



SFG3311

**ISLAMIC REPUBLIC OF AFGHANISTAN**  
**Da Afghanistan Breshna Sherkat (DABS)**

**ENVIRONMENTAL AND SOCIAL  
MANAGEMENT FRAMEWORK - (PART-I)  
&  
RESETTLEMENT POLICY FRAMEWORK  
(RPF)-PART-II)**

For Physical Culture Resources, Please See  
Attachment 2 & 6

**For the**

**Herat Electrification Project**

April 2017

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# 1 ABBREVIATIONS/ACRONYMS

CDC	Community Development Council
CHMP	Cultural Heritage Management Plan
EC	Environmental Clearance
EHS	Environmental Health & Safety
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental Social Management Framework
ESMP	Environmental & Social Management Plan
ESS	Environmental and Social Safeguards
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
MACA	Mine Action Centre for Afghanistan
NEPA	National Environmental Protection Agency
NGO	Non-Governmental Organization
OP/BP	Operation Procedures/Bank Policy
O&M	Operation and Maintenance
PAP	Project Affected Person
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
ToR	Terms of References
WB	World Bank

## EXECUTIVE SUMMARY

### Introduction

**Project Background:** The Herat Electrification Project is to provide electricity to households, institutions, and businesses in the selected areas of Herat Province, Afghanistan, with focus on the districts of Chesht, Hobai, Karrokh and Pashtun-Zarghoon of Herat Province. The Project is expected to contribute to Da Afghanistan Breshna Sherkat's (DABS) overall objectives of alleviating poverty and ensuring inclusivity of access to electricity for all segments of the population.

**Project Objective and Project Components:** The overall project will benefit the local population in these areas by providing grid electricity.

The proposed HEP has been rated Category-B under the World Bank Operational Policy on Environmental Assessment (OP4.01). The Herat Electrification Project triggers the World Bank's Operational Policy (OP) 4.01 (Environmental Assessment), OP 4.11 (Physical Culture Resources), OP 4.12 (Involuntary Resettlement), and.

The proposed project has 3 components: Component 1, Electrification of Four Districts in Herat Province (USD 20.1 million); Component 2, Grid Densification, Extension, and Off-grid pilots in Herat Province (USD 10.9 million); Component 3, Technical Assistance (USD 4 million):

**Project Area:** The HEP will be implemented in Herat Province and includes Chesht, Hobai, Karrokh and Pashtun-Zarghoon districts.

**Implementation Arrangements:** The implementing agency is Da Afghanistan Brishna Shirkat (DABS). The Chief Operating Officer (COO) of DABS will have overall responsibility for ensuring compliance with the requirements set out in the ESMF and RPF. The environmental and social safeguards officers assigned to the Herat Electrification Project (HEP) will have direct responsibility for overseeing the implementation of the project's ESMF & RPF provisions during preparation, implementation, monitoring and evaluation of all investment activities.

### The Environmental and Social Management Framework (ESMF)

The sub-projects proposed for World Bank funding HEP have been identified, the final project sites and the alignment of the transmission and distribution lines will be concluded after detailed survey and design is prepared. In this context, this Environment and Social Management Framework has been developed to manage and mitigate any potential negative impacts that may arise as a result of the proposed projects. The ESMF provides DABS with a procedure for determining the appropriate level of environmental and social assessment required for the sub-projects. Further, it guides the power utility in preparing the necessary environmental and social mitigation tools/measures for the sub-projects during operations phases.

### The objectives of ESMF are as follows:

Establish the legal framework, procedures, and methods for environmental and social planning, review, approval and implementation investments to be financed;

- Identify roles and responsibilities, including reporting procedures and monitoring and evaluation;
- Identify capacity/or training needs for different stakeholders to ensure better implementation of the provisions in the ESMF and also in the sub-project ESMPs and;
- Identify funding requirements and resources to ensure effective implementation of the framework.

The present report entitled “Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) for the Herat Electrification Project (HEP)” aims to help mitigate any negative impact of the project by providing a screening tools and guidelines to be applied to minimize potential impacts.

Potential Environmental & Social Impacts: It is not anticipated that the proposed activities under component one will have large scale adverse social and environmental impacts. The project is expected to have moderate social and environmental impacts during construction and operation of the infrastructure that will supply the power. Social impacts would be caused by temporary and/or partial permanent loss of land and other assets.

### **Policy, Legal and Regulatory Framework**

More specifically, the ESMF for the HEP aims to establish the legal framework, procedures, and methods for environmental and social planning, review, approval and implementation investments to be financed. The management and mitigation of identified environmental and social impacts above will be carried out in accordance with relevant national laws, rules and policies. In addition, the safeguards requirements of WB as funding agency is also considered in the management procedures for addressing environmental and social issues.

In addition, the regulatory framework identifies roles and responsibilities, including reporting procedures and monitoring and evaluation under the HEP. It identifies capacity and training needs for different stakeholders to ensure better implementation of the provisions in the ESMF and in the sub-project Environmental and Social Management Plans (ESMPs) and Resettlement Action Plans (where needed). And it also identify the funding requirements and resources allocation to ensure effective implementation of the framework.

The ESMF also includes guidelines for identifying and assessing the impacts of potential investments on existing heritage structures and sites, which will be applied for this project. Systematic involvement of local people throughout the planning and implementation of investment project in all four districts will underpin the identification and implementation of any mitigation measures to be included in any specific plans for sub-projects. The sub-project activities are expected to improve local people’s living standards through providing investments in all four selected districts. Selection of routes, particularly for installation of a new 110 kV transmission line, and four 110/20 kV substations will be screened for land disputes in order to avoid the situation where investments would fuel such disputes.

The ESMF complies with the World Bank’s Operational Policy on Environmental Assessments (OP/BP 4.01), preparation and public disclosure of an ESMF and RPF is required by World Bank appraisal of the HEP project as it is adopting a programmatic approach consisting of investment activities that could not be predicted during project appraisal. This is to ensure that the proposed project has concrete procedures and processes in place to avoid, minimize, and/or mitigate potential adverse environmental and social impacts.

***Preparation and review of Safeguards documents:*** The ESMF contains guidelines on the preparation of site-specific Environmental and Social Management Plan (ESMP), a Resettlement Action Plan (RAP) and a Cultural Heritage and Management Plan (CHMP). The Environmental and Social Management Framework (ESMF) also includes a set of screening tools to guide preparation of ESIA for the 25km transmission line.

A Cultural Heritage Management Plan (CHMP) will be developed for any sub project located within areas of existing heritage structures in order to ensure compliance with the Law on

Preservation of Afghanistan's Historical and Cultural Heritage (2004) and the World Bank's Policy on Physical and Cultural Resources (OP/WB4.11).

**Citizen Engagement (CE):** Within the HEP CE is based on interaction and dialogue between government and citizens in all selected districts. It is anticipated that initial stakeholder consultations at the outset of sub projects will be enhanced throughout project implementation to facilitate learning and feedbacks and smooth adjustments to sub projects as necessary. Key elements of citizen engagement within the HEP include stakeholder consultation, the effective implementation of a Grievance Redress Mechanism and communities' feedback on draft design for all supported activities.

The safeguards documents also contain in its second part a Resettlement Policy Framework (RPF). The RPF gives guidance on how to handle situations where infrastructure investments affect private land/asset and people's livelihoods. The RPF sets out procedures for managing land acquisition, asset loss, and resettlement will be applicable to HEP. The ESMF will contain a summary of the consultations held with local stakeholders in Herat informing them about the project and the purpose of the ESMF.

## HERAT ELECTRIFICATION PROJECT

## 2 BACKGROUND AND PROJECT CONTEXT

### 2.1 Background

Grid supply dominates for urban households with 89 percent reporting grid access, but it represents the primary supply source for only 11 percent of electrified rural households. Rural areas are dominated by mini grids and stand-alone systems, based primarily on solar and small hydropower plants. Over 5,000 micro hydro plants have been constructed under the National Solidarity Program (NSP) to provide supply to small groups of households in rural communities. Grid access across Afghanistan is also quite heterogeneous across the country's 34 provinces (or "wilayat"), with some areas having no connections to the grid while others are well served – especially in urban areas. Herat, which has direct links to both Iran and Turkmenistan, enjoys a high level of connections in the capital city. However, areas outside the capital have little or no grid connection, despite the fact that the province as a whole has a reliable and ample source of electricity supply.

Households dominate the customer base, representing almost 93 percent of grid connections, while commercial customers represent just under 7 percent and government agencies less than 1 percent. Total supply from the grid in 2015-16 was 4,773 GWh, of which 3,767 or 80 percent was imports. Uzbekistan was the main source of external supply (1,284 GWh), followed closely by Turkmenistan (1,184 GWh). Iran supplied 827 GWh and Tajikistan supplied 471 GWh. Domestic generation totaled 1,007 GWh, and was almost exclusively (96 percent) hydro.

### 2.2 Project Development Objective(s)

The project development objective (PDO) is to provide electricity to households, institutions, and businesses in the selected areas of Herat Province, Afghanistan. The proposed Project is expected to contribute to Da Afghanistan Breshna Sherkat's (DABS) overall objectives of alleviating poverty and ensuring inclusivity of access to electricity for all segments of the population. The Project is closely aligned with the Government's "New National Priority Program", especially the Citizen Charter's mission of providing electricity services and the National Infrastructure Plan.<sup>1</sup> The Project is also consistent with the first and third pillars – 'Building Strong and Accountable Institutions' which aims to build the capacity and self-reliance of government institutions and improving service delivery, and 'Social Inclusion' which is aimed at reducing differences among the population in terms of access to services and vulnerability to shocks.

As the Herat Electrification Project is financed by the World Bank, it is also closely aligned with the 2016 Country Partnership Framework (CPF) for Afghanistan covering the period from 2017 to 2020, especially with the second of three pillars of the Framework, 'Supporting Inclusive Growth'.

### 2.3 Project Description

The Project comprises the following components:

- **Component 1 – Electrification of Four Districts in Herat Province (USD 20.1 million):**

This component will support investments for building a new 110 kV transmission line, and four

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<sup>1</sup> <http://policymof.gov.af/national-priority-programs/the-new-npps/>



110/20 kV substations and medium and low voltage distribution networks in four districts of Herat Province (Chesht, Hobai, Karrokh and Pashtun-Zarghoon).

- **Component 2 – Grid Densification, Extension, and Off-grid pilots in Herat Province (USD 10.9 million):**

This component will extend grid electricity supply to other parts of Herat Province and test solar off-grid pilots. Specific sub-projects will be identified during project implementation and evaluated based on cost effectiveness (total cost of the sub-project vs incremental demand served).

- **Component 3 – Technical Assistance (USD 4 million):**

This component will finance technical assistance to insure timely and quality completion of the Project, to enhance DABS capacity in procurement, engineering studies and project management, to enhance financial planning for the utility, and to prepare a foundation for further extension and integration of the grid in Herat Province.

### **3 NEED FOR THE ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)**

To comply with the World Bank’s Operational Policy on Environmental Assessments (OP/BP 4.01), preparation and disclosure of an ESMF and RPF is required by World Bank appraisal of the HEP project as it is adopting a programmatic approach consisting of investment activities that could not be predicted before project appraisal. This is to ensure that the proposed project has concrete procedures and processes in place to avoid, minimize, and/or mitigate potential adverse environmental and social impacts. The HEP has been rated Category B under the World Bank Operational Policy on Environmental Assessment (OP4.01). The Herat Electrification Project triggers the World Bank’s Operational Policy (OP) 4.01 (Environmental Assessment), OP 4.11 (Physical Culture Resources), and OP 4.12 (Involuntary Resettlement).

For the sake of simplicity, DABS has updated this ESMF from the ongoing “Afghanistan Power System Development Project” (APSDP, TF093513-AF) project, which has similar scope in terms of Social and Environmental impacts. In case of any subproject involving land/asset impacts, the RPF prepared by DABS for the “DABS Planning and Capacity Support Project” (DABS TA, TF0A2026) is applicable to Herat Electrification Project (HEP). The RPF is an integral part of this document.

The purpose of the RPF is to clarify resettlement principles and compensation, as well as organizational arrangements, to be applied as necessary by future sub projects. Strict adherence to the RPF procedures will not only ensure consistency in land acquisition and resettlement planning but also develop the capacities of the implementing and supervising agencies.

The Environmental and Social Management Framework (ESMF) and RPF also includes a set of screening tools and guidelines to guide preparation of ESIA, ESMPs, RAPS, and CHMP.

A Cultural Heritage Management Plan (CHMP) will be developed for any sub project located within areas of existing heritage structures in order to ensure compliance with the Law on Preservation of Afghanistan’s Historical and Cultural Heritage (2004) and the World Bank’s Policy on Physical and Cultural Resources (OP/WB4.11).

## **4 OBJECTIVES OF THE ESMF**

The Objective of the ESMF is to:

- (i) Establish the legal framework, procedures, and methods for environmental and social planning, review, approval and implementation investments to be financed;
- (ii) Identify roles and responsibilities, including reporting procedures and monitoring and evaluation;
- (iii) Identify capacity/or training needs for different stakeholders to ensure better implementation of the provisions in the ESMF and also in the sub-project ESMPs and;
- (iv) Identify funding requirements and resources to ensure effective implementation of the framework.

## **5 POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS OF THE PROJECT COMPONENTS**

The project is expected to have moderate social and environmental impacts. Social impacts would be caused by temporary and/or partial permanent loss of land and other assets. Selection of routes, particularly for installation of a new 110 kV transmission line, and four 110/20 kV substations will be screened for land disputes in order to avoid the situation where investments would fuel such disputes. The RPF prepared by DABS for the DABS Planning and Capacity Support Project (P131228), sets out procedures for managing land acquisition, asset loss, and resettlement will be applicable to HEP. The ESMF also includes guidelines for identifying and assessing the impacts of potential investments on existing heritage structures and sites, which will be applied for this project. Systematic involvement of local people throughout the planning and implementation of investment project in all four districts will underpin the identification and implementation of any mitigation measures to be included in ESMPs, CHMP and RAPs. The sub-project activities are expected to improve local people's living standards through providing investments in all four selected districts.

The majority of environmental and social impacts of power projects are generally related to generation development and rehabilitation of the existing power supply system in the selected sites of the Herat Province. Because the project will mostly finance the development and expansion of distribution systems, implementation of the project components is not expected to involve any significant adverse environmental or social impacts. Specifically:

- The rehabilitation and expansion of distribution networks in the cities/populated areas involves the construction of substations, one transmission line (about 25 km), and distribution networks (erecting poles, stringing lines, and installing transformers) at current locations or along existing roads, streets or lanes. While some disruptions in day-to-day activities during construction may be inevitable, these impacts will be temporary and reversible in nature. The Herat Electrification Project may involve some minor land acquisition or acquisition of assets due to the project activities. The land for three substations is governmental land. The land for the fourth substation - Karokh Substation - is communal land and has been donated by the community. The land acquisition documents are being fully and carefully documented by Herat DABS.

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- The development of substations and transmission at Herat targeted locations will involve procurement and all necessary construction and development activities based on detailed designs and an implementation plan to be provided by the contractor.

Most potential environmental impacts are related to siting of facilities, construction activities and the possible presence of land mines. Assessment and mitigation of potential impacts will be addressed through the application of environmental codes of practices, mine risk and safety procedures.

**Potential social issues include:**

- Land acquisition: Some minor land acquisition (temporary and/or partial permanent loss of land and other assets) might be expected for the development of substations and electricity transmission, (including right-of-way). The risk of involuntary resettlement or land acquisition is therefore considered to be low.
- Risk of social constraints during construction period: There might be some risks of increased social constraints related to the development and planning of the substation and transmission work of the project, as well the hiring of contractors and their relations with the local residents.
- Labor influx risks: Labor influx related risks are expected to be low, because the labors are likely to be largely locally recruited. It will also include the employees' Code of Conduct (CoC) which will be applicable to all sub-projects. The site specific ESMPs will also include mitigation measures for consideration of labor camps.
- Risk of disruption to social patterns and safety issues: For power lines passing through populated areas, the construction of sub-stations could disrupt regular patterns or introduce safety concerns for activities such as water fetching by women and children. In these cases, local consultations with women should identify such concerns and design measures, such as marked crossings and speed reduction measures will be introduced.
- Exclusion zones: The exclusion zones should be enforced to avoid accidents especially with children playing around the machinery. Risks of working at heights during tower construction should be managed and Health & Safety risks associated with transport of equipment, etc. should also be appropriately managed. Details will need to be part of the Health & Safety Plans prepared and implemented by the Contractors. The supervision engineer supervises compliance with the Health & Safety Plans.
- Local employment: Employment benefits are expected from the construction of substations and extension of networks,. The local population will also receive electricity as newly connected customers, thus helping improve on their business opportunities (productive uses).
- Health and Safety aspects: the contractor needs to prepare and implement a Health and Safety Plan in compliance with OHSAS 18001:2007 and employ a Health and Safety specialist with experience in OHSAS 18001:2007 (also the Supervision Engineer should employ a similar specialist as the environmental specialists in general don't know anything about Health & Safety). The Contractors should establish a Health & Safety system, which should include Method Statements of activities, Health & Safety risks of these activities and a Permit-to-Work system. This is a system applied worldwide and is in compliance with OHSAS 18001:2007.

The cultural heritage impacts envisaged may relate to the construction of a new 110 kV transmission line and distribution networks in four districts of Herat Province, where lesser-known

monuments may be present. While reviews indicate that no direct impacts on archeological, burial or historical sites are to be expected, the project will institute “chance find” procedures to ensure the protection of such sites if found when opening borrow pits and material sites.

The ESMF provides guidelines for identifying and assessing the impacts of potential investments on existing heritage structures and sites (see in Annex 2). ToR for assessing impact on heritage sites and for preparing a CHMP are included as annex 6.

A Cultural Heritage Management Plan (CHMP) will be developed for any sub project located within areas of existing heritage site in order to ensure compliance with the Law on Preservation of Afghanistan’s Historical and Cultural Heritage (2004) and the World Bank’s Policy on Physical and Cultural Resources (OP/WB4.11).

The ESMF will also guide how to conduct the Environmental and Social Impact Assessment (ESIA) for the 25km transmission line during implementation stage. Detailed terms of reference for such an ESIA are annexed to this ESMF- see annex 5. Major potential issues in respect of the erection of transmission line relates to interface with the local communities and ensuring safety. These issues are manageable as evident from a number of Bank assisted projects in Afghanistan. In addition, the ESMF contains an Environmental Code of Practices (ECOP) see attachment-3, where the Contractor implementing the civil works will be required to ensure that environmental impacts and health and safety issue if any, be adequately mitigated at both construction and operation stages. The Contractor’s obligations vis-à-vis environmental management will be included in the contract.

## **6 OVERVIEW OF ENVIRONMENTAL AND SOCIO-ECONOMIC BASELINE OF PROJECT SITE**

### **6.1.1 Socio Economic Background of Herat Province**

Herat Province is located at the western part of Afghanistan. The total population of the province is about 1,780,000, making it the second most populated province in Afghanistan only after Kabul Province. The population is multi-ethnic but largely Persian speaking. The majority of which live in rural parts. Herat (Pashto/Dari: هرات) is one of the thirty-four provinces of Afghanistan with GPS points 34° 0' 0" N, 62° 0' 0" E. Together with Badghis, Farah, and Ghor provinces, it makes up the southwestern region of Afghanistan. Its primary city and administrative capital is Herat City. The province of Herat is divided into 17 districts and is comprised of over 1,000 villages.

Herat province shares a common border with Iran in the West and Turkmenistan in the North, making it an important trading province. The proposed Trans-Afghanistan Pipeline (TAPI) is expected to pass through Herat from Turkmenistan to Pakistan and India in the south. The province has two airports, one is the Herat International Airport in the capital of Herat, and the other is at the Shindand Air Base, which is one of the largest military bases in Afghanistan. The Salma Dam, which is fed by the Hari River and started operation in 2016, is also located in this province.

Persian-speaking Tajiks form the majority, according to Afghanistan's Ministry of Rural Rehabilitation and Development". Around three quarters (77%) of the population of Herat lives in rural districts while just under a quarter (23%) lives in urban areas. Around 50% of the population is male and 50% is female. Dari and Pashtu are spoken by 98% of the population and 97.7% of the villages. Languages spoken by the remaining population are Turkmeni and Uzbeki. Herat province also has a population of Kuchis or nomads whose numbers vary in different seasons.

The province is home to 90% of Afghanistan's Saffron production (a US\$12 million industry in 2014). In 2015 the World Bank noted that saffron cultivation had provided Herat Province's farmers a steady source of income, jobs for both men and women, and a decreased dependency on poppy cultivation.

With international borders to Iran and Turkmenistan and an international airport trade could potentially play an important part in the economy of Herat Province. Due to the lack of urbanization in Herat Province, around 75% of the population lives in rural areas and economic activity is correspondingly heavily reliant on agriculture and horticulture production (saffron, rugs, cumin, marble, animal skins and wool) with around 82% of economic activity coming from these fields in 2011. Marble manufacturing and light industry comprised the remaining areas of economic activity.

### 6.1.2 Physical Environment

Climate, Water and Hydrology: Herat has a cold semi-arid climate. Precipitation is very low, and mostly falls in winter. Although Herat is approximately 240m, (790 ft.) lower than Kandahar, the summer climate is more temperate, and the climate throughout the year is far from disagreeable. From May to September, the wind blows from the northwest with great force. The winter is tolerably mild; snow melts as it falls, and even on the mountains does not lie long. Three years out of four it does not freeze hard enough for the people to store ice. The eastern reaches to the Hari Rud river, including the rapids, which are mostly frozen during the winter.

Climate data for Herat

Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Year
<b>Record high °C (°F)</b>	24.4 (75.9)	27.6 (81.7)	31.0 (87.8)	37.8 (100)	39.7 (103.5)	44.6 (112.3)	50.0 (122)	42.7 (108.9)	39.3 (102.7)	37.0 (98.6)	30.0 (86)	26.5 (79.7)	50 (122)
<b>Average high °C (°F)</b>	9.1 (48.4)	11.9 (53.4)	17.9 (64.2)	24.0 (75.2)	29.6 (85.3)	35.0 (95)	36.7 (98.1)	35.1 (95.2)	31.4 (88.5)	25.0 (77)	17.8 (64)	12.0 (53.6)	23.79 (74.83)
<b>Daily mean °C (°F)</b>	2.9 (37.2)	5.5 (41.9)	10.2 (50.4)	16.3 (61.3)	22.1 (71.8)	27.2 (81)	29.8 (85.6)	28.0 (82.4)	22.9 (73.2)	16.1 (61)	8.8 (47.8)	4.7 (40.5)	16.21 (61.18)
<b>Average low °C (°F)</b>	-2.9 (26.8)	-0.6 (30.9)	3.8 (38.8)	9.1 (48.4)	13.3 (55.9)	18.2 (64.8)	21.2 (70.2)	19.2 (66.6)	13.2 (55.8)	7.4 (45.3)	1.0 (33.8)	-1.4 (29.5)	8.46 (47.23)
<b>Record low °C (°F)</b>	-26.7 (-16.1)	-20.5 (-4.9)	-13.3 (8.1)	-2.3 (27.9)	0.8 (33.4)	9.7 (49.5)	14.7 (58.5)	8.4 (47.1)	1.3 (34.3)	-5.6 (21.9)	-12.8 (9)	-22.7 (-8.9)	-26.7 (-16.1)
<b>Average precipitation on mm (inches)</b>	51.6 (2.031)	44.8 (1.764)	55.1 (2.169)	29.2 (1.15)	9.8 (0.386)	0.0 (0)	0.0 (0)	0.0 (0)	0.0 (0)	1.7 (0.067)	10.9 (0.429)	35.8 (1.409)	238.9 (9.405)
<b>Average rainy days</b>	6	8	8	7	2	0	0	0	0	1	3	5	40
<b>Average snowy</b>	2	2	1	0	0	0	0	0	0	0	0	1	6

days													
<b>Average</b> <b><u>relative</u></b> <b><u>humidity</u></b> (%)	72	69	62	56	45	34	30	30	34	42	55	67	49.7
<b>Mean</b> <b><u>monthly</u></b> <b><u>sunshine</u></b> <b><u>hours</u></b>	149.3	153.5	202.5	235.7	329.6	362.6	378.6	344.8	323.2	274.0	235.0	143.1	3,131.9

Source: NOAA (1959-1983)<sup>2</sup>

**Topography:** The topography in the targeted area of Herat province consists mainly of rangeland (grassland / low shrubs). There is some cropland along the Hari Rud river while orchard are found only in Hobai district, which can be easily avoided or the impacts are minimized when the grid is to be extended. Around the city of Herat, including in Karokh, the soil is characterized by rock outcrop, agricultural land and barren land. All efforts will be made to circumvent areas of agricultural use.

**Air pollution:** During the construction phase, the area under rehabilitation and construction including substations may result in dust or other form of air pollution. All the activities which may impact on human health including environmental health and hygiene and related issues can be mitigated with the application of site specific ESMPs. The ESMP will also carry specific a section on negative list and labor health and working safety provisions.

