

MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE

**UKRAINE IMPROVING HIGHER EDUCATION FOR RESULTS
PROJECT**

RESETTLEMENT POLICY FRAMEWORK

January 2021

DRAFT - Subject to Changes

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ABBREVIATIONS

ARAP	-	Abbreviated resettlement actions plan
EEP	-	Eligible Expenditure program
ESMP	-	Environmental and social management plan
ESS	-	Environmental and social Standard
GRM	-	Grievance redress mechanism
HEI	-	Higher education institution
IHERP	-	Improving higher education for results project
MLAR	-	Management of land acquisition and resettlement
MOES	-	Ministry of Education and Science of Ukraine
MOF	-	Ministry of finance
PAP	-	Project affected person
PBCs	-	Performance-based conditions
PIU	-	Project implementation unit
POM	-	Project Operational Manual
RPF	-	Resettlement policy framework
SEP	-	Stakeholder engagement plan
ToR	-	Terms of Reference

CONTENT

1. INTRODUCTION AND BACKGROUND.....	4
1.1 Introduction.....	4
1.2 Description of Project Components	4
1.3 Potential social impacts/risks	7
1.4 Principles and Guidelines to execute Resettlement Policy Framework	7
1.5 Organization of the report	9
2. POLICY AND REGULATORY FRAMEWORK.....	9
2.1 National legislation, which stipulates land relations for educational institutions	9
2.2 Other national Legislation applicable to RPF	10
2.3 The World Bank Environment and Social Standards and Requirements.....	10
2.4 Gap analysis between national legislation and World Bank’s Standards.....	11
3. SOCIAL RISK MANAGEMENT AND MITIGATION MEASURES.....	13
3.1 Potential social risks overview	13
3.2 Social screening and categorization of social impacts	15
3.3 Categories of possible project affected parties.....	16
4. CONSULTATION, PARTICIPATION AND DISCLOSURE.....	17
5. IMPLEMENTATION ARRANGEMENTS	19
6. GRIEVANCE REDRESS MECHANISM.....	20
Roles and Responsibilities for GRM.....	21
Monitoring and Reporting on GRM Implementation.....	22
7. MONITORING AND REPORTING	22
ANNEX 1. TEMPLATE OF SOCIAL SCREENING CHECKLIST	24
ANNEX 2. RAP CONTENT	26
ANNEX 3. GRIEVANCE/INQUIRY RECORD.....	28
ANNEX 4. TEMPLATE FOR TOR FOR ARAP CONSULTANT	29

1. INTRODUCTION AND BACKGROUND

1.1 Introduction

The Government of Ukraine has initiated a substantial reform program covering all levels of education. This reform program is articulated primarily in the framework Law on Education which came into force in September 2017, though this builds on the initial Law on Higher Education which was passed in 2014. This, together with the Law on Higher Education also provide clear implications for the reform program at the higher education level. In general, the reform involves transitioning Ukraine's higher education system towards norms, standards, and practices that are commonly found in European higher education systems. This involves two main elements: (i) a move towards more focused higher education learning programs based on competencies, learning standards and labor market relevance; and (ii) a move away from the historically high levels of centralization and control towards more decentralized decision-making, autonomy, and choice in the higher education system. At the same time, the COVID-19 pandemic has significantly affected teaching and learning in Ukrainian universities, and the switch to online and distance modalities has revealed significant challenges.

1.2 Description of Project Components

The Project would support the Government's reform agenda in higher education. The project development objective is to improve efficiency, conditions for quality, and transparency in higher education system of Ukraine. To achieve this objective, the operation would be structured in the following components:

Component 1: Sector-Wide Improvements to Governance, Financing, Quality and Transparency. The objective of this component is to support the Government with implementation and monitoring of sector-wide reforms affecting higher education governance and financing, quality, and transparency, as well as support strategic communications related to both the project and the larger higher education reform. . This component contains two mutually reinforcing sub-components: 1.1 which supports strategic sector-wide investments to strengthen system management, planning and monitoring, and 1.2 which reimburses against specific results in those areas through performance-based conditions (PBCs).

Sub-component 1.1 – Strategic sector-wide investments to support autonomy, transparency, and monitoring

This sub-component would support strategic investments in information systems (including Higher Education Management Information System (HEMIS)), surveys/studies, evaluations, standardized tools for learning assessments, and comprehensive communications campaigns and outreach efforts for the ongoing higher education reform These strategic investments are needed to support the introduction of autonomy reforms and performance-based incentives for HEIs, and to improve transparency of funding and information flows within the sector. This sub-component will also finance the design, establishment and implementation of a National Student Survey (NSS) and support introduction of digitally enhanced standardized learning assessments for higher education.

Sub-component 1.2: Strategic results to strengthen performance-based incentives in higher education

To incentivize policy changes and implementation of key activities, this sub-component will finance critical performance-based conditions (PBCs) related to introduction and implementation of performance-based incentives at the system-level and at institutional levels in the higher education sub-sector. Under the PBCs mentioned below, the project will co-finance results that will lay the foundations for performance-based incentives to improve efficiency, conditions for quality, and transparency in higher education while building on the strategic activities financed under sub-component 1.1. This sub-component will reimburse the Government for results achieved in support of the following specified disbursement-linked indicators (PBCs):

PBC 1: Performance-based funding formula for HEIs. The proposed Project will support the implementation of the Government's financing and governance reforms in the higher education sector, specifically implementation of a performance-based funding formula for public HEIs that incorporates a stability funding component and a performance-based component.

PBC 2: Financial autonomy for HEIs. The proposed Project will support the Government's vision for financial autonomy for HEIs by financing actions that enable such autonomy. Two PBCs would be supported under this PBC:

PBC 2.1: Financial autonomy for HEIs: legislation. This will include necessary revisions to the Law on Higher Education and/or related laws to address issues of budgetary institutions and other aspects of financial autonomy for HEIs.

PBC 2.2: Financial autonomy: adopting bylaws. This will include development and adoption of bylaws for financial autonomy in HEIs in accordance with existing legislation.

PBC 3: Performance-based rector contracts with KPIs signed (scalable). Within the frame of financial autonomy of higher education, the system of performance-based relationships between the MOES and HEIs shall be introduced. These are to be established in the form of performance agreements (contracts), whose KPIs are negotiated jointly between the MOES and the rector of the HEI.

Component 2: Alliances and Partnerships for Improved Efficiency and Quality

The objective of this component is to support the Government improve fiscal efficiency in the higher education sector and to support merged HEIs to improve conditions for quality teaching and learning as part of institutional merger processes. This component is also divided into two sub-components:

Sub-component 2.1: Strategic investments to ensure successful university mergers

Under this sub-component, the Project would finance packages of investments including goods and minor civil works. These would be specified in detail in the POM, but they would be selected by MOES to promote successful implementation of governance and financial autonomy reforms, as well as quality of higher education¹. In particular, "merger support packages" would include the following: laboratories for teaching, research, and/or learning, equipment for laboratories, learning support facilities, and other learning spaces, modern digital infrastructure and IT to support distance learning, and minor refurbishment/rehabilitation. New construction would not be supported.

¹ HEIs benefiting from the ongoing Higher Education Project financed by the European Investment Bank (EIB) and the Nordic Environment Finance Corporation (NEFCO) would not be subject to mergers.

