

Social Safeguard Due Diligence Report

Project Number: 47282-009
October 2020

Afghanistan: Energy Supply Improvement Investment Program (Tranche 7)

220/20 kV Shindand Substation Construction Project

Prepared by the Da Afghanistan Breshna Sherkat for the Asian Development Bank.

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ISLAMIC REPUBLIC OF AFGHANISTAN

DA AFGHANISTAN BRESHNA SHERKAT (DABS)

MFF-II, ESIP, Tranche-7, ADB Grant: 0464/465-AFG

Contract No.: To Be Determined

SOCIAL SAFEGUARD DUE DILIGENCE REPORT (SSDDR)

220/20 kV Shindand Substation Construction Project

October 2020

GLOSSARY

Affected person	Persons in the project's area of influence experiencing economic, social or environmental impacts Compensation Payment in cash/voucher or kind to which the affected people are entitled in order to replace the lost asset, resource or income.
Cut-off date	A cut-off date is a date of eligibility for entitlements, which is required to be disclosed. A person settling in the project affected area after this published date and claiming compensation will not be eligible to receive compensation. If a country's laws do not provide for such a cut-off date, generally the project level census start or end date is determined to be the cut-off date.
Displaced person	Person affected by involuntary acquisition of land or involuntary restrictions on land use resulting in physical or economic displacement.
Economic displacement	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlements	All compensation, relocation and income restoration measures due to displaced persons, specified by their property status and particular losses.
Involuntary resettlement	Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere.
Non-titled displaced person	Displaced persons without formal legal rights to land or claims to land recognized or recognizable under national law; eligible for compensation of non-land assets.
Replacement cost	Compensation for acquired land, structures and other assets, including (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any.
Socio-economic survey	Assessment of the social and economic conditions of the displaced persons through a combination of quantitative and qualitative research methods, providing a baseline and benchmark for monitoring and evaluation.
Vulnerable person	A distinct group of people who may suffer disproportionately from resettlement effects. The SPS defines vulnerable groups as households below the poverty line, the elderly, female headed households, and disabled headed households, those without legal title to assets, landless, women, children and indigenous people.

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Abbreviations

ADB	- Asian Development Bank
AF	- Affected Family
AP	- Affected Person
ESDIP	- Energy Sector Development Investment Program
DABS	- Da Afghanistan Breshna Sherkat
DDR	- Due Diligence Report
DP	- Displaced Person
CSC	- Construction Supervision Consultants
TA	- Technical Assistance
EA	- Executing Agency (DABS)
EMA	- External Monitoring Agency
kV	- Kilo volt
LAL	- Land Acquisition Law
LAR	- Land Acquisition and Resettlement
LARF	- Land Acquisition and Resettlement Framework
LARP	- Land Acquisition and Resettlement Plan
MMF	- Multi-tranche Financial Facility
MoF	- Ministry of Finance
MUDL	- Ministry of Urban Development and Land
NGO	- Nongovernment Organization
PMO	- Project Management Office
PMPI	- Project Management and Project Implementation
RP	- Resettlement Plan
SPS	- Safeguard Policy Statement
Sqm	- Square Meter
SS	- Substation
TL	- Transmission Line

1 Introduction

1. Afghanistan is a net energy importer. While indigenous renewable energy and fossil fuels resources exist, these need to be developed. By 2032, the power demand in Afghanistan is forecast to reach 3,500 MW and electric consumption to touch 18,400 GWh, and meeting this demand requires development of all viable import and local generation.

2. The Asian Development Bank (ADB) has been supporting Afghanistan's energy sector since 2001 and is the largest on-budget development partner of the Government of Afghanistan.

3. Following ADB's Safeguard Policy Statement (SPS 2009), and the Afghanistan's amended Land Acquisition Law, this LARF was prepared by DABS in October 2015 to guide the preparation of LARPs for subprojects and mitigate any impacts, should they arise. It was further updated in October 2017-18. The latest update was done in October 2019 to apply sectional project site handover approach, where upon availability of final project design, LAR impacted and non-LAR impacted areas will be identified based on sectional due diligence reports (DDRs) and sectional implementation ready LARPs. Since a substation project construction requires a single piece of land that could be either government or privately owned land to be purchased and will consider as one section for LARP or DDR, the sectional approach or methodology defined in the update LARF is not applicable.

4. A team comprising Senior Engineer from DABS, Social Safeguard Expert from Social Safeguard and Environmental Department, and a representative from DABS Provincial (Herat) Department reviewed and visited of the substation site at Shindand in March and December 2019. It was found that the substation site of 220/20 kV Shindand substation is a government property that is situated in the vicinity of Herat – Kandahar Road and Chargoosh Lowa-e-Sabiqa village (Figures 6-2 & 6-3). Site visits, preliminary design report, consultation with Land and other provincial government Departments involved in land identification/determination process, confirm that the land allocated for construction of Shindand substation does not have LAR and livelihood impact on the nearby villages/communities and the DDR areas allotted for the subject substation.

5. The Shindand 220/20 kV substation land area (140,000 sqm) is a barren land with no irrigation facilities and no crops are cultivated on this land (Figures 6-3 and 6-4). Similarly, there are no trees and other cultivation on this piece of land and even in its vicinity. The allocated land was never cultivated and not feasible for agricultural purposes. Any residential or other structures were also not found on this land. As such, the land is free from any LAR issues. It was observed that activities relating to possession of land and the construction of substation have not been started as yet at the site.

6. The 20th Meeting of Cabinet of Afghanistan chaired by H.E. President Mohammad Ashraf Ghani held on 17 September 2020 and approved a number of requests submitted by different government entities – the Shindnad substation land was also one of the agenda items that discussed and subsequently the cabinet agreed with that and consent provided (Annex 2). It is worth mentioning that the President Office Decree No (83) dated 9/Nov/2003 is also cited as proof of government land ownership (Annex 3).

7. The Public Protection Base accommodated at southwest of the land allocated for the Shindand substation does not have any LAR and livelihood impact on the substation and nearby villages as well as on the access to the substation land – it does not affect

economic activities in the areas other than to secure the area. The said Base will be more effective in terms of security of the substation during its construction and operation phase.

2 Background

8. Energy Supply Improvement Investment Program (ESIIP) is being implemented in Afghanistan through financing from Asian Development Bank (ADB) under a Multi-tranche Financial Facility (MFF) that has been divided into a number of tranches or groups of subprojects. Each of the program's tranches constitutes a project which, in turn, has been divided into several subprojects involving the construction of the power transmission and substation projects. The 220/20 kV Shindand Substation is sub-project under Tranche-7 of the MFF-2. This substation will be energized by 220 kV Pol-i-Hashimi-Shindand 220 kV TL which is under procurement (the procurement process is being completed). T7 consisting construction of a number of substations and transmission lines in west and north-west provinces of Afghanistan. .

9. The construction of 220/20 kV Shindand substation is a sub-project of the Project is part of the donor assisted development of the donor assisted development of the 220 kV South West Power System enables power import from Turkmenistan and Iran as well as domestic power sources.

10. The Da Afghanistan Breshna Sherkat (DABS - Afghanistan Electricity Corporation), established as an independent and autonomous corporation for the generation, import, transmission and distribution of power across the country, is responsible as the Implementation agency (IA) to implement the Project through its Program Management Office (PMO), supported by a Program Management and Project Implementation Consultants (PMPIC).

11. The land area for construction of the subject substation has been determined based on the preliminary design, site visits, documents review, and stakeholder consultation. The 140,000 sqm area, allotted for the substation, is more than adequate to accommodate the switchyard, switchgear, control room and other essential accessories of the subject substation. The detailed design may only consider some revision in the technical specification of the electrical devices and in civil work to some extent but enough space is available to accommodate the substation subsequent to the detailed design.

12. During the site visit took place in December 2019, review of preliminary design and based on consultation with stakeholders, noo land acquisition and resettlement impact has been identified and this social safeguards Due Diligence of 220/20 kV Shindand substation sub-project has been conducted by DABS through its PMPIC and Social Safeguard Department.

3 Scope of Sub-project and DDR

13. This DDR relates to the Shindand 220/20 kV substation. The DDR has been prepared by DABS to substantiate that the 140,000 sqm land required for this substation has been released from the Ministry of Urban Development and Land (Annex-1) and there is no physical and economic displacement of people in this area. This substation will be

energized from the 220 kV Pol-i-Hashimi-Shindand TL project which is currently under procurement processes.

14. The subproject is part of the donor assisted development of the 220 kV South West Power System which connects southern and western Afghanistan, and also enables power import from Turkmenistan and Iran and domestic power sources. The following works will be undertaken within 140,000 sqm Shindand substation.

- I. Installation of 220/20KV – 2X40 and MVA Transformer
- II. Construction of foundations for transformers, switchyard and switchgear and other electrical related equipment
- III. Construction of control room and administration offices
- IV. Installation of switchyard, switchgear and other electrical related equipment

15. Civil work plus installation of electrical equipment in the allotted substation land have zero impact on the outside of the DDR area. The Scope of this project shall include all calculation, design, manufacture, assembly and acceptance testing of all equipment at the contractor or Manufactures workshop as well as the supply, customs clearance, delivery, unloading, erection, adjusting, painting, identification, commissioning, trial operation of all equipment, to facilitate the handing over to the Employer on a turnkey basis fully operational and complete substations suitable for satisfactory operation. The access road to the substation is available and extended, at the approximate length of 200 meter, from the Herat – Kandahar paved highway. The access road to be extended from the highway does not have any LAR impact, it is also considered government owned land that can be always utilized for transportation of electrical equipment and other construction material.

4 Rationale for Due Diligence on Land Transfer

16. The 140,000 sqm land for the 220/20 kV Shindand substation has been identified and transferred to DABS by the former Afghanistan Land Independent Authority or MUDL (Annex-1). To comply with the requirement of inter-governmental land title transfer process, this DDR for this substation has been prepared by DABS to provide information on presence of any no LAR issues related to the construction of substation.