**Noise:** This framework prohibits generation of unnecessary or unusual noise which annoys, disturbs, and may pose, health or safety concerns on individuals and the surrounding environments. However, most of the intervention under Herat Electrification Project (HEP) is not sought to create substantial noise. Physical activities including rehabilitation and transmission works will not create extensive amount of noise. Construction of substations, transmission and distribution of electricity in Herat province may generate some amount of noise from the construction machines and construction workers. The amount of the noise and other pollution will be minimized or mitigated by site specific ESMP.

## 7 POLICY LEGAL AND REGULATORY FRAMEWORK

### 7.1 WB Operation Policies triggered for the Herat Electrification Project (HEP)

Safeguard Policies Triggered by the Project	Yes	No
<a href="#">Environmental Assessment (OP/BP 4.01)</a>	[X]	[ ]
Natural Habitats ( <a href="#">OP/BP 4.04</a> )	[ ]	[X]
Pest Management ( <a href="#">OP 4.09</a> )	[ ]	[X]
Physical Cultural Resources ( <a href="#">OP/BP 4.11</a> )	[X]	[X]
Involuntary Resettlement ( <a href="#">OP/BP 4.12</a> )	[X]	[ ]
Indigenous Peoples ( <a href="#">OP/BP 4.10</a> )	[ ]	[X]

<sup>2</sup> "Herat Climate Normals 1959-1983". National Oceanic and Atmospheric Administration. Retrieved by Wikipedia on December 25, 2012.

Forests ( <a href="#">OP/BP 4.36</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Safety of Dams ( <a href="#">OP/BP 4.37</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projects in Disputed Areas ( <a href="#">OP/BP 7.60</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projects on International Waterways ( <a href="#">OP/BP 7.50</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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1. **Environmental Assessment (EA OP/BP 4.01):** The Environment Assessment safeguard is triggered due to environmental and social impacts from the civil works planned under the proposed HEP project.
2. **Involuntary Resettlement (OP/BP 4.12):** The WB OP/BP 4.12 is triggered as the Herat Electrification Project will support investments in some densely populated areas and the activities will cause some minor temporary and/or partial permanent land acquisition.
3. **Physical Cultural Resources (OP/BP 4.11):** In the possible event that a sub project may encounter archaeological/historic and other ‘chance finds’ during implementation. Some of these areas are rich in physical cultural resources.

### 7.2 *Afghan legal and regulatory framework*

4. The primary relevant laws and legislations framing social and environmental issues which need to be considered in relation to distribution investment projects are:
  - a. The Constitution of Afghanistan (2004)
  - b. The Environment Law of Afghanistan (2007)
  - c. National Land Policy (2007)
  - d. Land Management Law (2017)
  - e. Land Acquisition Law (2017)
  - f. Law on the Preservation of Afghanistan’s Historical and Cultural Heritages (2004)

## 8 ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

### 8.1 *Objective*

The overall purpose of the ESMF is to ensure that investments and activities to be financed under the HEP project will not create adverse impacts on the local environment and local communities and that any residual and/or unavoidable impacts will be adequately mitigated in line with national regulations and the WB’s safeguard policies.

The key objective of this Framework is to ensure that all activities under the Project will:

- Protect human health;
- Prevent or compensate any loss of livelihood;
- Prevent environmental degradation as a result of either individual sub-projects or their cumulative effects;
- Enhance positive environmental and social outcomes; and
- Ensure compliance with World Bank safeguard policies.
- Compliance with World Bank Safeguard policies

The Environment and Social Safeguards Framework is applicable for all civil works under all contracts associated with the HEP Program (including Herat Electrification Project activities). Specifically, for the Project Components relating to rehabilitation and expansion of distribution systems in Chesht, Hobai, Karrokh and Pashtun-Zarghoon Herat Electrification Project, following Framework guidelines apply:

- Environmental Criterion for Site Selection;
- Environmental Codes of Practice (ECOP);
- Land Acquisition, entitlements and compensation;
- Procedures for the protection of cultural property; and
- Mine risk clearance procedures.

### **8.2 General Principles**

The Framework is based on the following principles:

- (i) The proposed project will support multiple components – the detailed designs of which may not be known at appraisal. To ensure the effective application of the World Bank’s safeguard policies, the Framework provides guidance on the approach to be taken during implementation.
- (ii) All proposed components will be screened to ensure that the environmental and social risks can be adequately addressed through the application of standardized guidelines.
- (iii) Project design will aim to maintain regional balance, and equity between genders, and ethnic and religious groups, considering variations in population density. Employment opportunities within the projects will be available on an equal basis to all, based on professional competence, irrespective of gender, or ethnic or religious group. In all projects, which require consultations with local communities or beneficiaries, consultations will be conducted to elicit the views of both the male and the female population.
- (iv) Consultation and disclosure requirements will be simplified to meet the special needs of this project. Prior to approval by the World Bank Board, this Environmental and Social Management Framework and RPF were disclosed in country in Dari and Pashto, and in the World Bank the Bank’s external website.

### **8.3 Application of the Safeguards Framework**

The site-specific ESMP to be guided by this framework will be included in all works contracts and its proper implementation will be the responsibility of the Contractor(s) with oversight from DABS. The provisions of the safeguards framework will be specifically applied to the project’s sub-components as follows:

Component	Assessment and mitigation of impacts
Development and expansion of Chesht, Hobai, Karrokh and Pashtun-Zarghoon Substations and transmission	Guidelines for: <ul style="list-style-type: none"> <li>• environmental codes of practice</li> <li>• Environmental and Social Management Plan (ESMP)</li> <li>• Resettlement Action Plan (RAP)</li> <li>• procedures for the protection of cultural property</li> <li>• mine risk procedures</li> </ul>



Development and Extension of Chesht, Hobai, Karrokh and Pashtun-Zarghoon Substations and transmission.	
Development and Extension of Chesht, Hobai, Karrokh and Pashtun-Zarghoon Substations and transmission.	Contractor will ensure mitigation of environmental impacts, if any.
Sector wide social and environmental management	Capacity Assessment and Building for Social and Environmental Assessment (separate, parallel technical assistance activity)

The selection, design, contracting, monitoring, and evaluation of the components will be consistent with the following guidelines:

- A negative list of characteristics that would make a proposed component ineligible for support, as indicated in Attachment 1;
- Procedures for the protection of cultural property, including the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Attachment 2.
- Generic codes of practices for environmental management of power transmission and distribution systems, provided in Attachment 3.
- The requirement that confirmation is received through the Regional Mine Action Center that areas to be accessed during reconstruction and rehabilitation activities have been certified as low risk (see guidelines in Attachment 4).
- Draft Terms of Reference for Sub-Project requiring an ESIA-RAP & ESMP, provided in Attachment 5
- Generic TOR for Cultural Heritage Management Plan (CHMP), provided in Attachment 6
- Sample Grievance Registration Form, provided in Attachment 7
- Scheduling and Reporting by DABS Environmental and Social Safeguards Staff provided in Attachment 8
- Summary of Proceeding from Public consultation on ESMF, provided in Attachment 9
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#### ***8.4 Key Lessons Learned in the implementation of the ESMF in the DABS's project:***

One of the key lessons learned is the fact that under the ongoing APSDP that supports the same activities as HEP, have had caused some very limited land/asset impacts, such as impact to crop, and very limited acquisition for pole location, etc. the reports to date show, the installation of distribution networks took place within the available right-of-way. The records on land acquisition also show, affected families requested no compensation, because the impacts on private land/asset were minor.

Another key lesson learned was the installation of distribution networks, which took much longer to implement than what was initially thought. Communities were unhappy and requested a number of times to start utilization of power into the system soon. There was little effort made to maintain appropriate communication to keep the beneficiaries communities informed about the exact schedule and functionality of the distribution networks.

To maintain good communication the contractor will hire liaison officers who can speak the local language.

### ***8.5 Responsibilities for Safeguard Screening and Mitigation***

The responsibility for implementation of the project lies with Afghanistan's power utility Da Afghanistan Breshna Sherkat (DABS), who have ample experience of implementing World Bank supported projects. An independent and autonomous company, DABS has a higher capacity in environmental and social safeguards management than other institutions in the energy sector in Afghanistan.

The Chief Executive Officer (CEO) of DABS will have ultimate responsibility for ensuring effective compliance with the requirements set out in the ESMF, which is delegated for day-to-day purposes to the head of the World Bank PIU at DABS. DABS has assigned one Environmental Safeguards Specialist and one Social Safeguards Specialist who have specific responsibility for overseeing the implementation of the ESMF provisions during preparation, implementation, monitoring and evaluation of all components of the HEP. The Safeguards Specialist will be supported in their work by an international safeguards consultant, recruited by DABS, and a World Bank Social and Environmental Specialists. The safeguards framework will be included in all work contracts and its proper implementation will be the responsibility of the contractor(s) with oversight from DABS.

Responsibilities of Environmental and Social Safeguards will include:

- Ensuring that communities and local government departments have up-to-date information on project activities.
- Supervising and monitoring ESMP implementation and producing periodic reports.
- Facilitating land acquisition and resettlement processes as required.
- Coordinating implementation of DABS' environmental and social commitments and initiatives with relevant government agencies including the Afghanistan Land Authority and NEPA.
- Training local government and communities on environmental and social safeguards issues and implementation of EMP.

### ***8.6 Monitoring and Evaluation:***

Implementation of the HEP ESMF includes both at local level monitoring and reporting and at national level monitoring and evaluation mechanism.

#### **Local level Monitoring and Reporting**

At local level, DABS safeguards team, together with DABS local project management team, subnational level related government and related communities will be responsible for monitoring to ensure that all required environmental and social mitigation measures, set out in Environment and Social Management Plan (ESMP). Monthly monitoring reports will include:

- List of consultations held, including locations and dates, name of participants and occupations;
- Main points arising from consultations including any agreements reached;
- A record of grievance applications and/or grievances redress dealt with;
- Monitoring data on environmental and safety parameters listed in EMP; and
- Monitoring land acquisition.
- Reporting on Health and Safety. In case of a fatality or a serious accident, the World Bank should be informed within 24 hours.

### **National level Monitoring and Evaluation (M&E):**

At national level DABS CEO will take overall responsibility for overseeing progress in implementing the ESMF and assessing the effectiveness of mitigation measures against agreed indicators and parameters. The head of the PIU at DABS will oversight the overall safeguard compliances and will review the related reporting documents. In addition the safeguard specialists will be responsible to ensure that the required safeguards management has been achieved satisfactorily. The National level safeguard specialist will make practical site visit and capacity building plans and will also be responsible for developing reporting mechanism and generating quarterly reports which will inform the Government, DABS Board and the World Bank on implementation of the ESMS and its compliance progress. DABS safeguards will ensure that the safeguards provisions are also been taken into M&E mechanism, therefore, a set of safeguards monitoring will be prepared and included in the project M&E system.

#### ***8.7 Capacity Building***

DABS has adequate capacity in implementation of social and environmental safeguards than other institutions in the energy sector in Afghanistan. DABS has safeguards team who have benefitted from several training events organized by the Bank office in Kabul, including training in Management of Land Acquisition, Resettlement and Rehabilitation organized by BRAC University/World Bank. Nonetheless, the institutional capacity of DABS in Herat Province is comparatively low to implement and monitor safeguard requirements. Therefore, capacity building at the subnational levels is necessary, since they will have important roles in project implementation and monitoring of safeguards compliances. However, the substantial coordination and knowledge sharing with DABS' headquarter office will take place to organize various capacity building events. Hence, the proposed Project's institutional and implementation arrangements will take advantage of existing institutional systems.

During supervision of the project, the World Bank will assess the implementation of the Framework, and if required, will recommend additional capacity strengthening.

### ***8.8 KEY ELEMENTS OF AN ESMF***

#### **8.8.1 Citizen Engagement (CE)**

Citizen engagement is a two-way interaction between citizens and Governments that gives citizens an informed say in the decisions that affect their lives and, at the same time, improves the development outcomes of the project. Within the HEP citizen engagement is based on interaction and dialogue between government and citizens in all selected districts. It is anticipated that initial stakeholder consultations at the outset of sub projects will be enhanced throughout project implementation to facilitate learning and feedback and smooth adjustments to sub projects as necessary. Key elements of citizen engagement within the HEP include stakeholder consultation,

the effective implementation of a Grievance Redress Mechanism and communities' feedback on draft design for all supported activities under component-1.

The updated ESMF and the RPF includes a detailed mechanism for consultation to make sure there is a two-way interaction between citizen and DABS. The communities in all four selected districts in Herat will have a chance to review draft design for all supported activities. The DABS- Herat will establish a hotline to receive and log any/all queries or complaint related to project activities.

### **8.8.2 Grievance Redress Mechanism**

DABS has established grievance redress mechanism (GRM) for the DABS-WB supported projects, comprising of GRCs at DABS-Kabul level and at each project site. DABS has also developed GRM training manual. The current system will be strengthened further and will be used to address grievances related to HEP activities.

DABS will establish grievance redress committee at each site/district level at the onset in order to receive and resolve the affected communities' concerns, queries, complaints and grievances about the HEP project activities that could be encountered during the project implementation.

Some means of communicating information on DABS's GRM for this project includes,

- Distribution of leaflets to the public places (public information on GRM service)
- Notice Boards with GRM information
- DABS Website

DABS's social safeguards Specialist (s) with support from the GRM unit at DABS will be responsible for addressing community concerns related to project activities.

They will have an important role in ensuring that affected communities have a full understanding of the GRM, ways to access it and (i) the concept of just compensation for involuntary acquisition of land and/or assets and (ii) ensuring environmental and social mitigation measures in the ESMP is implemented as planned.

#### **GRM process**

Where an individual has a grievance with regard to a specific investment project she or he, should, in the first instance, be encouraged to make use of existing local-level structures (e.g. CDCs/Shura and village leaders) to try to resolve quickly any concerns or grievances related to project development and implementation.

If intermediation at local level is unsuccessful, the individual or Affected Person (AP) can take his or her complaint to a formal-district-level Grievance Redress Committee (GRC) which will record the grievance and try and resolve issues relating specifically to the implementation of the investment projects. A GRC at district level will consist of the Affected Person (AP), the project manager of the investment project, DABS Environment and Social Safeguards staff, a representative from local government, a representative from the AP's community CDC/Shura which may be a representative from a women's CDC and the contractor(s).

The AP (or his/her representative) may submit his/her complaint in a number of ways e.g. by written letter, phone, text messages and email to the GRC or, alternatively, raise his/her voice in a public or individual meeting with project staff. The district- level- GRC will meet to try and resolve the matter at community level and make a recommendation within 7-10 working days from receipt of complaint. If there is no decision after 10 days, the AP can refer the complaint to DABS-level GRC and or the Chief Operating Officer (COO) of DABS in Kabul. DABS/COO will then address the complaint and respond to the complainant within 20 days.

The GRM procedures to be followed for all investment projects will be translated into Pashto and Dari so that they are easily accessible to all stakeholders and made available through DABS. information on the steps to be followed in handling grievances will be incorporated into the process of providing local communities with information about proposed investment projects.

All submitted complaints and grievances will be added to a database/project files, which will be updated regularly. Each complaint and grievance should be ranked, analyzed and monitored according to type, accessibility and degree of priority. The status of grievances submitted and grievance redress will be reported to DABS management through the monthly report.

ESS staff should include regular updates and analysis of the GRM in their quarterly reports and also provides regular feedback to communities and other relevant stakeholders.

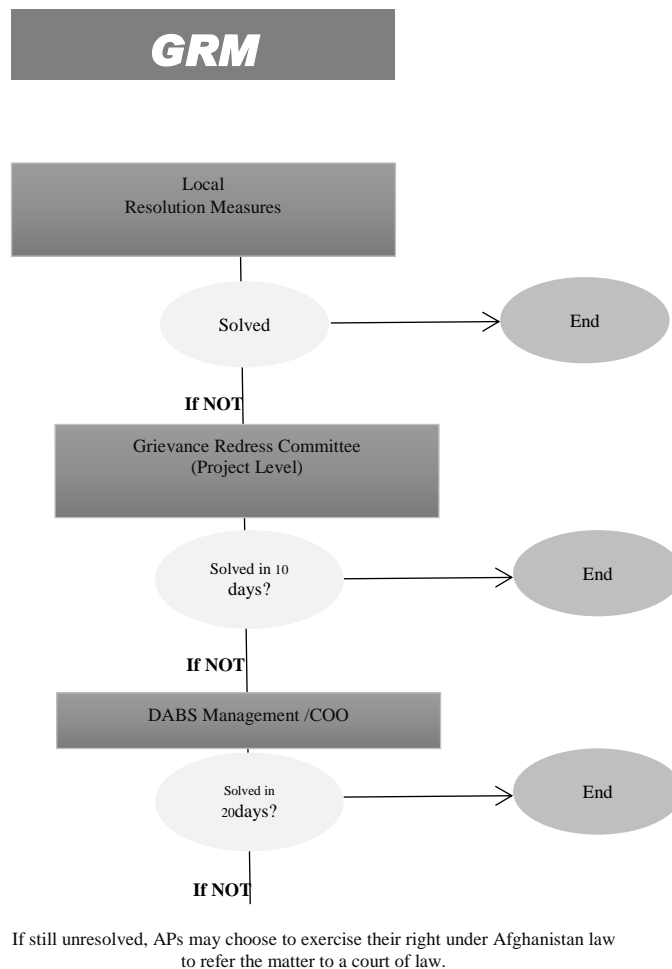


Figure- 1- shows GRM for HEP at 3 levels: (i) at community level where every effort will be made to resolve the issue; (ii) at sub project level where GRM will be established and as an appeal mechanism at DABS Level (already in place).

The staff at the provincial level will be trained on the development and effective implementation of GRMs.

Key indicators for monitoring the implementation of a GRM include:

- Number of complaints/grievances registered
- Percentage of grievances resolved within stipulated timeframe
- Percentage of complainants satisfied with response and grievance redress process
- Percentage of project beneficiaries that have access to a GRM.

Although there is no obligation, a Public Grievance Form has been prepared for convenience. All the complaints and concerns through the Grievance system to achieve and attempt to solve or mitigate related issues within a reasonable timeframe. The borrower should report the statistics of grievances to the WB. A sample of Grievance Form and Grievance Closeout Form are given in Annex 7.

## 8.9 Stakeholder Consultation Guideline

An outline communications strategy and plan to increase the overall effectiveness of the project has been developed and is being implemented principally by DABS' environmental and social safeguards team. Consultations on this ESMF are essential and are the first activities to be implemented in the communications plans.

In order to ensure that affected communities are made aware of the planned project, have the opportunity to comment on it and reduce possible misinformation about proposed activities, it is vital that a communication strategy is put in place early in the project's preparation. Its key objectives are to:

- Provide relevant and up-to-date information to affected communities about the project through appropriate communication channels
- Facilitate a meaningful two-way exchange of information with different groups of stakeholders throughout the lifetime of the project
- Build trust between project staff and communities and promoting collaboration among all stakeholders.
- Facilitate collaborative relationships with local and national government departments other development agencies

The strategy includes communication through relevant media: DABS's Safeguard staff will assess community and other stakeholders access to, and use of, broadcast and print media and explore how the most appropriate outlets might be used to raise awareness of the project.

- Preparation and translation into local languages of relevant and clear information on resettlement policy and procedures.
- Distribution of easily understood information to all affected communities
- Communication through locally relevant channels. DABSSOs will identify trusted ways in which different groups within communities, particularly poor and vulnerable groups, receive and communicate information (e.g. Village meetings, mosque, water users' associations, women CDC, markets etc.) and will make use of these channels to convey and receive information, consult and hold dialogues with the different groups through the life of the project.
- Involvement of policy makers: DABS' Chief Operating Officer and Safeguards staff will make presentations to, and hold briefing sessions, with the Ministries on the Board of DABS, as well as other relevant Government Ministries, on a regular basis. They will be invited to participate in ongoing consultation processes to ensure transparency and accountability and gain public support.
- DABS participation in various regional fora. Where possible, Safeguards staff will participate in regional NGO meetings to inform local NGOs about the work and explore possible areas of synergy with the NHRP for community level work.

DABS will use techniques of consultation to establish a "simple baseline" and subsequent information that will be useful in monitoring compliance with the Environment and Social Management Framework. Some of the methods of consultation will include, but not limited to:

- Records of minutes and notes of DABS and contractor consultation and awareness activities with community, local authorities and amongst each other;
- Focus group and group focus discussions to collect views and opinions as client and beneficiaries for DABS and the Project;
- household consultations – discussions with the same household before, during and after Project implementation / construction, to establish level of compliance versus impact;
- Statistic household consultation – discussion with households' ad-hoc;

- Investigate grievances reported to project level GRM and or to DABS and during community discussions; and
- As required, provide mediation between contractor and community in the event of disagreements about infrastructure locations around community and grievances by the community that is not adequately addressed by the contractor.

For projects such as this Project, the World Bank’s Access to Information Policy requires that safeguard-related documents be disclosed before appraisal (i) at the Bank’s external website and (ii) in country, at publicly accessible locations and in a form and language that are accessible to potentially affected persons.

DABS will establish an easily accessible system with different options for public information/disclosure of information for communities and relevant stakeholders to be aware of processes to be followed to register complaints. DABS will apply this ESMF prior to approval of any development project funded or implemented by multi-lateral agencies such as the World Bank and others.

The ESMF and site-specific EMP will be disclosed in Pashto, Dari and English languages by DABS, and will be made available on the organization’s website.

**8.10 Indicative Budget for Environmental and Social Safeguards Compliance**

No.	Activities	Total budget (US\$)
1.	Environment Safeguards Officer	18,000
2.	Independent Monitoring of Progress	250,000
2.	Social Safeguards Officer	18,000
3	Monitoring and Evaluation	13,500
3	Translation of ESMF into Dari and Pashto	5,000
4	Preparation of Environmental and Social Safeguards Operational Manual for power Projects and translation into local languages.	10,000
5	Preparation of Environmental and Social Safeguards Training Manual and translation into local languages	10,000
	Training for DABS safeguards	20,000
	Training for community local government representatives on environmental and social issues (gender and social inclusion included). It will also cover public awareness among project beneficiaries to use the grievance	20,000
6	Preparation of communication materials in local languages	10,000
	<b>Total</b>	<b>374,500</b>

These estimates reflect the costs of two safeguards officers to be based at the DABS Herat office for the duration of the project as well as the following costs to be incurred in the first year: translation of the ESMF into Dari and Pashto, preparation of environmental and social safeguards training and operational manuals, preparation of EMP and communication materials. All training costs associated with creating awareness of safeguards and increasing the capacity of DABS’ staff to implement and monitor relevant mitigation measures will be included under relevant

component. The two DABS safeguards specialists to be selected should either have experience with Health and Safety, including OHSAS 18001:2007, or should receive dedicated training in this matter.

### ***8.11 Consultation and Public Disclosure***

***Consultation on ESMF-*** The responsibility of the project implementation is with Afghanistan's power utility Da Afghanistan Breshna Sherkat (DABS). For the sake of simplicity, DABS has updated this ESMF from the ongoing "Afghanistan Power System Development Project" (APSDP, TF093513-AF) project, which has similar scope in terms of Social and Environmental impacts. In case of any subproject involving land/asset impacts, the RPF prepared by DABS for the "DABS Planning and Capacity Support Project" (DABS TA, TF0A2026) applies to the Herat Electrification Project (HEP). Consultations on the ESMF and RPF for the HEP DABS TA Project took place on March 07, 2015. These safeguard documents (ESMF and RPF) were disclosed in country (DABS official website) on April 4, 2017. It can be found through this link; <https://main.dabs.af/esmf>

Consultations on the ESMF and RPF for the HEP took place on March 07, 2017. These safeguard documents (ESMF and RPF) were disclosed in DABS in country website on (April 09, 2017).

DABS has conducted a consultation on the ESMF on March, 07, 2017 with wider stakeholder agencies, including communities in order to share the updated ESMF and RPF and to get their comments and feedback. Please see attachment 9 containing summary of proceedings from public consultation on ESMF and RPF. The ESMF will also disclose on April 13, 2017 on DABS' website. The current ESMF and RPF are available on DABS' website, which are accessible to the public.



## 9 ATTACHMENT 1 - NEGATIVE LIST OF SUB-PROJECT ATTRIBUTES FOR THE HEP

Sub-projects with any of the attributes listed below will be ineligible for support under the proposed Herat Electrification Project (HEP).

