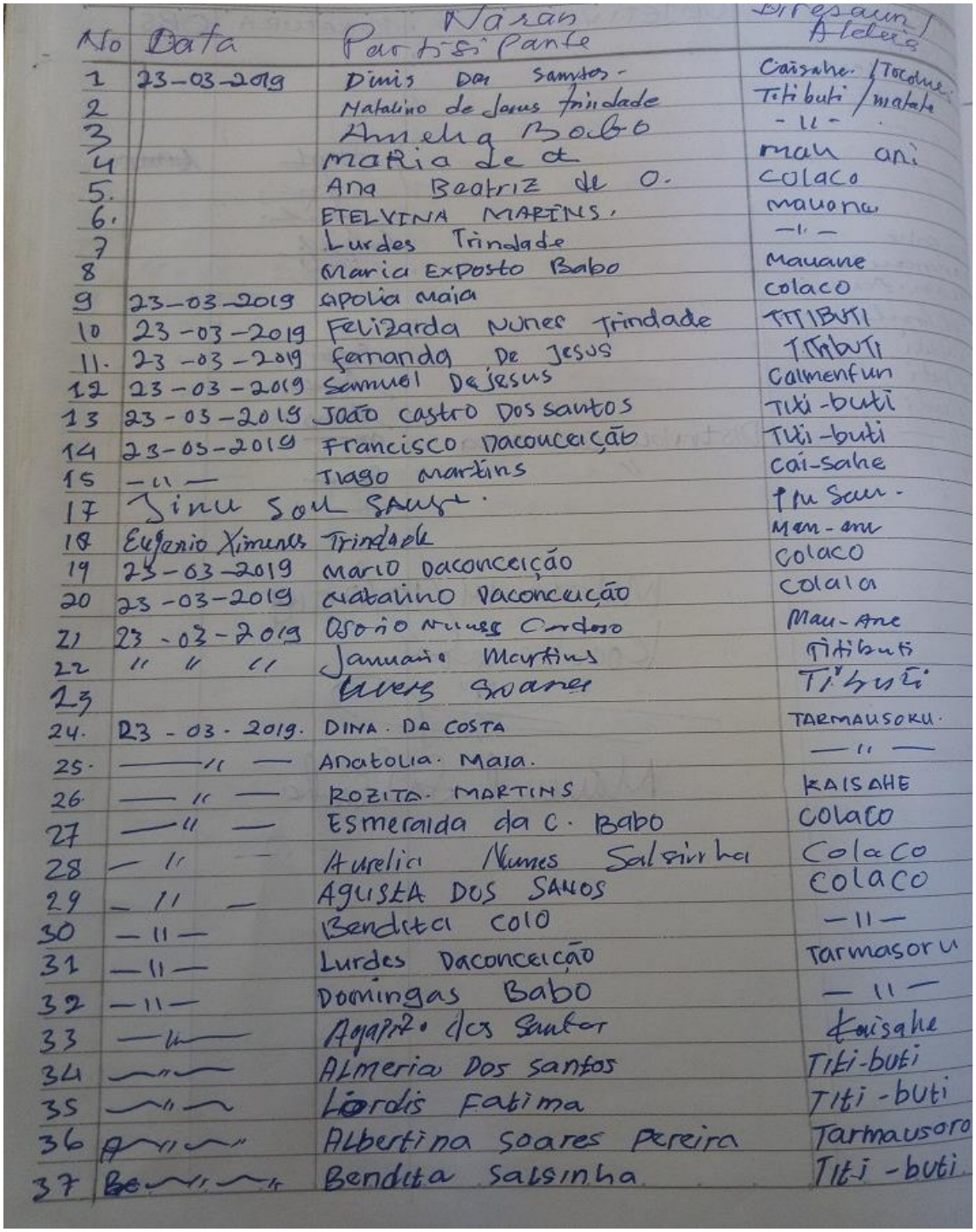
5. Natalino de Jesus Trindade
   - Appreciate to the program of World Bank.
   - Learning process is really good, first year student/the beginner can read and understand all the subject very well.