Sub-component 2.2 - Strategic results to support consolidation in higher education

To incentivize policy changes and implementation of key activities, this sub-component will finance a critical disbursement-linked result related to institutional mergers and consolidation of the network of higher education institutions in Ukraine. . This component will follow a result-based approach and will co-finance a result under the PBC mentioned below:

- *PBC 4: Number of mergers of public HEIs under MOES (scalable).* This PBC recognizes the significant challenges associated with incentivizing institutional mergers and consolidating the number of state HEIs, despite the widespread recognition that the status quo in Ukraine in terms of the number of HEIs relative to the declining student-age population is unsustainable. This PBC is scalable, rewarding the number of mergers of public HEIs under MOES.

Component 3 – Capacity Building and Education Environment Enhancement

The objective of this component is to build capacity and improve the educational environments, academic managers and research capacity in HEIs, including with a focus on supporting HEIs to maintain learning continuity and operational resilience via remote and distance modalities. In the short-term, this will support HEIs to adapt to the new operating reality imposed by COVID-19. In the medium-term, this will ultimately improve the overall relevance, quality and external economic efficiency of the HEIs and their graduates in support of innovation and economic development. To build capacity of academic managers in HEIs, this component would also support targeted training for managerial staff in several key areas, including, inter alia, development of change management plans, academic innovation, labor market linkages, strategic planning and change management, entrepreneurship and business engagement, human resource management, and financial management/taxation. This component would also support the establishment of an Operational Sustainability Team within the MOES, staffed by a small number of specialized consultants to facilitate the process of introducing financial, staffing, human resources, and other types of autonomy at the institutional level. This would help to enhance sustainability for long-term implementation of the project.

Additionally under this component , the project would finance pre-defined categories of goods and services, including modern digital infrastructure for distance learning, digital devices, multimedia equipment and software, electronic learning management systems, and similar types of IT investments to improve quality of distance learning modalities. Investments would also include modern basic teaching laboratories and advanced scientific research laboratories, equipment, and minor refurbishment and rehabilitation.

Component 4: Project Management, Monitoring & Evaluation

The objective of this component is to support the effective management and implementation of the proposed project, Additionally, the component would finance the day-to-day management and monitoring of the proposed project through the establishment and maintenance of a Project Implementation Unit (PIU) or similar as defined in the Project Operational Manual (POM) at the Ministry of Education and Science (MOES). It would finance salaries for PIU staff/consultants, including fiduciary, environmental and social risk management staff and incremental consultants to related agencies, training activities, targeted technical assistance, and operating costs, including outreach related to the project and the project-specific Grievance Redress Mechanism (GRM).

1.3 Potential social impacts/risks

Both land acquisition and physical displacement are highly unlikely to be induced by the project. The project's civil works relate to only financing minor repairs and rehabilitation of the existing buildings which belong to higher education institutions and within their premises. The project will not finance activities that would require land acquisition, access rights such as for easement (short -term or long-term), or physical displacement. There are no specific sites/ locations of the project activities as higher education institutions benefitting from the project activities will be nationwide but located on lands owned by the state or local municipalities and used by the higher education institutions on the rights of permanent use. However, there is a probability that some higher education institutions, who may be beneficiaries of project funds would have rented out parts of their land plots and premises for local business and organizations or their land plots could be used informally. In case such lands or premises are needed for project realization, then tenants or informal users may be affected. These impacts are hypothetical and actual impacts under Environmental and Social Standard (ESS) 5 are unknown and to be screened case by case after the selection of higher education institutions for project support. In addition, there might be some construction-induced social impacts in the institutions which are subject to rehabilitation and renovations of campuses, teacher quarters, laboratories, libraries, and so on. In such situations, the students and higher education institution personnel should be relocated temporarily until the rehabilitation and renovation works are completed.

Hence, after HEIs are identified based on submission and approval of their proposals, MOES will carry out social screenings on each site to identify social risks and potential impacts under ESS 5 and appropriate mitigation measures to be included in the site specific ESMPs or RAP (or Abbreviated RAP), if necessary. In case identified impacts will be unavoidable, this RPF contains provisions for compensation based on the extent of physical and economic displacement, additional land acquisition, etc.

1.4 Principles and Guidelines to execute Resettlement Policy Framework

This document presents the Resettlement Policy Framework (RPF) for the Project. It describes potential social risks related to ESS 5² (Land Acquisition, Restrictions on Land Use and Involuntary Resettlement), including mitigation measures to avoid, minimize and mitigate potential project impacts related to the land acquisition, physical and economical displacement, and other adverse social impacts.

The RPF objective is to establish strategies, principles, institutional mechanisms, legislative framework, guidelines and procedures for management of land acquisition and resettlement (MLAR) impacts for the safeguards implementation including guidelines to prepare instruments such as Resettlement Action Plans (RAPs) and livelihood restoration plans required in the course

² ESS 5 emphasizes that involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented. It also includes situations where project makes land physically unusable or inaccessible, even when there is no land acquisition. It covers restrictions on access to communal property and natural resources, including marine and aquatic, timber, freshwater, hunting and gathering ground, grazing and cropping areas.

of Project implementation. The purpose of this is to ensure due diligence related to ESS 5 (triggered for the project) will be carried out as per the guidance under the RPF. According to ESS 5, the RPF should be prepared at appraisal stage since the extent and location of potential resettlement needs are not known.

The RPF document takes into account the needs of project-affected persons (PAPs) and is drafted in accordance with the World Bank's Environmental and Social Standards (in particular ESS 1 "Assessment and management of environmental and social risks and impacts", ESS 5 "Land acquisition, restrictions on Land use and Involuntary resettlement" and ESS 10 "Stakeholders engagement and information disclosure"³) and the Ukrainian legislation.

In accordance with the World Bank's Social and Environmental Standards, Ukrainian legislation and best practices in implementing the resettlement and livelihood restoration process, MOES will adhere to the following principles:

(i) should a need be revealed for the alienation of land plots or other privately-owned assets, the Resettlement Action Plan (or abbreviated version if the number of the PAPs is less than 200 persons) will be delivered by the MOES. The Resettlement Action Plan will be elaborated in compliance with the requirements of the World Bank's Environmental and Social Standards and national legislation, and will comprise a complete registry of the PAPs, set the cut-off date and include the comprehensive description of mitigation measures aimed at minimizing the adverse impacts of the Project by quality and level of PAP's living.

Cut-off date – the date on which the census for identification of the project-affected individuals is finished and disclosed to the public, and their eligibility for compensation is documented. In the event that the right to assets was acquired after the cut-off date had been set and publicly disclosed, such assets shall not be eligible for compensation.

(ii) based on the World Bank's recommendations, when developing the design documentation for rehabilitation of higher education institutions' facilities, the MOES and the design agency will take comprehensive measures to minimize the alienation of assets, the resettlement of individuals, resettlement of businesses and to avoid adverse impact for PAPs within the framework of project implementation.

(iii) the preparation and implementation of Abbreviated Resettlement Action Plans will be carried out in a transparent manner and by involving all interested parties through consultations and disclosing the related documents in publicly available sources.

(iv) the main principle of the resettlement and livelihood restoration process will pursue saving of the living conditions of PAPs at least to those levels existing prior to the start of the Project.

(v) the PAPs will not incur any material losses when being paid compensation for expropriated or relocated assets, re-registering the respective rights in favor of the local authorities and during implementation of resettlement or moving arrangements.

(vi) the compensation for expropriated assets or livelihood losses will be fully paid to the project-affected individuals, with allowances made for the respective investments. Determination of the compensation amount will be carried out exclusively by licensed assessment entities in accordance with methodologies approved by regulatory acts in Ukraine.