17. DABS did not have some supporting documents in hand as well as recent update regarding the land allocated for the substation, that is way an official of the DPMO (Directorate Project Management Office) was tasked to get the missing documents and get recent update in regard to the present status of the land which was years back allocated for the substation. The letter number 111883/1187 dated 22 December 2019 via Eng. Noorullah was introduced to Herat DABS Regional Branch is not further explained his duty but in reality his trip was just to get the missing documents and get recent update of the land. Following are the attendance sheets indicates Eng. Noorullah's meeting at Shindand substation site, Herat Regional Land Department and DABS Regional Branch respectively. Eng. Noorullah got the missing documents and advised and confirmed by the relevant

provincial departments during the meetings that the land is still available for construction of the subject substation and has become property of DABS.

JV
Punjab Water
Development Authority

Type of Meeting: جلسہ درسام سبیش شند
Venue: مکتبہ زمین سبیش شند
Agenda: مکتبہ زمین سبیش شند
Date: 2019, 12, 26

No	Name	Duty	Signature	Contact Number
1	En. Noorullah.	Engineer.	<u>[Signature]</u>	0791326363
2	Usaf Khan.	مدیر ایف شند	<u>[Signature]</u>	0794036161
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

JV
Punjab Water
Development Authority

Type of Meeting: ایف شند
Venue: مکتبہ زمین سبیش شند
Agenda: مکتبہ زمین سبیش شند
Date: 2019, 12, 25

No	Name	Duty	Signature	Contact Number
1	Waqar Ahmad.	مدیر ایف شند	<u>[Signature]</u>	0728494054
2	Noorullah	Engineer.	<u>[Signature]</u>	0791326363
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

JV
Joint Venture

Type of Meeting: *جلسه در برکات*
 Venue: *کمیته زمین و مالکیت*
 Agenda: *موضوع زمین*
 Date: *2019.12.25*

No	Name	Duty	Signature	Contact Number
1	M. Dawood	<i>مهندس</i>	<i>[Signature]</i>	0729004786
2	Eng. Noorullah	Engineer	<i>[Signature]</i>	0791326363
3				
4				
5				
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10				
11				
12				
13				
14				
15				

18. The land transfer has been done at the provincial level. According to the Afghanistan Land Law and Guideline, land identification, verification and valuation is carried out at the provincial level via a committee designated by the respected province Governor where the land is required for a project site or foundations, access road and Row of a transmission line or any other purposes. If the required land is a government property, the land transfer process is done by the committee and consent of the respected province governor at the provincial level and Ministry of Urban Development and Land is just copied via an official letter once the process is completed. If the required land is identified as privately owned land than the committee does its job for identification and valuation at the provincial level and sent an official letter along with specific form(s) to the project owner for compensation of land. So, transfer of land for the substation took place at the provincial level and confirmed by the committed that is government owned land.

19. The request for Shindand substation land was prepared by the Ministry of Urban Development and Land and submitted to the President Office on 9/May/2020 for approval. The 20th Meeting of Cabinet of Afghanistan chaired by H.E. President Mohammad Ashraf Ghani organized and held on 17 September 2020. The agenda of the meeting contained numerous requests from various government organizations for getting consent of the Cabinet as the Shindnad 220/20 kV substation allotted land was also one of the agenda's items that discussed and subsequently the Cabinet agreed with that and consent provided. Please refer to Bullet no. 5 of page 4 of the Cabinet decision. Bullet no. 5 of page 4 says that "70 Jirib (140,000 sqm) government owned land is approved for Shindand substation located in Shindand district of Herat province" The report of the Cabinet of Afghanistan meeting signed by H.E. President Ghani (Annex 2).

20. H.E. Mr. Hamid Karzai, Ex-President of the Transitional State of Afghanistan issued Decree no. 83 on 9/Nov/2003 regarding immovable property (land). A number of articles of this Decree are also cited as proof of government ownership (Annex 3).

21. It is worth mentioning that the land was allocated to Shindand substation in 2014 and the substation was supposed to construct from the Afghan government owned budget that is why the letter number 109 dated 22 Dec 2019 stated "if the mentioned substation is financed from government budget, so there is need to obtain approval of Ministry of Finance to execute accordingly". Since the subject substation is now funding by ADB, Ministry of

Finance approval is not needed as Land Department at the provincial level is authorized to identify, verify and valuated land as per the project owner requirement. The committee is trying to identify government owned land for public projects to the maximum extent possible otherwise private owned land should be acquired.

22. There is not any houses at the vicinity of the land allocated for substation. The small rectangular or square signs indicate the accommodations of Public Protection Base.

23. DABS started its process via Afghanistan Land Independent Authority with the governors' office and Land Department of Herat province to provide the state land to DABS for construction of the substation a few years ago base on its plan and the required land was allotted in April 2014 but the related documents were not reached to DABS. DABS followed it up reference to letter dated December 22, 2019 (Annex 1).

24. Based on the request of DABS for construction of this substation and subsequent direction of Afghanistan Lands Independent Authority Directorate, the Land Department of Herat province presented a request to the Herat Governor's Office for designation of a committee combined from Agriculture and irrigation Dept., Mine Dept., Finance Dept. (State accounting), Energy and Water, Information and Culture, Municipality, Land Dept., and Herat Local DABS to be formed to evaluate and determine the required price of state land and finally submit their report to Land Department of Herat province through the governor office. The report for land identification and valuation was prepared and the land process at the provincial level completed. According to the document, the land transfer was formally made by the Land Department of Herat province to DABS Regional Branch in Herat (Annex-1).

25. According to the coordinates (Table 4-1) and legal documents translated to English, attached as Annex-1, the identified and selected land which is owned by the government and formally transferred to DABS for construction of 220/20 kV Shindand substation. The below table is showing 4 corners coordinates of the identified land of the subject substation.

Table 4-1: GPS Coordinates of Shindand Substation

S.N	Corner Points	Easting	Northing
1	P1	62.160622	33.361208
2	P2	62.162456	33.361036
3	P3	62.161842	33.359367
4	P4	62.159997	33.359547

5 Legal and Policy Framework

26. The laws and regulations of Afghanistan and provisions ADB's SPS, 2009 has been followed while conducting due diligence for this subproject. The Land law of Afghanistan confirms that government lands are regulated by MUDL and that public welfare projects on government lands must be approved by MUDL. Once of the article of the Law on Land Acquisition allows the transfer of government owned properties for the implementation of projects of public interest as well as allowing implementation of urban master plans and all other plans for projects of public interest.

6 Location of Sub-Project

27. The 220/20 kV Shindand SS is located in Chargoosh Lowa-e-Sabiqa village of Shindand district, Herat province. The distance between Herat city and Shindand substation is about 114 km. This substation is located at 8 km distance for Shindand district center (Figure 6-2). The area of the proposed site is 100% owned by the Government of Afghanistan. No space constraints exist at the proposed substation location. The location of Shindand district is provided in Figure 6-1.

28. The nearby villages are located respectively at the distance 1 and 1.5 km to the southern and western side of the land allotted for the substation. The construction of the subject substation does not have impact on the livelihood of the villages and their access to the economic and agricultural related activities. The whole surrounding area (north, south, east and west of the allotted substation land is also government owned property without having no livelihood, agriculture activities and structures to be affected. So, the absence of livelihood activities and structures apply to all surrounding land allotted for the subject substation. Access to the substation land is also free of livelihood and other business related activities.

29. The translated version of the committee report dated 30 March 2019 is in page 23 (revised version). The committee report 30 March 2019, sketch (page 25, revised version) and evaluation form (page 27, revised version) prove that the land is government owned land.

30. Figures 6-2, Figure 6-3 explains the site condition. The team visited the site either forgot to take picture(s) of the site like for Farah substation or most probably security staff of the Public Protection Base accommodated at the vicinity of allotted land did not allow them to take picture(s).

31. The nearby structures, located at the southwest of the allotted land for substation, are related to Lowa-e-Sabiqa which is currently used as Public Protection Base. The Public Protraction Base is mainly utilized to provide security for the Herat – Kandahar highway as well as communities located in Chargoosh area of Shindand district. There is no difference between Security Forces and Public Protection Base. The Public Protection Based translated in the land identification related documents means Security Forces providing

security of the entire area along with Herat – Kandahar highway as stated above. Public Protection Base is the term used by Ministry of Interior as the security staff of the so called Public Protection Base are supervised or directed by the said ministry.