<b>Attributes of Ineligible Sub-projects</b>
<p>Involves the significant conversion or degradation of critical natural habitats. Including, but not limited to, any activity within:</p> <ul style="list-style-type: none"><li>• Ab-i-Estada Waterfowl Sanctuary;</li><li>• Ajar Valley (Proposed) Wildlife Reserve;</li><li>• Dashte-Nawar Waterfowl Sanctuary;</li><li>• Pamir-Buzurg (Proposed) Wildlife Sanctuary;</li><li>• Bande Amir National Park; and</li><li>• Kole Hashmat Khan (Proposed) Waterfowl Sanctuary.</li></ul>
<p>Will significantly damage non-replicable cultural property, including but not limited to, any activities that affect the following sites:</p> <ul style="list-style-type: none"><li>• Monuments of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, Fifth Minaret, Gawhar Shah mausoleum, mausoleum of Ali Sher Navaii, and the Shah Zadehah mausoleum complex);</li><li>• Monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-I Ghulghular and Shahr-i Zuhak);</li><li>• Archaeological site of Ai Khanum;</li><li>• Site and monuments of Ghazni;</li><li>• Minaret of Jam;</li><li>• Mosque of Haji Piyada/Nu Gunbad, Balkh province;</li><li>• Stupa and monastery of Guldarra;</li><li>• Site and monuments of Lashkar-i Bazar, Bost; and</li><li>• Archaeological site of Surkh Kotal.</li></ul>

## 10 ATTACHMENT 2 - PROTECTION OF CULTURAL PROPERTY

Physical culture includes monuments, structures, works of art, or sites of "outstanding universal value" from the historical, aesthetic, scientific, ethnological, or anthropological point of view, including unrecorded graveyards and burial sites. Within this broader definition, cultural property is defined as sites and structures having archaeological, paleontological, historical, architectural, or religious significance, and natural sites with cultural values.

The proposed power utility project is unlikely to pose a risk of damaging cultural property, as the components involve rehabilitation and extension of distribution networks within the target areas (Chesht, Hobai, Karrokh and Pashtun-Zarghoon) and Development of transmission Substations of Chesht, Hobai, Karrokh and Pashtun-Zarghoon. Further, the negative list of attributes, which would make a sub-project ineligible for support (Attachment 1), includes any activity that would significantly damage non-replicable cultural property. Nevertheless, the following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents.

### Chance Find Procedures

Chance find procedures are defined in the law on Maintenance of Historical and Cultural Monuments (Official Gazette, December 21, 1980), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation. This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:

1. The responsibility for preservation, maintenance and assessment of historical and cultural monuments rests with the Archaeological Committee under the Ministry of Information and Culture, which has representation at provincial level.
2. Whenever chance finds of cultural or historical artifacts (moveable and immovable) are made, the Archaeological Committee should be informed. Should the continuation of work endanger the historical and cultural artifacts, the project work should be suspended until a solution is found for the preservation of these artifacts.
3. If a moveable or immovable historical or cultural artifact is found in the countryside of a province, the provincial governor (*wali*) or district-in-charge (*woluswal*) should be informed within two weeks, and they should inform the Archaeological Committee. In case the immovable historical or cultural artifact is found in a city, the provincial branch of the Department of Maintenance of Historical Values of the Ministry of Information and Culture should be informed within two weeks (art. 18). If the find is made within the center, the Archaeological Committee must be informed directly within one week (art. 25).
4. Failure to report a chance find within the stipulated time limit will be punished with a fine or imprisonment for a period of one week or up to one month (art. 72).
5. If someone intentionally damages a historical or cultural artifact, the culprit shall pay compensation in accordance with the value of the artifact plus be imprisoned for a period of one month to ten years depending on the gravity of the crime (art. 71).

In case of a chance find of moveable or immovable historical or cultural artifact, the implementing agency is responsible for securing the artifact from theft, pilferage and damage until the responsibility has been taken over by the relevant authorities as specified above.

These procedures must be referred to as standard provisions in construction contracts, when applicable. During project supervision, the Site Engineer shall monitor that the above regulations relating to the treatment of any chance find encountered are observed.

Relevant findings will be recorded in World Bank Project Supervision Reports (PSRs), and Implementation Completion Reports (ICRs) will assess the overall effectiveness of the project's cultural resources mitigation, management, and capacity building activities, as appropriate.

# 11 ATTACHMENT 3 - ENVIRONMENTAL CODE OF PRACTICE FOR THE HEP

## 1. Selection of Alignment of line and Sub-station locations

The *most significant environmental criterion* for selecting or avoiding an alignment for the power line and/or location of sub-stations is the presence of sensitive receptors close (within 50m on either side of the proposed line) to the proposed alignment or proposed location of the substation (within ~100m on all sides of the perimeter).

The negative list of locations as part of Attachment 1 to the Environmental and Social Safeguards Framework under General Characteristics provides a starting point of areas to be avoided. Other areas or locations that may be avoided include places of water bodies, especially those used for supply of drinking water, locally important religious/cultural sites, schools, play grounds, etc. For rehabilitation of the facilities, the previous locations of the structures should be utilized as far as possible. This will not only save costs but may also be environmentally more desirable since change in land-use would be minimized.

If such locations have been converted to other uses and it is not possible to change the current use, the facilities should be sited on government land as far as possible.

Route alignment selection can be carried out on historical maps or more recent satellite imagery as available supplemented with walk-throughs along the preferred alignment for such a stretch of the alignment where it is practically feasible. The walk-through/detailed reconnaissance visit must be completed before the construction phase begins to ensure that no sensitive environmental receptors are affected during the construction and operation stages of the project.

## 2. Construction of the facilities

### a. Erection of Distribution Poles

Activity	Potential Impacts	Mitigation	Responsibility
Selection of location	Removal of trees	Compensate by planting 2 saplings for each tree felled at designated locations or within the RoW / land acquired for the project	DABS
	Removal of habitat of important fauna	Avoid such a location encountered.	DABS team
		Remove the fauna to another appropriate location, if rare or endangered species (as per Red Data Book of IUCN) is encountered.	DABS, Contractor,
		As far as possible, do not improve access to forested areas. Use existing tracks rather than build new roads.	
Clearance (min. 6m -12m) from ground		Avoid such locations	DABS team
		Raise the height of facility by erecting concrete base	DABS tea., Contractor

<b>Activity</b>	<b>Potential Impacts</b>	<b>Mitigation</b>	<b>Responsibility</b>
	not maintained	Conduct Information Campaign cautioning people against danger of electrocution	DABS
Construction of Foundation and Superstructure	Timing of Construction	Avoid construction inside fields during the cropping season	DABS, Contractor
	Disturbance to transportation of construction material to site	Avoid densely populated areas, rush hours and night	DABS, Contractor
	Dust generation	Provide temporary barricading if the location is close to homes or some sensitive receptors	Contractor
		Provide water spraying facilities, if necessary, to limit emissions	Contractor
	Noise generation	Provide workers with ear plugs/muffs	Contractor
		Restrict working hours – especially close to sensitive areas like residential neighborhoods, school campuses and mosques	DABS, Contractor
	Damage to chance found archaeological properties	Inform the Archaeological Department. Stop work on the site until advice / instruction / assistance for further action is provided by Officials of the Archaeological Department	DABS, Contractor
	Pollution of water bodies	As far as possible, construction close to waterbodies should be carried out in dry season	DABS, Contractor
		If construction is being carried out close to a waterbody, provide a cut-off ditch on site perimeter to prevent contamination of water by direct entry of run-off.	Contractor
		Cover construction material like cement, metal, oil, etc. stored on-site	Contractor
		Provide temporary sedimentation trap at the outfall of the ditch, if erosion is likely.	Contractor
	Safety of Workers	Provision of ear-plugs, goggles and personal protective equipment	Contractor
		Limiting construction hours	
Timing construction to avoid heavy traffic			
Health and Safety Plan	Include exclusion zones where people, especially children, cannot have access for safety reasons. It needs to include safety measures at heights during the tower construction and substation construction. Safety rules for transport need to be applied, e.g. no workers on back of trucks, etc.	Contractor	

<b>Activity</b>	<b>Potential Impacts</b>	<b>Mitigation</b>	<b>Responsibility</b>
	Hydrocarbon wastes	Transport Management Plan, a Waste Management Plan, etc. Hydrocarbons wastes to be disposed by EPA approved contractors.	Contractor
	Erosion on slopes	Provide retaining walls	DABS / Designer, Contractor
		Provide bioengineering measures	DABS / Designer, Contractor
	Damage to existing flora	As far as possible, instead of cutting the trees at the base, try to trim the hindering branches	Contractor
Handling and Disposal of Waste Poly-chlorinated Biphenyls from existing transformers	As potential carcinogens, PCBs constitute a special health hazard for all handlers	Provide PPE including gloves to persons handling transformers	Contractor
		Prevent release of PCBs on to the ground, or into water by providing drip trays wherever transformers are being repaired.	Contractor
		Prepare Spill Containment and Management Plan and identify locations for disposal of this hazardous material.	DABS / Designer, Contractor
		Prepare and rehearse emergency procedures in case of an accidental release	Contractor
Disposal of waste material after construction	Contamination of nearby lands, groundwater or nuisance	Identify suitable locations for the disposal of waste material, including excavated soil, from the construction site	DABS, Contractor
Installation and charging of cables and wires	Damage to vegetation / Crops	Avoid cropping seasons and flowering seasons	DABS
Maintenance and Repairs	Disturbance to nearby residents	Schedule the maintenance and repairs to avoid odd hours like night, rush hours, prayer times	DABS
	Disturbance to crops and vegetation	Schedule regular maintenance activities to avoid pre-harvest / flowering seasons	DABS
		Where unavoidable, use equipment and techniques which minimize the foot-print (land requirement)	DABS

b. Construction of Electric Sub-stations

<b>Activity</b>	<b>Potential Impacts</b>	<b>Mitigation</b>	<b>Responsibility</b>
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<b>Activity</b>	<b>Potential Impacts</b>	<b>Mitigation</b>	<b>Responsibility</b>
Selection of location	Removal of trees	Compensate by planting 2 saplings for each tree felled at designated locations or within the RoW / land acquired for the project	DABS Contractor
	Removal of habitat of important fauna	Avoid such a location encountered.	DABS / Designer
		Remove the fauna to another appropriate location, if rare or endangered species (as per Red Data Book of IUCN) is encountered.	DABS, Contractor,
Construction of Sub-station and Residential Colony for staff	Timing of Construction	Avoid construction inside fields during the cropping season	DABS, Contractor
	Disturbance to transportation of construction material to site	Avoid densely populated areas, fields in which crops are going as well as rush hours and night	DABS, Contractor
	Pollution from the Contractor's camp site	Locate Labor and equipment camp at least 500m from current permanent habitations	Contractor
		Provide adequate hygiene and sanitation facilities for the labor	Contractor
		Provide pollution control devices on plants and equipment used for construction	Contractor
	Dust generation	Provide temporary barricading if the location is close to homes or some sensitive receptors	Contractor
		Provide water spraying facilities, if necessary, to limit emissions	Contractor
	Noise generation	Provide workers with ear plugs/muffs	Contractor
		Restrict working hours – especially close to sensitive areas like residential neighborhoods, school campuses and mosques	DABS, Contractor
	Damage to chance found archaeological properties	Inform the Archaeological Department. Stop work on the site until advice / instruction / assistance for further action is provided by Officials of the Archaeological Department	DABS, Contractor
	Pollution of water bodies	As far as possible, construction close to waterbodies should be carried out in dry season	DABS, Contractor
		If construction is being carried out close to a waterbody, provide a cut-off ditch or oil and grease trap on site perimeter to prevent contamination of water by direct entry of run-off.	Contractor
		Cover construction material like cement, metal, oil, etc. stored on-site	Contractor

<b>Activity</b>	<b>Potential Impacts</b>	<b>Mitigation</b>	<b>Responsibility</b>
		Provide temporary sedimentation trap at the outfall of the ditch, if erosion is likely.	Contractor
	Safety of Workers	Provision of ear-plugs, goggles and personal protective equipment	Contractor
		Limiting construction hours	
		Timing construction to avoid heavy traffic	
	Erosion on slopes	Provide retaining walls	DABS / Designer, Contractor
Provide bioengineering measures		DABS / Designer, Contractor	
Handling and Disposal of Waste Poly-chlorinated Biphenyls from existing transformers	As potential carcinogens, PCBs constitute a special health hazard for all handlers	Provide PPE including gloves to persons handling transformers	Contractor
		Prevent release of PCBs on to the ground, or into water by providing drip trays wherever transformers are being repaired.	Contractor
		Prepare Spill Containment and Management Plan and identify locations for disposal of this hazardous material.	DABS / Designer, Contractor
		Prepare and rehearse emergency procedures in case of an accidental release	Contractor
Disposal of waste material after construction	Contamination of nearby land, surface or groundwater, even nuisance	Identify suitable locations for the disposal of waste material, including excavated soil, from the construction site	DABS, Contractor
Operation of the sub-station and facilities in colony	Contamination of nearby land, surface or groundwater, even nuisance	Provide and operate waste treatment facilities for the colony	DABS
		Prepare and rehearse emergency procedures in case of an accidental release or fire	DABS



## 12 ATTACHMENT 4 - PROCEDURES FOR MINE RISK MANAGEMENT

### Background

Procedures for Mine Risk Management in World Bank-Funded Projects have been designed to respond to the risks caused by the presence of mines in Afghanistan, in the context of:

- **Community rehabilitation / construction works** to be identified and implemented by the communities themselves (for small projects of up to \$100,000 each);
- **Small and medium-size works** to be identified by local authorities and implemented by local contractors (for projects up to \$5m each);
- **Works to be implemented directly by Government departments/agencies**, without use of contractors;
- **Large works** to be implemented by contractors (for projects above \$5m);

For the power project, the relevant procedure is the one applicable to large works using contractors, which is detailed below.

General comment applying to all following procedures: All risk assessment and clearance tasks shall be implemented in coordination with the Mine Action Center for Afghanistan (MACA). These procedures may need to be amended in the future depending on evolving circumstances.

#### ***12.1 Procedure for Large Works Using Contractors***

**Applicability:** This procedure applies to large works to be implemented by large contractors (projects above \$5m).

**Overall approach:** The main contractor should be responsible for dealing with mine-related risks, in coordination with the UN Mine Action Center.

#### ***Procedure:***

1. As part of the preparation of the bidding documents, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) on all the areas where contractors may have to work (broadly defined). This survey should provide detailed information on mine-related risks in the various areas allowing for an un-ambiguous identification of areas that have a nil-to-low risk of mine/UXO contamination and areas where the risk is either higher or unknown. The survey should be financed out of the preparation costs of the bidding documents.
2. All survey information should be communicated to the bidders (with sufficient legal caveats so that it does not entail any liability), as information for the planning of their activities (e.g., location of campsites, access roads to quarries).
3. Depending on the nature and location of the project and on the available risk assessment, two different options can be used.

#### **Option 1 – Mine-clearance activities are part of the general contract**

- a. Based on the general survey results, a specific budget provision for mine action during construction is set aside as a separate provisional sum in the tender documents for the general contract.
- b. As a separately identified item in their bid, the bidders include a provision for a further detailed mine assessment and clearance during construction.
- c. On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to choose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.
  - a. To avoid an “over-use” of the budget provision, the Contractor is required to inform the Supervision Engineer in writing (with a clear justification of the works to be carried out) well in advance of mobilizing the mine-clearing team. The Supervision Engineer has the capacity to object to such works.

#### **Option 2 – Mine-clearance activities are carried out under a separate contract**

- a. Specific, separately-awarded contracts are issued for further surveying and/or clearing of areas with a not-nil-to-low risk (under the supervision of the Engineer) by specialized contractors (or a mine action organization accredited by MACA). The definition of the areas to be further surveyed / cleared should be limited to those areas where any contractor would have to work, and should not include areas such as camp sites and quarries/material sites which are to be identified by the Contractor during and after bidding of the works. As a result of these further surveys and possibly clearance works, mine-related risk in the entire contract area is downgraded to nil-to-low.
  - b. The contract with the general Contractor specifies the extent of the portion of the construction site of which the Contractor is to be given possession from time to time, clearly indicating restrictions of access to areas where the mine risk is not nil-to-low. It also indicates the target dates at which these areas will be accessible. Following receipt of the notice to commence works from the Engineer, the Contractor can start work in all other areas.
  - c. The general Contractor is invited to include in its bid an amount for mine-security, to cover any additional survey / clearance he may feel necessary to undertake the works.
4. In case of an accident, a Board of Inquiry is assembled by MACA to investigate on the causes of the accident and determine liabilities. Large penalties should be applied on the Contractor if the Board determines that the accident resulted from a breach of safety rules.
  5. All parties involved in this process are required to closely coordinate with MACA and to provide the Government, local communities, MACA, as well as any interested party the full available information on mine-related risks that may reasonably be required (e.g., maps of identified minefields, assessments for specific areas).

## 13 ATTACHMENT 5- DRAFT TERMS OF REFERENCE FOR SUB-PROJECT REQUIRING AN ESIA-RPA & ESMP

### Environmental and Social Management Plan

(a) **Responsible Party**: The authors who prepared the ESMP along with the date of preparation.

(b) **Project Description**: Present a brief description of the subproject. Include the nature of the investment, the location, and any characteristics of the area that are of particular interest (e.g. near a protected area, area of cultural or historical interest). Also, include a brief description of the socio-economic conditions in the area. One or more simple maps showing project location and relevant neighboring features should be included unless there is compelling reason not to.

(c) **Mitigation Plan**: This should include a description of the steps to be taken to mitigate the major potential impacts on land, water, air and other media during the planning, design, construction and operation phases and specify cost estimates and institutional responsibilities. Particular attention should be paid to the specification of emission limits (e.g. for wastewater discharge) and design standards (e.g. for solid waste disposal sites) and how these compare to Turkish laws (which at a minimum must be met) and any other relevant guidelines such as those in directives of the European Union or limits suggested by the General Environmental, Health and Safety Guideline of April 2007(to be found on: [www.ifc.org](http://www.ifc.org) ) and the EHS Guidelines for Electric Power Transmission and Distribution of April 2007.

(d) **Monitoring Plan**: This should include a description of the key parameters to be monitored (including monitoring locations, schedules and responsible entities) to ensure that the construction and operation of the project is in conformance with national law and other relevant norms and standards. If such details are covered by permits or construction or monitoring contracts these can be referenced as attachments. table 2 to this Annex provides the format for a monitoring plan.

(e) **Institutional Arrangements**: There should be a narrative discussion briefly presenting how the monitoring data is going to be used for sound environmental performance - who collects the data, who analyzes it, who prepares reports, who are the reports sent to and how often, what is done by the responsible authorities after they receive the information; and how is non-compliance with the ESMP treated.

(f) **Consultations with Affected Groups and stakeholder**:

The following should be included:

- Date(s) of consultation(s);
- Location of consultation(s);
- Details on attendees (as appropriate)
- Meeting Program/Schedule: What is to be presented and by whom;
  - Summary Meeting Minutes (Comments, Questions and Response by Presenters)
  - Agreed actions.

### **Introduction and Context**

This part will be completed at a time and will include necessary information related to the context and methodology to carry out the study.

### **Objectives of the Study**

This section will indicate (i) the objectives and the project activities; (ii) the activities that may cause environmental and social negative impacts and needing adequate mitigation measures.

### **Mission/Tasks**

The Consultant should realize the following:

- Describe the biophysical characteristics of the environment where the project activities will be realized; and underline the main constraints that need to be taken into account at the field preparation, during the implementation of the project.
- Assess the potential social impacts related to project activities and recommend adequate mitigation measures, including costs estimates;
- Review political, legal and institutional framework, at national and international level, related to social, identity constraints and suggest recommendations for reinforcement;
- Identify responsibilities and actors for the implementation of proposed mitigation measures;
- Access the capacity available to implement the proposed mitigation measures, and suggest recommendation in terms of training and capacity building, and estimate their costs;
- Develop an Environmental Social Management Plan (ESMP) for the project. The ESMP should underline (i) the potential social impacts resulting from project activities; (ii) The proposed mitigation measures; (iii) the institutional responsibilities for implementation; (iv) the monitoring indicators; (v) the institutional responsibilities for monitoring and implementation of mitigation measures; (vi) the costs of activities; and (vii) the schedule of implementation.

### **Public consultations**

The SIA results and the proposed mitigation measures will be discussed with local communities, NGOs, local administration and other organizations mainly involved by the project activities. Recommendations from this public consultation will be included in the final SIA report.

### **Plan of the SIA/EIA Report**

- Cover page
- Table of Contents
- List of Acronyms
- Executive Summary
- Introduction
- Description of project activities
- Description of the project area
- Description of policy, legal and Institutional Framework
- Description of the methodology and techniques used in assessment and analysis of the project impacts
- Description of social impacts for project activities
- Environmental and Social Management Plan (ESMP) for the project including the proposed mitigation measures;
- Institutional responsibilities for monitoring and implementation; Summarized table for ESMP.

- Recommendations
- References
- List of Persons/Institutions met

### **RAP Report**

The Consultant shall prepare a RAP which will include the following chapters and detail the following topics:

- Description of the project
- Potential impacts
- Objectives
- Socio-economic studies
- Legal framework
- Institutional framework
- Eligibility
- Valuation and compensation for losses
- Resettlement measures
- Site selection, site preparation and relocation
- Housing infrastructure and social services
- Environmental protection and management
- Community participation
- Integration with host population
- Grievance Redress Mechanism
- Organizational responsibilities
- Implementation schedule
- Cost and budget
- Monitoring and evaluation

### **Qualification of the Consultant**

The Consultant firm to conduct the SIA studies will be based on their past performances and quality of the deliverables.

### **Duration of Study**

The Duration of study will be determined according to the type of activity

### **Production of final Report**

The Consultant firm will produce the final report one (1) week after receiving comments from DABS and WB. The final report will include comments from these institutions.

**Table 1: MITIGATION PLAN**

Phase	Impact	Mitigating Measure	Cost to:		Institutional Responsibility to:		Comments (e.g. secondary or cumulative impacts)
			Install	Operate	Install	Operate	
Pre-construction phase	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>						
Construction phase	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>						
Operation phase	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>						
Decommissioning phase	<ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> </ul>						

**Table -2: MONITORING PLAN**

Phase	What parameter is to be monitored?	Where is to be monitored?	How is it to be monitored/ type of monitoring equipment?	When is it to be monitored -frequency or continuous?	Why is the parameter to be monitored (optional)?	Cost to:		Responsibility to:	
						Install	Operate	Install	Operate
Baseline									
Construct									
Operate									
Decommission									

# **14 ATTACHMENT -6 GENERIC TOR FOR CULTURAL HERITAGE MANAGEMENT PLAN**

## **1. Introduction**

### **1.1 Description of the Sub Project**

### **1.2 Cultural Landscape & Archaeological Remains at Sub Project Location**

## **2. Objective of the CHMA & Plan**

The objectives of the proposed study to

- (i) identify and describe the potential impacts of the sub project on existing heritage structures/ sites and cultural values and
- (ii) develop appropriate strategies and management regimes consistent with the provisions of relevant national <sup>3</sup>legislation and WB policy on physical cultural resources (PCR) to avoid/mitigate potential impacts

## **3.Scope of the Assessment**

The scope of work of the assignment is as follows:

### **3.1 Description of the location of the sub-project and extent of property and ownership(s)**

- Include a description of the general location and geographical context.
- Identify the relevant communities and authority areas (e.g. district, CDCs).
- Give the area (in hectares and acres, for cross-reference with modern and historic documents) of the designated heritage property (and identify any other areas included in the CHMP on a voluntary basis).
- Explain the ownership(s).
- Include map of designated property, CHMP area and ownership(s) (in separate volume if preferred).

### **3.2 Map of the sub project area identifying significant features (buildings, roads, drainage systems etc)**

This section identifies and explains the outstanding interest of those key aspects and features for which the property has been designated. It will include:

- A brief description of features/elements within exempt area – photographs or maps can be helpful; and
- An assessment of significance including statement of outstanding interest – explain why the property and each feature is significant, e.g. its association with a national figure.

For each key feature:

- provide a brief description;
- explain why it is significant in its own right;
- explain its contribution to the outstanding interest of the designated property;
- assess its potential vulnerability and state
- What is required to retain the heritage qualities (significance) for which the property was designated.

### **3.3 Summary description of the statutory designations, assessments and policy context**

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<sup>3</sup> Law on the Preservation of Afghanistan's Historical and Cultural Artefacts



Include:

- landscape, historic environment or nature conservation designations;
- published landscape assessments;
- relevant planning policies;
- designated historically associated objects (cross-reference to inventory kept separate from CHMP for security);
- Existing public rights of way and permissive access including access to interiors of outstanding buildings and to historically associated objects and regular events.
- Cross-refer to:
- maps where helpful;

### **3.4 A detailed, but concise, description (written with accompanying photographs) of the cultural and heritage structures contained within and adjacent to the subproject area.**

*Cross-refer to:*

- key features of historic significance (historic buildings, archaeology, designed landscapes, wider historic environment); maps where helpful

### **3.5 Impact of the proposed sub project activities on the cultural and heritage structures and values**

Once the significance of cultural heritage in a project area has been evaluated, the next step is to assess the potential impacts of the project, including the extent and economic costs of any damage.

The assessment should rank potential impacts on heritage according to:

- the significance of the heritage
- the level of irreversibility of the impact; and
- The extent of potential damage.