Resume:

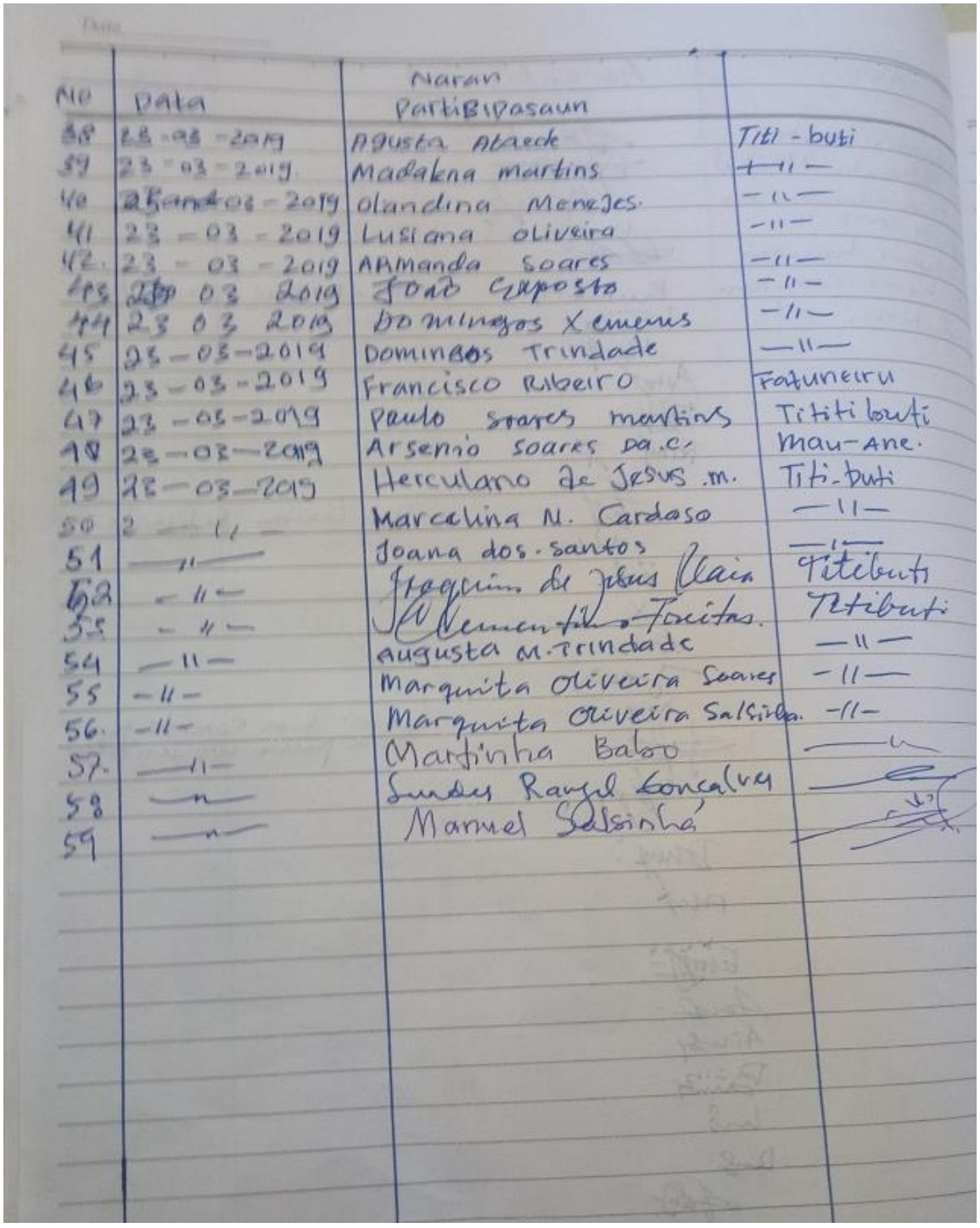
1. Local authorities, teachers and parent, requested ministry of education and World Bank to build a new junior high school in Matata, district of Ermera.
2. Land for the new schools is available (use the land around the school)
3. Wash facilities so poor, from 8 toilets only 2 still can be use, water source is too far (Minimum 2 Km) and the school was on the top of the hill and the water sources at downhill area so the installation is difficult.
4. The primary school required fence, library, and additional teachers.
5. Tetum and Portuguese are using for the learning process, but for explanation normally teachers use local language (MAMBAE), most of parents are happy because the children understand very well all the subjects.
6. People with disability are access to the school.
7. No violence from teachers and parents during the learning process.
8. Some children could not access to schools because of economic conditions especially orphan, they cannot effort to buy uniform, shoes and books etc.