Figure 6-1: Geographical Location of Herat province and Shindand district



Figure 6-2: Shindnad Substation Location on Google Earth



Figure 6-3: Overall Site View of Shindand Substation

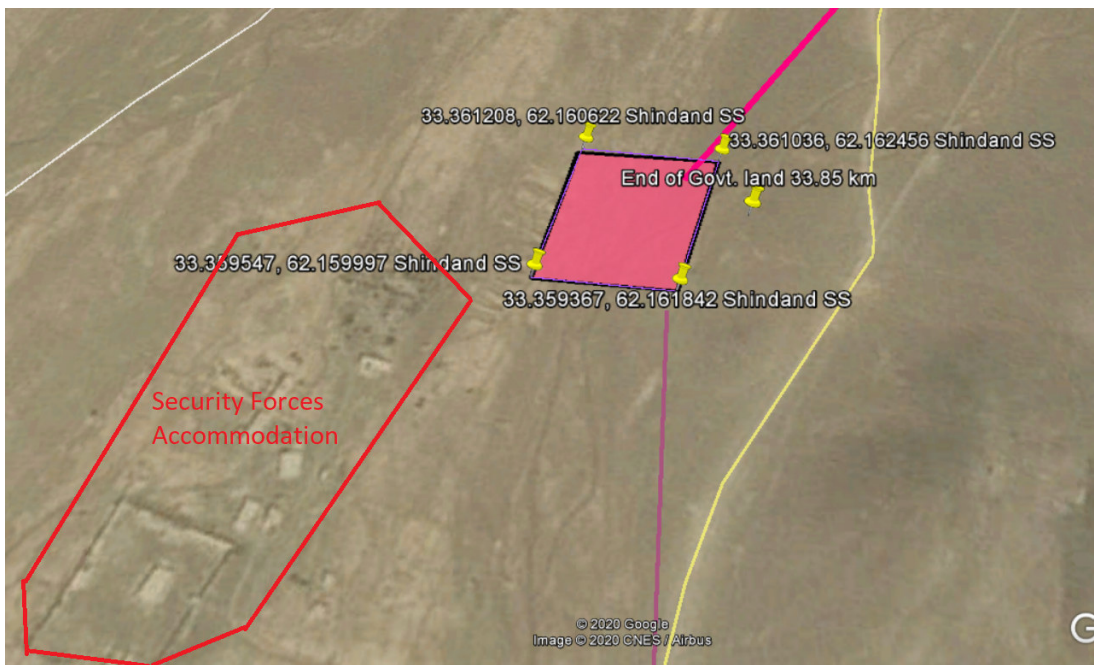
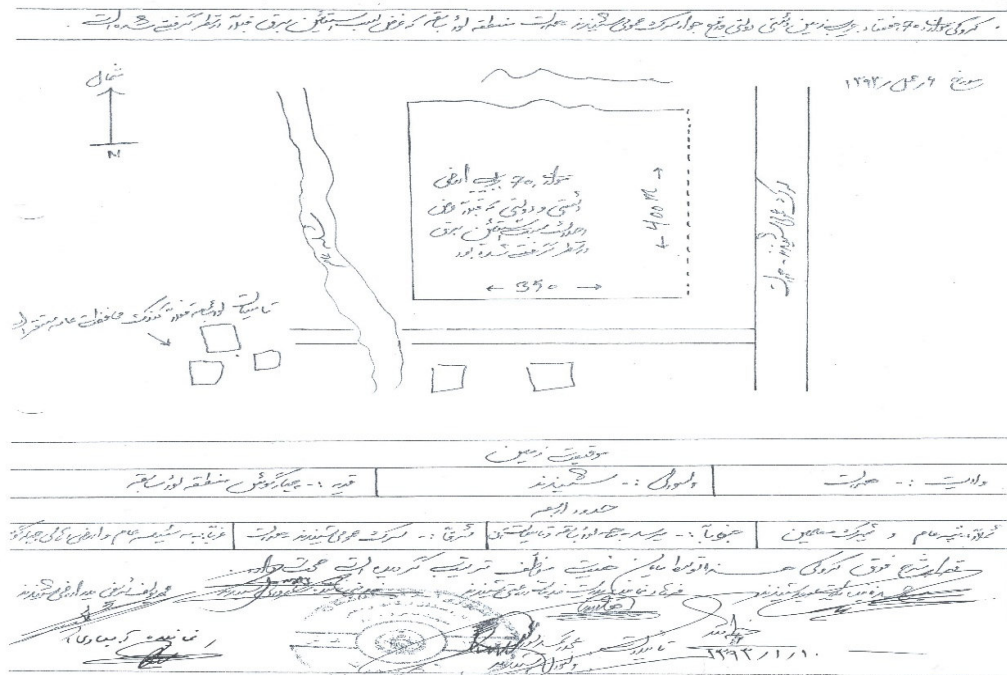


Figure 6-4: Picture of Shindand SS Allotted Land Sketch



7 Methodology

32. Present due diligence assessment was conducted based on a desk review of available documents, site visits and consultation with local people, provincial government officials and stakeholders. The methodology applied in preparation of the DDR for this project is enumerated as follows:

(i) The scope of the project was studied including the technical details of the project by reviewing the preliminary design report prepared for the project and had discussions with the PMO officers, and the relevant members of the team on the scope of works in the project. By not having the detailed design at this stage, the 140,000 sqm land has been determined based on the preliminary design report.

(iii) Field visits were made by land committee which reported that 140,000 sqm area selected for Shindand substation is 100 % governmental land with no livelihood activities (Figures 6-3).

(vi) The DDR preparation work commenced with the field visits and discussion with the relevant governmental organizations; on land ownership and approvals by various local governmental organizations to undertake the project works.

(v) This DDR was then prepared by assimilating the detailed preliminary design report, findings of the field visits, and discussions with relevant government officials, people from the adjacent villages, and information gathered during consultation conducted by assigned committee according to Afghanistan Land Acquisition Law and procedures regulation as well as ADB requirements.

8 Field visits and Stakeholder and/or Public Consultation

33. Field visits: Prior to elaborate surveys and detailed consultation with government were conducted by Land Committee to Shindnad district of Herat province, an initial field visit was carried out and the resettlement screening and indigenous people screening was done. Since there were no impacts of resettlement and indigenous people; the study was continued for a due diligence with further field visits and consultations with local authorities and communities. The result of field visit indicated/resulted that land allocated for this substation is free from any LAR issues.

34. The land committee visited the areas where the proposed project is to be implemented in Shindand district of Herat province. The committee visited the full placement of the proposed 220/20 kV Shindand substation to ascertain the present land ownership and use for the project. Documents approving the governmental land ownership and confirming the implementation of the project were collected from the concerned authorities during the visits. The team members, specified in Para 4, visited the Shindand district Governor and Herat province Governor offices, Department of Land, Department of Agriculture, Department of Irrigation, Department of Culture and Department of Mining to for further discussion and obtaining consent for the land and construction of the substation.

35. A number of elders, Head of Shura and formers from the neighboring villages (Abkalan and Aligada) located close to the substation land called for a gathering or public consultation meeting held on March 18 and 19, 2019 at their villages (Figures 8-1 & 8-2). They were briefed about this 220/20 kV substation project and selection of land closer to their villages. They were also notified in relation to the benefit of this project and distribution of reliable power to their villages once the substation is completed and energized. The elders, Head of Shura and formers, who anteceded the meeting, were collectively agreed with land selected/allotted for the substation and confirmed that the land is barred and non-cultivated. They were also showing happiness for construction of the substation and certified that we will not be affected at any means. They propose employment of skill and unskilled labor from their villages during construction of the project if possible. The elders also confirmed that civil work plus installation of electrical equipment in the allotted substation land have zero impact on the outside of the DDR area. The below Table 8-1 and Table 8-2 are showing list of people attended the consultation meeting.

Table 8-1: Attendances Sheet of Public Consultation Meeting with People from Abkalan village of Shindand district

Attendance Sheet

Type of Meeting:

Date: 18-3-2019

طہ دروہ
آب کلان شندند

No	Name	Duty	Signature	Contact Number
1	Mir hamza	رئیس شورا		0798152034
2	M. Uosaf	Farmer		نہ
3	Ab. Kasim	Driver		از دارن نما، مولا
4	Shir Aqa.	Farmer		نہ
5	Kashmir	Farmer		070524321
6	Bilal Khan	shopkeeper		نہ
7	Ozul Aqa.	Farmer		نہ
8	Noorullah	survivor		0791326383
9	Raza.	Driver		0792355858
10				
11				
12				
13				

Figure 8-1: Public consultation meeting with people form Abkalan village



Table 8-2: Attendances Sheet of Public Consultation Meeting with People from Aligada village of Shindand district

37. The land allotted is government own property and has been allotted to DABS construction of the Shindand substation. The land identified is free of any encumbrances, legal cases etc. and had been in possession of the DABS. The site has proper existing road access and there is adequate buffer space in the surrounding area to accommodate construction related activities and security forces, if required. No impacts are envisaged on the surrounding lands during construction activities. The resettlement screening was carried out in March 2019. It also confirmed by the people visits and the relevant provincial departments that the land is not used for any purposes and has not claimed it ownership by any party or individuals.

Table 10-1: Involuntary Resettlement Screening Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?		√		Land acquisition for the DDR area of non-LAR impact area is not needed.
2. Is the site for land acquisition known?	√			It is not privately owned.
3. Is the ownership status and current usage of land to be acquired known?	√			The land plot is government owned property.
4. Will easement be utilized within an existing Right of Way (ROW)?	√			As the non-LAR impact area is government owned land, so easement can be utilized any time.
5. Will there be loss of shelter and residential land due to land acquisition?		√		There is no shelters and residential land within the identified and allotted land
6. Will there be loss of agricultural and other productive assets due to land acquisition?		√		The non-LAR area is not cultivated and does not have any types of products.
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?		√		There was no trees and other assets and were not seen any crops growing.
8. Will there be loss of businesses or enterprises due to land acquisition?		√		The identified and allocated land was seen without any businesses.
9. Will there be loss of income sources and means of livelihoods due to land acquisition?		√		Since the identified and allotted is desert, businesses for income sources were not seen.
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?		√		The villages or communities residential area are a bit far away from the identified and allotted land and their natural resources are close to their villages, so their access to businesses and daily work are not interrupted.
11. If land use is changed, will it have an adverse impact on social and economic activities?		√		Since the allotted land does not have any charges and its government property, no impact on social and economics was seen.
12. Will access to land and resources owned communally or by the state be restricted?		√		Even access to public land and resource were not seen to be restricted by this allotted land identified for the construction of substation.
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? [] No [] Yes [√] Not applicable If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? [] No [] Yes [√] Not applicable				
Are any displaced persons from indigenous or ethnic minority groups? [] No [] Yes [√] Not applicable				

10. Grievance Redress Mechanism and Project Institutional Arrangements

38. A grievance redress mechanism has been established and available at project site locations. DABS has formed grievance redress committees (GRCs) to address project grievances. The chairman and members designated from the concerned departments and

local communities for the GRCs for the subproject in order to receive and facilitate the resolution of peoples' concerns, and grievances about the project's activities. Each GRC is composed of the following members:

<input type="checkbox"/> Representative of the District Governor	In-Chair
<input type="checkbox"/> Representative from the Security HQ	Member
<input type="checkbox"/> Representative from Land Department	Member
<input type="checkbox"/> Representative from Provincial Council	Member
<input type="checkbox"/> Representative of DABS Office from concerned	District Member
<input type="checkbox"/> Representative from CSC (Local Resettlement Specialist)	Member
<input type="checkbox"/> Affected persons appointed by Representatives	Member

39. The committees will be chaired by the representative of the concerned District Governor or his representative. Grievances will be sent in written form to the committee and will be heard and resolved within 21 days of submission of the complaint.