This should include assessment of both the direct impacts and the indirect impacts. The assessment should cover cultural heritage values of both major and minor significance as they may be subject to different types of impacts within the same project.

### **3.6 Alternatives and mitigation measures considered**

The most important single strategy for heritage protection is site avoidance: redirecting activities so that they do not endanger a site. If the site cannot be avoided, the assessment should consider design and construction alternatives for the project facilities as well as alternative methods and approaches for protection and mitigation. The alternatives should be ranked according to effectiveness, cost, difficulty, length of time required, and monitoring needs. Decisions should be made by weighing these rankings against the cultural significance and economic value of the site.

### **3.7 Recommendations for project design and implementation**

### **3.8 Development of stand-alone site-specific CHMP for cultural heritage accessibility project.**

#### **1. Stakeholder Workshop on Cultural Heritage Management Plan**

The consulting firm will arrange a consultation workshop with stakeholder agencies, including communities to seek their input on draft CHMP report. Draft report (English and Dari or Pashtu versions) needs to be shared with all stakeholders at least two weeks prior to stakeholder workshop.

The proposed consultation with stakeholder agencies aims to receive input from stakeholder agencies, on their views of important cultural and historical issues. It will also help clarify values and the trade-offs associated with different alternatives for managing cultural heritage.

## **2. CHMP report structures and Contents**

The following are contents of the proposed Cultural Heritage Management Plan (CHMP)

- Introduction & background
- Purpose of the CHMP
- The policy, legal and institutional framework
- Baseline data
  - Description of the location of the sub-project
  - Map of the sub project area identifying significant features (building, roads, drainage systems etc).
  - A detailed, but concise, description (written with accompanying photographs) of the cultural and heritage structures contained within and adjacent to the subproject area.
- Assessment of significance and current condition
- Impact of the proposed sub project activities on the cultural and heritage structures and values
- Analysis of alternatives and mitigation measures considered
- Recommendations for project design and implementation
- Management of identified places and values
- Environmental and social Management Plan (ESMP)- the consulting firm will have to develop a stand-alone site-specific ESMP for this sub-project).
- Monitoring and review of CHMP plan
- Appendices and maps
- Conclusions and Recommendation

## **3. Deliverables**

The design firm will deliver the following:

- Inception report outlining incl. overview of methodology and work plan which should include a stakeholder engagement plan
- Preliminary CHMP Report, which describes any relevant issues on archaeological remains based on analysis of existing bibliographical and imagery data under (i-ii) above, and implications for detailed plan of field work;
- Conduct stakeholder workshop to discuss draft CHMP;
- Final ESMP Report, comprising a detailed description and interpretation of results obtained from the archeological survey, and indicating any further requirements to ensure archaeological sites, e.g. under future Environmental and Social Assessment

## **4. Timeframe**

The assignment shall be concluded within [five] months upon agreed starting date.

## **5. Team composition and qualification**

The consultant firm will include as a minimum the following expertise:

- Senior archaeologist, who has a graduate degree in archaeology or closely related field, and at least [ten] years of professional experience or equivalent in archaeological research or management;

- Archaeologist, who has at least [five] years of field and analytic experience in archaeology, and present professional ability to conduct research through related studies, articles, or other publications within the area of archaeology.

This may require the services of a landscape architect/GIS or site planner with experience in planning archaeological and historic sites

# 15 ATTACHMENT 7: SAMPLE GRIEVANCE REGISTRATION FORM

Grievance Number: _____	
LOCATION : District: _____ Village: _____	
CDC Name: _____	
NAME OF COMPLAINANT: _____ Tazkira number: _____	
ADDRESS: _____ Telephone #: _____	
DATE RECEIVED: _____	
Classification of the grievance (Check boxes)	
<input type="checkbox"/> Siting of poles and pylons	<input type="checkbox"/> Dispute with contractors
<input type="checkbox"/> Disruption of work/business	<input type="checkbox"/> Inter-community dispute
<input type="checkbox"/> Land acquisition and Compensation	<input type="checkbox"/> Technical/operational coordination
<input type="checkbox"/> Financial	<input type="checkbox"/> Process delays
<input type="checkbox"/> Water Quality	<input type="checkbox"/> Noise
<input type="checkbox"/> Sanitation	<input type="checkbox"/> Water Use
<input type="checkbox"/> Other (specify) _____	
Brief description of the grievance:	
What is the perceived cause?	
Suggested action (by complainant) to address grievance:	

**16 ATTACHMENT 8. SCHEDULING AND REPORTING BY DABS  
ENVIRONMENTAL AND SOCIAL SAFEGUARDS STAFF**

Activity	Year 1				Year 2				Year 3				Remarks			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
Mitigation Measures ----- ----- etc.																
RAP: implementation .....																
Monitoring ----- ----- etc																
Institutional Strengthening ----- ----- etc																
Training ----- ----- etc																

Environmental and Social Progress Report Format

Sl. No	NHRP	Key environmental and social issues	Mitigation measures taken	Implementation and monitoring of ESMP	Training & capacity-building programs implemented	Convergence	Lessons learnt	Remarks
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## **ATTACHMENT 9 – SUMMARY OF PROCEEDINGS FROM PUBLIC CONSULTATION ON ESMF AND RPF**

### **SUMMARY OF PROCEEDINGS FROM PUBLIC CONSULTATIONS on**

#### **Summary of Proceeding from Public consultation on ESMF**

#### **On**

#### **DRAFT ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF)**

#### **For Herat Electrification Project**

#### **And**

#### **Field visit to karukh district.**

Date: March 07, 2017

Trip to Herat covered the following Parts:

Part-A: Minutes of Public consultation(VENUE: HERAT, ARG HOTEL).

Part-B: field visit to karukh district.

#### **Part-A:**

##### **Introduction**

The ESMF has been developed to address environmental and social concerns and impacts that may arise during the development and implementation of DABS ‘investment projects. The framework provides general guidelines, codes of practice and procedures for the management of environmental and social issues. The consultations with various stakeholders, will help improve a project’s design, effectiveness and to achieve its sustainability.

The Draft ESMF summary was translated into Dari and Pashto and circulated to participants.

#### ***Brief Summary Report of the ESMF Consultation***

Kabul DABS senior officials (Deputy Director in Technical Affairs, DABS planning and Capacity Support Project Manager, HEP Project Manager, the DABS media manager, Environmental and Social Specialists), Herat DABS senior officials have conducted the Consultation meeting on March 07, 2017. The purpose of the event was to introduce the ESMF and engage stakeholders including locally based residents of 4 targeted districts (Karukh, Pashtun Zarghon, Obe and Chesht Sharif), district governors as well the provincial government officials, Provincial Council members, NGO representatives, women actors and the CSOs(please see below a list of participants).

Interactive sessions including introduction on the HEP, presentation on the ESMF and RPF, questions and answers, group work among 4 district representatives on the key challenges and mutual support to the project have conducted. In the presentation it is highlighted, that the state’s legislation and laws and the World Bank safeguards policies and procedures on environmental and social aspects are embedded in the ESMF and its related documents to ensure convey the role and engagement of local communities and other direct stakeholders throughout the project implementation. Key figures invited from Provincial Council, Community representatives and from the governor office focused on the quality of project implementation and supported the overall project design including the ESMF however, they demanded for good quality of work.

**Opening session:** Herat DABS staff (Qari Abdul Basit) recited verses from Holly Quran and then Mr. Kamrani the Herat DABS Director welcomed everyone and highlighted the project progress and required achievements and the project components with required fund donated by the World Bank (\$ 35 Millions). Mr.Kamarani confirmed that the purpose of the meeting was to discuss and

receive feedback from participants on the draft ESMF for the Herat Electrification project and He encouraged active participation from all present. Folks from the governor office, directorate of economy, women affairs directorate, provincial council members and other provincial directorate also had their thanking and encouraging message to DABS and World Bank.

**Project briefings:** Engineer Abdul Ahad Barekzai the Deputy Director in technical affairs of DABS have highlighted the project background, project components, targeted areas where the project will be implemented and provided expected descriptions on quantity both of number of coverage areas and the quantity of electricity to be provided. People were much enthusiastic knowing about the possible timeline of the project implementation. Mr. Ahad said, it is not only related to the DABS but various government bodies and the World Bank is involved in the process of the project, he said, still the project documents are now with the evaluation committee in Kabul.

**Presentation on ESMF and RPF:** A comprehensive and valuable presentation on the HEP project ESMF part has given by Mr. Rahmatullah Safi the DABS planning and Capacity Support Project Manager. The details on the ESMF and RPF have highly appreciated, welcomed and applauded by the participants all together.

Mr. Barat environmental expert of provincial governor office had short explanation on environmental and social aspects to the participants.

**Group Work:**

The purpose of the group work remained to more engage and involve local participants came from the districts in the project's "social and environmental" issues. Related questions have provided that they openly and without any disturbance internally discuss those issues, which resulted very positively, there were issues which they did raised and asked during the past sessions but in the group work they pointed out and revealed their hidden views behind the project.

Participants of the 4 districts including women have divided into 4 groups, provided them questions (1. What would be rule of locals during the project implementation, 2. Why consultation is needed to be done with locals, 3. What would be positive and negative impacts of the project, 4. For a better implementation of the what support can be provided by the locals and 5. A separate group has created of women and asked What will be the rule of women in project implementation.

All groups did work on their group assignments, they had long discussions revealed issues which were not told to the DABS even and came with the following results of the group work:

**Positive Impacts:** Locals life condition will be improved, most of the daily life problems will be solved through electricity, electricity is a corridor for a better economy and development.

**Negative Impacts:** there might be conflicts and disputes raised because of land issue, trees and posture would be removed, and houses will be damaged or would remain under affects.

**Team response:** for sure during design and implementation of the project to avoid the disputes and our main focus will be to avoid any conflicts and damages to the community if not able to avoid then DABS will try to minimize the impacts.

**Support from Locals:** Locals will deepen proceeding the key messages of the project to locals while in Friday prayers, we will negotiate with other anti-government elements not to make problems, people are ready in the support of this project while implementations, if our land has prepossessed because of the project activities we will tolerate but we are poor and we expect the government support, work of the project should be expedited, labor should be hired from the same area as peoples can contribute in the security, social equity should be considered and people should have an equal access to electricity,

**Team's response:** local access for electricity is the main objective of the project, for design and implementation of the project DABS will hire contractor to complete the project labor will be hired as per the company requirement and DABS benefit based on professional technical skill.

**Peoples Participation:** The project should consider not to destroy the pasture and other green areas, for a better implementation of the project there is need for a locals Shura (Council) to be established for further support of environment and social issues, DABS should have regular

meetings with local discussing the progress and other support required, provide trainings for local how to take consider safeguard aspects, people are responsible to take care of the area security.

**Team's response:** DABS will establish a GRC at different level and DABS will train them how to manage Grievance and how to deal with environmental and social issues.

**Consultation with locals are Important:** People are the owner of the project, peoples should take care of the environment, to take of the water not to be miss used, to take care of the residential places and irrigated land not to be damaged, a better and suitable place for the sub-stations and poles will be chosen in close consultation with locals, peoples will monitor the progress of the project, abatement of frequent replacement of poles from one place to another, about Pashtun Zarghon sub-station we highly consider that this station should be constructed at the south of the river near to main bazaar.

**Team's response:** the installation of poles and substation is pure technical in distribution network DABS will also discussed with community for proper solution of scheme.

Women rule in the project implementation: women group suggestions on given topic were as: (e.g. Women will have an important role in the implementation of the project, women can support in the villages for safe and secure use of electrical equipment). Women can get economy development opportunities form the project that they can start small businesses (couture, embroidery, dairy processing, catsup & ketchup, carpet weaving and others).

**Open Discussion, Questions and Answers:** Nevertheless, the DABS team provided enough information and clarifications about the Social and Environment issues but the most concentration remained on physical works and electricity provisions. During the event partially and collectively participants from districts both men and women and other government entities, provincial council members have asked various questions and responded as following:

On a collective way a question has asked by Mr. Salahudeen Twakali the DDA member from Obe district asked, when physical work starts where you already have erected the poles as on unprofessional way in Obey and Chesht-e-Sharif?

**Team response:** the project is in National Procurement Committee (NPA) which is expected to finalize soon. In relation to the electricity poles, DABS added that it was an emergency plan forecast by the DABS but when we received the support of World Bank, now the location of poles will be merely changed according to the new design and survey results.

A collective question asked about the proportion of electricity to each of the targeted districts. DABS response: Mr. Ahad responded that in total we will provide about 17,000 connections against 16 MW electricity for all 4 districts, but the distribution will be variable based on the bulk of population in intensity in each district. In addition, Mr. Kamrani the Herat DABS Director supported the response of Mr. Ahad and added that proportionally we will provide 4 MW electricity for each district.

A question asked that how we would be assured that electricity will come within 1396 or 2017?

DABS response: Mr. Kamrani responded, sure we expect too that we will have electricity within mentioned but it depends on proper and collective work, he said, Insha Allah the agreement will be signed within 40-45 days.

A question asked by Mr. Haji Faqirullah the DDA representative from Chesht-e-Sharif, what are the details and current progress now of the contract?

Team response: Mr. Ahad responded that the BER is send to NPA for their review and the BiD/contract is spilt into 3 Lots (The construction and establishment of 4 sub-stations, extending transmission line and the distribution of electricity). In addition, Mr. Shaheer the senior representative of the Provincial Governor Office urged, we support DABS at any stage of this project and expect DABS to work accurately and honestly, no matter of the time we need a good quality of work also he said we much demand is the water rather than electricity, he pointed out that Salma dam is the life for us. Moreover, Mr. Shaheer urged that H.E. President has promised us the provision of 100 MW of electricity.



Municipality representative suggested that DABS should take care of the environmental issues and attend the meetings conducted by Municipality.

**Team's response:** In response Mr. Kamrani said, as we did so far in the past, now also we have been attending all the meetings with Municipality but unfortunately we still have not been completed the city plan (Master Plan). Mr. Kamrani added, sure we will much strengthen our future communication and coordination as we much need each other and our work is co-related to each other.

Elders of Pashtun Zarghon district both verbally and in group work suggested that the sub-station should be constructed at the South of the river (District Center) because of security and easy access. They also said that labors should be hired from the same district.

Team response: in response Mr. Kamrani said, this is pure technical issue and we did based on our assessment, for design and implementation of the project DABS will hire contractor to complete the project, labor will be hired as per the company requirement and benefit based on professional technical skills.

Women collectively suggested that in such process before women were ignored or segregated, hope in the future we will be considered and we will have chance to suggest and our opinions.

**Team's response:** Mr. Kamrani said, absolutely women will be treated equally and in our future events women will have a dominant part in decision making and participation.

The Mayor of Obey district criticized DABS and said, your engineers never been contacted us while survey and design process.

Team response, this will be considered!

Question from the participant: There are clear and comprehensive environmental laws and regulations with clear procedures and processes already in place. Why is it necessary to produce an ESMF?

**Team's Response:** Consideration of, and compliance with, all relevant National laws and regulations are an essential requirement of the ESMF.

#### ***Participants Evaluation of the Consultation Meeting:***

For a better understandings an evaluation on the consultation meeting has raised through written questions have raised. Participants came with their written suggestions and views on the raised questions, most of them came with positive reactions and were agree and understood the points and actions described about Social and Environment. Details are annexed as (9.4)

#### ***Part-B: field visit to Karukh District***

Consultation in field visit: The districts visit plan has shared and communicated with Herat DABS senior management. They said, at the moment there are much security trends as sequentially in Chesht-e-Sharif, Obey merely bad in Pashtun Zarghon and good security in Karukh district. They suggested if you are keen to have a trip to the first line insecure districts then we need to inform the (ANA + ANP and NDS) to come up with security provisions, but the ESS team including Herat DABS team and the Herat electrification project manager suggested that the final survey and design of the project is not completed yet rather than only the location of sub-stations in the districts. Ultimately, we decided that as sample we will visit the most secure district first (Karukh). On March 08, 2017 a team consisted of ESS specialist, Herat electrification project manager and the technical experts from Herat DABS traveled to Karukh district. We visited the district governor (Mr. Waheedullah Azadani, Tell: 0796900682 and the villages affairs department head (Mr. Mohammad Jawad Faroqi Tell: 0798284003) and some other DDA members not came with their names at the moment. They welcomed and again the ESS specialist explained about the ESS policies to be considered and portions of HEP activities. We visited the sub-station location, it is about 2 KM far from the district compound at the northeast of the district (left of the main road) non-irrigated but rain fed area, the owner glebe 15 Jirab of land and the legal documents are processed by the district, provincial and Arazi authorities. the total destination from Herat city till the district center is calculated 35 KM but the

transmission line will be extended into two curves, the one from the point originate the transmission line from taken from the main line extended from Salma to Noor-e-Jihad station located in Robat Soliaman village to the peak of the hill over the newly constructing dam (Pashan) and the second line will be extended to the sub-station of Karukh planned at the left of road (North side). Details of the villages located along the transmission line of Karukh district, named from the Karukh sub-station (Naw Abadi Markaz, Naser Abad, Shatoor Nazar, Qala-e-Safeed, Qala-e-Dasht, Ehsan Abad, Majghandak, Qasab, Zori Ha, Pashtan, Chaqmaq, Robat Sulaiman).

Almost most of the land is owned by persons (private) less land hills of (Pashan dam) is owned by the government. Along the way of transmission line, we saw villages, residential houses, irrigated and rain fed land, pasture land, cemetery, orchards and shops).

**list of participants of the ESMF consultation dated March 07, 2017**

<b>NO</b>	<b>NAME</b>	<b>POSITION</b>	<b>OFFICE / LOCATION</b>	<b>ADDRESS</b>	<b>CONTACT</b>
1	Dr. Ghulam Sakhi Rahimyan	Districts affairs specialist	Provincial governor office	Herat	0729751212
2	Eng. Wakil Ahmad Barak	Environmental specialist	Provincial governor office	Herat	0799346312
3	Mr. Ghulam Ghaws Nikbeen	Deputy of Herat municipality	Directorate of Herat Municipality	Herat	0786000477
4	Mr. Habibullah Huran	Deputy of river basin	Harirod river basin directorate	Herat	0799350706
5	Mr. Mohammad Yousuf Jami	Agriculture faculty director	Herat university	Herat	0700418243
6	Mr. Mohammad Rafiq Shaheer	Director of specialists association	Association of specialist	Herat	0799157015
7	Mr. Abdul Azim Karbarzayee	Representative in provincial council	Provincial council	Herat	0799872223
8	Mr. Haji Wahid Ahmad	Karokh district governor	Karokh district	Herat	0796900682
9	Mr. Sayed Aqa jan	Chairman	Karokh Ulema association	Herat	0799294046
10	Mr. Haji Mohammad Zaman Khan	Chairman	Karokh DDA	Herat	0797481686
11	Mr. Haji Toryalai Jamshidi	Chairman	Karokh CDC	Herat	0799033667
12	Mr. Mohammad Jawad	Manager of village affairs	Karokh district	Herat	0798284003
13	Mr. Nisar ahmad popal	District governor	Pashtoon zargoan district	Herat	
14	Mr. Said Kamal	Chairman	Village Shura of pashtoon zargoan	Herat	0797315790
15	Mr. Rafiullah	Chairman	Member of Village Shura of pashtoon zargoan	Herat	0798476764
16	Mr. Abdul Razaq	Treasurer	Pashtoon zargoan CDC	Herat	0796186251
17	Ms. Gulsoom	Member	Village Shura of pashtoon zargoan	Herat	0793109343
18	Mr. Mohammad qasam	manager	Village Shura of pashtoon zargoan	Herat	0798400295
19	Mr. Mohammad nabi Talib	Elder	Pashtoon zargoan district	Herat	0798718641
20	Mr. Rahmat-ul-din	District governor	Obeh district	Herat	0797548084
21	Haji abdul baser	Deputy	Obeh district CDC	Herat	0797637523
22	Mr. Salahuddin	Chariman	Obeh district village CDC	Herat	0790420700
23	Mr. Said Jalil	Deputy	Obeh district village CDC	Herat	0799114425

24	Mr. Mawlawi Abdul ali	Chairman	Obeh district Ulema Shura	Herat	0798662880
25	Ms. Maria	Member	Obeh district village CDC	Herat	ندارد
26	Mr. Abdul Sabor	Manager	Village council of Obeh district	Herat	0793251175
27	Mr. Said faqirulah	Chairman	Chest sharif DDA	Herat	0797286932
28	Haji gull mohammad	Chairman	Chest sharif village council	Herat	0784379515
29	Mr. Zafran	Chairman	Chest sharif CDC	Herat	0791988910
30	Mr. Said shafiq	Mayor	Chest sharif district	Herat	0799080989
31	Haji said Abdullah	Elder	Chest sharif district	Herat	0782592070
32	Mr. Said abdul haq	Member	Chest sharif CDC	Herat	0789729634
33	Mr. Said roknulddin	Deputy	Chest sharif CDC	Herat	0794667774
34	Ms. Mari	Member	Chest sharif CDC	Herat	0794800010
35	Ms. Sumaia	Member	Chest sharif CDC	Herat	0797286932
36	Mr. Mohammad Musa	Mayor	Karokh district	Herat	0795203325
37	Ms. Qamar Gull	Member	Member	Herat	0728847605
38	Mr. Noor Mohammad Radmanash	Employee	On Farm Water Management of Herat	Herat	0798423009
39	Mr. Jalal din haqani	Member	Chest Sharif DDA	Herat	0780679796
40	Eng. Abdul Ahad Barakzai	Deputy director of Operation	DABS HQ	Kabul	
41	Mr. Rahmatullah Safi	Project manager DABS - TA	DABS HQ	Kabul	0729002873
42	Mr. Sayed Jawad Hadi	Project manager HEP	DABS HQ	Kabul	0795610411
43	Mr. Ahmad Masood Nikzad	Manager of public relation	DABS HQ	Kabul	0729002800
44	Mr. Sharif Akhtar	Social Specialist	DABS HQ	Kabul	0700009104
45	Mr. Wahdatullah Wardak	Environmental Specialist	DABS HQ	Kabul	0787315464
46	Mr. Wahid ahmad Kamrani	Director Herat DABS	Herat DABS	Herat	0729197298
47	Eng. Muradi	Deputy Herat DABS	Herat DABS	Herat	
48	Eng. Nasrullah	Head of planning and engineering	Herat DABS	Herat	
49	Mr. Hamed Reza Farhang	Manager of planning and engineer	Herat DABS	Herat	0729197312

50	Mr. Wasiq	Manager of public relation	Herat DABS	Herat	0799416464
51	Mr. Samim	Procurement manager	Herat DABS	Herat	0729003878

Note: The signed attendance sheets of Public Consultation Meeting are available with Herat DABS.

## Annex 8.2

### Herat Electrification Project

stakeholder consultation-Herat ARG Hotel, March 07, 2017

#### Evaluation form

1. Did you understand the environmental and social management framework?

Ans 1. Yes

Ans2. Yes it was understandable

Ans3. Yes, environmental protection is a serious need during the project implementation due attention should be driven.

Ans4. Yes I understand the framework of the ESMF.

Ans5. It was a very fruitful meeting for environmental awareness.

Ans6. It was a very fruitful meeting for environmental awareness

Ans7. Thanks to Heat DABS for the fruitful workshop, we have learned a lot from the participants on ESMF.

Ans8. Yes.

Ans9. Yes.

Ans10. Yes.

Ans11. Yes.

Ans12. Yes.

Ans13. Yes it was understandable

2. Was the time enough for your inquiries?

Ans1. Yes.

Ans2. Yes, there was enough time for discussion on ESMF.

Ans3. Yes, this is a vital project and the project team gives us information.

Ans4. Yes there is enough time for inquiries and discussion.

Ans5. Yes there was enough time.

Ans6. Yes there is enough time for inquiries and discussion.

Ans7. We obtained enough information and the time was sufficient.

Ans8. Yes.

Ans9. Yes.

Ans10. Yes.

Ans11. Yes.

Ans12. Yes.

Ans13. Yes, we had enough time.

3. Was this useful?

Ans1. Yes, very much.

Ans2. Yes the session was useful.

Ans3. Yes.

Ans4. It is really useful for us, our awareness raised.

Ans5.yes, we have learned a lot.

Ans6. Yes, it was very useful program we are going to share it to others.

Ans7.yes, it was fruitful and we have learned a lot from the experience of the participants.

Ans8. Yes, very much useful.

Ans9. Yes.

Ans10. Yes.

Ans11. Yes.

Ans12. Yes.

Ans13. Yes, we have learned a lot.

4. What would you do differently?

Ans1. Project implementation affairs should be consulted with the stakeholders.

Ans2. We suggest the relevant officials to solve the project problems in consultation with people.

Ans3. local people should be deployed in the project works.

Ans4. we elders, religious scholars and CDC executive members are in support and fever of the project.

Ans5. Peoples cooperation is the fundamental term in the implementation of the project.