Documentations:

Attendance List:



No	Data	Nasan Participante	Presaun / Aldeia
1	23-03-2019	Dinis Dos Santos -	Caisahe / Tocdue
2		Natalino de Jesus Trindade	Titibuti / matata
3		Amelia Babo	- 11 -
4		Maria de d	mau ani
5.		Ana Beatriz de O.	colaco
6.		ETELVINA MARTINS.	mauana
7		Lurdes Trindade	— 11 —
8		Maria Exposto Babo	Mauane
9	23-03-2019	apolia maia	colaco
10	23-03-2019	Felizarda Nunes Trindade	TITIBUTI
11.	23-03-2019	fernanda De Jesus	TiTibuti
12	23-03-2019	Samuel De Jesus	Calmenfun
13	23-03-2019	João castro Dos santos	Titi-buti
14	23-03-2019	Francisco Daconceição	Titi-buti
15	— 11 —	Tiago martins	cai-sahe
17	Jinu Sou Sauf.		Tu Saur -
18	Eugenio Ximenes	Trindade	Mau-ane
19	23-03-2019	Mario Daconceição	Colaco
20	23-03-2019	Natalino Daconceição	colala
21	23-03-2019	Osorio Nunes Cardoso	Mau-Ane
22	11 11 11	Januario Martins	Titibuti
23		Lucas Soares	Titibuti
24.	23-03-2019.	DINA. DA COSTA	TARMAUSORU.
25.	——— 11 —	Anatolia. Maia.	— 11 —
26.	—— 11 —	ROZITA. MARTINS	KAISAHE
27	—— 11 —	Esmeralda da C. Babo	COLACO
28	— 11 —	Aurelia Nunes Salsinha	Colaco
29	— 11 —	AGUSTA DOS SANOS	COLACO
30	— 11 —	Benedita colo	— 11 —
31	— 11 —	Lurdes Daconceição	Tarmasoru
32	— 11 —	Domingas Babo	— 11 —
33	— 11 —	Agapito dos Santos	Kaisahe
34	— 11 —	ALmeria Dos santos	Titi-buti
35	— 11 —	Lordis Fatima	Titi-buti
36	— 11 —	Albertina Soares Pereira	Tarmausoro
37	— 11 —	Benedita Salsinha	Titi-buti



Nº	Data	Naran Participasaun	
38	23-03-2019	Agusta Alaeck	Titi - buti
39	23-03-2019	Madalena martins	—11—
40	23-03-2019	Olandina Menejes	—11—
41	23-03-2019	Lusiana oliveira	—11—
42	23-03-2019	AMmanda soares	—11—
43	23 03 2019	João Exposto	—11—
44	23 03 2019	Domingos Xemenes	—11—
45	23-03-2019	Dominbos Trindade	—11—
46	23-03-2019	Francisco Ribeiro	Fatuneiru
47	23-03-2019	Paulo soares martins	Tititi buti
48	23-03-2019	Arsenio soares da.c.	Mau-Ane.
49	23-03-2019	Herculano de Jesus .m.	Titi-buti
50	2 —11—	Marcelina N. Cardoso	—11—
51	—11—	Joana dos.santos	—11—
52	—11—	Joaquim de Jesus Clara	Titibuti
53	—11—	Clementino Fortes.	Titibuti
54	—11—	Augusta M.Trindade	—11—
55	—11—	Marquita Oliveira Soares	—11—
56	—11—	Marquita Oliveira Salsinha.	—11—
57	—11—	Martinha Babo	—11—
58	—11—	Sandra Raquel Gonçalves	
59	—11—	Manuel Salsinha	

Annex J ESMF Public Consultation Minutes and Documentations

A. Minutes

The public consultation for the ESMF was conducted two times as the first meeting was canceled as not many participants came due to the weather condition.