40. The safeguards unit of DABS and supervision consultant will conduct monitoring of project implementation activities and ensure effectiveness of GRM. In case, if any unanticipated impact will be identified during project implementation (construction period), DABS will stop construction works in areas for unanticipated impact areas until corrective action plan is prepared and implemented in accordance with the latest land acquisition and resettlement framework (LARF) for all MFF subprojects which work for this .

41. Semi-annual and annual social safeguards monitoring reports will be prepared and submitted for ADB review and further disclosed. These social safeguards monitoring reports shall provide summary of all social grievances or other relevant issues on this subproject.

10 Grievances and complaints

42. The existing GRM developed for the project functions for the whole period of project implementation. There are no complaints or grievances were recorded and received in the project area. Monitoring of complaints and grievances is carried out by Environmental and Social Safeguard Department staff to be occasionally travel to the site once the construction is commenced.

11 The Issue of Encroachers

43. During the filed visit conducted by the team named in Para 3, no livelihood activity has been identified and no encroachers have been observed within the compound of the land allocated for the subject substation.

12 Conclusions

The review concludes that:

44. As per the findings of due diligence study and preliminary design documents neither permanent nor temporary impact to households, farmers and private legal entities are expected due to the construction of 220/20 kV Shindaand substation. There will be no impact regarding land acquisition and no physical/economic displacement that may trigger involuntary resettlement.
45. One of the conditions for the release of final payment to the civil works contractors is the submission of proof that DDR followed and neither permanent nor temporary impact has been observed during the construction period. If there were unanticipated impacts, then, temporarily used lands have been fully restored to their pre-project conditions.
46. Civil work plus installation of electrical equipment in the allotted substation land have zero impact on the outside of the DDR area allotted for construction of the subject substation.
47. The DABS will be responsible for documenting monitoring reports on DDR completion reports through its PMU/PIC to ADB for review on the semi-annual basis.
48. As per the official documents attached as Annex 1, the identified and selected land (Figures 6-2 & 6-3) is government owned property which has been formally transferred to DABS for construction of 220/20 kV Shindand substation.
49. The 20th Meeting of Cabinet of Afghanistan chaired by H.E. President Mohammad Ashraf Ghani held on 17 September 2020 and approved a number of requests submitted by different government entities – the Shindnad substation land issue was one of the request submitted by the Ministry of Urban Development and land
50. This substation is energized from the 220 kV Pol-i-Hashmi – Herat transmission line which is under procurement process. .
51. The land plot of this substation is entirely free from any LAR issues (Figures 6-3). No structures, crops or trees will be affected by the construction of the subject substation.
52. Activities relating to possession of land and the construction of substation have not been started as yet at the site.
53. During the filed visit conducted by the team specified in Para 4, no encroachers have been observed within the compound of land allocated for Shindand substation.
54. The field visit as well as consultation with people from neighboring villages and other stakeholders plus provincial government officials resulted that the substation construction does not have any social and livelihood impact and the substation land is free from any LAR issues and agriculture activities.

Annex 1.1: Follow-up of Shindand substation allotted land acquisition status



دولت جمهوری اسلامی افغانستان
د افغانستان برېښنا شرکت

Islamic Republic of Afghanistan
Da Afghanistan Brishna Sherkat

ریاست برنامه‌ها
آمریت استملاک



د افغانستان اسلامی جمهوري دولت
د افغانستان برېښنا شرکت

تاریخ: ۱۵۰۱ ۹۸

شماره: ۱۱۸۸۳
۱۱۸۷

✓ به ریاست محترم برشنا هرات ۱

موضوع: تعقیب امور استملاک سبب ستیشن های شیندند و فراه

بعد از تقدیم احترامات فایده محترم انجنیر نوره از تاریخ مواصلت مکتوب هذا جهت رسیدگی به امور استملاک سبب ستیشن های شیندند و فراه عازم ولایات مذکور میگردد.

موصوف به شما معرفی است تا در زمینه با وی همکاری نمایید.

با اعتتام از این فرصت از همکاری های همیشگی شما قبلا سپاسگزاریم.

با احترام

محمد سلیم "اسلمی"

سرپرست ریاست برنامه‌ها

تاریخ: ۱۳۹۸ ۱۰ ۰۴

محل: ...

کاتبی:

به ریاست محترم برشنا فراه

به ریاست محترم اراضی هرات

به ریاست محترم اراضی فراه

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۱۰/۱۲

۹۳ ۷۰ ۸۷۸۲۰۰

Annex 1.1: Translation of the above document: Follow-up of Shindand substation allotted land acquisition status

Islamic Republic of Afghanistan
Da Afghanistan Breshna Sherkat
DPMO
Acquisition Directorate

Ref: 111883/1187

Date: Dec 22, 2019

To Herat local DABS

Sub: Following up Shindand and Farah substation acquisition affairs

This is to inform you that Engr. Noorullah is dispatched to Farah and Shindand provinces, effective since the receipt date of this letter, to further follow-up the Shindand and Farah substations related land acquisition affairs and status.

He is hereby introduced to you for further cooperation.

Thank you for your kind and cooperation in advance as always!

Regards,
Muhammad Saleem Saleemi
Acting Head of DPMO
{Signed}

To Finance and Administrative directorate,
Please execute in accordance with DABS policy as per the context of the letter.
{Signed}

To HR,
Please execute according to the above instruction.
{Signed}

Annex 1.2: Provincial Land Department letter to DABS in regards to Shindand Substation Land

برېښنا
د افغانستان برېښنا شرکت
تاریخ ۱۳۹۸ و / ۱ / ۱

د افغانستان برېښنا شرکت
ریاست حوزه هرات برشنا
معاونیت مالی واداری
سر محاسبیت حوزه
مدیریت محاسبه جنسی
مدیریت جایدادها



شماره ۱۰۹

به ریاست محترم برنامه های د افغانستان برشنا شرکت!

عطف توجه آمریت محترم استملاک

السلام وعلیکم و...

بجواب مکتوب (۱۱۱۷۵۳)(۱۰۶۹)۱۳/۸/۱۹۸ شما احتراماً نگاشته میشود:

موضوع انتقال و استملاک زمین سب استیشن شیندند توسط این اداره پیگیری گردید که ریاست محترم اراضی ولایت هرات طی مکتوب (۱۶۷۰)(۸۹۲) مورخ ۱۳۹۸/۹/۱۸ بجواب مکتوب ما چنین تحریر نمودند.

(در رابطه به سب استیشن برق ولسوالی شیندند قابل ذکر است طوریکه سوابق موضوع را مشاهده نمودیم قبلاً در زمینه اجراءات صورت گرفته و اوراق مرتبه آن ذریعه مکتوب نمبر ۱۲۲۷ الی ۲۲۸ مورخ ۱۳۹۸/۱/۱۸ این اداره جهت اخذ منظوری به مرکز ارسال گردیده که در زمینه مقام محترم وزارت شهر سازی و اراضی ذریعه مکاتیب نمبر ۴۶۴۰۶ مورخ ۱۳۹۸/۲/۲۰ و ۴۷۵۰۵ مورخ ۱۳۹۳/۷/۳۰ خویش که اصل آن عنوانی ریاست محترم د افغانستان برشنا شرکت و وزارت محترم انرژی و آب نگاشته شده بوده از آن ریاست محترم در صورتیکه سب استیشن فوق از بودجه دولت اعمار می گردد موافقه وزارت محترم مالیه را تقاضا نموده بودند، تا بعداً اجراءات مقتضی را مرعی دارند. اما از آن به بعد تا کنون کدام جواب پیرامون موافقه و یا عدم موافقه و یا انتقال اراضی فوق به این اداره مواصلت نورزیده که مکاتیب نمبر فوق منضمه هذا خدمت ارسال است. بنا لطف نموده آن ریاست محترم از آنجاییکه اجراءات که باید صورت می گرفته از طریق این ریاست صورت گرفته و اسناد ذریعه مکتوب ۲۲۷ مورخ ۱۳۹۸/۱/۱۸ به مرکز جهت اخذ منظوری و انتقال ارسال گردیده است لطف نموده موضوع را از طریق مرکز پیگیری نمایند.)

موضوع احتراماً فوقاً خدمت تحریر گردید و ضم مکتوب هذا تعداد ۱۱ ورق سوابق نیز خدمت ارسال میگردد.

با احترام
سرپرست ریاست حوزه هرات برشنا
مدیر جایدادها

کاپی مکتوب به مدیریت محترم جایداد های د افغانستان برشنا شرکت

Da Afghanistan Breshna Sherkat (DABS)
Est. 01 May 2008 Official Gazette no. 910
Dahmazang, Kabul, Islamic Republic of Afghanistan
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تاریخ تهیه سند: ۱۳۸۷
تاریخ امضاء: ۱۳۸۷
دستخط: محمد کورس
مهر: د. محمد کورس

Annex 1.2: Translation of the above document: Provincial Land Department letter to DABS in regards to Shindand Substation Land

Da Afghanistan Breshna Sherkat
Herat DABS Regional Branch
Finance and Administrative Directorate
Regional Senior Accounting
Inventory Management
Properties Management

Ref: 109

Date: Dec 22, 2019

To DABS/DPMO

Attention: Acquisition Directorate,

This is to reply to your letter No (111753/1069) dated Nov 4, 2019 as below:

As we followed up Shindand substation acquisition issue, Herat province Land authority replied our letter through letter No (1670/892) dated Dec 9, 2019 as below:

(This is remarkable to state that, as we reviewed the background, some actions were taken in regards to Shindand substation and the prepared document was sent to Kabul ARAZI through letter No (227-228) dated Nov 4, 2019 for approval, then the official of Ministry of Urban Development and Land sent the original letters No (46406) dated May 10, 2019 and No (47505) dated Oct 22, 2014 to DABS and ministry of energy and water asking that if the mentioned substation is financed from government budget, so there is need to obtain approval of Ministry of Finance to execute accordingly. But, since then up to now, we have not received any feedback in regards to approval, disapproval or submitting the mentioned land. The above letters annexed to this letter for your further information.