Ans6. Such consultation meetings with influential and educated people will result in free of problem project implementation.

Ans7. Our foremost desire is the speedy implementation of the project.

Ans8. The erection of electric poles is not normative along the road of Herat – Chest Sharif because the road is going to be wide in the future and the poles will be removed again.

Ans9. The erection of electric poles is not normative in Pashtoon Zargoan district because the road is going to be wide in the future and the poles will be removed again.

Ans10. No. The erection of electric poles is not normative in districts because the road is going to be wide in the future and the poles will be removed again, people and local municipality must be consulted in future and during erection of electric poles.

Ans11. No. The erection of electric poles is not normative in districts, 150 poles are erected and possibly lots of them will be removed and locate to other places because it is not coordinated with the people and local municipality, people and local municipality must be consulted in future and during erection of electric poles

Ans12. No. The erection of electric poles is not normative in districts, here us, here us.

Ans13. The project implementation should be speedy and quality should be in priority and people will help with local DABS and government institutions.

### **Annex 8.3 Photos:**

Attached separately

## **PART- 2**

# **RESETTLEMENT POLICY FRAMEWORK**

**This resettlement policy framework is a document of the borrower. The views expressed herein do not necessarily represent those of the World Bank's Board of Directors, Management, or staff, and may be preliminary in nature.**

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## List of Acronyms

ANDS	Afghan National Development Strategy
AP	Affected Person
ARAZI	Afghan Independent Land Authority
CASA	Central Asia-South Asia
CDC	Community Development Council
CITES	Convention on International Trade of Endangered Species
CMS	Convention on Migratory Species
COO	Chief Operating Officer
DABM	Da Afghanistan Breshna Mossesa
DABS	Da Afghanistan Breshna Sherkat
EIA	Environmental Impact Assessment
ESAP	Environment and Social Advisory Panel
EMA	External Monitoring Agency
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environment and Social Management Plan
ESO	Environment Safeguards Officer
GoIRA	Government of Islamic Republic of Afghanistan
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HEP	Herat Electrification Project
ISN	Interim Strategy Note
KfW	German Development Bank
LAC	Land Acquisition Committee
LARPF	Land Acquisition and Resettlement Policy Framework
LARP	Land Acquisition and Resettlement Plan
LLE	Law on Land Expropriation
LLM	Law on Land Management
MAIL	Ministry of Agriculture, Irrigation and Livestock
MEW	Ministry of Energy and Water
MOJ	Ministry of Justice
NEPA	National Environment Protection Agency
NESP	National Energy Supply Program
NGO	Non-Government Organization
NSP	National Solidarity Program
O&M	Operations and Maintenance
PDO	Project Development Objective
PMU	Project Management Unit
RAP	Resettlement Action Plan
REA	Rapid Environment Assessment
SIA	Social Impact Assessment
SSO	Social Safeguards Officer
TA	Technical Assistance
UNCBD	UN Convention on Biological Diversity
UNCCD	UN Convention to Combat Desertification
UNFCCC	UN Framework Convention on Climate Change
USAID	United States Agency for International Development

## Definitions of words and phrases used in the RPF

**Affected Persons (APs)**, for the purposes of this RPF, mean all the people directly affected by project-related land acquisition that leads to their physical relocation or loss of assets, or access to assets, with adverse impacts on livelihoods. This includes any person, household (sometimes referred to as project affected family), firms, or public or private institutions who on account of project-related land acquisition would have their (i) standard of living adversely affected; (ii) right, title or interest in all or any part of a house, land (including residential, commercial, artisanal mining, agricultural, plantations, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. APs therefore include; i) persons affected directly by the acquisition or clearing of the right-of-way or construction work area; (ii) persons whose agricultural land or other productive assets such as mining, trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to project-related land acquisition impacts; (iv) persons who lose work/employment as a direct result of project-related land acquisition ; and (v) people who lose access to community resources/property as a result of project-related land acquisition.

**Census** means the pre-appraisal population record of potentially affected people, which is prepared through a count based on village or other local population data or census.

**Compensation** means payment in cash or kind for an asset to be acquired or affected by a project at replacement costs.

**Cut-off-date** means the date after which people will not be considered eligible for compensation, if they are not included in the list of APs as defined by the census. Normally, the cut-off date for the titleholders is the date of the detailed measurement survey.

**Displacement** means either physical relocation or economic displacement directly caused by project-related land acquisition.

**Detailed Measurement Survey** means the detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground.

**Encroachers** mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.

**Entitlement** means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to APs, depending on the type and degree and nature of their losses, to restore their social and economic base.

**ESIA** is a process for predicting and assessing the potential environmental and social impacts of a proposed project, evaluating alternatives and designing appropriate mitigation, management and monitoring measures

**Livelihood Restoration** means the measures required to ensure that APs have the resources to *at least* restore, if not improve, their livelihoods. Restoration of livelihood of all APs is one of the key objectives of the World Bank's resettlement policy. It requires that people are given the

means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels.

**Inventory of Losses** means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

**Jerib** means the traditional unit of measurement of Afghanistan. One Jerib is equivalent to 2,000 square meters of land. One hectare is equivalent to 5 jeribs.

**Land Acquisition** means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns, possesses, or uses, to the ownership and possession of that agency, for public purposes, in return for prompt and fair compensation. This includes direct acquisition and easement.

**Non-titled** means those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant.

**Poor** Those falling below the UN poverty line of 1 dollar per person per day or equivalent to 52 Afghanis.

**Relocation** means the physical shifting of APs from his/her pre-project place or residence, place for work or business premises.

**Rehabilitation** means the assistance provided to severely affected APs to supplement payment of compensation for acquired assets in order to improve, or at least achieve full restoration of, their pre-project living standards and quality of life to pre-project level.

**Replacement Cost** means the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to mining, fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

**Resettlement** means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land because of the project.

**Resettlement Plan** means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.

**Severely Affected APs** means APs that are affected by significant impacts within the meaning of the definition below.

**Significant Impact** means PAPs are (i) being physically displaced from housing, or (ii) losing ten per cent or more of their productive assets (income generating).

**Sharecropper and/or Tenant cultivator** is a person who cultivates land they do not own for an agreed proportion of the crop or harvest.

**Structures** mean all structures affected, or to be acquired, by the project such as living quarters, wells, hand pumps, agricultural structures such as rice bins, animal pens, stores/warehouses, commercial enterprises including roadside shops and businesses.

**Squatters** mean the same as non-titled person i.e. those people without legal title to land and/or structures occupied or used by them. World Bank policy explicitly states that such people cannot be denied assistance to restore livelihoods and living conditions based on the lack of title.

**Temporary displacement** means displacement where an occupier or owner of land is required to vacate land for a limited period to enable public works to be carried out on the land but can then return to the land and use it as before the displacement.

**Vulnerable** means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e; (i) single household heads with dependents; (ii) disabled household heads; (iii) poor households; (iv) elderly households with no means of support; (v) the landless or households without security of tenure; and (vi) ethnic minorities.

## **Preface**

This draft Resettlement Policy Framework (RPF) sets out the general principles and steps to be followed in connection with any land acquisition and resultant resettlement, which may occur during the feasibility stages and implementation of energy investment projects by DABS. It has drawn on the Resettlement Policy Frameworks prepared for CASA 1000 and the Irrigation Restoration and Development Project (IRDP) of the Ministry of Energy and Water in 2010, which were developed through a consultative process and cleared by an inter-ministerial council.

It is vital that DABS's staff working on planning, operation and maintenance of energy investment projects are familiar with this framework. Common standards and approaches to land acquisition and resettlement across government increase efficiency and effectiveness in the administration of such programs. Officials can more easily grasp what is required; capacity can be enhanced and affected persons (APs) in all projects will have greater confidence that they are being treated fairly, so reducing the likelihood of grievances and legal and other challenges to resettlement, which can delay the implementation of power projects. Common standards in practice will also make it easier to develop a national law on resettlement as and when the government decides to move in that direction.

## **17 RESETTLEMENT POLICY FRAMEWORK**

### **1. OUTLINE OF THE ACTIVITY**

#### **1.1 Project Context**

The Afghan power system is small and underdeveloped but demand is growing rapidly. Grid-based electricity is estimated to meet the needs of about 25 percent of Afghanistan's population, mainly in the urban areas and along a few limited transmission corridors. About 80 percent of electricity is imported from Iran, Tajikistan, Turkmenistan and Uzbekistan, and accounts for about 600MW of the capacity available in the country. Domestic diesel generators, thermal and hydropower account for about 340MW across the country. The transmission system consists of about eight islands linking the different generation sources, the largest of which is the North East Power System (NEPS), which interconnects Tajikistan and Uzbekistan with Kabul.

The National Energy Supply Program (NESP), one of GoA's National Priority Programs (NPPs), articulates an ambitious program for development of the power sector up to 2015. It plans to increase the number of consumers connected to the grid from today's 850,000 to 1.15 million requiring investment in generation, transmission and distribution estimated in the NESP at about \$2.7 billion. Accompanying that physical investment other plans include efforts to reduce losses, improve billing and collections and attract private sector investment. Although NESP may be as much aspirational as achievable, it underlines the government's clear understanding of the linkages between a better electricity supply and economic growth.

Sector institutions are evolving, with a gradual separation of policy and operations. The main government ministry responsible for the power sector in Afghanistan is the Ministry of Energy and Water (MEW). It is increasingly focused on policy, strategy and planning issues and has taken the lead on preparation of the NESP and the Power Master Plan. Given Afghanistan's dependence on imports and external financing, MEW also has a significant role in dealing with its neighbors and donors.

Operations and investment are increasingly devolved to Da Afghanistan Breshna Sherkat (DABS). Until 2009, the entity responsible for power supply, Da Afghanistan Breshna Mossesa (DABM), was a department of MEW. With World Bank and other donor support, DABM was converted into DABS, which is now focused on developing into a fully commercial power utility while remaining under state ownership. Initially responsible for day to day operation of the transmission and distribution system, DABS carried out about \$26 million of investment in the 1391 financial year (March – December 2012). DABS will need to consolidate its position as the main owner and operator of the power system since neither growth in private sector participation nor unbundling or other reforms are realistic prospects over the medium term.

The planned sector growth will place additional demands on the capacity of DABS. To cope with its increased responsibilities for investment, DABS will need to improve its capacity in the areas of planning and implementation of investment projects and then operating and maintaining them. Today, DABS is reliant on project implementation units for this and its management has asked for Bank assistance to move towards normal electric power utility practice in investment and operations and maintenance (O&M). If DABS is to meet the demands placed on it, it must build its organizational capacity through the development of systems, procedures, and standards and of

its staff through technical and other training and then ensure that these new capacities are applied to the task in hand. It needs more, better trained staff, and as such needs to draw from a wider pool of educated and capable professionals, including women.

## 1.2. Overview of the Herat Electrification Project

### *Background*

Grid supply dominates for urban households, with 89 percent reporting grid access, but it represents the primary supply source for only 11 percent of electrified rural households. Rural areas are dominated by mini grids and stand-alone systems, based primarily on solar and small hydropower plants. Over 5,000 micro hydro plants have been constructed under the National Solidarity Program (NSP) to provide supply to small groups of households in rural communities. Grid access across Afghanistan is also quite heterogeneous across the country's 34 provinces (or "wilayat"), with some areas having no connections to the grid while others are well served – especially in urban areas. Herat, which has direct links to both Iran and Turkmenistan, enjoys a high level of connections in the capital city. However, areas outside the capital have little or no grid connection, despite the fact that the province as a whole has a reliable and ample source of electricity supply.

Households dominate the customer base, representing almost 93 percent of grid connections, while commercial customers represent just under 7 percent and government agencies less than 1 percent. Total supply from the grid in 2015-16 was 4,773 GWh, of which 3,767 or 80 percent was imports. Uzbekistan was the main source of external supply (1,284 GWh), followed closely by Turkmenistan (1,184 GWh). Iran supplied 827 GWh and Tajikistan supplied 471 GWh. Domestic generation totaled 1,007 GWh, and was almost exclusively (96 percent) hydro.

### *Project Development Objective(s)*

The project PDO is to provide electricity to households, institutions, and businesses in the selected areas of Herat Province, Afghanistan. The proposed Project is expected to contribute to Da Afghanistan Breshna Sherkat's (DABS) overall objectives of alleviating poverty and ensuring inclusivity of access to benefits for all segments of the population. The Project is closely aligned with the Government's "New National Priority Program", especially the Citizen Charter's mission of providing electricity services and the National Infrastructure Plan.<sup>4</sup> The Project is also consistent with the first and third pillars – 'Building Strong and Accountable Institutions' which aims to build the capacity and self-reliance of government institutions and improving service delivery, and 'Social Inclusion' which is aimed at reducing differences among the population in terms of access to services and vulnerability to shocks.

As the Herat Electrification Project is financed by the World Bank, it is also closely aligned with the 2016 Country Partnership Framework (CPF) for Afghanistan covering the period from 2017 to 2020, especially with the second of three pillars of the Framework, 'Supporting Inclusive Growth'.

### *Project Description*

The Project comprises the following components:

**Component 1 – Electrification of Four Districts in Herat Province (USD 20.1 million):** This component will support investments for building a new 110 kV transmission line, and four 110/20 kV substations and medium and low voltage distribution networks in four districts of Herat Province.

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<sup>4</sup> <http://policymof.gov.af/national-priority-programs/the-new-npps/>



**Component 2 – Grid Densification, Extension, and Off-grid pilots in Herat Province (USD 10.9 million):** This component will extend grid electricity supply to other parts of Herat Province and test solar off-grid pilots. Specific sub-projects will be identified during project implementation and evaluated based on cost effectiveness (total cost of the sub-project vs incremental demand served).

**Component 3 – Technical Assistance (USD 4 million):** This component will finance technical assistance to insure timely and quality completion of the Project, to enhance DABS capacity in procurement, engineering studies and project management, to enhance financial planning for the utility, and to prepare a foundation for further extension and integration of the grid in Herat Province.

### *The Status of the Herat Electrification Project*

The development of the distribution system is under planning and design. However, still the customers are not connected since there was no financial resources foreseen within the DABS and other governmental institutions to provide financial resources for substations, transmissions, distribution, drop-lines and meters for connection to the grids. While the development of substations in targeted districts of Herat Province and nearby areas where the electricity to be distributed are under development and Planning process.

Since the detailed technical drawings for all supported activities cannot be predicted before project appraisal, a framework approach will be used. Besides triggering the safeguards, subject project will trigger the OP 4.01 (Environmental Assessment), OP 4.12 (Involuntary Resettlement), and OP 4.11 (Physical Culture Resources). The Environmental and Social Management Framework (ESMF) will guide preparation of site-specific ESMPs and Resettlement Action Plans (RAPs) where needed. The RPF prepared by DABS for DABS planning and Capacity Support Project sets out procedures for managing land acquisition, asset loss and resettlement, and will be applicable to the Project. The ESMF will also include guidelines for identifying and assessing the impacts of potential investments on existing heritage structures and sites, which will be applied for this Project.

#### **2.1 Proposed objectives Herat electrification project**

Construction of distribution lines does not require purchase of much land, but associated works, such as erecting poles and constructing sub power stations might affect property and land use; and entail some temporary displacement. Building or widening access roads to towers can also affect property use, and restrictions on land use can affect incomes. As with compensation for pipelines, an easement fee, combined with payment for any crop damage, may be appropriate way to compensate for periodic access. Such easement fees range from 5 to 20 percent of the replacement cost of the affected land. In most cases, no compensation is paid for a decrease in property value as a result of construction of distribution lines.

The partial land acquisition characteristic of many linear projects also makes it difficult to carry out accurate surveys. Often, the feasibility of making a living in the remaining area is difficult to assess. Although categories of impact (such as more than 20 percent of a plot taken) can be useful in devising entitlements, case-by-case assessment is highly recommended to ensure that households with particular vulnerabilities are not overlooked.

DABS has prepared this Resettlement Policy Framework for the HEP. It sets out the general principles and policies to be followed in connection with any land acquisition and resultant resettlement that will occur under the auspices of DABS. This RPF is designed to tackle the specific issues noted above and set out a clear framework for the , assessment, mitigation and compensation and, where necessary, the settling of disputes arising out of such activities with respect to resettlement, albeit temporary on occasions, and compensation

## **2.2 Why a Resettlement Policy Framework?**

The components of distribution line activity for which a Resettlement Policy Framework (RPF) are required are some purchases of land, easement imposition, and some temporary displacement in the areas through which the distribution lines are likely to pass. The investment projects covering distribution lines have not and cannot be finalized at this stage so it is not possible to develop any site-specific resettlement plan with the full details of all Affected Persons who are likely to suffer adverse impacts from project-related land acquisition or temporary displacement.

The purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to specific transmission line activities as and when they take place. In this way a consistent approach to resettlement practice will be ensured for all activities involving land acquisition and displacement.

Importantly, it is also envisaged that by providing detailed technical guidance this RPF will contribute to the development of technical capacity within DABS.

Several interlinked issues must be addressed by way of introduction to the policy. First, the resettlement policy framework is required to be consistent both with the World Bank's Operational Policy 4.12 which deals with Involuntary Resettlement and with existing Afghan laws and policies. Where there is inconsistency between the two the WB policy prevails, unless the local requirement sets a higher standard or benefit for the Affected Person.

Second, before the details of the RPF can be outlined and explained, the basic principles and objectives of the RPF may be set out. But whereas OP 4.12 contains such principles and objectives, no laws or policies in Afghanistan deal with resettlement. There are relevant laws that will be discussed later – principally a Law on Managing Land Affairs of 2008, as amended (including proposed amendments) and a Law on Land Expropriation of 2009 but neither deal with involuntary resettlement. So setting out the principles of an RPF at the outset of developing one is unavoidably to give priority to World Bank policies on resettlement.

The principles of the RPF are:

- first, avoid or minimize adverse impacts on persons and families likely to be affected by the project (APs)
- second, ensure that where land acquisition is unavoidable, APs are
  - consulted on the operation of the project
  - compensated for lost assets at replacement costs
  - provided with assistance to improve/restore livelihoods and standards of living to pre-displacement levels in the event of displacement.

The RPF spells out how these principles will be met. It should be said at the outset that while the relevant laws of Afghanistan might not cover these matters in any detail there would appear to be nothing in the laws to stop these principles being given effect to in practice.

## **3. Legal & Policy Framework for Resettlement**

### 3.1 Afghan Law & Policy on Land Acquisition

There is no country specific resettlement policy in Afghanistan. A comprehensive land policy was approved in 2007 by the cabinet; however it has yet to be fully operationalized. Ratified in early 2004, the Constitution of Afghanistan has three articles that closely relate to compensation and resettlement. For public interest purposes, such as the establishment/construction of public infrastructure or for acquisition of land with cultural or scientific values, land of higher agricultural productivity, large gardens, the Law on Land Expropriation (LLE) enacted in 2009 provides that:

- (i) The acquisition of a plot or portion of a plot for public purpose is decided by the Council of Ministers and is compensated at fair value based on current market rates (Section 2);
- (ii) The acquisition of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property will be acquired (Section 4);
- (iii) The right of the owner or land user will be terminated three months prior to the start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made. The termination of the right of the landlord or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (Section 6);
- (iv) In cases of land acquisition, the following factors shall be considered for compensation:
  - (a) value of land;
  - (b) value of houses and buildings on the land;
  - (c) value of trees, orchards and other assets on land (Section 8);
- (v) The value of land depends on the category and its geographic location (Section 13) (and see too proposed new clause 45 of the Land Management Law published in December 2012);
- (vi) A person whose residential land is subject to acquisition will receive a new plot of land of the same value. He/she has the option to get residential land or a house on government property in exchange, under proper procedures (Section 13);
- (vii) If a landowner so wishes his/her affected plot can be swapped with unaffected government land and if this is valued less than the plot lost, the difference will be calculated and reimbursed to the affected plot owner (Section 15);
- (viii) The values of orchards, vines and trees on land under acquisition shall be determined by the competent officials of the local body (Section 16); and
- (ix) A property is valued at the current rate at the locality concerned. The owner or his/her representative must be present at the time of measuring and valuing of property.

Compensation is determined by the Council of Ministers. The decision is based on the recommendation of a “committee” consisting of the following

- (i) The landlord or person who uses the land or their representatives;
- (ii) Official representative of agency who needs to acquire the land (viz., MEW);
- (iii) Representative of local municipality;
- (iv) Representative of Ministry of Finance; and

- (v) Representative of Ministry of Justice.

The Law on Land Acquisition is undergoing a thorough review and amendment process but as of February 2015, no final decisions had been taken on any amendments. It may also be noted that as the law now stands, two difficulties present themselves with respect to this RPF. First, there are no provisions in the law dealing with short-term temporary displacement such as easement from land, which may be a feature of the supplying distribution lines with particular reference to the erection of pylons, poles and sub power stations (hereafter referred to as temporary displacement). Once the poles are erected/ sub power stations build, land occupiers and owners will be able to go back on to the land and use it with some restrictions (apart from the land where the sub power station is located). Second, a relatively minor problem with respect to pastoralists who may temporarily lose grazing land that they have traditionally used for the de-pasturing of their livestock. These two difficulties will be dealt with below.

### **3.2 Principles of World Bank OP 4.12 on acquisition, resettlement and compensation**

This part of the RPF will discuss the World Bank's Operating Policies 4.12. Rather than attempting to repeat OP 4.12 verbatim, it will be more helpful to attempt to set out the requirements of OP 4.12 in a form in which they might be provided for in any set of legal provisions or how they might be addressed by an administrative agency following a logical approach to land acquisition.

The fundamental principles of policy, which inform the Bank's position on resettlement and land acquisition and will be followed under this RPF for DABS's Planning and Support project, are:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- (e) Lack of title would not bar the affected population from resettlement and compensation benefits.
- (f) Compensation for losses will be delivered at replacement costs;
- (g) Compensation payments must be delivered before taking possession of the required assets;

#### **Step 1: Preliminary issues: is acquisition necessary?**

The first step addressed by OP 4.12 is avoidance of land acquisition and resettlement if possible. Land acquisition and resettlement should not be seen as the easy first option; rather it should be seen as a last resort.

From the point of view of what governmental action might be necessary to meet this first step, it is necessary that alongside an environmental impact assessment, a social impact assessment and a financial analysis of the proposed project that is required to be undertaken,

- a preliminary investigation and assessment of the land that may be acquired must be undertaken;
- persons likely to be affected by the project (APs) and other interested parties should be given an opportunity to contribute to or comment on the location of the proposed project and the necessity of acquiring the proposed land for the project. This involvement is separate and distinct from APs participating in the planning of any resettlement that has to take place;
- a cut off date for any ultimate assistance and compensation for APs must be determined and announced. After that date, no one coming into or obtaining land or a house in the potential project area will be entitled to compensation. In the case of this particular RPF, this step will have to be taken many times over with respect to each specific erection of a tower or location of a substation. There will be a risk that there may be some speculative encroaching as word gets out unofficially about likely projects in the future. This will need careful handling.

### **Step 2: Preparing an acquisition and resettlement plan**

The second step in the process is to prepare a land acquisition and resettlement plan which must include measures to ensure that APs are, in the words of OP 4.12:

- (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 project-related land acquisition.

If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are

- (i) provided assistance (such as moving allowances) during relocation; and
- (ii) provided with residential housing, or housing sites, or, as required, sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

Where necessary to achieve the objectives of the policy, the resettlement plan should also include measures to ensure that displaced persons are

- (i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;
- (ii) provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities;
- (iii) provided with retraining or training opportunities so that they can either take up a new form of livelihood or by virtue of being trained to a higher skill standard;
- (iv) Livelihood Restoration will also include assistance to set up small-scale generating activities, financial and technical support financed by the project.

In terms of what must be contained in either or both law and administrative arrangements to ensure that these requirements are met, the following would need to be in any land acquisition and resettlement plan:

- the land to be acquired
- the persons who will be suffering any losses of assets, income, sources of livelihoods
- the persons to be required to move
- the place or places to which such persons are to be moved to
- the circumstances of the place to which persons are to be moved to: viz
  - whether the land is occupied and by whom
  - what the land is presently being used for
  - the condition of the land and its facilities
- the arrangements to be made to facilitate resettlement and integration
- the manner and form in which compensation is to be assessed and paid
- the heads of compensation payable
- an estimate of the compensation payable and of the resettlement expenses
- the procedures to be followed in executing the plan
- the arrangements for the involvement of APs in plan execution
- what opportunities there will be to challenge plan execution and compensation

In practice, the preparation of this plan should commence as part of the exercise of developing projects for it is regarded as a part of the project but in terms of process, it is sensible to keep separate the issue of whether any land acquisition and resettlement is necessary from the issue of what resettlement will take place and how it will be conducted.

This second step however is also to involve APs in participation in the preparation of the plan and not just in being given a chance to object to a plan made by officials. OP 4.12 spells this out very clearly as follows:

(a) Displaced persons and their communities, and any host communities receiving them, are to be provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are to be established for these groups.

(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are to be provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).