³ <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>

(vii) the provisions of this document extend to all PAPs, regardless of their number and the degree of impact.

(viii) when elaborating and implementing the ARAP, attention will be paid to the needs of vulnerable groups, women, people who live below the poverty line, ethnic minorities and displaced persons. The vulnerable PAPs will be identified and their special needs will be assessed during RAP preparation.

Public consultations will be held with all stakeholders. The final RPF version, upon World Bank approval, will be published on the official websites of the MOES. In addition, the hard copies of this RPF will be available at the MOES.

1.5 Organization of the report

This document was prepared by MOES with due consideration of findings obtained during consultations with the World Bank.

Section 1 provides information about Project, its components, description of potential social impacts and risks and guidelines for RPF execution. In Section 2 addressed the regulation framework and gaps between national legislation and World Bank requirements. Section 3 describes the potential social impacts and mitigation measures which needed to be taken for compliance with the World Bank`s Environmental and Social Standards, in particular social screening procedures, the entitlement matrix for compensation for cases when involuntary resettlement or economical displacement in case if it will be required during project implementation. Also, the document contains the public disclosure procedure, grievance redress mechanism and monitoring and the description of monitoring and reporting procedures (Sections 4, 6 and 7). The Client`s organizational structure and Project institutional framework is described in Section 5.

2. POLICY AND REGULATORY FRAMEWORK

2.1 National legislation, which stipulates land relations for educational institutions

According to the *Law of Ukraine "On education" from 05.09.2017 No. 2145-VIII* defines that the property of educational institutions and organizations of educational system includes movable and immovable assets, buildings, land plots, utilities, equipment, dormitories, etc. The opportunity to obtain the right of permanent use of the land is granted all educational institutions regardless of the form of ownership.

The order and conditions of obtaining the right of permanent usage for land by educational institutions stipulated by *Land Code of Ukraine*. The land under state educational institutions is owned by local community and has a purpose 03.02 "For construction and maintenance of educational institutions buildings" according to the State classification of types of land purpose. Simultaneously, according to Land Code of Ukraine, the educational institutions could obtain the right for permanent use of land with other purpose:

- agricultural land for research and educational purposes and promoting good agricultural practices;
- land for defense for military educational institutions;

The law of Ukraine “About leasing of state and communal property” from 03.10.2019 №157-IX provides the order and conditions of leasing of state and communal property including property of educational institutions.

2.2 Other national Legislation applicable to RPF

Civil Code of Ukraine (of 16.01.2003, No. 435-IV), which establishes the procedure for termination of title to immovable property due to the acquisition or alienation of the land on which the property is located, for national needs, and regulates issues related to the protection of property rights (Articles 350-351);

Code of Administrative Procedure of Ukraine (of 06.07.2005), which establishes the procedure for conducting legal proceedings related to the acquisition of land for national needs.

Law of Ukraine "On Regulation of Urban Development Activity" of 19.05.2011 No. 3395-VI which establishes the legal and organizational ground of cities-planning activity and aims at ensuring the sustainable development of territories considering state, public and private interests.

Law of Ukraine of 21.05.1997 No. 280/97-BP "On Local Self-Government in Ukraine". This Law, in accordance with the Constitution of Ukraine, defines the system and guarantees of local self-government in Ukraine, the principles of organization and activity, legal status and responsibilities of state bodies and officials of local self-government.

Law of Ukraine "On State Land Cadastre" of 07.07.2011 No. 3613-VI which establishes the legal, economic and organizational ground in the sphere of the State Land Cadaster.

Law of Ukraine “On citizen`s appeals”. This Law regulates the issue of practical realization by citizens of Ukraine of the right given to them by the Constitution of Ukraine to bring to state bodies, associations of citizens in accordance with their statute proposals to improve their activities, expose deficiencies in work, challenge actions of officials, state and public bodies.

2.3 The World Bank Environment and Social Standards and Requirements

All projects funded by the World Bank must comply with the Bank`s Environment and Social Standards. From October 1, 2018, the Bank introduced a new set of standards under the Environment and Social Framework. From a social perspective, the following World Bank Environmental and Social Standards are applicable:

ESS1 “Assessment and Management of Environmental and Social Risks and Impacts” sets out the Borrower`s responsibilities for assessing, managing and monitoring environmental and social risks and impacts associated with each stage of a project supported by the Bank through Investment Project Financing (IPF), in order to achieve environmental and social outcomes consistent with the Environmental and Social Standards (ESSs).

ESS5 “Land acquisition, restrictions on land use and involuntary resettlement” is one of the most important standards guiding land acquisition and related resettlement / livelihood restoration

issues during project implementation. The key principle of this standard is that involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented. This standard covers situations in which the Project must compensate people for loss of land, assets, livelihood or standard of living. The implementation of the Project may not require any major acquisition of private lands. However, it may have influence of tenants and informal users of structures and land.

ESS 10 “Stakeholder Engagement and Information Disclosure” recognizes the importance of open and transparent engagement between the Borrower and project stakeholders as an essential element of good international practice. Effective stakeholder engagement can improve the environmental and social sustainability of projects, enhance project acceptance, and make a significant contribution to successful project design and implementation. Project covers the whole territory of Ukraine and all groups of stakeholders should be engaged to project realization, including vulnerable groups with vulnerabilities. There are a wide range of stakeholders to be consulted which may include political powerholders at national level, trade unions, civil society organizations, professional associations and federations, local authorities and other public sector institutions. The Stakeholder Engagement Plan (SEP) maps project-affected persons and other interested parties, summarize their views on preferred modes of engagement throughout the project, propose stakeholder engagement activities with the respective implementation roles, timeline and budget to be carries out through the life of the project. The project will also require a robust communication and public outreach strategy to inform communities candidly about impacts as well as benefits as well as the schedule and scope of works so that residents can plan accordingly.

2.4 Gap analysis between national legislation and World Bank’s Standards

According to Ukrainian legislation, only officially registered users can make claims for providing compensation for losses of their property. The compensation of losses for tenants and informal users and additional removal assistance is not stipulated.

The World Bank Standards focus on the identification of all PAPs regardless of their official status and ownership entitlements, if they occupy or use the land, by prior to the cut-off date establishing and mitigating the adverse direct and indirect impacts.

Table 1 provides an analysis of the differences between Ukrainians Laws and World Bank requirements.

Table 1. Gaps between Ukrainian legislation and World Bank`s environmental and social Standards

Ukrainian Laws and Regulations	World Bank requirements	Gap Filling Measures
Only officially registered/legal buildings are subject to compensation for damages / destruction caused by the project.	All buildings are subject to compensation for damages / destruction caused by the project, regardless of ownership status.	The project will compensate all affected structures for damages/demolition caused by the project.