Therefore, we took required action and sent the document to MUDL HQs through letter No (227) dated Nov 4, 2019 for approval, thus, you can furthermore follow up the issue.

Also 11 sheets as background documents, annexed to this letter and sent to you for further information.

Regards,

Engr. Mohammad Tameem Safi

Acting Head of Herat Regional DABS

CC: DABS Properties Management

Annex 1.3: Land Identification Committee Report

شماره پرونده: ۱۷۸/۹۳
تاریخ: ۱۰ مرداد ۱۳۹۳

موضوع: بررسی و تایید وضعیت اراضی مورد نیاز برای احداث ایستگاه ترانسفورماتور ۲۲۰/۲۰ کیلوولت در منطقه شنداند.

این کمیته با توجه به درخواست مدیریت محترم منطقه شنداند و با استناد به اسناد و مدارک ارائه شده، موارد زیر را تایید می نماید:

۱- اراضی مورد نیاز برای احداث ایستگاه ترانسفورماتور ۲۲۰/۲۰ کیلوولت در منطقه شنداند، به مساحت تقریبی ۴۰۰۰ متر مربع، در محدوده اراضی دولتی واقع شده است.

۲- این اراضی فاقد هرگونه سند مالکیت خصوصی و نیز فاقد هرگونه تعهدات حقوقی است.

۳- این اراضی در محدوده اراضی دولتی قرار دارد و به منظور احداث ایستگاه ترانسفورماتور ۲۲۰/۲۰ کیلوولت در منطقه شنداند، به مدیریت محترم منطقه شنداند واگذار می گردد.

۴- این کمیته پیشنهاد می نماید که این اراضی به منظور احداث ایستگاه ترانسفورماتور ۲۲۰/۲۰ کیلوولت در منطقه شنداند، به مدیریت محترم منطقه شنداند واگذار گردد.

این کمیته متشکل از:

رئیس کمیته: آقای/سرکار خانم [نام و نام خانوادگی]

اعضای کمیته: آقای/سرکار خانم [نام و نام خانوادگی]

آقای/سرکار خانم [نام و نام خانوادگی]

آقای/سرکار خانم [نام و نام خانوادگی]

تایید و امضاء: [نام و نام خانوادگی]

تاریخ: ۱۰ مرداد ۱۳۹۳

مهر و امضاء: [مهر و امضاء]

Annex 1.3: Translation of the above document: Land Identification Committee Report

The report of Shindand district assigned committee (representatives) in relation to 70 Jerib (140,000 sqm) desert land located in front of Liwae Sabiqa (Military Base), located in Chargosh village of Shindand district that was previously assigned for construction of Electricity Substation of Shindand district.

To the respected District Governor of Shindand: Date: 30/March/2014
 Reference to letter no 178/93 dated 9 March 2014 of Herat Land Department and direction of dated 25 March 2014 of the Herat Governor, we were designated to see the 70 Jerib (140,000 sqm) which was already assigned for Shindand Electricity Substation which is one single piece of land. We went to the area and see the land which is surrounding by public (government) hill from the north, liwae Sabiqa (Military Base) from the south, Herat – Kandahar highway form the east and form west government land. We asked a couple of Property Dealers regarding the value of land trough inquiry letter (Istilam). The Property Dealer of Tolo Saadat gave us the information that the price of per Jerib (2000 sqm) is 200,000 AFN. The Property Dealer of Najibullah Rezayee reply to the inquiry letter said that the price of per Jerib (2000 sqm) is 240,000 AFN. The people and elders were also asked about the price of land and they said that per Jerib (2000 sqm) of land price in this area is 250,000 AFN. We take into consideration, based on the information received from various parties, the average price of land as 240,000 AFN per Jerib or 2000 sqm. The total price of the 140,000 sqm of land assigned for the substation estimated as 16,800,000 AFN. We, as representative of various departments, are submitting our report with the sketch of land and evaluation and land transfer form.

Regards,

Mohammad Yosouf Sharifi, Head of Land Department, Shindand District {Signature}
 Ghulam Nabi, Reprehensive of Municipality, Shindand District {Signature}
 Farhad, Representative of Agriculture Affairs, Shindand District {Signature}
 Abdul Rashid, Representative of Finance Department, Shindand District {Signature}
 Representative of Water Deportment, Shindand District {Signature}

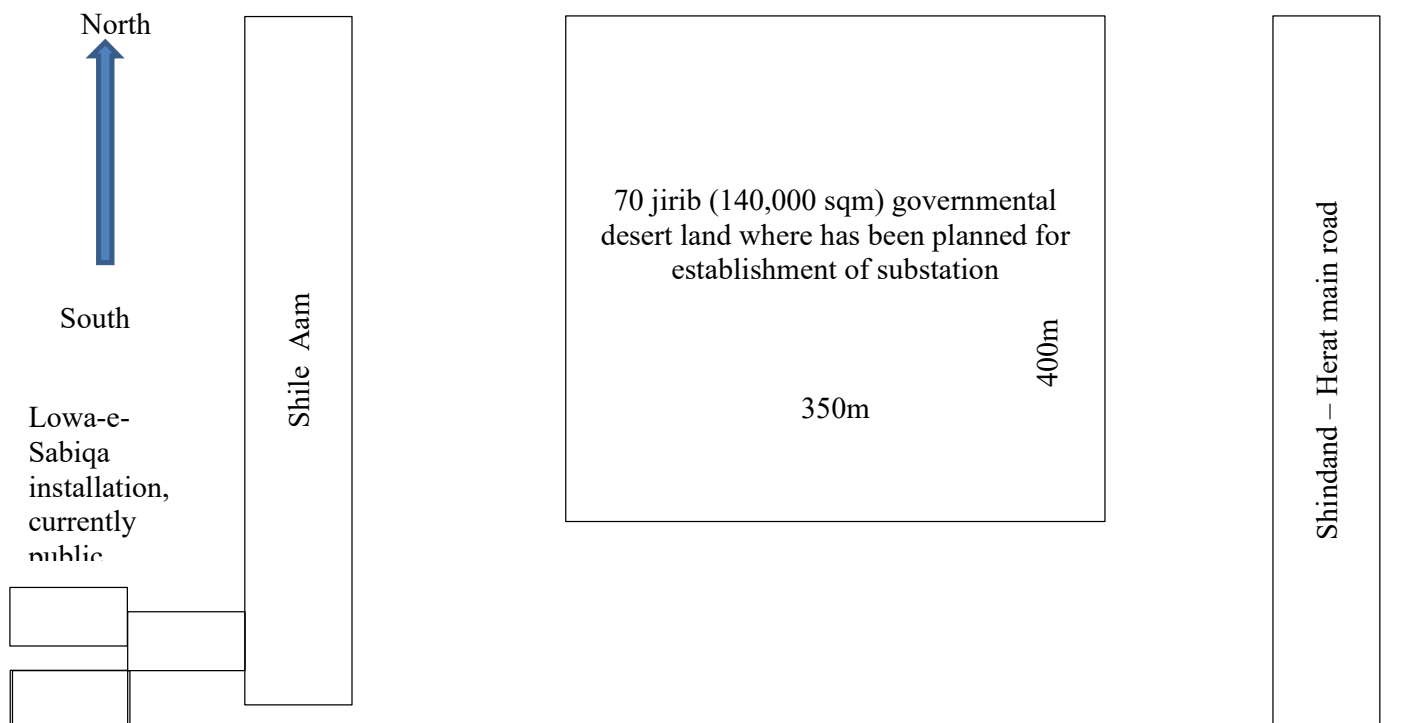
The report submitted by the designated representatives is approved,
 Date: 30 March 2014

Abdul Mahmood, District Governor of Shindand [signature and stamp]

Annex 1.4: Translation of the above document: Sketch of Shindand Substation land approved by the committee and district

Sketch of 70 jirib governmental desert land located alongside Sindand – Herat main road in Lowa-e- Sabiqa district where has been planned for establishment of substation

Date: 26/March/2014



Land location			
Land location			
Province: Herat		District: Shindand	Village: Chargoosh Lowa-e- Sabiqa
Boundary			
To the north: Hill & Shahrak-e- Moalemin	To the south: Lowa-e- Sabiqa	To the east: Shindand- Herat main road	To the west: Shile Aam & Chargoosh village

We the assigned committee prepared the above sketch.