(c) Patterns of community organization appropriate to the new circumstances must be based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities should be preserved and resettlers' preferences with respect to relocating in preexisting communities and groups honoured.

The preparation of a plan must be preceded by and involve in its development meetings with potential APs and more general public consultation. There will be informal day-to-day meetings

among APs, DABS's staff, and other stakeholders. The more formal consultation process in the sub-project areas will be through: (a) one-on-one meetings with directly affected households/companies; (b) village and community meetings; and (b) public consultations with government officials. Informative materials will have to be prepared and distributed within the sub-project areas before the meetings. This is set out in more detail below.

### **Step 3: Paying compensation, resettling the dispossessed, acquiring the land**

The third step is the execution of the plan: that is the acquisition of the land and the resettlement of those persons displaced by the acquisition. This is the central part of the process of acquisition and resettlement and must be broken down into several sub-steps. Not all these sub-steps are set out specifically in OP 4.12; they are however a necessary part of land acquisition and resettlement and must be written into the RPF to take place.

Before each sub-step is summarised, a general point about the legal framework must be made. There will need to be in place a set of clear rules on the whole of step 3. This code will need to cover –

- the empowerment of institutions to execute, regulate and monitor the process
- which officials are empowered to take actions and give orders
- what actions and orders must or may these officials take or give
- the processes and institutions of participation and consultation
- to which APs and others will these actions and orders apply
- what must APs do to comply with orders and take required actions
- what must APs do to gain benefits and assert rights under the law
- with respect to compensation
  - the scope and form of compensation
  - the manner of assessment of compensation and in particular the assessment of compensation (if any) for temporary displacement
  - the manner and timing of claiming and paying compensation
  - the process of decision-making and appeals on compensation
- with respect to resettlement and displacement
  - process and procedures on resettlement and displacement
  - financial assistance with resettlement and displacement (in the case of displacement this will be assistance in moving temporarily from the land and then returning to the land)
  - assistance with retraining or development of new livelihoods
- processes and institutions relating to challenging and contesting decisions.

The ensuing discussion of the sub-steps assumes that such a code will be in place.

#### **Sub-step 1**

The first sub-step is the process of acquiring the land; informing all the qualified owners and occupiers of the land of the intention to acquire the land and pay compensation for any land so acquired. This will involve intensive personal contact with owners and occupiers of land and oral explanations of what is happening and what owners and occupiers should do in order to ensure that they obtain recognition for their occupation of land and compensation for same. Acquisition of land will also necessitate full and clear documentation of what is happening. In the case of temporary displacement, full explanation of the circumstances of such displacement – how long for; where will occupiers be temporarily located and in what form of accommodation; whether compensation will be paid – will be needed.

## **LAND DONATIONS**

This is especially relevant where some land may be ‘donated’ by PAPs. There must be very clear documentation that any person who has ‘donated’ land to a project was made fully aware of his or her right to receive compensation for any land which he or she is losing to a project and specifically waived that right. In the past, reports have indicated that there had been inadequate documentation of this practice and that there have been some disputes arising out of the practice.

While not going so far as to suggest that voluntary donations should be rejected or banned, it will be essential to make certain that they are genuinely voluntary and that the giver of the land does not expect some special benefit or treatment from the project as a result of the donation. Where there is any possibility of such special treatment or the expectation of same, the donor of land should receive compensation under the resettlement plan rather than obtain special treatment outside the plan; in other words, a donor will be treated as if he or she had had their land acquired compulsorily.

land is donated there must be documented evidence that:

-The person donating the land was not subject to pressure to donate and that he/she could have opted not to donate

-That the donor has clear title over the land and such land is not being used by a third party who could be affected

- That livelihood impact of land donation does not exceed 10% livelihood impact and is below 100 sqm.
- The use of donated land does not disrupt productivity of remaining land

The bottom-line is that no livelihood or living condition from land owner and/or user should be adversely affected without having the corresponding mitigation measure.

## **ELIGIBILITY CRITERIA/OCCUPIERS**

With respect to references to ‘occupiers’ of land OP 4.12 states that these embrace

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;
- (c) those who have no recognizable legal right or claim to the land they are occupying.

OP 4.12 states that the first two categories of occupiers are entitled to receive compensation for loss of their land; the third category is entitled to receive resettlement assistance. However, this provision must be read in the light of the requirement in OP 4.12 that at the time of the identification of the project area, a census must be carried out within the area of those who will be affected by the project and will be eligible for assistance. Persons who encroach on the project area after the cut-off date which will be the completion of the census will not be entitled to any compensation or other assistance.

OP 4.12 thus makes clear that squatters, PAPs without recognized (legal or customary) title, must receive some compensation and assistance with resettlement. The rationale for this is that such persons are usually the poorest members of the community and those most likely to be the hardest hit by having to move. While this group does not have legal rights over the land, as part of the efforts to restore their livelihoods and living conditions, it is good practice, in relevant cases, to provide solutions that help ensure that those affected have security of tenure at their new relocation site, in the case of those being physically displaced or being offered land for land.



## Sub-step 2

The second sub-step involves determining claims to compensation, assessing amounts of compensation and paying compensation. OP 4.12 distinguishes between compensation and assistance, financial or otherwise, in connection with resettlement. This is perfectly logical as it makes clear that persons are entitled to compensation for lost assets etc whether they are being relocated or not. However, if compensation is understood as money, money's worth or land and/or other assistance to put a person back into the position as near as may be as he/she was prior to having his/her land (including buildings and natural resources on the land) acquired and or the value of retained land diminished and or having to vacate his/her land and move elsewhere, then we can deal with monetary compensation for loss of assets along with what may be called resettlement expenses.

In order to comply with OP 4.12, the content of this sub-step should include:

- making claims for compensation
- provision of assistance to APs in making claims
- assessment of claims
- determining claims and dealing with appeals
- the payment of compensation

Compensation will include

- full replacement cost of land taken at its market value plus transaction costs (e.g. registration fees, selling/buying taxes, etc)
- alternative land of the same quantity and quality so far as possible
- compensation for 'injurious affection'<sup>i</sup> of land not taken
- resettlement expenses (which for these purposes includes temporary displacement) which in turn may include
  - costs of moving (disturbance compensation)
  - financial and other assistance in provision of housing
  - income support and livelihood replacement including retraining

The issue of replacement cost is dealt with in OP 4.12 which states:

"Replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

The details of how to calculate various heads of compensation are dealt with below.

## Sub-step 3

The third sub-step involves the actual taking of the land – the entering into possession of the land by the acquiring authority – and the departure and resettlement of APs. This will need to be handled sensitively with plenty of notice given to APs. OP 4.12 does not specifically deal with

this sub-step but it is a necessary part of the process of acquisition, displacement and resettlement.

Assistance with resettlement and displacement will include

- assistance with packing up and moving including moving back on to the land after temporary displacement
- provision of transport for those being resettled
- working with and providing additional resources for the 'host' community
- advice and assistance to those being resettled
- preparation of land, provision of accommodation and facilities

The whole process of leaving one's land, moving to another area, relating to a new community, getting started again is likely to be extremely stressful. There will need to be constant contact with APs both individually and via their representatives where there are substantial numbers of APs involved. A consensual rather than a confrontational approach must be taken to decision-making on awards of compensation.

Thus, it will be necessary in developing RAPs on the basis of this RPF to deal with each community as a distinct and separate entity, with its own concerns and its own approaches to resettlement and temporary displacement.

To what extent does law and practice in Afghanistan conform to the model of land acquisition and resettlement provided for by OP. 4.12? It is to this matter this report now turns via a table which compares the two systems suggesting ways of reconciling them. Notwithstanding the differences between the national laws and World Bank's Operational policies, in all cases of gaps between the two, the World Bank's Operational Policy will apply, unless the local requirement sets a higher standard or benefit for the Affected Person as reflected in this RPF will apply.

**A table of comparison between the Law on Land Expropriation (2009) and OP 4.12 with proposals for reconciliation<sup>5</sup>**

<b>Law on Land Expropriation (LLE)</b>	<b>WB Operating Procedure 4.12 (OP 4.12)</b>	<b>Gaps between LLE and OP 4.12 with comments</b>	<b>Possible solutions to gaps</b>	<b>What RPF should provide</b>
<b>PART</b>	<b>ONE:</b>	<b>PRE</b>	<b>ACQUISITION</b>	<b>PROCEDURES</b>
1. No legal opportunities provided to potential APs and others to challenge or discuss proposed acquisition and resettlement or for any public debate and approval on proposals. In practice early discussions do take place.	Principle that involuntary resettlement to be avoided where possible implies discussion of necessity for and alternatives to acquisition and resettlement	The principle behind OP 4.12 is followed in practice in Kabul but the law is silent on the matter.	No reason why practice in Kabul could not be applied in other areas	Potential APs must be able to discuss need for acquisition and alternatives with officials from DABS.
2. Officials visit area <i>before</i> any official action to assess land values; values so assessed are the basis of compensation. This is practice as the LLE is completely silent on pre-acquisition procedures and processes.	Land values assessed as at pre-project or pre-displacement value whichever is higher	No real gaps; just different approaches to the same need to limit claims and compensation.	No gaps	A date set prior to the commencement of acquisition should be fixed for land values. This should be the cut-off date
3. As a matter of practice in Kabul efforts are made to determine those entitled to compensation and resettlement	Census conducted of persons in the area to determine eligibility for assistance, and to limit inflow of people ineligible for assistance; encroachers	No real gap here.	Given the practice in Kabul, there would be no problem in adopting OP 4.12 as the practice to be followed in this RPF	A legal framework will require a census of eligible APs to be undertaken at the immediate pre-project stage.
4. By article 6 of LLE, the right to own or use land is terminated three months prior to the actual	Prepare resettlement plan on how project to be implemented and	LLE does not provide for what OP 4.12 requires. Some pre-planning of	There is nothing in LLE to prevent a more participative approach to acquisition as is	A legal framework within the RPF allowing for a participatory approach to

<sup>5</sup> Gap Analysis of OP 4.12 and Afghan Legal Framework, Prof. McAuslan (2007)

<p>start of the project. So information on land to be acquired is sent to APs three months before acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation. It is at this point that donations of land may be ‘invited’.</p>	<p>resettlement etc provided for. Emphasis on participation by APs in preparation of process and in project implementation Emphasis on early information to be given to potential APs of possible resettlement</p>	<p>projects will exist and informal discussions with APs involves participation. 3 months notice may be too little where relocation is likely but not rigidly adhered to.</p>	<p>called for in OP 4.12. The three month rule could be interpreted to mean “not less than three months” which would allow for discussions on acquisition and its consequences.</p>	<p>acquisition and resettlement planning and implementation would not contradict the LLE and is the best way forward.</p>
<p>5. No special provision in LLE for a resettlement plan or any special arrangements for resettlement.</p>	<p>Prepare resettlement plan: contents to include – Involvement of and ensure APs their rights to (i) compensation (ii) relocation assistance (iii) development assistance in new location. Distinction drawn between short and full plans, depending on numbers to be resettled.</p>	<p>Major gap of substance</p>	<p>1. The LLE is silent on resettlement but there is nothing in the law to suggest that a resettlement plan or action to implement a resettlement plan would be illegal. 2. Provide for resettlement plan administratively but 3. Backed up by some regulations</p>	<p>2 and 3 the preferred option.</p>
<b>PART</b>	<b>TWO:</b>	<b>ACQUIRING</b>	<b>THE</b>	<b>LAND</b>
<p>6. The Council of Ministers approves expropriation of land. Unlike the former law, there is no provision for the owner/user and or agent to be present</p>	<p>No specific procedures required by OP 4.12 but content of resettlement plan implies APs will be involved in all stages of</p>	<p>The spirit of OP 4.12 conflicts with LLE’s non-provision of involvement of the owner apart from that provided for in article 5. It</p>	<p>Spirit of OP 4.12 could be met by more protective provisions and or practice on dealing with absentee acquisition. The silence of</p>	<p>Involvement of owners present on the land to be acquired and greater protection for absentee owners should be provided</p>

throughout all stages of acquisition. It follows that acquisition may proceed whether the owner etc is present or not. However under article 5 LLE ,a commission is to be formed “by the Municipality” on which the owner is represented to “determine damage incurred due to land expropriation” which is differentiated from compensation. Damage is explained in article 18 LLE. Under article 22, the owner etc is obliged to hand over all documentary evidence relating to land to the acquiring authority	acquisition	is not clear why that is confined to “the Municipality”. Given many absentee owners ,it may be unavoidable to allow absentee acquisition.	LLE on the details of acquisition may be taken quite legitimately as providing a gap which can be filled by appropriate participatory arrangements. There is no reason why the damage provisions of article 18 shouldn’t equally apply to all acquisitions of land.	by a legal framework developed as part of the RPF which could also serve as a prototype for regulations made under article 22(5) of the new law.
7. Under article 6 LLE after transfer of ownership, owner may enter acquired land and harvest crops except where urgent use of land prevents this	Not mentioned	LLE ahead of OP 4.12 on this:	A good provision. It does however make plain that the LLE is about taking agricultural land and does not deal with the issues of grazing land or pastoralism.	No change
<b>PART</b>	<b>THREE:</b>	<b>COMPENSATION</b>	<b>PAYMENT</b>	<b>PROCEDURES</b>
8. The bulk of LLE deals with compensation but says nothing about who is entitled to compensation. The assumption is that “owners” are entitled to compensation but the law does not define “owners”. The old	Fundamental principle of OP 4.12 is that all those on land are to be entitled to fair compensation and assistance with resettlement irrespective	Major gap of substance in the law but given practice in rural areas, it is not unbridgeable.	Accommodate OP 4.12 by changing practices where necessary. Advantage may be taken of absence of legal definition of “owner” to accommodate those with	Given huge numbers of people not having and not going to get formal legal titles to their land in the foreseeable future, LLE should be interpreted so those living and or working

<p>law drew a clear distinction between those with legal title and those with customary title or no title with respect to the payment of compensation. Practice in rural areas was quite accommodating to those with customary titles. Practice in Kabul is to acquire documentary evidence for a claim for compensation.</p>	<p>of their title to land.</p>		<p>customary titles which is likely to be the majority in project areas.</p>	<p>on land at the census date receive fair compensation and resettlement assistance. As with 6 above, the RPF can develop a legal framework for compensating all those on the land and this can be a model for future regulations to be made under LLE. This is the one major area where there is considerable divergence between LLE and OP 4.12. It will be necessary to comply with OP 4.12.</p>
<p>9. The Constitution provides for payment of prior and just compensation. (English translation).The LLE at article 2 provides for the payment of prior and adequate compensation. If there is a distinction between just and adequate, then the constitutional provision of just compensation prevails. Article 8 provides that compensation shall be “the price” of land or houses or trees etc and article 10 provides that the Council of Ministers shall determine the price. But article 15 provides that the</p>	<p>OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local markets. Compensation for lost livelihoods required Disturbance compensation required Land for land compensation encouraged. Resettlement costs and ‘start up’ expenses required. All these</p>	<p>There does appear to be a gap between the LLE and OP 4.12. The LLE has a lot of gaps in it. Sensible not to insist on market value in the absence of reliable functioning markets. Biggest gap is compensation for squatters and even their best practice does provide some compensation to those with no legal title. Practice of paying compensation into a bank even when APs not absentee difficult to reconcile with prompt</p>	<p>1. OP 4.12 must be accommodated. Other resettlement plans developed in connection with ADB projects more or less ignore the LLE and provide detailed frameworks for assessment and payment of compensation. 3. The lack of any detail in LLE on how to assess compensation and the content of compensation (apart from article 13) allows for the creation of a clear comprehensive and fair code on compensation</p>	<p>Article 40 of the Constitution suggests that option 3 should be the preferred one. It should be supplemented by guidance on how to apply the code in practice.</p>

<p>municipality and the administration for agriculture determine the compensation for trees etc. Article 13 sets out detailed provisions for obtaining residential plots where a person has had land acquired; the more land acquired the more residential plots are paid as compensation. Disturbance compensation not provided for. Compensation can be land for land          Unlike the former law which provided for compensation may be paid into a bank, LLE is silent on the mechanics of paying compensation. No assistance for APs to access bank for their compensation. Practice on the ground is careful and painstaking.</p>	<p>provisions can be used to provide for compensation to pastoralists and artisanal miners</p>	<p>payment of compensation.</p>	<p>applicable to all acquisitions including resettlement and retraining costs which can be a part of the RPF without doing violence to the existing law.</p>	
<p>10. No provision in the law on resettlement support. Practice seems a little haphazard and tends to turn on legality of occupation of APs who are to be relocated</p>	<p>OP 4.12 requires implementation of resettlement plan the contents of which are noted at 4 above</p>	<p>Major gap of substance as noted in 4 above.</p>	<p>If preferred option at 4 above accepted, resettlement plan implementation is issue:. Choice is between formal top-down and participative involvement of APs which OP 4.12 requires.</p>	<p>The RPF should provide for the making of a resettlement plan (5 above) which should be based on a guided participative approach to implementation.</p>
<b>PART</b>	<b>FOUR:</b>	<b>ADMINISTRATIVE</b>	<b>&amp; JUDICIAL</b>	<b>PROCEDURES</b>
<p>11. LLE provides for</p>	<p>OP 4.12 silent on</p>	<p>A major gap on grievance</p>	<p>Develop grievance handling</p>	<p>A combination of law and</p>

<p>administrative agencies to manage acquisition processes and deal with compensation. APs are part of some committees dealing with compensation. No provision for courts to be involved or for appeals. In practice, committees may act to solve grievances. No provisions for e.g. legal aid to assist APs to make claims. Practice at least in Kabul does appear to try and help PAPs.</p>	<p>judicial and administrative arrangements. It requires appropriate and accessible grievance mechanisms to be established for those being resettled. Logic of OP 4.12's references to 'meaningful consultation' with APs and making use of CBOs and NGOs suggests preference for decision-making process which is not just part of the administration.</p>	<p>mechanisms and current administrative arrangements in LLE difficult to reconcile with the participative approach of OP 4.12. Earlier laws involved payment of compensation in the presence of a judge and allowed an appeal albeit from the judge to a Minister.</p>	<p>practices but keep them administrative rather than legal. Make legal provision for appeals from administrative decisions and decisions on compensation to an independent body.</p>	<p>practice guidance would be the best way forward. Grievance mechanisms to provide for co-operation with <i>shuras</i> and community councils in areas where APs are. RPF to provide for these</p>
<p>12. LLE does not provide for any external monitoring body or process</p>	<p>OP 4.12 states that the borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument.</p>	<p>Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to providing for same.</p>	<p>Provide monitoring for WB projects as required by OP 4.12 Establish specialist monitoring agency for all projects involving acquisition and resettlement Empower provincial and local institutions to monitor projects.</p>	<p>Meaningful monitoring is required by OP 4.12. New institutions should be kept to a minimum. Consideration should be given to use provincial authorities and NGOs. Regular reports should be made and published</p>



## **4. Eligibility for compensation**

### **4.1 General eligibility**

General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project as of the formally recognized cut-off date will be considered as project affected persons (APs)”. For purposes of this RPF, the concepts of ‘general eligibility’ for compensation and who is an AP will be extended to include persons who may be temporarily displaced but who may be entitled to some compensation through loss of land by the erection of a tower or substation.

Although it is unlikely that many APs will be entitled to compensation or rehabilitation on the grounds that they are losing a substantial amount of land under the project, it is as well to set out the full picture on who APs are and what they are entitled to under a project:

- (i) All APs losing land with or without title, formal land-use rights or traditional land use rights;
- (ii) Tenants and sharecroppers whether registered or not;
- (iii) Owners of buildings, crops, plants, or other objects attached to the land; and
- (iv) APs losing business, income, and salaries.

Compensation eligibility will be limited by the cut-off date. DABS will inform local communities regarding this cut-off date through their local offices and through the relevant local government agencies. Those that settle after the cut off date however will be given sufficient advance notice to vacate premises/dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay fines or sanctions.

### **4.2 Land Tenure and Compensation Entitlements**

In the case of all projects, persons who may principally be entitled to compensation will be those who may lose small amounts of land. It is necessary therefore to consider the types of interests in land that such persons may have and whether those interests would entitle them to compensation. It is important to understand the prevailing land relationships and the documents and/or declarations that evince these rights over land and the various assets. The following paragraphs summarise the different types of formal and informal land ownership/possession in Afghanistan. This will be the basis for the land impacts and the more important question of who are entitled for compensation of land affected by the project.

The system of Afghan property rights is broadly divided into two categories: formal and informal. Under the *formal system*, the 2012 proposed amendments to the Land Management Law define ownership of land as *State-owned land; private land; special land of village or villages, and public land*. Public land includes Mar’aa land which is divided into special Mar’aa land and general Mar’aa land. A fifth category of land is endowed land (Waqf land). Written evidences of land ownership under the formal system of property rights are different kinds of deeds or legal documents with copies in the Court Registries. Other formal written documentation may also be utilised for this purpose. Details are to be found in Chapter 3 of the Law on Land Management.

Land owned by an individual is considered as private property. According to Shari’a, private property can be owned individually or collectively. Private ownership may be acquired through (a) purchase, (b), allocation from a municipality, (c) transfer of ownership of which the most common form is inheritance. In addition, private land can be acquired through the principle of “dead land” or “*zameen-e-Bayer*.” This classification entitles all legal owners to compensation for affected land.

Village land is land verified by Afghan Land Authority located and linked with respective village or villages, and the residents of the same village or villages as a legal person may commonly get the use of it for their own interests for their specified purposes, and which is not under the ownership of State. Special land of village or villages shall never be purchased, sold, donated, bequeathed, exchanged, mortgaged and leased, unless CEO of Afghan Land Authority agrees and the President approves otherwise. Protection and maintenance of special land of village or villages is the common responsibility of the residents of respective village or villages, particularly the respective elected land commission.

Public land is classified as (a) owned by the state, (b) owned by public juridical persons, (c) allocated for public interests, and (d) recognized by law as public property. In addition to the above, cultivable land which has no owner is deemed to be public land. The law prohibits acquisition of such land without the permission of the government. The state has recently strengthened its grip over land based on a statute of limitation which states that all individual claims to land that has been held by the state for a period exceeding 37 years shall be barred and the state shall be considered the owner of the property. The decree provides that all land in which the ownership of individuals is not established legally shall be considered the property of the state. This classification does not entitle an occupant to compensation for the affected land but such a person is entitled to compensation for all immovable assets which are permanently fixed on the land.

*Mar'aa Land* meaning “dead land”. In practice, this term refers to land which is not suitable for cultivation. The concept of *mar'aa* requires three elements: 1) the ownership history of the land is not known; 2) it has not been cultivated and constructed, and 3) currently the land is not owned by any person. Even barren land (*zameen-e-bayer*) that does not have an owner may only be acquired with the permission of the government. The person who acquires and develops barren land with the permission of the government shall own the land. Shari'a generally recognizes *mar'aa* land as property neither owned by a private individual nor by the state and which could be acquired through renovation. Consistent with this, *mar'aa* land is recognized under the laws, but whoever wants to acquire *mar'aa* land must first secure permission from the President. In theory then, private property may be acquired in accordance with this concept. If *mar'aa* land is in the process of being legally acquired or have been acquired by an individual but some formal legal requirements have not been complied with, the possessor/owner is entitled to compensation for his/her affected land.

**Informal System of Property Rights** – There are two types of owners/possessors under the informal system that will be entitled for compensation over land affected by the project. The first group entitled for compensation is the customary or traditional owners of land and their heirs. These are individuals who inherited land that their ascendants occupied for more than fifty years. The original owners were either individuals who received royal land grants (*Farman*) in the form of decrees or legal letters, etc from the ruler of the time, or the original settlers of the land or their survivors who peacefully occupied the land for many generations. In the rural areas, these occupants may have (1) tax receipts or are included in the tax records, (2) unofficial land deeds and (3) been declared or recognised as legitimate users of lands by community development councils, jirgas or local elders. Households or persons who hold customary or traditional deeds for their properties are people who acquired de facto ownership of their land through purchase from customary or traditional owners of land.

The second type of owners/possessors under the informal system entitled to compensation are *de facto* owners of property who have bought land or a house from legal owners but did not fulfil the

legal formalities required to formalize ownership. The transaction was legal but the legal formalities required to obtain a legal deed from the competent court were not completed. In many instances, buyers and sellers conclude customary agreements based on good faith and traditional norms and disregard the need to formalize the sales transaction in a competent court. Many persons perceive that a customary deed suffices to prove ownership of their property, especially when the original owner holds a formal document.

The two types of ownership/possession under the informal system of property rights have customary documents called "*orfi*" to prove their ownership/possession. These documents are usually witnessed by their neighbours, and especially local village and/or religious leaders. These documents include bills of sale and purchase, pawn agreements, wills, subdivision agreements, etc. These two types of informal ownership/possession will receive compensation for land affected by the project.