<p>Only officially registered land owners will be paid compensation for loss of profit / business caused by the project.</p>	<p>Registered and non-registered tenants will be paid compensation for loss of profit / business caused by the project, regardless of registration.</p>	<p>The project will compensate all lease tenants (legal or informal) for income/business losses regardless of registration.</p>
<p>There are no special provisions identifying the process of involuntary resettlement planning, as well as specific tools, including preparation of any plan pertaining resettlement or economical displacement.</p>	<p>Time-limited in terms of application, the resettlement action plan shall be prepared prior to the commencement of compensation.</p>	<p>Resettlement Action Plans will be developed to fill in the gaps, if property acquisition issues are identified.</p>
<p>No provisions are available for:</p> <ul style="list-style-type: none"> - Rehabilitation of income / livelihoods, - Assistance to land users / tenants who have been severely affected by a project activity, <p>No compensation or assistance is envisaged with respect to the specified movable property.</p>	<p>Lenders standards provide for rehabilitation of income / livelihoods, compensation for serious losses, and costs incurred by owners of assets / tenants during resettlement.</p> <p>Compensation shall include:</p> <ul style="list-style-type: none"> - Funds for improving living standards of displaced persons; - Costs for displacement; - Compensation for materials damaged during displacement; - Other transportation costs. 	<p>If relocation will be required, the project will provide compensation to cover:</p> <ul style="list-style-type: none"> the cost of replacement improvements; change in allowances; compensation for deteriorated materials or goods during transportation; rentals and other transactions costs. <p>The impact on livelihood will be assessed during ARAP preparation and livelihood restoration measures will be defined if the resettlement issues will be raised.</p>
<p>The Ukrainian legislation lacks a special plan for public consultations.</p>	<p>Consultations with stakeholders and public involvement are an integral part of Project implementation.</p>	<p>The project will carry out a comprehensive consultative process with Project Affected Persons, local and state authorities, other stakeholders as being required through public disclosure meetings,</p>

		individual consultations and public consultations.
The Ukrainian legislation does not have special provisions for support to vulnerable people during resettlement / relocation.	Vulnerable people who warrant specific assistance must be identified and supported throughout the resettlement compensation process. The World Bank requires that measures are provided to enable poor and vulnerable people (including women) who are physically displaced or affected by economic displacement to improve their incomes to at least national minimum standards.	The social screening checklist will define vulnerability criteria and identify affected vulnerable persons. PAPs categorized as vulnerable will receive specific assistance.

3. SOCIAL RISK MANAGEMENT AND MITIGATION MEASURES

3.1 Potential social risks overview

As a result of analysis of future Project activities, the next potential social risks were identified as shown in Table 2 below.

Table 2. Potential social risks/impacts of Project implementation

#	Risk/Impacts	Description	Likelihood	Scale	Mitigation Measures
Direct risks					
1	Permanent and temporary economic displacement and relocation.	Tenants of premises or land plots owned / permanently used by educational institutions may permanently or temporarily lose their location for business, or other different types of activities.	Low	Relocation of business or organizations which rent assets. Relocation of informal users of land.	RPF contains provisions for compensation based on the extent of economic displacement. In case, if relocation or displacement impacts will be identified, the ARAP and livelihood restoration plan will be prepared.
2	Issues of social inclusion, especially vulnerable groups.	The stakeholder groups with different types of vulnerabilities (immobile persons, national minorities, women, etc.) may not have equal access to project benefits or social activities.	Moderate	Data not available. Assessments will be carried out to identify potential vulnerable groups and measures for inclusion/integration.	This group of stakeholders will be identified during a procedure of filling in the social screening check lists. ESMP and SEP will contain the provisions for engagement of all stakeholders' groups.
3	Relocation of students and personnel.	The students and education institutions personnel may be relocated to other building during buildings reconstruction and modernization could be socially sensitive.	Moderate	Will be identified after the project effectiveness.	ESMP will contain provisions for arrangements for prevention or minimization of these risks. SEP will contain provisions for comprehensive communication strategy with this group of PAPs.

#	Risk/Impacts	Description	Likelihood	Scale	Mitigation Measures
Indirect risks					
1	Lack of prior experience with implementation of World Bank projects.	The project implementation team has limited relevant experience, prior knowledge in implementation of World Bank projects and Environmental and Social Risk Management.	High	This risk could be reassessed at appraisal stage.	A series of capacity building workshops will be organized for MOES staff The implementation agency (MOES) will engage experienced consultants for carrying out of social screening and monitor if appropriate mitigation measures have been taken.
2	Disruption to utility services.	During civil works execution, the communal utilities may be relocated (water and gas pipelines, electricity and communication cables, etc.). The services will be temporary not available for local customers.	Moderate	Data not available	The ESMP will contain provisions for mitigation of temporary disruption of utility services.

3.2 Social screening and categorization of social impacts

As per proposed project activities, no new land will be required nor any significant demolition of existing buildings and services. Therefore, no permanent physical displacement or land acquisition is expected under the project. However, the rehabilitation and renovation works could affect tenants or informal users of premises and land plots owned / operated by higher education institutions who may be permanently or temporary economically displaced.

For the identification and assessment of social impacts/risks for each site, the MOES will engage an environmental and social management Consultant. This Consultant will be responsible for carrying out of social and environmental screening on construction sites and identification of risks, resettlement or relocation and displacement issues. Elaboration of mitigation or prevention measures, preparation of site-specific ESMPs and RAPs and control for its incorporation into

bidding documentation will be part of the Consultant's services. The template of social screening checklist and RAP content are given in Annexes 1 and 2.

In case and if relocation / economical displacement issues will be identified during social screening, mitigation measures will be taken, and RAP and livelihood restoration plan will be prepared according to the entitlement matrix (Table 3). The ToR for a RAP consultant is provided in Annex 4.

3.3 Categories of possible project affected parties

According to the ESS 5 Eligible project-affected individuals may be classified as follows:

- (i) persons who have formal legal rights to the land or assets;
- (ii) persons who do not have formal legal rights to land at the time of the census of project-affected individuals, but claim to it and declared accordingly, provided that such claims are recognized under the national law;
- (iii) persons who do not have formal legal rights to the land or other assets, but use them;

The persons belonging to the first two categories (i) and (ii) will be paid compensation for the expropriated assets and, as necessary, will get assistance during resettlement. The persons belonging to the third category (iii) will get assistance during resettlement.

In context of possible displacement and relocation risks during Project implementation, next groups of PAPs had been identified:

- Tenants of premises or land – physical persons or legal entities who have rent agreement with educational institutions;
- Informal/unofficial users of the land operated by educational institutions - physical persons or legal entities who don't have a rental agreement with the educational institution but use the land for their own goals/purposes.

Entitlement Matrix for different categories of PAPs is presented in Table 3.

Table 3. Entitlement Matrix

Type of impact	Category of PAP	Type of compensation
Permanent losses		
Permanent loss of land.	Formal users (tenants) of land.	The tenants will be preliminarily notified (before 2 months) of the project implementation to avoid loss of income. The lease agreements will be amended in accordance with the law to indicate the land areas to be expropriated for the purposes of the project. The user will be given an opportunity to find a new location for their needs. The project will provide relocation assistance.

	Informal users of land.	Assistance in relocation will be provided. The identified informal users will be notified about the project in advance. Compensations for built structures by the tenant, if any, will be paid before the civil works.
Permanent loss of premises.	Formal user (tenants) of premises.	Information about the acquisition of buildings at least two months in advance of commencement of the works. Compensation will cover expenses for premises lost; Assistance to relocation will be provided.
Temporary losses		
Temporary loss of land.	Tenants.	The user will be given an opportunity to find a new location for their needs. Compensation for temporary losses of land.
	Informal users.	Assistance to identify replacement land/resources for use prior to land entry.
Temporary loss of premises.	Tenants.	Providing alternative premises. The losses of premises will be compensated. Tenants will be notified in advance.
Temporary loss of access to premises.	Formal users (tenants) of land.	Compensation of losses during limited access.
Loss of livelihood.	Local population, local business.	The livelihood restoration measures will be taken according to World Bank requirements to the pre-project level. In case loss of livelihood will be identified during social screening, the livelihood restoration action plan will be developed.
PAPs with vulnerabilities.	Land and premises tenants/informal users.	The ARAP will define vulnerability criteria and identify affected vulnerable persons. Identified PAPs with vulnerabilities will receive additional assistance (searching for alternative location for a business, moving assistance, etc).
Relocation of communal utilities.	Owners of utilities.	The utilities will be relocated by the Contractor under owner`s control and after owner`s approval.