Representative of Shindand properties
{Signed}

Representative of Shindand municipality
{Signed}

Representative of Irrigation
{Signed}

Representative of Shindand agriculture services
{Signed}

Representative of Shindand land management
{Signed}

Shindand district government
{Signed and stamped}

Annex 1.5: Land Valuation Report

<p>پیش از نظر کمیسیون ارزشیابی و قیمت گذاری زمین</p>	<p>مصادف سرحدیه گدار</p>	<p>مجلس آبادی</p>	<p>مجلسه ترسانان به پیش از تشریکات</p>
<p>۱۳۳۰/۱۲/۱۸</p>	<p>۲۳</p>	<p>۲۱</p>	<p>۲۰</p>
<p>نماینده زراعت</p>	<p>نماینده آبپاری</p>	<p>نماینده اطلاعات و فرهنگ</p>	<p>نماینده معادن</p>
<p>نماینده مالیات</p>	<p>نماینده کسب و کار</p>	<p>نماینده</p>	<p>نماینده</p>
<p>نماینده</p>	<p>نماینده</p>	<p>نماینده</p>	<p>نماینده</p>

Annex 1.5: Translation of the above document: Land Valuation Report

Effects on neighbor lands	Completion date	Financier agreement	Land evaluation and pricing committee comments	
<p>The implementation of the project will not have any effect on the neighbor lands</p> <p>Head of Shindand local DABS {Signed}</p> <p>Engr. Naseer Head of planning {Signed}</p>	<p>After approval and since starting the work, the project will be completed within one year and half.</p> <p>Head of Shindand local DABS {Signed}</p>	<p>The project will be financed from government regular budget.</p> <p>Head of Shindand local DABS {Signed}</p>	Representative of Agriculture	Based on president office decree No (83) dated: Nov 9, 2003, the mentioned land is governmental. {Signed}
			Representative of Irrigation	The mentioned land can be irrigated by deep wells. {Signed}
	<p>Engr. Naseer Head of planning {Signed}</p>	<p>Engr. Naseer Head of planning {Signed}</p>	Representative of Information and Culture	The mentioned area was visited, obviously, no construction was seen. {Signed}
			Representative of Minerals	The mentioned area was visited, obviously, no mineral sign was seen. {Signed}
			Representative of Cadaster	The sketch of the substation was designed by assigned committee and is accurate. {Signed}
			Representative of MoF	The mentioned land has no tax paying document, so it is governmental land. {Signed}

Annex 1.6: Herat Land Department letter to DABS



د ښار جوړولو او ځمکو وزارت
وزارت شهر سازی و اراضی

د افغانستان اسلامي جمهوریت
جمهوری اسلامی افغانستان



Islamic Republic of Afghanistan
Ministry of Urban Development and Land

ریاست اراضی ولایت هرات
آمریت تخنیکي زمینداری
مدیریت تنظیم و توزیع

۱۳۹۸/۳/۵

شماره ۱۷۴۵
۸۷

په ریاست محترم برشنا!

محترما:

پجواب مکتوب نمبر ۱۱۸۸۳ مورخ ۱۳۹۸/۱۰/۱ شما ویتعقیب مکاتیب نمبر ۲۲۷ مورخ ۱۳۹۳/۱/۱۸ و ۱۱۶۷ مورخ ۱۳۹۸/۹/۱۸ خویش مجدداً مینگاریم:

پیرامون سب استیش برق ولسوالی شندن طوریکه ذریعه مکاتیب نمبر فوق قبلا اسناد به شما ارسال گردید و واضح ساختم که طوریکه به سوابق نظر انداخته شد قبلا در زمینه توسط هیئت اجراءات صورت گرفت و اسناد جهت انتقال به مرکز ارسال گردیده است با آنهم بتعداد () ورق سوابق خدمت ارسال است تا در زمینه طوریکه مقتضی است اجراءات اصولی نمایند.

بلا احترام

حارث اختر زاده

رئیس اداره اراضی - هرات

Annex 1.6: Translation of the above document: Herat Land Department letter to DABS

Islamic Republic of Afghanistan
Ministry of Urban Development and Land
Herat Province Land Authority
Land Affairs Technical Directorate
Management and Distribution Office

Ref: 1745/927

Date: Dec 26, 2019

To DABS,

Dear Sir,

This is to reply your letter No (111883) dated Dec 22, 2019 and following our letter No (227) dated Apr 7, 2014 as below:

We had sent you the above mentioned letters in regards to Shindand substation describing that, as we reviewed the history, some required actions were taken by the assigned committee and the documents were sent to the ARAZI HQs for further executions, however, () sheet background document is sent to you for required executions.

Regards,

Haris Akhtarzada

Head of Herat Land Authority

{Signed}

Annex 1.7: Herat Land Department letter to DABS



د تبار جوړولو او ځمکو وزارت
وزارت شهر سازی و اراضی

د افغانستان اسلامي جمهوریت
د افغانستان اسلامي جمهوریت



Islamic Republic of Afghanistan
Ministry of Urban Development and Land

ریاست اراضی ولایت هرات
آمریت تخنیکي زمینداری
مدیریت تنظیم و توزیع

۱۳۹۸/ ۹/ ۱۸

شماره ۶۷۰
۸۶۳

ریاست محترم برشنا شرکت!

بجواب مکتوب نمبر ۹۶ مورخ ۱۳۹۸/۹/۱۶ شما ښکاره: پیرامون مکتوب نمبر فوق شما در رابطه به سب استیشن برق و سواالی شندند قابل ذکر است طوریکه سوابق موضوع را مشاهده نمودیم و در نتیجه اجرائات صورت گرفته و اوراق مرتبه آن ذریعه مکتوب نمبر ۲۲۷ مورخ ۱۳۹۸/۱/۱۸ این اداره جهت اخذ منظوری به مرکز اراضی و شهر سازی وزارت محترم ارسال گردیده که در زمینه مقام محترم وزارت شهر سازی و اراضی ذریعه مکتوب نمبر ۴۶۴۰۶ مورخ ۱۳۹۸/۲/۲۰ ۱۳۹۸/۷/۲۰ ۱۳۹۳/۷/۲۰ خویش که اصل آن عنوانی ریاست محترم برشنا ووزارت محترم انرژی و آب نگاشته شده بوده از آن ریاست محترم درخواست شد که سب استیشن فوق از بودجه دولت اعمار می گردد موافقه وزارت محترم مالیه را تقا ظا نموده بودند تا بعدا اجرائات مقتضی را در پی دارند اما از آن به بعد تا کنون کدام جواب پیرامون موافقه و یا عدم موافقه و یا انتقال اراضی فوق به این اداره مواصلت نشده و در نتیجه مکتوب نمبر فوق منضمه هذا خدمت ارسال است بنا لطف نموده آن ریاست محترم از آنجائیکه اجرائات که باید صورت می گرفت از این ریاست صورت گرفته و اسناد ذریعه مکتوب نمبر ۲۲۷ مورخ ۱۳۹۳/۱/۱۸ به مرکز جهت اخذ منظوری و انتقال ارسال گردیده که موضوع را از طریق مرکز پیگیری نمایند.

لذا مقتضی است ارقام است منضمه صادره هذا بتعداد () ورق سوابق خدمت ارسال است

با احترام

حارث اختر زاده

رئیس اداره اراضی - هرات

مدیریت برشنا شرکت

۱۰۹
۱۳۹۸/ ۹/ ۱۸

د خدمات تخنیکي وسکتوري مقام محترم ولایت (بجواب مکتوب نمبر ۱۴۸۱ مورخ ۱۳۹۸/۹/۱۱)

تماس: ۲۲۵۵۴۱

تازه (۵۴۰) ادرس: افغانستان ، هرات ، پسته نمبر (یک) جنب تالار ممتاز محلي ریاست اراضی - هرات

۲۲۴۳
۹۸۱۹۱۱۹

Annex 1.7: Translation of the above document: Herat Land Department letter to DABS

Da Afghanistan Breshna Sherkat
Herat DABS Regional Branch
Finance and Administrative Directorate
Regional Senior Accounting
Inventory Management
Properties Management

Ref: 1670/892

Date: Dec 9, 2019

To DABS,

This is to reply your letter No (96) dated Dec 7, 2019 as below:

As we reviewed the background documents of Shindand district substation, some actions were taken in regards to Shindand substation and the prepared document was sent to MUDL through letter No (227-228) dated Nov 4, 2019 for approval, then the officials of MUDL sent the original letters No (46406) dated May 10, 2019 and No (47505) dated Oct 22, 2014 to DABS and Ministry of Energy and Water requesting that if the mentioned substation is financed from government budget, so there is need for approval of ministry of finance to execute accordingly. But, since then up to now, we have not received any feedback in regards to approval, disapproval or submitting the mentioned land. The above letters annexed to this letter for your further information.

Therefore, we took required action and sent the document to MUDL through letter No (227) dated Nov 4, 2019 for approval, thus, you can follow up the issue in MUDL.

Also () sheets as background documents, annexed to this letter and sent to you for further information.

Regards,

Haris Akhtarzada

Head of Herat Land (ARAZI) Authority {Signed}

To Finance and Administrative Deputy,

Execute in accordance with the letter context and ensure the concerning offices accordingly. {Signed}

To Regional Property Management,

Execute as required. {Signed}, Dec 10, 2019

Annex 1.8: Transferable land evaluation form

1. اولادیت
2. تاسوالتی
3. قریه
(تقریر ارزانی زمین قبیل انتقال یا تیکله)

جمهوری اسلامی افغانستان
وزارت زراعت، آبپزی و مسالاری
اداره اراضی القاسستان

آمران اراضی

مدیریت همی اراضی القاسستان

شماره	مسابحت به جریب	موقعیت قطعه	حدود اریه	وضع اراضی	نوعیت خاک	حق آبه	ارزش زمین	هدف استفاده از زمین
1	نمبر قطعه	1	شمال	هموار	ریگی	حق آبه	240000/-	<p>وضع اراضی سبب بهترین برقی گندینه</p> <p>مدیریت زمین و زراعت</p> <p>آمران اراضی</p>
2	اصل مساحت	2	جنوب	دامنه دار	جغلدار		16800000/-	
3	درجه زمین	3	شرق	بالای تپه ویاکوه	سیاه خاک			
4	معادل درجه اول	4	غرب					
5	موقعیت قطعه	5						
6		6						
7		7						
8		8						
9		9						
10		10						
11		11						
12		12						
13		13						
14		14						
15		15						
16		16						
17		17						
18		18						
19		19						

Annex 1.8: Translation of the above document: Transferable land evaluation form

- 1- Province: Herat
 2- District: Shindand
 3- Village: Chargoosh

Acquirable / exchangeable Land evaluation form

Islamic Republic of Afghanistan
 Ministry of Agriculture, Irrigation and livestock
 Afghanistan Land Authority
 Directorate of Herat Land
 Shindand district Land Management

	No	Land area (Jirib)				Lot location	Land Boundary				Land status				Type of soil			Water right	Land value		Purpose of using the land
		Lot #	Original area	Land area	Equivalent to 1 st		North	South	East	West	Flat	Downhill	On the top of a hill or mountain	Sandy	Rocky	Black soil	Per jirib price		Total price		
	1	70 Jirib	7	7 Jirib	Alongside the Herat – Shindand road – Chargoosh	Hill and Shabrak-e-Loway-e-Sabaa		Shindand – Herat main road	Shile Aam and lands of	Flat				Sandy			Deep well	240,000 AFN	1,680,000 AFN	Construction of Shindand substation	

اندرسن هرات : مرکب ولایت مقابل ریاست و رواجت آمریت لراستی هرات. تلیفون: ۲۲۵۵۴۱
 نمبر کامپیوتر ۰۱
 email: herat.araze@yahoo.com

***Annex 1.9: Translation of the above document: Herat Land Department letter to
ARAZI HQ***

Islamic Republic of Afghanistan
Afghanistan Independent land authority
Herat Provincial government
Land Directorate
Land settlement general management

Ref: 227/ 123 and 228/124

Date: Apr 7, 2014

To Afghanistan Independent land authority,

This is to reply your land transfer and exchange directorate letter No (25898/1482) dated:
Jan 6, 2014 as below:

Considering the Shindand district distance as well as security conditions we, submitted the context of your above mentioned letter to Shindand district government. Furthermore we reviewed the background document and sketch of the 70 Jirib (140,000 sqm) governmental grade 7 land and submitted it through land management to district government. Then according to land affairs management law article 46 and 47 the sketch and pricing document were prepared and are submitted through letter No (78/47) dated Mar 30, 2014 of Shindand land management along with (13) sheets to you for transferring the mentioned land for construction of Shindand substation. Thus, you would kindly instruct as required.