These two types of land rights under the informal system cannot be classified any more as public land. In the customary or traditional rights, the adverse, open, continuous and interrupted possession of owners over a very long time has effectively vested in them legal rights over the lands they occupy through acquisitive prescription. In the second type of land rights under the informal system, the lands involved have been effectively segregated from the classification of public land because the lands have been titled by the former owners and the failure of the new owners to comply with the formal requisites to register the lands under their names do not change the private character of these lands. Hence, the two types of land under the formal system are by their very nature private lands and as a consequence, owners will be compensated.

The other occupants of lands outside of the classifications of legal and legalisable occupancy or possession such as squatters will not be compensated for the lands that they occupy but will be compensated for the permanent improvements they may have introduced in the affected lands and restoration assistance. The other type of land occupants are encroachers. These are people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.

### **4.3 Entitlements to Compensation & Livelihood Restoration**

The APs in the project are entitled to various types of compensation and resettlement assistance that will assist in the restoration of their livelihoods, at least, to the pre-project standards. They are entitled to a mixture of compensation measures and resettlement assistance, depending on the nature of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. All APs are equally eligible for cash compensation and rehabilitation assistance (albeit with differences in entitlements), irrespective of their land ownership status, to ensure that those affected by the project shall be at least as well off, if not better off, than they would have been without the project. The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, mining activities incomes, etc.) as detailed below:

- ***Agricultural land impacts*** -- These impacts will be compensated at replacement value of land in cash based on current market rates plus an additional indemnity for 3 months as transitional livelihood allowance. MEW will shoulder all transaction costs such as fees, taxes, and other charges, as applicable under relevant laws incurred in the relocation and resource establishment.

- ***Severe Agricultural Land Impacts*** -- When >10% of an AP's agricultural land is affected, APs (owners, leaseholders and sharecroppers), in addition to the compensation explained above, they

will get an additional allowance for *severe impacts equal to* the market value of a year's net income crop yield of the land lost.

- ***Residential/commercial land impacts*** -- These impacts will be compensated at replacement value in cash at current market rates free of deductions for transaction costs.

- ***Houses, buildings, structures (fixed assets) damages*** -- These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Compensations will include the cost of lost water supply, electricity or telephone connections.

- ***Renters/leaseholders*** - will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.

- ***Income from crops losses*** -- These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.

- ***Tree losses*** -- These impacts will be compensated in cash based on the principle of income replacement. Fruit trees will be valued based on age of the tree in two categories: (a) not yet productive; and (b) productive. Productive trees will be valued at gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years investment they have required. Non-fruit trees will be valued at dry wood volume basis output and its current market rates. Compensation shall be paid for restrictions on land use for such trees not higher than 4 meters, below the transmission line.

- ***Business losses***—Compensation for business losses will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance computed as AF x a month. Permanent business losses will be based on actual income loss or in cash for the period deemed necessary to re-establish the business . Compensation for temporary business losses will be cash covering the income of the interruption period based on a monthly allowance of AF x . Business loss is computed at AF x per day as average net income of typical road businesses such as small stores, repair and vulcanizing shops and small food establishments. The details should be part of the RAP.

- ***Income losses for workers and employees*** -- Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.

- ***Agricultural land leaseholders, sharecroppers, and workers*** -- Affected leaseholders will receive cash compensation corresponding to one year's crop yield of land lost. Sharecroppers will receive their share of harvest at market rates plus one additional crop compensation. Agricultural workers, with contracts which are interrupted, will get an indemnity in cash corresponding to their salary in cash and/or kind or both as applicable, for the remaining part of the harvest .

- ***House owners/renters*** -- House owners/renters who are forced to relocate their houses will be provided with relocation allowance equivalent to AF x for the time necessary and will be assisted in identifying alternative accommodation.

- **Community Structures and Public Utilities** -- Will be fully replaced or rehabilitated so as to satisfy their pre-project functions.

- **Vulnerable Households** -- Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to AF x and priority in employment in project-related jobs.

- **Impacts on irrigation canals** -- Project will ensure that any irrigation channels are diverted and rehabilitated to previous standards.

- **Transitional Livelihood allowance** -- APs forced to relocate will receive a livelihood allowance of AF x for the duration of the livelihood interruption time.. Transitional livelihood allowance is computed based on the prevailing wage rate of AF x per day times for the duration needed This is also the basis for cash compensation on lost wages. Where there is temporary displacement which lasts for less than three months, a livelihood allowance will be paid only for the period of temporary displacement.

**Land Replacement Values** will be assessed based on a survey of land sales in project areas over the last 3 years.. Land values and compensation for other assets, will be negotiated between APs and competent authorities if concrete data on land market rates are unavailable.

**Easements.** An easement may, for the purpose of the RPF, be described as a right of way which one person (the owner/occupier or user of the ‘superior’ or ‘dominant’ land) has over the land of another person (as specified above) of ‘inferior’ or ‘servient’ land. The occupier of the servient land is under an obligation to allow the occupier of the dominant land to come on to the servient land and the occupier of the dominant land is obliged to keep to a defined path or right of way across the servient land. It is quite possible for an easement to be limited in its scope; that is to say, an easement or right of way could be limited to be used only for a specific purpose or benefit and not confer a general right of way for the dominant occupier over the servient land.

An easement is a species of land right which may be the subject of a market transaction; that is the occupier of the servient land can sell a right of way to the owner of the dominant land. There is nothing in the law which would prevent one person (A) from obtaining or buying a right of way similar to an easement over the land of another person (B) even though A did not own land which could be benefited from the use of an easement over the land of B.

It will be necessary for the managers and operators of the transmission line – DABS or a public or private sector entity which is operating the electricity supply system in Afghanistan – to have a right of way on to land on which a tower or substation is located so that they can go on to the land at any time to inspect and or to repair the towers and substations. The usefulness of using the term easement to describe this right of way is that it emphasises that the occupier of the land over which the right of way is to be acquired is being disadvantaged and is losing the full use of a small portion of his/her land. For this such a person must be compensated. However rather than receiving a lump sum for the loss of land, it is more appropriate that an annual payment in the nature of a rent or annual fee is paid for the use of the land set aside as a right of way. This ‘rent’ should be a percentage of the value of the land over which the right of way exists. Even allowing for the fact that some rights of way may be longer than others, it is recommended that in order to keep costs down, only two categories of easement are provided for; an easement to enter land to inspect and repair etc. towers and an easement to enter land to inspect and repair etc. substations. The first easement could attract an annual fee of 5% of the value of the land; the second an annual fee of 10% of the value of the land.

## **5. Unit Compensation Rates and Budget**

### **5.1 Establishing Rates for Land Acquisition & Resettlement**

As noted in the table above at paragraphs 9 and 10, the Law on Land Expropriation refers to prompt and adequate compensation but is silent on the details of compensation, has no specific provisions on resettlement and provides for the Council of Ministers to make decisions on compensation. These provisions fall some way short of what is required by OP 4.12 but it was suggested in the table that the absence of detail could be used to the advantage of developing rules and principles of compensation. The Law does not forbid the development of detailed rules on compensation and the fact that regulations may be made under the Law suggests that that is where details may ultimately be developed. In the absence of detailed rules, it does not do violence to the Law for details to be developed in the context of this RPF and applied to the project.

To comply with the World Bank's OP. 4.12, rates used to compensate for lost land and assets must be *replacement cost at current market value*, in order to meet the policy objective of "at least" restoring people's livelihoods and ensuring that people affected by a project are not left worse off. According to OP 4.12, "replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas or mining assets), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

In the absence of any survey of any likely project affected community or any consultations carried out with potential stakeholders, the figures which follow are drawn from a Resettlement Planning Document prepared in October 2009 for the North-South Corridor Project Mazar-i-Sharif-Pul-e-Baraq Road Section by the Ministry of Public Works (MPW) in respect of a contract to be funded by the ADB. These figures would not necessarily be the same for a this project but the principles are the same and the methods of calculation of the rates of compensation are it is suggested sound and may be followed in this RPF.

A further point must be made about the rates. In a specific project, there would have been, as part of the process of putting a project document together, at the very least a preliminary survey of the land to be affected by the project and the numbers of APs likely to be affected and the way in which they would be affected; e.g. loss of land, loss or diminution of assets, loss of livelihood etc. Discussions would have taken place with such persons so a reasonable estimate could be made of what they would be likely to claim as compensation. So alongside an explanation of the rates that are to be applied to the determination of compensation, a budget would be developed showing the amount of money that would be needed at the proposed rates to satisfy the requirements of compensation for the APs in the project area.

But an RPF is different. An RPF is prepared "when it is not possible to identify precise siting alignments or specific impacts/affected population during project preparation (financial intermediary operations, and projects with multiple subprojects)" and "a Resettlement Action Plan (RAP) is [then] prepared for each subproject that may involve land acquisition, before the subproject is accepted for Bank financing." So an RPF cannot be accompanied by a budget showing the probable total project costs of the rates of compensation which the RPF is suggesting

should be applied. The budget would be a part of each RAP which would come forward once the RPF had been accepted and a particular section of the project had started.

The rates for land, structures, crops and trees that have been used in the cost estimates prepared in the MPW plan were derived through rapid appraisal and consultation with affected parties through the census and inventory of loss survey and relevant local authorities. The affected households were asked about their personal valuation of the affected lands and other assets. This would be an essential preliminary aspect of an RAP.

However, the budgeting agency needs to ensure that funds are available for the resettlement costs, including not only compensation to PAPs, but also cost of consultations throughout the process, sustaining a grievance redress mechanism, M&E, and independent consultants as required (e.g. for final review of RAP implementation).

## **5.2 Valuation of Land**

The location of the land influences the actual price per square meter: the nearer the land to a build-up area (e.g. a village), the higher the valuation and perception of the affected households. Hence, the valuation of the land is pegged on an average, the actual value depending on the nearness to a build up area. In the valuation of agricultural land, the availability of water is very important to determine the fair value or market rates. Residential and commercial lands are largely dictated by the existing road alignment for accessibility rather than crop potential. The land prices are based on the district land prices in the district government. The prices follow the trend that the nearer the land to a population centre, the higher the price of the land.

## **5.3 Valuation of Structures**

In the study area of the MPW project, almost all structures were made of mud or mud and bricks except for some government-owned structures that used cement as the binder in lieu of mud, straw and lime. The classification of structures (temporary, semi-permanent and permanent) refers to the materials used in construction. The valuation of structures into class 1 (mud/brick/wood walls, mud/tin roof), 2 (tiled roof and normal cement floor) and 3 (RCC, single/double storey building) were determined after various consultations with some owners who recently build their houses, local contractors and some local civil engineers.

## **5.4 Valuation of Crops and Trees**

This can be quite problematic because of lack of reliable data in terms of yield. The results of socio-economic surveys can also be unreliable because many respondents may be unaware of the size of their land holdings. Their measurements of farm lots are often determined on the basis on the amount of seeds they use in sowing. Hence, they know that a certain parcel will require one kilogram of seeds and expected to yield a certain amount. Hence, in computing crop losses, a combination of main crops can be used to get the average yield and price. The unit price for crop losses for a square meter of land devoted to the main crops can be estimated per sqm, and fine tuned at the time of the RAP.

The compensation for productive trees is based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years investment they have required. However, during interviews on trees, the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post harvest facilities. Farmers are forced to

sell tree crops when everyone else is doing so. During off-season months, the prices of tree crops quadrupled. The compensation rate for a fruit bearing tree is the average yield per tree times the age of the tree.

For the non-fruit bearing trees, the usual propagation method is grafting. Farmers buy these saplings and these are ready to be transferred in the fields after two years. On the fourth year of the tree, the tree starts to produce fruits. Hence, it is on this basis that the valuation of non-bearing fruit trees was determined. The compensation for non-productive fruit bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut because of the project.

## **5.5 Income Restoration Allowances**

The resettlement strategy is to provide compensation for all lost assets at replacement cost in order that APs' incomes and livelihoods are not adversely affected and where possible improved. All APs whose livelihood are affected will be supported for income losses and those whose livelihoods are affected adversely provided with livelihood restoration measures (including allowances and interventions for severely affected, poor and vulnerable APs).

***Income Restoration Allowance for Crops Losses*** -- These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.

***Income Restoration Allowance for Business Losses*** -- compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business (x months). Permanent business will receive AF x a month for x months. Compensation for temporary business losses will be cash covering the income of the interruption period based on a monthly allowance of AF x

***Income Restoration Allowance for Business workers and employees*** -- Indemnity for lost wages for the period of business interruption. .

***Income Restoration Allowance for Severe Agricultural Land Impacts*** -- When >10% of an AP of the agricultural land is affected, AP (owners, leaseholders and sharecroppers) will get an additional allowance for *severe impacts equal to* the market value of a year's net income crop yield of the land lost. This will be unlikely to occur in this project.

***Vulnerable Group Allowance*** -- Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to AF x and priority in employment in project-related jobs.

***Transitional Livelihood Allowance*** -- APs losing land or losing a house and forced to relocation will receive a livelihood allowance of AF x a month until relocation and livelihood restoration is completed

***Rental Allowance*** – House Renters forced to relocate will receive a rental allowance at the prevailing market rate until a suitable accommodation has been found and will be assisted in identifying alternative accommodation. Similar payments will be made to those who suffer temporary displacement from their land or house during the erection of a tower or a substation.



Project-related employment (for unskilled and semi-skilled tasks during construction) - severely affected and vulnerable groups will be given priority for project-related employment opportunities as drivers, carpenters, masons, clearing and digging work, and if possible as clerks or basic administration support staff.

## **6. Institutional Arrangements**

### **6.1 General**

The resettlement and rehabilitation program described in this RPF involves distinct processes, dynamics and different agencies. This section deals with the roles and responsibilities of different institutions for the successful implementation of the project. The primary institutions that are involved in the land acquisition and resettlement process are the following;

1. Islamic Republic of Afghanistan (IRA)
2. Ministry of Energy and Water (MEW)
3. Project Management Unit (PMU)
4. Environment and Social Safeguards Unit (ESSU) at PMU level
5. Project Implementation Unit (PIU)
6. Implementing Non Governmental Organization (NGO)
7. Local level DABS
8. Local Government Units (LGUs)

The agencies involved in the planning and implementation of a resettlement and rehabilitation programme are DABS as the executing agency (EA) and the Provincial and District governments together with the appointed NGO referred to above . DABS will be acting in the project through the Operations Division. In the field, it will act and implement through its regional staff with the support of a consulting engineer and the implementation consultant who will co-ordinate all activities related to resettlement implementation. All activities will be coordinated with the relevant local government agencies and community *shura* in which the package will be implemented.

### **6.2 Overall Organization – DABS**

Da Afghanistan BreshnaSherkat (DABS) will be the executing agency (EA). The Director of DABS, under the direction of its Board comprising representatives from the Ministry of Finance , Ministry of Energy and Water, Ministry of Justice, and ARAZI, will have overall responsibility for policy level decisions, planning, implementation and coordination of project activities. The EA will have proper coordination with other departments of the Government of Afghanistan to resolve the following issues:

1. *Land Records and Ownership.* To resolve issues related to land records and ownership, a land management committee will be formed in the central level and will include representatives of Ministries sitting on DABS's Board including MEW Ministry of Finance, and the Geology and Cartography Department.
2. *Assets Valuation.* Values of land and other assets for compensation is determined by the Council of Ministers under the LLE on the basis of the principles set out in this RPF. The decisions are based on the recommendation of a committee consisting of the following (i) the landlord or person who uses the land or their representatives, (ii) an official representative of the

agency that needs to acquire the land (e.g. DABS), (iii) a representative of the local municipality, (iv) a representative of the Ministry of Finance, and (v) a representative of the Ministry of Justice.

### **6.3 Project Implementation**

#### **6.3.1 DABS**

Within DABS, RPF tasks will be handled at two levels described below. At local level local DABS staff, social and environment safeguards officers together with representatives from relevant local government departments will be responsible for co-ordinating activities in the field including the organization of surveys, consultation meetings, and the fixing of specific compensation rates based on the principles set out in the RPF. The provision of the LARP compensation finances will be the responsibility of a designated Ministry on DABS Board. The physical delivery of compensation to the APs will be assigned to a committee selected by the Board of DABS which will include members such as local government representatives but under the supervision of the DABS and the Supervision consultants.

DABS' national Social Safeguards Officer (SSO) will be primarily responsible for the social safeguard issues. The project manager at local level will be responsible for the daily field level activities, getting all the necessary clearances required to initiate and implement all resettlement works. He will coordinate with the safeguards officer in the implementation of the project. As necessary, the SSO will coordinate with Afghan Independent Land Authority, local Governorates, NGOs and the community shuras, and locally elected councils and local water user associations established under the Water Law. The Office of the Chief Operating Officer will be responsible for ensuring that all stages of the processes of resettlement, determining and paying compensation, and acquiring land are fully documented and that hard and soft copies of the records are at all times kept in a safe and secure environment.

In addition, an international social safeguards and resettlement specialist will be recruited as an advisor to the SSO for resettlement issues. The international safeguards adviser will have overall responsibility for ensuring/monitoring compliance with safeguards. The international adviser would be responsible for mentoring/building the capacity of the SSO to (i) work with technical teams to ensure adherence to safeguard requirements at each stage of project development and (ii) facilitate outreach to other development agencies.

#### **6.3.2 Implementing NGO**

The specific tasks of the implementing/supervisory NGO will be as follows:

1. Work under close coordination with the designated Environmental and Social Safeguards staff (ESSS) within DABS's Operation Division, local government units and DABS's local staff to implement the LARP.
2. Assist DABS's ESSS in dissemination of the LARP and other resettlement related information.
3. Generate awareness about livelihood restoration activities and assist the APs to make informed choices including participating in government development programmes.
4. Identify training needs of APs for income generation activities and ensure that these are properly funded.
5. Provide counselling and awareness generation to resolve LARP related grievances and assist in seeking redress to unresolved grievances from land acquisition and resettlement disputes with the Grievance Committee.
6. Assist the APs in claims for just compensation including the collection of timely and complete payments.
7. Submit periodic implementation reports on LARP as agreed with DABS.

8. Conduct and/or undertake any other activities that may be required in the successful implementation of the LARP.

The implementing NGO must be a non-profit organization; be legally registered as an NGO in Afghanistan; have operated for at least 3 years; have a minimum of five paid staff; be committed to the principles of gender equality in terms of its own staffing; have a management or advisory board; maintain a proper accounting and financial system; have a long term presence and credibility in districts relevant to the investment projects' areas; have work with government focal agencies; and must be willing to undergo training in resettlement work for project implementation.

### **6.3.3 Local Government**

The cooperation and coordination of the local government units (LGUs) are vital in LARP implementation. These are the provincial government, district provincial government, villages and local community Shuras. Issues relating from land records and ownership and assets valuation originate from this level and will only be taken to the Council of Ministers if these issues are not resolved locally. The provincial government, in cases of disputes on valuation of land will constitute a land valuation committee to determine the disputes on rates.

In cases of disputes regarding land ownership, land records goes through 3 offices at district level, (1) District administrator, (2) Revenue collector (Mustowfiet) and (3) the District Court. These offices have the jurisdiction on any matters related with land acquisition and verification of land entitlements. Staff of the Revenue Department (Mustowfiet), with the local municipality will carry out the tasks of identifying the titles and verification of ownership. The Office of Wloswal (the appointed District head) is expected to play a coordinating role.

### **6.3.4 Gender**

The importance of gender awareness and taking proper account of gender issues will be included in trainings for DABS's staff carried out under this project. It is appropriate to draw special attention to gender issues within the context of project implementation.

The government's commitment to addressing gender equality principles in social and economic development is evident in the Afghan National Development Strategy (ANDS). Using established community structures to involve women meaningfully in developing RAPs will be a challenge and will need to be approached with care, sensitivity to traditional cultural norms and imagination. Working with women can be done only with female staff. The Implementing NGO will be required to have women as staff members, familiar with the areas in which investment projects are sited and should be fluent in local language, who can reach women in the affected communities. Women's CDCs should be explored as a possible vehicle for increasing women's participation in the project, especially in implementing RAPs.

Any resettlement plan will pay special attention to female-headed households, both those with and without land, as they are generally amongst the most vulnerable in communities and risk having their rights ignored. Although women's ownership of land is not widespread it is important to ensure that their land rights receive equal recognition in the project and in any resettlement activities. Thus, the implementing NGO together with DABS' ESS staff will have special responsibility to

- Ensure, as far as possible, that the DABS' projects use women's CDCs and other local formal and informal structures to enhance outreach to women.
- Identify NGOs working with women in locality and consider whether/how to 'piggy-back' on their work in order to reach women affected by the project.
- Ensure implementing NGOs have female project officers.

## **7. Public Consultation and Participation**

### **7.1 General Public Consultation**

This section describes the mechanisms for public consultation process with the APs, disclosure of the RPF and corresponding LARPs through distribution of informative material to create awareness among the APs regarding their entitlements and compensation payment procedures and grievances redress mechanism.

### **7.2 Public Consultation**

In addition to informal day-to-day meetings among APs, DABS's local staff, and other stakeholders, the formal consultation process in the project will be ongoing and will be managed by ESS staff from DABS's Operations Division through village meetings and public consultations with government officials. All these mechanisms and approaches will also be used during the collection of baseline socio-economic data from the APs; and the preparation of LARP and disclosure of LARP to the APs, as explained below.

### **7.3 Village Meetings**

A series of village meetings will be held, where the census and socio-economic surveys will be explained and later carried out. The aims and objectives of a project will be explained as will the necessity for, processes and outcomes of any resettlement or temporary displacement. The village elders and stakeholders meetings will be scheduled based on the availability of the participants. DABS's ESS staff will be responsible for conducting village consultations .

In the socio-economic survey, the project will list the names of the owners/users of assets likely to be acquired, temporarily used or damaged for which compensation will be payable and DABS will prepare a land acquisition and resettlement plan (LARP) for each defined section of the project that will ensure that all these affected assets are justly compensated. The approved LARP will be presented and explained to all affected households and persons and other interested parties. The census survey will conducted in the affected lands.

At all times, all people will be encouraged to express their own options about resettlement. These will be relevant to the resettlement options of the APs themselves. The primary purpose of these meetings will be to provide the affected households and persons and host communities the opportunities to air and ventilate their issues, concerns and opinions about the project while on the side of the supervision consultants, it is also an opportunity to clarify and elucidate initial results of surveys as well as inquire on subject matters that were not sufficiently covered by questionnaires.

### **7.4 Consultations with Government Officials and Other Stakeholders**

DABS' staff will meet with provincial and local officials to ensure that they are fully apprised about the project including the formulation and details on the implementation of the LARP. The Office of the Chief Operating Officer within DABS will coordinate with land valuation

committees. There will be coordination with the district governors which have jurisdiction over the sub-project areas as well as village leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

## **7.5 Preparation of Project Specific Informative Material**

Project specific informative materials will be prepared and distributed to the APs to create awareness among the APs regarding their entitlements and compensation payment procedures and grievances redress mechanism. They will cover the following:

- After approval of this RPF by the World Bank, it will be translated into local languages and disclosed to the stakeholders ,especially affected persons, by the DABS ESS staff , local government officials at village meetings. LARPs for sub-projects will be made available to the concerned district governments, village leaders and directly affected households and DAB's regional offices as an official public document. This RPF will also be disclosed on DABS's website.
- A summary of this RPF will be prepared specifically for this purpose and will be translated into local languages and presented to all APs in the form of a pamphlet/ brochure, to enable the APs and local communities to read it by themselves and be aware of the benefits/compensations to be made to available for various types of APs, as given in the 'entitlement matrix'. DABS' field staff/consultants will distribute the brochures through the village meetings and will explain the mechanisms and procedures of the consultation programme and how APs will be engaged in resettlement activities and the overall process.
- A cheque disbursement schedule – or preferably transfer of compensation through e-paisa to PAP bank accounts, explaining the date, time and venue for disbursement of compensation cheques of each AP will be prepared in local languages and distributed to all APs. This will also be disclosed in the village meetings.
- A package containing following information material will be prepared for each AP.
  - Inventory of AP's losses
  - Schedule for compensation cheque disbursement explaining the date, time and venue for receiving cheque, vacating land and demolition of structures
  - Pamphlet/ brochure in local languages
  - Any other relevant information for the AP

## **7.6 Disclosure**

Key features of this RPF will be disclosed to the APs through the village meetings, and informal interaction between the APs, consultants and PIU staff. After its approval by the World Bank, the disclosure plan will be followed:

- Provision of the RPF in local languages and English to DABS' staff at head quarters and regional offices, APs, provincial officers and district provincial offices, other local and district level offices of the concerned agencies.
- Disclosure of the RPF in village meetings
- The RPF will be available in all public institutions for general public information
- Posting of RPF on DABS website
- Publicity will be given to the RPF through all forms of media
- Provision of information packet to all APs

DABS safeguards officers will again conduct meetings with DABS staff in the Kabul office, local government units and other government agencies as part of the disclosure process to acquaint

them of the substance and mechanics of the RPF. They together with the implementing NGO will be responsible to return to the affected villages and communities once this RPF is approved by DABS and the World Bank and conduct disclosure activities through village meetings to ensure that affected households will be familiar with this plan before the actual implementation commences.