4. CONSULTATION, PARTICIPATION AND DISCLOSURE

4.1 Previous consultations

During Project preparation in 2019 and 2020, MOES and World Bank jointly carried out a series of broad consultations with experts, MOES executives, and NGOs to lay out their vision of educational reform in both secondary and higher education, including a discussion of implementation of New Ukrainian School concept, with an emphasis on as higher education reforms as part of narrowing the focus of the project towards higher education. The World Bank's Education Flagship Report was also prepared and disclosed to the public. This report analyzed the efficiency of the whole education system and suggested key steps needed for its

transformation for point of national development. The key finding of the flagship report were used as a basis of Project design and development and subsequent focus on higher education.

World Bank and MOES carried out the next rounds of consultations with the key stakeholders in October 2019 and February 2020. The stakeholders were informed about Project goals, components, main Project activities, approaches, and further stakeholder engagement plans.

4.2 Disclosure of this RPF

The draft version of this document will be agreed with World Bank and published on the official website of MOES to allow for any additional proposals and comments from any stakeholder. In addition, the hard copies of RPF will be available at the MOES.

The stakeholders may forward their proposals and comments in the following manner:

In written form to the Ministry of Education and Science, 10 Peremohy Avenue, Kyiv, 01135, Ukraine.

To the following e-mails: mon@mon.gov.ua or alternate email address to be identified

By Telephone: tel. (044) 481-32-21 or as otherwise noted on the MOES website

The comments, if any, will be collected within 20 days after publication. Upon completion of the comments collection period, a series of consultations with all stakeholders will be arranged if warranted. The stakeholders will be notified in advance of these consultations to be held by placing the information on the date, venue and time on the websites of MOES and other public resources.

Due to worldwide COVID-19 pandemic any follow up public consultation meetings with stakeholders to present and discuss the ESMF and RPF, LMP, ESCP and other project related documents will be conducted remotely / virtually. Given the evolving situation around COVID-19 in Ukraine and around the world, face-to-face consultations, workshops for stakeholder engagement are not advisable. Alternative means of consultations should be explored by implementing entity, following the latest public health guidelines of Ukraine, WHO and World Bank stakeholder's engagement guidelines closely in order to adjust the format of consultations taking to account some restrictions. In particular, this restrictions will affect Bank requirements for public consultation and stakeholder engagement in projects, both under implementation and preparation. WHO has issued technical guidance in dealing with COVID-19, including: (i) Risk Communication and Community Engagement (RCCE) Action Plan Guidance Preparedness and Response; (ii) Risk Communication and Community engagement (RCCE) readiness and response; (iii) COVID-19 risk communication package for healthcare facilities; (iv) Getting your workplace ready for COVID-19; and (v) a guide to preventing and addressing social stigma associated with COVID-19. These alternative types of stakeholder's engagement could be but not limited to e-mail, videoconferences, social media, local and national media, radio, and other means.

All these documents are available on the WHO website through the following link: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>.

The records (minutes of meetings) of these consultations will be enclosed to the document as an annex, and the final version of the Resettlement Policy Framework with incorporated results of public consultations will be updated and published again on the official website of MOES. The hard copies of updated and final RPF will be available at the MOES. The document will be available in the appropriate language for local stakeholders.

In case and if the preparation of an ARAP or livelihood restoration plan will be identified during social screening, these documents must also be disclosed in manner, similar to RPF disclosure.

5. IMPLEMENTATION ARRANGEMENTS

Leadership level

The official representative of the Borrower is the Ministry of Finance (MOF). The MOF will maintain overall responsibility for ensuring compliance with the conditions of the Loan Agreement.

The Ministry of Education and Science of Ukraine will be responsible for the overall implementation of the project, under the leadership of the Minister and key Deputy Ministers, Directors and Heads of Departments. The MOES may form an ad-hoc management team and/or Project Implementation Unit (PIU) or similar as defined in the Project Operational Manual (POM) to provide oversight and evaluate progress towards the key objectives and outcomes.

Given the scope of the project, there are several relevant stakeholders (including inter alia students, professors/teachers, parents, community at large, government officials, multiple education agencies subordinated to the Ministry, higher education institutions, and others) that can be influential or have a stake in the higher education sector. The Project will strengthen the accountability framework between the MOES, key educational agencies/entities and the public with a view of improving higher education transparency and access to higher education data and information. To properly address the needs and concerns of these stakeholders, the MOES will conduct stakeholder consultations and focus group discussions (held on October 7, 2019 and on February 27, 2020) during the implementation of the Project and will develop a solid communication and stakeholder engagement strategy. This will also include a national survey of students in higher education.

Project Management & Administration Mechanisms

The MOES will be supported in project implementation by the services of MOES staff, consultants, experts and a fiduciary project implementation team made up of externally recruited consultants as needed and as defined in the Project Operational Manual (POM).

The World Bank will conduct risk-based financial management (FM) implementation support and supervision within six months of the project effectiveness date, and then at appropriate intervals, as part of its project implementation and supervision missions. During project implementation, the World Bank will supervise the project's FM arrangements in the following ways: (a) it will review the project's quarterly interim financial reports and annual audited project financial statements and the auditor's management letters and remedial actions recommended in the auditor's management letters; and (b) during the World Bank's on-site missions, it will review the following key areas: (i) project accounting and internal control systems; (ii) budgeting and financial planning arrangements; (iii) disbursement arrangements and financial flows, including counterpart funds, as applicable; and (iv) any incidences of corrupt practices involving project resources. As required, a World Bank-accredited Financial Management Specialist will participate in the implementation support and supervision process.

6. GRIEVANCE REDRESS MECHANISM

Objective of the GRM Mechanism

Addressing grievances raised by individuals affected by World Bank-funded projects is an important component of managing project risks. A GRM can serve as an effective tool for early identification, assessment and resolution of grievances and therefore for strengthening accountability to beneficiaries. The GRM serves as an important feedback mechanism that can improve project impact and mitigate the undesirable ones. The GRM mechanism will be available to project stakeholders and other affected parties to submit questions, comments, suggestions and/or complaints and provide any form of feedback on all project-funded activities.

Grievance Investigation and Resolution Process

- *Channel to Make Complaints*

The MOES intends to establish the following channels through which citizens/beneficiaries/Project Affected Persons (PAPs) can make complaints/suggestions/compliments regarding project-funded activities:

- a. By Email: mon@mon.gov.ua or alternative email
- b. Internet: Ministry of Education and Science's website (mon.gov.ua)
- c. In writing: Ministry of Education and Science, 10 Peremohy Avenue, Kyiv, 01135, Ukraine.
- d. Dedicated phone number: tel. (044) 481-32-21 or as otherwise noted on the MOES website
- e. By fax: fax (044) 481-47-96

- *Receipt and Referral*

The person receiving the complaint will complete a grievance form (see Annex 3), or the complainant can fill the form himself/herself and submit it to one of the addresses above. The dedicated ESF/GRM Officer within the MOES/Project Implementation Unit (PIU) will register the grievance in the Registry of Grievances and inform the complainant of the timeframe he/she is expected to receive a response. Then the ESF/GRM staff will refer the case to the MOES/PIU Project Director or appointee.