Regards,
Matiullah Nazari
Acting head of Land authority
{Signed}

Annex 2: 20th Meeting, dated 17/September/2020, of Cabinet of Afghanistan and Decisions Made

	<p>Islamic Republic of Afghanistan Cabinet Approval No. 20 Date: 17/September/2020</p>	
<p>جمهوری اسلامی افغانستان مصوبه کابینه شماره (۲۰) مورخ ۲۷/ سنبه ۱۳۹۹</p>		
<p>جلسه شماره (۲۰) کابینه جمهوری اسلامی افغانستان بعد از ظهر پنجشنبه مورخ ۲۷ سنبه ۱۳۹۹ در ارگ ریاست جمهوری به حضور اعضای کابینه و اشتراک والیان ولایات از طریق ویدیو کنفرانس تحت ریاست جلالتمآب محمد اشرف غنی رئیس جمهوری اسلامی افغانستان دایر و روی موضوعات ذیل تصمیم لازم اتخاذ گردید:</p>		
<p>صحبتهای مقدماتی جلالتمآب رئیس جمهور و بعضی موضوعات مهم قبل از اجندا:</p> <ul style="list-style-type: none"> تفصیح حمله تروریستی بالای کاروان وسایط محترم معاون اول ریاست جمهوری اسلامی افغانستان که منجر به شهادت و زخمی شدن تعدادی از هموطنان ما گردید و ابراز تسلیت به خانواده های قربانیان و طلب شفای عاجل به مجروحین حادثه؛ اظهار امیدواری جهت رسیدن به نتایج مثبت از مذاکرات صلح با در نظر داشت حدود تعیین شده در لویه جرگه مشورتی صلح که آرزوی دیرینه مردم افغانستان است؛ ابراز خوش آمدید به نامزد وزیران جدید به جلسه کابینه و قدردانی از کارکرد ها و زحمات وزرای اسبق؛ توظیف دفتر وزیر دولت در امور پارلمانی جهت تسریع روند معرفی نامزد وزرای جدید به ولسی جرگه در هماهنگی با ریاست عمومی اداره امور ریاست جمهوری؛ تقاضا از نامزد وزرا و سرپرستان جدید وزارت ها بخاطر رعایت مقررات ترافیکی و جلوگیری از ساختن تحکیمات که باعث مسدود شدن سرک ها و کوچه ها و ایجاد مشکلات به مردم میگردد؛ ابراز تسلیت به خانواده ها و دوستان مرحوم دکتر عبدالرووف هروی عضو کمیسیون نظارت بر تطبیق قانون اساسی افغانستان؛ مرحوم دکتر شاه ولی ادیب استاد پوهنتون کابل و والی پیشین بدخشان و مرحوم الحاج سناتور محمد رنگین خان مشکوئی از متنفذین بزرگ قوم مشکوئی و یکی از شخصیت های مجاهد و خیرخواه ولایت بادغیس؛ ابراز همدردی با اتباع مهاجر کشور مقیم یونان و توظیف وزارت مالیه جهت اختصاص و کمک (۶۰۰۰۰۰) ششصد هزار یورو از بودجه دولت افغانستان به آنان؛ ابراز قدردانی از معاون اول ریاست جمهوری جهت رهبری شان از پاک کاری کانال ولایت پروان و از واحد عملیاتی و حمایتی انکشاف ملی ریاست جمهوری جهت اقدامات عاجل در این عرصه؛ ابراز تشکر و قدردانی از رهبری و کارکنان دفتر وزیر دولت در امور رسیدگی به حوادث جهت رسیدگی به متضررین سیلاب های اخیر در ولایات کشور بخصوص ولایت پروان؛ ابراز قدردانی از سکتور خصوصی بخاطر رسیدگی و کمک به متضررین سیلاب های اخیر در ولایات کشور؛ 		
<p>موضوع اول اجندا: گزارش وزارت صحت عامه پیرامون چگونگی وضعیت ویروس کرونا در کشور</p>		
<p>ارایه کننده: محترم نامزد وزیر و سرپرست وزارت صحت عامه</p>		
<p>فایصله کابینه:</p>	<p>گزارش وزارت صحت عامه پیرامون چگونگی وضعیت ویروس کرونا در کشور تائید است؛ وزارت صحت عامه موظف است تا به همکاری وزارت مالیه روی چگونگی تخصیص بودجه برای تجهیز و فعال سازی شفاخانه ها و حفظ و مراقبت آنها در بودجه بررسی وسط سال تفاهم نماید.</p>	
<p>موعد اجرا</p>	<p>دو هفته</p>	



فیصله کابینه:

- میلیون و سه صد و سی و سه هزار و سه صد و بیست افغانی.
- موازی (۱۲۵) جریب زمین دولتی به جانب وزارت زراعت، آبیاری و مالداري جهت احداث قوریه نهال های شمر و غیر شمر در ولایت میدان وردک، به قیمت مجموعی مبلغ (۱۰,۰۰۰,۰۰۰) ده میلیون افغانی.
 - موازی (۵۰۰) جریب زمین دولتی بجانب وزارت زراعت، آبیاری و مالداري جهت آبیاری و تحت کشت قرار دادن زمین های لایمزرع در ولایت بلخ، به قیمت مجموعی مبلغ (۱۳۵,۰۰۰,۰۰۰) یکصد و سی و پنج میلیون افغانی.
 - موازی (۴۰۰) جریب زمین دولتی بجانب وزارت زراعت، آبیاری و مالداري جهت اعمار مندوی سبزی و میوه در ولایت لغمان، به قیمت مجموعی مبلغ (۱۲۰,۰۰۰,۰۰۰) یکصد و بیست میلیون افغانی.
 - موازی (۱۰) جریب زمین دولتی به جانب اداره ارگانهای محلی، جهت اعمار مسلخ (کشتارگاه حیوانات) در ولایت جوزجان، به قیمت مجموعی مبلغ (۱۴۰,۰۰۰,۰۰۰) یکصد و چهل هزار افغانی.
 - موازی (۷۰) جریب زمین دولتی به جانب اداره ملی انرژی، جهت اعمار سب استیشن برق در ولسوالی شیندند ولایت هرات، به قیمت مجموعی مبلغ (۱۶,۸۰۰,۰۰۰) شانزده میلیون و هشتصد هزار افغانی.
 - موازی (۳۹۶) جریب زمین دولتی به جانب اداره ملی انرژی جهت احداث پروژه ۴۰ میگاوات برق سولهی در ولایت هرات، به قیمت مجموعی مبلغ (۲۴۵,۵۲۰,۰۰۰) دویست و چهل و پنج میلیون و چهل و پنج هزار افغانی.

Translation:

70 Jirib (140,000 sqm) government owned land is approved at the value of 16,800.000 AFA for Shindand substation located in Shindand district of Herat province.

- موازی (۵۰۰) متر مربع زمین دولتی بجانب وزارت ترانسپورت جهت اعمار تعمیر مدیریت تنظیم ترانسپورت زمینی در ولایت جوزجان، به قیمت مجموعی مبلغ (۱۳۷,۵۰۰) یکصد و سی و هفت هزار و پنچصد افغانی.
- موازی (۲) جریب زمین دولتی به جانب اداره ملی احصائیه و معلومات، جهت اعمار تعمیر ریاست احصائیه زرنج ولایت نیمروز، به قیمت مجموعی مبلغ (۱۱,۰۰۰,۰۰۰) یازده میلیون افغانی.
- موازی (۲۰) جریب زمین دولتی به جانب ریاست امنیت ملی جهت اعمار تاسیسات ریاست امنیت ملی در ولایت ارزگان، به قیمت مجموعی مبلغ (۱,۲۰۰,۰۰۰) یک میلیون دو صد هزار افغانی.
- موازی (۱) جریب زمین دولتی به جانب وزارت امور زنان جهت اعمار تعمیر مرکز حمایتی زنان در ولایت میدان وردک، به قیمت مجموعی مبلغ (۶۰۰,۰۰۰) ششصد هزار افغانی.
- موازی (۱) جریب و (۵) بسوه و (۹) بسواسه زمین دولتی به جانب وزارت اقتصاد جهت اعمار ریاست اقتصاد ولایت کندز، به قیمت مجموعی مبلغ (۱۱,۵۲۸,۸۵۰) یازده میلیون و پنچصد و بیست و هشت هزار و هشت صد و پنجاه افغانی.
- موازی (۱۲,۶) جریب زمین دولتی به جانب فدراسیون فوتبال افغانستان، جهت اعمار استادیوم ورزشی فوتبال واقع مرکز لوگر، به قیمت مجموعی مبلغ (۷,۵۶۰,۰۰۰) هفت میلیون و پنچصد و شصت هزار افغانی.
- موازی (۳۰) جریب زمین دولتی به جانب ریاست عمومی تربیت بدنی، جهت اعمار استادیوم ورزشی در ولایت ارزگان، به قیمت مجموعی مبلغ (۷,۵۰۰,۰۰۰) هفت میلیون و پنچصد هزار افغانی.
- موازی ۲۵ جریب زمین دولتی به جانب اداره کرکت بورد، جهت اعمار میدان کرکت در ولایت