First meeting - May 8th, 2019

The MoEYS focal point for ESMF working closely with Director for Infrastructure of MoEYS and Director General for Planning Policy has worked together on the logistical preparation for the meeting. The project consultant hired, and presentation and QAs done in Tetum. Chaired by DG Policy and Planning Antoninho Pires. Various government technical staffs and CSO were invited and but only few was attended due to weather situation, as follows:

Government:

- DG and Director from Ministry Social Solidarity and Inclusion (*confirmed but not came)*
- DG and Director from Ministry of Health (*confirmed but not came)*
- DG and Director from Secretary of State for Environment (*Came*)
- Head of Legal Unit from MoEYS
- Head of Social action from MoEYS
- Director of Planning from MoEYS
- Director of Educative Infrastructure
- Director of Educative Infrastructure's advisor

CSO – human right and environmentalist representative

- *Perkumpulan HAK* (*came*)
- *Fundasaun Haburas* (*confirmed but not came*)

To the attendance, the project task team provided to both representative of CSO a background of why conducting Public Consultation Meeting (PCM) and what expected from the PCM, and shared the PPT and brief summary of the ESMF in both languages (English and Tetum). They appreciated MoEYS approach to consult and open for CSO feedbacks. The two represent also identified some missing information in the PPT and summary sheet and willing to provide feedback via email.

The agreed plan for next was as follows:

- The meeting was rescheduled to Tuesday May 14th – same venue and time
- MEJD to send copy of PPT, and executive summary for their information and feedback to all invitees (to do by Director Helio and Advisor Alex Sarmento)
- MEJD to post ESFM PPT, and Executive Summary of the ESMF to ministry website (take care by Justino Marlin)
- MEJD to re-invite same invitees to come to May 14th PCM

Second meeting – May 14th 2019

The meeting was again chaired by DG Pires and participated by:

- MoEYS directors (director of Planning, Director Social action)
- MoEYS Head of Legal Unit, Vice Minister chief of cabinet, Minister's chief of cabinet, EMIS staff
- Director of Land and property Unit
- Director of Social from Ministry Social Solidarity and Inclusion
- Representative from CSO Human Right and Environment

The presentation was conducted by the Minister advisor for INFRASTRUCTURE and the consultant. Participants appreciated information sharing and pleased to know that government considered safeguards issues are important before any largest infrastructure project to take place.

Comments and suggestions received listed below:

DG Pires:

- Thanks for describing/listing all the permanent damage/irreversible and temporary impacts of the components related to construction works.
- Ministry of Education still experiencing issues related to land entitlement related to some communities who reside in the schools' compound. Government have and will continue to have communication with Ministry of Justice (Land and Property unit) to solve pending issues of land entitlement.
- It should say clearly who owns the schools building as explained in the component 1.
- The school infrastructure needs to see as a package (schools building, space for extracurricular activities, space for library, good number of functioning latrines for girls and boys, laboratory and other facilities that needs to help kids explore more their abilities beyond learning)

MoJ – Land and Property UNIT

- For the legal term – for any land has to have a legal attribution "land clearance certificate" which also describe the size of the land, who currently use the land and who is the owner of the land.
- Law no 1/2017 – describe that Timor-Leste government owned all the properties who was belong to Portuguese and Indonesia government
- There is a which protected government properties - Law no 1/2003 Legal/Regime for real state (Assets and properties). If there is an issue - line ministry needs to submit request to Land and Property Unit, and this unit will assess, who occupy the properties, what nature of occupation, what legal law protect the owner etc.
- Land issue is very sensitive and so it required an appropriate mechanism

Ministry Social Solidarity and Inclusion (MSSI) – Directorate of Social

- Accessible issue for people living with disability is needed for all school infrastructure.
- The resolution number 14/2012 "National Policy for Inclusion, Promotion of Human Rights of people with Disability"
- The project is introducing high tech material to use in the schools however its important to considered issues of terrene/geography and how its can be accessed by some students' special conditions. And strongly recommended this project to collaborate with relevant institution.