Within five business days, the Project Director or appointee will determine which person/department should be responsible to investigate the complaint, whether the complaint requires an investigation or not and the timeframe to resolve it. The MOES/PIU Project Director or appointee should ensure that there is no conflict of interest involved for the investigating officer. The length of the investigation process depends on the complexity of the case. However, all complainants should receive feedback on the status of their grievance within ten business days.

- *Investigation*

The person/department responsible for investigating the complaint will collect and review all the facts related to the grievance. The process may include meetings / virtual consultations with the person who filed the grievance (if willing to meet) and those who can facilitate the resolution.

The deadline for investigating the complaint may be extended to 30 working days by the corresponding Project Director or appointee, and the complainant is to be informed about this fact within 10 working days, whether:

- additional consultations are needed to provide response to the complaint;
- the complaint refers to a complex volume of information and it is necessary to study additional materials for the response.

After the investigation is finalized, the proposed response will be presented to the GRM/ESF Officer and Project Director or appointee. The GRM/ESF Officer will record the proposed action in the Registry of Grievances in the section that describes the suggested action (see Annex 3)

- *Response to the Complainant*

The complainant will be informed about the results of verification via letter, email or by post, as received. The response shall be based on the materials of the investigation and, if appropriate, shall contain references to the national legislation. The ESF/GRM officer will seek feedback whether the proposed actions are deemed satisfactory and will record the response in the corresponding section of the grievance form.

- *Right to Appeal*

If the complainant is not satisfied with the response, one more attempt will be made to clarify the rationale for the proposed action by the GRM/ESF staff, Project Director or appointee and the investigating person/department and other relevant personnel may be involved in the appeals process. A final decision will be taken following the appeal meeting. If the response remains unsatisfactory to the complainant, he/she/they may resort to raising their grievances outside the project GRM system.

Awareness Building

The information about the Grievance Redress Mechanism will be available at the MOES website and will be included in the communications conducted with the project stakeholders, beneficiaries, project affected persons through the communications methods and tools that are part of this stakeholder engagement plan and communications plan under the project, including emails, website, workshops, face-to-face meetings.

MOES will notify university management and other key stakeholders of the GRM system and procedures. Specifically, the information will contain the objective of the GRM, the procedure to make a complaint (where, when and how), the investigation process, the timeframe(s) for responding to the complainant, as well as the principle of confidentiality and the right to make anonymous complaints.

Roles and Responsibilities for GRM

The responsibilities for the management of the GRM system include the following and may be updated from time to time in consultation with the ministerial management team and the World Bank task teams. These functions can either be performed by assigned staff, e.g. ESF/GRM Officer or be outsourced to an outside contractor in case the MOES/PIU capacity to handle the workload is exceeded.

- Overall management of the GRM system
- Developing and maintaining awareness-building
- Collection of complaints
- Recording complaints
- Notification to the complainant on the receipt and timeline to review a complaint
- Sorting/categorization of complaints
- Thorough review of the issues, including the causal link between project activities and alleged damage/harm/nuisance
- Decision-making based on such examination
- Processing appeals or continuous communication with complainants with the purpose to resolve issues amicably
- Publishing responses to complaints, unless otherwise is requested by complainants due to privacy or other concerns
- Organization and implementation of information materials and awareness campaigns
- Reporting and feedback on GRM results

Monitoring and Reporting on GRM Implementation

Policies, procedures and regular updates on the GRM system will be made available on the Ministry of Education and Science website. The MOES/PIU will regularly track and monitor the status of complaints to ensure that all grievances are resolved within the established time-frame. The MOES/PIU will also provide and publish semi-annual reports available to the World Bank team, and all stakeholders that will contain the following information:

- Status of establishment of the GRM (procedures, staffing, awareness building, etc.);
- Quantitative data on the number of complaints received, the number that were relevant, and the number resolved;
- Qualitative data on the type of complaints and answers provided, issues that are unresolved;
- Time taken to resolve complaints;
- Any issues faced with the procedures/staffing or use;
- Factors that may be affecting the use of the GRM/beneficiary feedback system;
- Any corrective measures suggested/adopted.

7. MONITORING AND REPORTING

In order to monitor the livelihood restoration, mitigation measures taken, and grievance redress process, MOES will report to World Bank on any violations of land and assets tenants' rights, any additional negative impacts on the population, will maintain the grievance log, monitor the number of PAPs and deliver appropriate reports.

The monitoring indicators is given in Table 4 below.

Indicator	Additional notes	Frequency
Overall information about necessity of tenants and informal users' relocation and livelihood restoration.	As a result of carrying out of social screening on the sites the information regarding tenants and informal users of land / premises operated by educational institutions will	Within 1 month after social screening.

	be available.	
Number of formal and informal users that must be relocated.	Data will be received through the social screening.	Quarterly.
Number of grievances regarding RAP implementation received.	Grievances which were received by all project implementation parties and how they were addressed.	Quarterly.

World Bank project team will be involved in the monitoring process during regular monitoring missions to the sites.

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ANNEX 1. TEMPLATE OF SOCIAL SCREENING CHECKLIST

Screening checklist to assess social risks and impacts of project and HEI project-implemented activities

Part 1:

Probable Social Impacts	Yes	No	Provide details to justify the answer
1. Will the intervention include new physical construction work?			
2. Does the intervention include upgrading or rehabilitation of existing facilities?			
3. Is the intervention likely to cause any permanent damage to or loss of housing, other assets, resource use?			
4. Is the site chosen for this work free from encumbrances and is in possession of the Public/government/community land?			
5. If the site is privately owned, can this land be purchased through negotiated settlement? (Willing Buyer – Willing Seller)			
6. If the land parcel must be acquired, is the actual plot size and ownership status known?			
7. Does the HEI project-implemented activities cause any access restriction to the commuters/pedestrians/ business and trades?			
8. Is land for material mobilization or transport for the civil work available within the existing plot/ Right of Way?			
9. Are there any non-titled people who are living/doing business on the proposed site/project locations that use for civil work?			
10. Is any temporary impact likely?			
11. Is there any possibility to move out, close of business/commercial/livelihood activities of persons during constructions?			
12. Is there any temporary or permanent physical displacement of persons due to constructions?			
13. Does this project involve resettlement of any persons? If yes, give details.			
14. Will there be loss of /damage to agricultural lands, standing crops, trees?			
15. Will there be loss of incomes and livelihoods for anyone due to project intervention?			
16. Will people permanently or temporarily lose access to facilities, services, or natural resources?			
17. Will project cause loss of employments/jobs?			
18. Will project generate excessive labor influx as a result of new constructions?			
19. Do construction activities require additional/skilled labor from outside the locality?			
20. Will HEI project-implemented activities/construction activities cause destruction/disturbance to host community living?			
21. Will the physical works create any			

degradation/disturbances for public buildings/resources/ adjacent houses, wells, lands, Burial places, children parks, etc.?			
22. Does intervention cause unintended consequences such as accidents/ damages to adjacent buildings?			
23. Are any vulnerable groups who may affect adversely (including indigenous people) due to the project intervention?			