موضوع یازدهم: تصامیم متفرقه:

فصله کابینه:	موضوع	موضوع
۱-۱۱	وزارت معارف موظف است تا به همکاری اداره ملی احصائیه و معلومات، اداره ارگانهای محلی و والیان ولایات طبق صراحت بند (۷-۵) مصوبه شماره (۴) مورخ ۱۳۹۹/۱/۲۸ کابینه ج.ا.ا. در تسریع روند تعیین موقعیت فزیک مکانی کشور از طریق نصب GPS اقدام نمایند.	موضوع اجرا
۲-۱۱	وزارت مالیه موظف است تا مبلغ (۶۰۰۰۰۰) شصت هزار یورو را غرض کمک به مهاجرین افغان مقیم کشور یونان اختصاص داده و وزارت های امور خارجه و امور مهاجرین و عودت کنندگان در توزیع آن اقدام و گزارش آنرا به مقام عالی ریاست جمهوری ارایه نماید.	دو هفته
۳-۱۱	دفتر شورای امنیت ملی موظف است تا به همکاری ادارات ذیربط؛ طرح را پیرامون چگونگی تامین امنیت انعمه وزرای که وظایف شان ختم گردیده ترتیب و به جلسات آن شورا ارایه نماید.	یکماه
۴-۱۱	وزارت اطلاعات و فرهنگ موظف است تا به همکاری دفتر وزیر دولت در امور صلح، وزارت امور خارجه و ریاست عمومی اداره امور ریاست جمهوری؛ طرح را پیرامون چگونگی حمایت رسانه ها غرض حضور پررنگ آنها در مذاکرات صلح ترتیب و به منصفه اجرا قرار دهد.	دو هفته

کنترول از تحقق مصوبه، به عهده ریاست انجام امور کابینه، ریاست عمومی اداره امور ریاست جمهوری میباشد.


 محمد اشرف غنی
 رئیس جمهوری اسلامی افغانستان

Mohammad Ashraf Ghani
 President of Afghanistan
 {Signature}

Annex 3: President Decree no. 83 dated 9/Nov/2003 on immoveable property

The Official Gazette

Decree of President of the Transitional Islamic State of Afghanistan on [immovable] Property (land)

Issue: 83

Date: 18/8/1382

In order for the executions of the state to be uniform and integrated regarding [immovable] property across the country, and to solve the problems [faced by] people and the state in this regard, I approve the following:

Article 1

Un- expropriated lands, which have previously been registered and introduced as state [owned] lands in state documents and books [registries], shall be counted as state [owned] lands and the mentioned documents and books shall be deemed to be valid as authentic documents.

Article 2

Any property in the custody of the state for more than 37 years shall be deemed as state owned. No claim filed by [any] person may be heard concerning such properties.

Article 3

Underground water canals (Kariz), whether damaged or otherwise, streams, or any land below [irrigate able by] them, and any other lands to which the ownership of individuals may not be legally proven, shall be regarded to be state owned.

Article 4

1. The lands and land plots distributed by Municipalities and other relevant administrations to persons, but have not been constructed in the legally specified time without legitimate excuses, such lands and land plots shall be returned, and regarded as state owned.
2. In cases where the distributed lands or plots of lands, out lined in paragraph (1) of this article, have been granted as a substitution [compensation] for expropriated lands, they shall be an exception from the rule set out in paragraph (1) of this article. .

Article 5

1. Any claims filed by persons may not be heard with regard to properties which have been expropriated by previous governments in accordance with the provisions of The Law of Expropriation, and [sec] the documents for expropriation of such properties are available.
2. The properties expropriated by former governments , which have been used for projects of public welfare such as (streets, houses and other facilities) shall be deemed to be state owned lands, even if the state does not have any documents showing the expropriation thereof. Such cases shall not be dealt with, even when the opposite parties have legal documents proving their title to such land.
3. Any property which has been expropriated by previous governments, and the documents indicating payment of compensation for the expropriation exist, such properties shall be regarded as state owned provided that witnesses testify the payment of compensation, even if such lands are not used by state as an owner.

Article 6

Maree are those lands which may not be occupied by either state or other persons as owners thereof, unless used otherwise by state for public welfare purposes.

Article 7

1. *Private properties are those to which ownership of persons has been proven legally and in accordance **with Sharia.***
2. *Owner ship of private property may be proved by [presentation of] valid legal and **sharia based documents**, provided that the invalidator document does not exist..*

Article 8

1. Collection of tax shall be delayed from lands claimed by the state, until its ownership is decided finally.

2. The lands which are claimed by both state and persons shall remain under occupation of state until finally decided by [the authorized] court.
3. The state may bring no changes to the lands set forth in paragraph (1) of this article, such as construction [of buildings] ,digging up wells ,fitting well wheels , cultivating or cutting of tree saplings and so on.

Article 9

1. Properties of State Administrations, like agricultural lands, apartments and such others, may be leased or rented, in accordance with the regulations, through bidding and auction.
2. Except for revenues of properties related to [state] Administrations and Enterprises for which separate bank accounts have legally been opened, any revenues gained from lands outlined in paragraph (1) of this article shall be deposited to the account of the state.

Article 10

If the lands, outlined in paragraph (1&2) of article (87) of The Law on Land management [zamindari], have been occupied after 7th Sour 1357 [07, 02, 1357] (solar year) by any person, such lands, as the case may be, shall be leased based on a contract through bidding. The previous holder shall have the right of priority [first right of refusal]. .

Article 11

The immovable properties of the state which have been distributed by high ranking officials and other relevant authorities of the state to natural or legal persons from 7th of Sour 1357 until the inforcement of this decree, shall be managed as follows:

1. If the distributed land is among the undeveloped , arid, or ruined lands, is located higher than the [natural] water supply (Baland Aab), or has not been used previously, and was distributed for revival [development], the provisions of the relevant law and regulations together with all the terms and conditions therein, shall apply in this context.
2. If the mentioned lands are part of lands dedicated for farms, parks, agricultural lands or other state projects, and the [relevant] person has paid the price of the land, and has held the land as an owner, the price of the land on the date of the purchase, shall be returned to him and the land shall be put at the possession of the relevant authorities to be used for the mentioned projects. The person may deal with the goods and items belonging to him [/ her] on the basis of his/her will.
3. Whenever the distributed lands are located inside the city maps and the person has held the land in accordance with the map and plan, the property shall be regarded to be owned by him provided that he has paid the specified price of the land. However, if the person has constructed the land against or different form the urban

map and plan, the land shall be returned provided that the land has been dedicated in the map and plan for buildings of public use. The price of the land shall be paid on the rate of the day of purchase. And the person may hold [and bring changes to] the goods and items of the building in the property on the basis of his will.

If the land has not been allotted for public usage, the said person shall bring changes in the mentioned building in accordance with the specified plan and map. In such cases, if there appears to be a difference in value of land from that specified in the determined norms, the possessor shall be obliged to pay the difference of the price in accordance with the rate of the settlement day.

4. Whenever the distributed lands are within the urban maps and plans, and the person has not constructed the land prior to enforcement of this decree, such person shall undertake to construct the land with the determined time and in accordance with the official map, whether with or without paying the difference in price mentioned above, provided that he is eligible for the land. If the person does not undertake as such, the land shall be returned. If the person is not eligible on the basis of the enacted criteria, and has hold more than his eligibility, all or the additional part shall be returned as the case may be.

Article 12

State lands which are sold conclusively by Municipalities or other state administrations by the names of companies, institutions, or other titles, without obtaining the written agreement of the office of the president of the state, such sales, shall be invalid on the basis of law and sharia.

Article 13

Any person whom state land is leased or rented to [by the state], may not lease or rent it to another person

Article 14

1. *No person may possess, or install deep wells or other installations in forests, (Baland Aab), or other state owned lands by the name of revival of previously unused lands, or for any other reason whatsoever. The violator shall be punished in accordance with law.*
2. *The state authorities, or any persons who hold the lands of others through use of personal power or influence, intimidation, or weapons, shall, be sanctioned as the case may be, in accordance with law, in addition to returning the land and paying compensation for any losses [that may have occurred].*

Article 15

1. Conduction of new surveys and mapping of land shall be prohibited unless ordered in written by the president and executed through the relevant administration.

2. No omission, adding or any other change may be brought in cadastre map, unless done on the basis of **valid Sharia documents**. In case of violation, the violators shall be dealt with in accordance with law.
3. No information may be provided to persons concerning state [owned] lands.
4. Administrations for Property (imlak), Cadastre, Mapping and other agencies shall co-operate as necessary with The Administration for State litigation, (Qazaya-e-Dolat) with regard to provision of information and determination of any state properties,

Article 16

Whenever such Administration finds out that state lands have been illegally occupied by persons or other state agencies, and the relevant institution have not paid attention, the State Cases Administrations may pursue the case in accordance with law in order to defend the rights of the public, and submit such properties to the relevant institution upon verification.

Article 17

Other issues concerning properties which are not outlined in this decree shall be subject to relevant legislation.

Article 18

All relevant state administrations shall implement the provisions of this decree.

Article 18

This decree shall enter in to force from the date of approval [signature] and shall be published in the official gazette. Upon enforcement of this decree, decree NO (26) dated, 13/4/1420 lunar year, published in official gazette # 788, dated 6/5/1420 shall be null and void.

Hamid Karzai
President of the Islamic
Transitional State of
Afghanistan