Part 2: (to be completed by the MOES based on the findings of the social screening and scoping process)

1. Project implemented activities social risk Category (B or C) and arguments used for the determination of project category _____
2. Does public Consultations carried out with affected/interested parties (Yes/No)—If yes please attach a separate sheet describing the outcome
3. Social Screening/ Assessment required (yes or no) _____
4. If social assessment is required, what are the specific issues to be addressed? _____
5. Types of Social documents (RAP/ A-RAP for category B projects- Social Screening Reports for C category) _____

(Outlines for safeguards documents (RAP, A-RAP, Social Screening Report can be obtained from WB staff)

MOES Social Specialist:

Date:

ANNEX 2. RAP CONTENT

This annex describes the elements of a resettlement action plan (RAP).

The scope and level of detail of the RAP vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The RAP covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the RAP.

RAP will have the following structure:

General description of the Project for which a specific RAP applies, description of the objectives of RAP preparation

Information on the potential impacts (both positive and negative) that were identified during RAP preparation

- a description of the impacts that will directly or indirectly affect the need for assets alienation/relocation/access limitation;

- a description of the location of impacts;

- a description of the alternatives having been assessed to minimize the alienation/relocation/access limitation of assets;

Disclosure of the results of socio-economic research, which is a necessary procedure during RAP preparation

- a description of the census to record the PAPs, including the assets subjected to alienation/relocation/access limitation;

- information on vulnerable groups or persons for whom special provisions may have to be made;

- identifying public or community infrastructure, property or services that may be affected.

- in conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance

A review of the Ukrainian legislation and World Bank's requirements regarding organizational arrangements guiding the alienation/relocation of assets and livelihood restoration;

Institutional framework. A review of the stakeholders involved in the Project implementation, including their responsibilities;

Rights Matrix (eligibility). Identification of the groups that might be adversely affected by the project implementation and types of envisaged compensation;

Description of the Methodology for assessing the loss of assets or sources of income depending on the nature of losses;

Description of resettlement/relocation measures that will be envisaged to provide appropriate assistance to ensure that the resettlement/relocation process is in line with World Bank's standards;

Description of the measures aimed at involving communities in RAP implementation, including a grievance mechanism;

Timetable for RAP implementation;

Indicative budget;

Arrangements for RAP implementation monitoring;

The abbreviated version of RAP could be prepared in case if the total amount of PAPs will be less than 200.

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ANNEX 3. GRIEVANCE/INQUIRY RECORD

GRIEVANCE/INQUIRY RECORD (Form A)				
<i>Instructions: This form is to be completed by staff receiving the inquiry or grievance and kept in the Project's file. Attach any supporting documentation/letters as relevant.</i>				
Date Grievance Received:		Name of Staff Completing Form:		
Grievance Received (check <input type="checkbox"/>): <input type="checkbox"/> National <input type="checkbox"/> Oblast <input type="checkbox"/> Rayon <input type="checkbox"/> City/Village <input type="checkbox"/> Amalgamated hromada				
Mode of Filing Inquiry or Grievance (check <input type="checkbox"/>): <input type="checkbox"/> In person <input type="checkbox"/> Telephone <input type="checkbox"/> E-mail <input type="checkbox"/> Phone Text Message <input type="checkbox"/> Website <input type="checkbox"/> Grievance/Suggestion box <input type="checkbox"/> Community meeting <input type="checkbox"/> Public consultation <input type="checkbox"/> Other _____				
Name of Person Raising Grievance: <i>(information is optional and always treated as confidential)</i>				
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female				
Address or contact information for Person Raising Grievance: <i>(information is optional and confidential)</i>				
Location where grievance/problem occurred [write in]				
National:	Oblast:	Rayon:	Village:	Amalgamated hromada
Brief Description of Grievance or Inquiry: <i>(Provide as much detail and facts as possible)</i>				
	Category 1	Social Safeguards		
	Category 2	Environmental Safeguards		
	Category 3	Grievances regarding violations of policies, guidelines and procedures		
	Category 4	Grievances regarding contract violations		
	Category 5	Grievances regarding the misuse of funds/lack of transparency, or other financial management concerns		
	Category 6	Grievances regarding abuse of power/intervention by project or government officials		
	Category 7	Grievances regarding MOES staff performance		
	Category 8	Reports of force majeure		
	Category 9	Grievance about project interventions		
	Category 10	Other		
Who should handle and follow up on the grievance:				
Progress in resolving the grievance (e.g. answered, being resolved, settled):				

ANNEX 4. TEMPLATE FOR TOR FOR ARAP CONSULTANT

TERMS OF REFERENCE

UKRAINE IMPROVING HIGHER EDUCATION FOR RESULTS PROJECT

1. Introduction, background and purpose

1.1. Introduction

The Government of Ukraine has initiated a substantial reform program covering all levels of education. The above-mentioned Project supports the Government's reform agenda in higher education. The project emphasizes and seeks to achieve results in three major areas: efficiency, conditions for quality, and transparency of higher education. To achieve its objectives, the project is structured in the following components:

Component 1: Sector-Wide Improvements to Governance, Financing, Quality and Transparency. The objective of this component is to support the Government with implementation and monitoring of sector-wide reforms affecting higher education governance and financing, quality, and transparency, as well as support strategic communications related to both the project and the larger higher education reform. . This component contains two mutually reinforcing sub-components: 1.1 which supports strategic sector-wide investments to strengthen system management, planning and monitoring, and 1.2 which reimburses against specific results through performance-based conditions (PBCs).

Sub-component 1.1 – Strategic sector-wide investments to support autonomy, transparency, and monitoring

This sub-component would support strategic investments in information systems (including Higher Education Management Information System (HEMIS)), surveys/studies, evaluations, standardized tools for learning assessments, and comprehensive communications campaigns and outreach efforts for the ongoing higher education reform.. In particular, these strategic investments are needed to support the introduction of autonomy reforms and performance-based incentives for HEIs, and to improve transparency of funding and information flows within the sector. This sub-component will also finance the design, establishment and implementation of a National Student Survey (NSS) and support introduction of digitally enhanced standardized learning assessments for higher education.

Sub-component 1.2: Strategic results to strengthen performance-based incentives in higher education

To incentivize policy changes and implementation of key activities, this sub-component will finance critical performance-based conditions (PBCs) related to introduction and implementation of performance-based incentives at the system-level and at institutional levels in the higher education sub-sector. Under the PBCs mentioned below, the project will co-finance results that will lay the foundations for performance-based incentives to improve efficiency, conditions for quality, and transparency in higher education while building on the strategic activities financed under sub-component 1.1. This sub-component will reimburse the Government for results achieved in support of PBCs.

Component 2: Alliances and Partnerships for Improved Efficiency and Quality

The objective of this component is to support the Government improve fiscal efficiency in the higher education sector and to support merged HEIs to improve conditions for quality teaching and learning as part of institutional merger processes. This component is also divided into two sub-components:

Sub-component 2.1: Strategic investments to ensure successful university mergers

Under this sub-component, the Project would finance packages of investments including goods and minor civil works. These would be specified in detail in the POM, but they would be selected by MOES to promote successful implementation of governance and financial autonomy reforms, as well as quality of higher education⁴. In particular, “merger support packages” could include the following: laboratories for teaching, research, and/or learning, equipment for laboratories, learning support facilities, and other learning spaces, modern digital infrastructure and IT to support distance learning, and minor refurbishment/rehabilitation. New construction would not be supported.

Sub-component 2.2 - Strategic results to support consolidation in higher education

To incentivize policy changes and implementation of key activities, this sub-component will finance a critical disbursement-linked result related to institutional mergers and consolidation of the network of higher education institutions in Ukraine.

Component 3 – Capacity Building and Education Environment Enhancement

The objective of this component is to build capacity and improve the educational environments, academic managers and research capacity in HEIs, including with a focus on supporting HEIs to maintain learning continuity and operational resilience via remote and distance modalities. In the short-term, this will support HEIs to adapt to the new operating reality imposed by COVID-19. In the medium-term, this will ultimately improve the overall relevance, quality and external economic efficiency of the HEIs and their graduates in support of innovation and economic development. This component would also support the establishment of an Operational Sustainability Team within the a small number of specialized consultants to facilitate the process of introducing financial, staffing, human resources, and other types of autonomy at the institutional level. Additionally under this component, the project would finance pre-defined categories of goods and services, including modern digital infrastructure for distance learning, digital devices, multimedia equipment and software, electronic learning management systems, and similar types of IT investments to improve quality of distance learning modalities. Investments would also include modern basic teaching laboratories and advanced scientific research laboratories, equipment, targeted training for managerial staff in support of autonomy reforms, minor refurbishment and rehabilitation.

Component 4: Project Management, Monitoring & Evaluation

The objective of this component is to support the effective management and implementation of the proposed project.. Additionally, the component would finance the day-to-day management and monitoring of the proposed project through the establishment and maintenance of a Project Implementation Unit (PIU) at the Ministry of Education and Science (MOES). It would finance salaries for PIU staff/consultants, including fiduciary, environmental and social risk management

⁴ HEIs benefiting from the ongoing Higher Education Project financed by the European Investment Bank (EIB) and the Nordic Environment Finance Corporation (NEFCO) would not be subject to mergers.

staff and incremental consultants to related agencies, training activities, targeted technical assistance, and operating costs, including outreach related to the project and the project-specific Grievance Redress Mechanism (GRM).

1.2. Resettlement impact

The Project does not finance any land acquisition, access rights or physical displacement. The civil works cover only minor repairs and rehabilitation of existing buildings and facilities which are belong to the educational institutions and located within their premises or land plots. All land plots and premises of educational are owned by the state or local municipalities and operated by educational institutions according to the title for permanent use. But during the implementation of the Project may be identified the next resettlement impacts:

- According to the Ukrainian legislation, educational institutions could rent out their land plots or premises to organizations or business or physical persons. Hence, the tenants who renting premises or land plots may be affected and be eligible for compensation according to the ESS 5.
- Informal users could use land plots operated by educational institutions for their own purposes. In this case they also could be eligible for compensation and/or removal assistance.

In terms of social impacts identification, the social due diligence related to ESS 5 (triggered for the project) will be carried out as per the guidance under the RPF. In case if economical displacement impacts will be identified the appropriate mitigation measures (ARAP, Livelihood Restoration Plan) will be undertaken.

2. Scope of services.

Task 2. Abbreviated Resettlement Action Plan preparation

A fundamental requirement of resettlement activities based on ESS5 is to restore, at least, standards of living and preferably improve the livelihoods of PAPs, assets, access to resources or source of income due to the implementation of a project. Several additional important principles of resettlement activities based on ESS 5 relate to consultation and the form of compensation payments. Project-affected persons (PAPs) are to be: (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. The ARAP will describe the entire compensation package as applicable to the various situations of PAPs and will include a grievance process that includes informal as well as formal or administrative measures to deal with disputes when they arise. The ARAP will also include a detailed budget and description of the particular mechanisms for any monetary compensation.

The analysis should consider potential gender inequalities in access to, ownership and actual control of land, and how women's livelihoods may be in particular affected by the resettlement.

Minimum requirements of the ARAP

According to ESS 5 an Abbreviated Resettlement Plan covers the following minimum elements:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget.

As is provided in the RPF for Project, at a minimum, the ARAP will include:

- i. The nature of the HEI project implemented activities,
- ii. Description of the scope and scale of land acquisition and related impacts,
- iii. The number of people affected,
- iv. A baseline census (persons and assets affected)
- v. Socio-economic survey information
- vi. A matrix that shows – in the same terms as the RPF – the entitlements of the categories of affected people, expected compensation and assistance
- vii. A description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living,
- viii. The HEI project implemented activities budget, implementation schedule, monitoring arrangements, grievance procedures and a commitment to follow the RPF guidance and requirements in all general matters.

The Consultant must develop an ARAP that covers all relevant aspects of the project subject to economical displacement and livelihood restoration. The ARAP must consist of at least the following information:

- 1) Description of the project and potential economical displacement or resettlement impacts (gender disaggregated).
- 2) Description of measures taken to ensure that the project is implemented to minimize displacement;
- 3) Results of census survey, assets inventory, and socioeconomic survey including, at a minimum:
 - i) Categories of impacts, people (women and men) affected, and the magnitude of expected loss;
 - ii) Information on vulnerable groups, including women
- 4) Description of grievance procedures.
- 5) A description of organizational responsibilities for implementing all the resettlement activities that will take place during ARAP implementation, including identification of responsible agencies and any necessary measures to strengthen capacity to implement the A-RAP.

The ARAP shall be developed in a manner compliant with ESS 5 and national legislation. The ARAP is subject to approval by MOES and World Bank

3. Deliverables

The Consultant will be expected to prepare and submit the Abbreviated resettlement actions plan for IHERP project.

The Consultant will prepare and submit a draft Abbreviated Resettlement Action Plan consistent with ESS5 and local resettlement requirements for MOES and WB. The ARAP shall provide a list detailed information on each case where livelihood restoration or economical displacement will be necessary. As part of ARAP preparation, the Consultant must ensure that the cut-off date was established and disclosed after assets inventory census. The Draft ARAP will be submitted to MOES for review prior to the Consultant completing the final round of public consultations with PAPs. MOES and WB will provide the Consultant with comments on the Draft ARAP within 20 days of receipt. These comments must be addressed when the Consultant submits the Final ARAP and supporting documents.

4. STAFFING REQUIREMENTS AND QUALIFICATIONS

This work will be undertaken by an Individual Consultant that will be contracted by MOES. The Consultant will work closely with MOES/PIU and with MOES implementation team. The Consultant will also interact with local public administrations representatives and other key stakeholders.

To be able to carry out these tasks successfully, it is expected that the Consultant will be an experienced expert with experience in development and implementation of RAP reports with experience in region and works previously with WB policies especially with OP 4.12 and 4.01 and has a knowledge of new World Bank's ESS 5. He/she will be responsible for A-RAP including:

- Oversight of the development and programming of field visits.
- Ensuring that all types of economic and physical dislocation recognized under ESS5 are included in the ARAP,
- Identifying any critical individual characteristics that would necessitate complementary or special assistance and compensation,
- Data entry and analysis, as well as report write-up;
- Identifying potential social impacts from project implementation according to the ESS 1 and ESS 5

In order to conduct these tasks, the Consultant will have the following minimal experience and qualifications:

- Advanced degree (at least ongoing M.A. and preferably a Ph.D.) in a relevant social field.
- At least 15 years of professional experience as a consultant in social or resettlement, including at least 7 years of experience in the planning or implementation of social or involuntary resettlement as part of public transport projects.
- Experienced in the development of socio-economic surveys and censuses.
- Excellent interpersonal skills and proven capacity to lead work teams, negotiation techniques with different institutional and local stakeholders.
- Good commands written and spoken English.
- Experience working in Ukraine with World Bank projects considered a plus.