## **8. Preparatory Actions and Implementation Schedule**

### **8.1 Preparation Actions**

DABS will begin the implementation process immediately after the project's approval by the World Bank. It will initiate some actions as groundwork and certain preparatory tasks regarding implementation of the LARP as follows:

- Creation of posts of Social and Environment Safeguards Officer (NSO)
- Appointment of two types of resettlement specialists (consultants)
- Establishment of Affected Persons Committees (APCs)
- Establishment of official cut off date
- Conduct socio-economic census
- A series of public consultative meetings and workshops with APs and local representatives and active involvement APs in preparing a final RAP
- Endorsement of the first LARP by DABS Board, ALA and MAIL and its submission to World Bank for approval
- The process for developing the budget for compensation of land, trees, and crops will have already been coordinated with the Ministry of Finance
- Establishment of criteria, requirements and procedure for disbursement of compensation cheques
- Identification of the implementing consultant that will assist DABS in LARP implementation
- Development of internal monitoring indicators and procedures
- Identification of external monitoring agency who will undertake independent monitoring

DABS is also committed to provide adequate advance notice to the APs and pay their due compensation based on the eligibility criteria defined in this RPF for resettlement including relocation and income restoration/assistance prior to start of construction work. The APs of affected structures/assets (houses, shops, etc.) will be paid their due compensations at least three months (90 days) prior to demolition of any structures. This time will allow them to dismantle and remove all salvageable material for rebuilding of houses and reestablishment of businesses.

Payment of compensation of assets other than structures (land, crops, and trees) will be made at least 90 days prior to actual possession of the space being utilized by the APs. However, in case of a dispute regarding the compensation amount, up to 70% of the assessed/allocated amount of compensation will be paid to APs and the rest pledged in an escrow account in the names of the concerned APs, pending the resolution of the dispute. In case of dispute over rightful ownership, the compensation would be deposited in an escrow account awaiting the court resolution of rightful ownership. In such an exceptional case, the DABS may possess the land without full payment of compensation. Grievances or objections (if any) will be redressed as per grievance redress procedure adopted in this RPF. However, all activities related to land acquisition and resettlement will be completed prior to initiation of civil works in connection with the transmission line, the erection of towers and substations with resettlement and temporary displacement impacts. In case of absentee owners (e.g. conflict displaced persons), the compensation amount would be deposited in an escrow account and issued to the rightful PAP

upon verification of identity and claim. The government will take all appropriate means (through electronic and written media, words of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts.

## **8.2 Process of LARP Implementation**

The following paragraphs explain in detail how compensation will be delivered to APs and the prerequisites needed in triggering the release of financial resources to the ultimate beneficiaries. These steps are formulated in the light of the assumed availability of finance, the security situation, and travelling time. No account is taken of the likely situation in any province or district where sub-projects might take place.

The steps for the delivery of compensation for all eligible APs will be the following:

- i. Obtain financial resources based on the final budget of the LARP. DABS shall obtain the needed money to fund the land/asset acquisition component from the Ministry of Finance.
- ii. Verification of the list of qualified APs: DABS, through the implementing NGO, will verify the list of APs provided in the LARP to ensure that all eligible APs will be properly compensated and non-eligible APs will be excluded. To ensure that identification and qualifications are guaranteed, village elders and community Shuras will be consulted to resolve issues rising from the list.
- iii. Notification of a detailed compensation package: DABS through the implementing NGO will prepare and provide each APs with a detailed breakdown of affected assets, and the unit cost of each asset affected and the total compensation that they will receive.
- iv. Final conciliation/expropriation: APs who disagree with the amount of the detailed compensation package and how it was arrived at will be provided with a last or final chance to settle these issues with the implementing NGO facilitating this meeting. In the event that DABS and the APs still cannot agree, DABS' Board will file expropriation proceedings in the appropriate court, asking that DABS be permitted to take possession of the affected asset. DABS will pay the AP 70% of the contested sum and deposit the remaining amount in an escrow account in a bank.
- v. Locate absentee owners: DABS, through the implementing NGO and village leaders, shall try to locate absentee owners of affected assets. There are some cases where owners are residing or working in other places and every effort must be undertaken to locate these absentee owners.
- vi. Notification to the public: available media and community bulletin boards will be utilized to inform the public that lands with the corresponding owners will be affected by the project. These will provide sufficient time for any adverse claimants on lands that will be affected to raise their opposition or claims over the affected lands.
- vii. Preparation of invoices: Invoices for each of the eligible APs will be prepared by DABS/Implementing NGO. This document entitles each of the APs to receive the amount indicated in the invoice.
- viii. Delivery of the money to local bank: the money from DABS/MoF will be remitted to a local bank in the nearest town to an investment project. However, DABS may remit the money for compensation to any bank of its choice. The bank account will be opened by DABS which will receive from Kabul the compensation on behalf of the APs.
- ix. Payment: the APs will each receive a cheque for the whole amount of compensation from DABS. The AP will sign a document acknowledging the receipt of the whole compensation and a waiver attesting that he/she has no longer any pending claim over the affected property. A photograph shall be taken with the AP receiving the cheque as part of project documentation.

x. The AP will cash the cheque by presenting their national identification card (NIC) and/or election registration card to the bank. Persons without NICs will have to explain to the pertinent authorities the reasons why they are not in possession of the NIC.

A local NGO will assist all APs to open a bank account and monetary compensation will be directly deposited in this account. This will limit APs' risk of exposure to those who might wish illegally or with force to relieve them of their cash. The benefits of having a saving account will be part of the information to be provided by the implementing consultant.

APs will be encouraged to open a bank account in any bank and only carry necessary money to their respective villages to avoid unnecessary exposure to those who might wish illegally or with force to relieve them of their cash. The benefits of having a saving account will be part of the information to be provided by the implementing consultant.

## **9. Complaints and Grievance Redress**

Based on the LLE when private landholdings are acquired for public purposes such as dam building, compensation is paid to the owner based on the category and location of the affected land and the values of land for compensation are determined by the Council of Ministers. The decision is based on the recommendation of a land acquisition committee (LAC) consisting of the following members:

- Affected person who uses the land or his/her representative,
- Representative of DABS,
- Representative of the Ministry of Finance,
- Representative of the Ministry of Justice, and
- Representative of the local municipality,

The land acquisition process is initiated with the constitution of the land acquisition committee. As land and other assets are acquired for a public purpose, the law does not permit any objection to the acquisition of an individual's property by the state. Usually, there are dissatisfactions that arise with these acquisitions, mostly relating to the value of compensation. The LAC inquires into the matter and reviews the valuation and tries to arrive at a win-win solution. The whole process is based on a negotiated approach and as the AP or his/her representative is a member of this legally constituted LAC, a consensus is reached on the replacement value of the land and assets lost. The LAC thus also performs the tasks of a grievance redress committee.

However, if after this negotiated approach, the issue remains unresolved, the affected person may elevate the matter to a Grievance Redress Committee (GRC) to try to resolve the issue. It should be pointed out however, that this committee does not possess any legal mandate or authority to resolve land issues but rather acts as an advisory body or facilitator to try to resolve issues between the affected household and the DABS who would implement the valuation based on the decision of the LAC. The GRC will be composed of the following members:

- Affected person or his/her duly appointed representative,
- Representative of the local administration (from the office of the governor),
- Representative from DABS,
- Representative from the local legal department,
- Representative of the implementing NGO

The grievance redress committee will register the unresolved matter and meet to try to resolve the issue. A recommendation should be made within 7–10 working days. In the case of the absence of any of the members during the decision-making process, an appropriate candidate will be



nominated by the original representative. If no decision has been promulgated after 10 working days from the last meeting of the grievance redress committee, the affected person may take the issue to the next level. The AP always has the final recourse to seek redress through the legal system. However, every effort must be exerted to avoid this alternative because it entails loss of time and expenses of the part of the AP.

As the concept of just compensation for affected assets for public works such as dams or for major commercial or infrastructural activities such as development of electricity transmission lines is new to Afghanistan, the safeguards officers and the implementing consultant (NGO) will assist in disseminating this concept to APs, its procedures and prerequisites in filing the proper complaints. The process of grievance redress has been made simple to hasten the process of decision-making and facilitate getting on with the works. The grievance redress committee includes a representative from the local administration and the affected individual. Grievances are expected to be redressed locally within the existing framework.

## **10. Monitoring & Evaluation**

### **10.1 General**

Project activities will undergo both internal and external monitoring. Internal monitoring will be conducted by DABS, assisted by the Supervision Consultant. External monitoring will be assigned to an independent External Monitoring Agency (EMA) to be hired by DABS, and approved by the World Bank.

### **10.2 Internal Monitoring**

Internal monitoring will be carried out routinely by DABS safeguards officers working closely with the implementing NGO and results will be communicated to World Bank and DABS management through the regular project implementation reports. Indicators for the internal monitoring will be those related to process, immediate outputs and results. This information will be collected directly from the field and reported monthly to DABS Chief Operating Officer to assess the progress and results of LARP implementation, and to adjust the work program, if necessary. The monthly reports will be consolidated every quarter in standard supervision reports and submitted to the World Bank. Specific monitoring benchmarks will be:

- Information campaign and consultation with APs;
- Status of land acquisition and payments on land compensation
- Entitlement matrix
- Compensation for affected structures and other assets;
- Relocation of APs;
- Payments for loss of income;
- Income restoration activities.
- Grievances received and status of redress

### **10.3 External Monitoring**

The implementation of DABS' investment projects will take place over a number of years. It will therefore be necessary that external Third Party monitoring is carried out on a regular basis with the results communicated to DABS and the World Bank through a bi-annual compliance report. ( The TOR for the External Monitoring Agency (EMA) will be part of the LARP) The EMA will

be responsible for the preparation of the compliance report confirming that all compensation and related resettlement assistance in cash or kind are being delivered to the affected households. Based on the results of the compliance report, the EMA will recommend to DABS/the World Bank if the necessary civil works on rehabilitation, especially raising the height of the Naghlu reservoir, with resettlement impacts can commence. A copy of the compliance report and its recommendations will be submitted to the DABS, supervising consultant and the World Bank simultaneously. The EMA will also review the impact on upstream and downstream communities as well as host communities at resettlement sites.

The EMA will also assess the status of project affected vulnerable groups such as female-headed households, disabled/elderly and poor families. The following will be considered as the basis to develop the indicators for monitoring and evaluation of the project:

- Socio-economic conditions of the APs in the post-resettlement period;
- Communications and reactions from APs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- Changes in housing and income levels;
- Rehabilitation of squatters (if any);
- Valuation of property;
- Grievance procedures and outcomes;
- Disbursement of compensation; and
- Level of satisfaction of APs in the post resettlement period.

The EMA will carry out a post-implementation evaluation of each LARP about 1 year after its implementation to find out whether the LARP objectives were attained or not. The socio-economic survey base-line will be used to compare pre- and post- project conditions. The EMA will recommend supplemental assistance for the APs in case the outcome of the study shows that the objectives of the LARP have not been attained.

#### **10.4 Management Information Systems**

All information concerning resettlement issues related to land acquisition, socio-economic information of the acquired land and affected structures, inventory of losses by APs, compensation and entitlements, payments and relocation will be collected by the implementing consultant. This data bank would form the basis of information for RAP implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

#### **10.5 Reporting Requirements**

The implementing consultant will be responsible for supervision and implementation of LARP and prepare monthly progress reports on resettlement activities and submit to the PMU for review. The implementing consultant will also monitor RAP implementation and submit quarterly reports to DABS and the World Bank. The external monitoring agency (EMA) will submit bi-annual reviews directly to the World Bank and determine whether or not resettlement goals have been achieved; more importantly whether livelihoods and living standards restored/enhanced and suggest suitable recommendations for improvement.

### 11.1 Matrix of Actions under the RPF

#### ACTIONS, MEASURES, COMPENSATION ENTITLEMENTS AND CATEGORIES IN THE RPF

<b>ACTIONS</b>	<b>TO</b>	<b>IMPLEMENT</b>	<b>THE</b>	<b>NHRP</b>
<b>Who</b>	<b>What</b>	<b>When</b>	<b>Why (Objective)</b>	<b>Comments</b>
DABS	Establish liaison arrangements with Ministries/agencies which will necessarily be involved in investment project.: MEW; MOF; MOJ, MAIL and Arazi	Assuming these arrangements already exist (DABS Board members) , they can be utilised as soon as possible to bring these Ministries up to date on specific investment projects	To facilitate the smooth implementation of the beginning and operation of specific investment projects	The vital first step in the process of developing investment projects.
DABS	Establish/confirm institutional arrangements for ensuring safeguards compliance.	On approval of RPF by World Bank	Creation of the internal DABS arrangements to implement RPF	Preparatory work to be done before approval of RPF
DABS	Appoint /confirm national safeguards officers	Desirable to confirm/appoint these officers well before the commencement of investment projects	Creation of internal DABS arrangements to implement RPF	Early confirmation/ appointment will facilitate training of these officers. Training organised by WB
DABS	Commence the preparation of materials on the RPF for distribution to probable Aps	As soon as possible	To give as much advance publicity as possible on specific projects and to alert probable APs of resettlement	No need to wait for approval of RPF by World Bank. This work should start as soon as possible
DABS	Prepare terms of reference for international social safeguards consultant	As soon as possible Advertisements can go out before RPF approved but appointment would be dependent on RPF approval	To ensure rapid recruitment processes once RPF approved	There will need to be considerable consultation on this post so action needs to start early on
DABS	Appoint the implementing NGO/consultant who is	Initial work on appointment – terms of reference; basic	The implementing NGO will have an important role	Where no or only very small-scale land acquisition

	going to carry out the processes of resettlement	requirements for an NGO/consultant to be qualified. Appointment would not be made until RPF approved	to play in all significant resettlement exercises.	and resettlement will take place, the designated ESSOs together with the project manager could be the implementers but anything over that and the implementing NGO would be involved.
DABS	Continue with process of fixing the route of the distribution lines and location poles ,pylons and substations and preparing technical plans	Ongoing	To ensure no delay in process of erecting the distribution lines	No comment needed. Self-evident action.
DABS	Where likely resettlement will be involved in a site located for a power substation begin preparation of RAP under the RPF	This action should begin to be incorporated into plans developing the sites for action.	To ensure no delay in beginning of implementation	Processes for preparing RAP set out in the text of RPF
DABS	Census of residents and probable APs within project area	As early as possible after studies completed.	An essential first step in the process of resettlement	Explanation of the importance of this in the RPF
DABS	Begin the processes of publicity and consultation with APs.	Alongside taking the census of APs	An essential first step in the process of planning resettlement and developing a resettlement action plan	Consultation must be genuine. As much information as possible must be given to APs. Utilise village and other meetings
DABS	Consult and liaise with local governments and regional offices of associated Ministries on above actions.	Alongside consultation with APs	Essential to ensure that Ministries and local governments know of what is happening	These bodies will be needed to assist with village meetings and consultation with APs.
DABS	Undertake the process of	Part of the process of	Compensation and the	ESSOs and NGO will be

	inviting APs to submit claims for compensation; assessing discussing and settling claims with APs	consultation and preparing an RAP as an RAP must contain precise details of the compensation and resettlement payments	process of resettlement is at the heart of an RAP and its implementation.	involved here
GRC	The GRC will be involved in attempting to settle any grievances which APs may have over the compensation that they are being offered	The GRC should be ready to be involved from the start of the process of assessing and determining the compensation payable to APs	To assist in the process of settling claims to compensation	The GRC must be prepared to work speedily and flexibly so as to ensure that a sub-project does not get bogged down in never-ending disputes about compensation.
DABS	Finalise RAP	Preparation of RAP is a continuous process commencing with consultation in connection with census taking	A necessary step to commencing action on the ground	RAP must be approved by World Bank
DABS	Prepare information pack for each AP	The information pack to be distributed when RAP approved	The pack provides all the basic information which an AP will need to know. What is to occur on resettlement; how much compensation will be provided; how the compensation will be provided and the opportunities for complaints and settling same.	This is a vital component of an RAP. The details of what must be in the information pack are contained in the RPF
DABS	Implement the compensation and resettlement processes of the RAP	Everything should be ready to be rolled out once the RAP is approved	Once the APs have been paid their compensation and been resettled, infrastructural activities on the ground may commence	<i>It is absolutely vital to bear in mind that all APs claims must be settled (subject to the limited exception of payment of only part of</i>

				<i>compensation if a dispute is going to court as set out in the RPF) before entry may be made on to land from which APs have been moved and infrastructural activities may commence.</i>
Implementing NGO	<p>1. Work closely with ESSOs in generating awareness of all aspects of resettlement and compensation</p> <p>2. Work closely with APs in assisting in making, negotiating and if necessary taking to the GRC claims for compensation</p> <p>3. Submit regular reports on the process to DABS and the monitors</p>	Throughout the execution of the RAP	The presence of an independent agency whose prime function is to act on behalf of and support APs in their claims for compensation is designed as a guarantee that the process complies with principles of substantive and procedural (administrative) justice	This is a key element in the RPF. It will be important that a reputable and effective NGO is appointed and that the external monitoring body has terms of reference that embrace the monitoring on the NGO
GRC	Handle AP grievances over compensation	During the process of determining compensation. Meet regularly and settle disputes within 10 days.	As with the implementing NGO, a GRC is a further guarantee to APs that the process is both substantively (a second and independent opinion on compensation) and procedurally ( an AP can have a hearing and put his/her case) fair	Another key element on the RPF. Important that the members of the GRC see themselves as independent and operate accordingly. They are not there 'to save government money'.
DABS	Internal monitoring conducted by ESSOs/project management	Throughout the process of the implementation of an RAP with regular reports to	The Operations and Maintenance Department is responsible for managing	An essential aspect of the RPF as it provides an element of project

	team	the World Bank	the . It will not have the major hands-on role which will be that of the implementing NGO. So it is in a good position to monitor and report on what is happening and will do that via ESSOs	assurance to the World Bank with respect to the implementation of DABS investment projects.
The External Monitoring Agency (EMA must be independent of all bodies involved in the implementation of the NHRP and with independent standing in its own right. Could be a University department or a consortium of departments.	External monitoring conducted by the EMA.	The EMA will have guaranteed access to investment project sites and will report regularly to officials in DABS, World Bank;, Aps and other relevant public and private bodies	An independent overview of the implementation of an investment project's RAP.	It is considered very unlikely that significant land acquisition or resettlement will be required for any investment project.  The independence of the EMA must be assured in the contract between it and the DABS. The World Bank has a substantial interest in the EMA and its outputs so will likely be involved in the selection process.

## 11.2 Matrix of Compensation Entitlements and Rates

<b>ELIGIBILITY</b> <b>Who is eligible</b>	<b>CRITERIA</b> <b>What are they eligible for</b>	<b>FOR</b> <b>How to determine eligibility and compensation levels</b>	<b>IDENTIFYING</b> <b>What's the objective</b>	<b>Aps</b> <b>Comments</b>
Landowners	Loss of land and rights to land	<ol style="list-style-type: none"> <li>1. Official documentation issued by or on behalf government</li> <li>2. Customary documents; i.e. documents recognised by both official and customary law as giving rise to ownership rights</li> <li>3. Oral and other evidence with probative value that the claimant and his/her family have been in occupation of the land for at least 35 years.</li> <li>4. Open, continuous and interrupted possession of persons over a very long time which effectively vests in them legal rights over the lands they occupy through acquisitive prescription.</li> </ol>	The aim of OP. 4.12 is to compensate all those who have lost 'their' land. OP 4.12 goes beyond technical rules of law or evidence which in part are designed to bring disputes over land to an end and ensure security to title. OP 4.12 aims at simple and substantive justice: "if you've been on this land for a long time and there is good evidence of that then you should be compensated for losing it"	As the matrix on the comparison of the LLE and OP 4.12 shows, there is nothing in LLE which prevents the approach of 4.12 being adopted here
Squatter	Permanent improvements they have made to the land they have occupied	Observance of permanent improvements; questioning the squatter and neighbours on when improvement made; consulting maps and other relevant documents	The objective here is to compensate the squatter for expenditure on the land but not for the value of the land itself	Ditto to above.



Agricultural tenants and tenants of artisanal mines	Loss of income	Cash compensation corresponding to one year's crop yield of land lost.	A fair approximation of loss of income	Ditto
Sharecroppers	Loss of income	Their share of the harvest at market rates plus one additional crop compensation.	Ditto to above	Ditto
House owners/renters	Costs of relocation to other accommodation	relocation allowance of Afs x per months until suitable accommodation established, and assistance in identifying alternative accommodation	This is a very standard element of compensation in all systems	Not specifically provided for in LLE but nothing to stop is being paid
Loss of livelihoods by agriculturalists	Replacement costs for all losses	1. losses will be compensated at replacement value in cash based on current market rates plus an additional . Indemnity for x months as transitional livelihood allowance. 2. When >10% of an AP's agricultural land is affected, APs will get an additional allowance for <i>severe impacts equal to</i> the market value of a year's net income crop yield of the land.	The aim is to provide a reasonable measure of compensation for loss of livelihoods but on the assumption that APs will make a go of things on their new land. It provides temporary relief but not an amount which invites future indolence	This is already an approach which has been accepted in Afghanistan
Residential/commercial land impacts	Replacement costs for all losses	Replacement value in cash at current market rates free of deductions for transaction costs	See above. The same reasoning applies	Ditto
Those who lose or have buildings damaged	Replacement costs	These impacts will be compensated in cash at replacement cost free of depreciation, salvaged	See above.	Ditto

		materials, and transaction costs deductions. Renters/leaseholders will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.		
Those who lose income from crop losses	Replacement of lost income	These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.	See above	Ditto
Those who have lost income from loss of trees	Replacement of lost income	Income replacement based on types of trees lost.	See above	Ditto
Those who have suffered business losses	Replacement of lost income	Compensation for business losses will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance.	See above	Ditto
Those who have suffered loss of wages	Replacement of lost wages for a limited period	Compensation, based on actual income loss for time duration until income source is re-established. .	See above	Ditto
Vulnerable households	Additional compensation	Vulnerable people (APs)	This is a recognition that	Ditto

	over and above strict loss of income	below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to AF x and priority in employment in project-related jobs.	those classified as vulnerable households will likely suffer losses over and above income loss and will find it especially hard to get started again somewhere else.	
Transitional living allowance for APs forced to relocate	Disturbance compensation	APs forced to relocate will receive a livelihood allowance of AF x a month for three months. Transitional livelihood allowance is computed based on the prevailing wage rate of AF x per day times during transition time.	This is a standard head of compensation in most systems of compensation.	Ditto
<b>ESTABLISHING</b>	<b>VALUATION</b>	<b>RATES</b>	<b>FOR</b>	<b>ACQUISITION</b>
<b>What is being valued</b>	<b>How is valuation conducted</b>	<b>Input of APs</b>	<b>Indicative figures</b>	<b>Comments</b>
Matters common to all specific types of valuation	Rapid appraisal; consultation with APs; information derived from census and from local authorities	Yes but not necessarily decisive	Where figures are given they are indicative only being based on a 2009 valuation exercise. They will almost certainly be changed when budgets for RAPs are developed CASA 1000	none
Land including easements (rights of way) over land	Valuation of the land is pegged on an average, the actual value depending on	Land values are so far as possible determined on the basis of 'objective' factors	None	Land values are dealt with after a fashion in the LLE.. The Council of Ministers

	the nearness to a built up area. Land prices are based on the district land prices in the district government	but it is not possible to ignore the assumptions of APs about land values which do play a part in valuation		determines values but there is a local process that valuation goes through.
Structures	Structures may be classified (temporary, semi-permanent and permanent) based on the materials used in construction. They may be classified into class 1(mud/brick/wood walls, mud/tin roof), 2 (tiled roof and normal cement floor) and 3 (RCC, single/double storey building)	In the project from which these classifications are based, they were arrived at after various consultations with some owners who recently build their houses, local contractors and some local civil engineers.	None	This approach to structures seems a good one to adopt. Some APs considered that the length of time a structure had been standing should affect value but this was not a factor used in valuation
Crops	in computing crop losses, a combination of four main crops was used to get the average yield and price..		The unit price for crop losses for a square meter of land devoted to the four main crops	Valuation was problematic because of lack of reliable data in terms of yield. The results of the socio-economic survey were not reliable because the majority of the respondents were not aware of size of their land holdings.
Trees	Compensation for productive trees is based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree.	During interviews with APs on trees, it was pointed out that the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post harvest facilities. Fruit was sold	The compensation rate for a fruit bearing tree is the average yield per tree times the age of the tree.	The same point as above applies here too

	Non-productive trees are valued based on the multiple years investment they have required. Compensation for non-productive fruit bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut because of the project.	when all other farmers sold their fruit. In the off-season, prices were higher but few farmers could store their crops until then		
Restoration of income 1. Crop losses	cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.	No apparent input from APs. But there may be disputes between owners and sharecroppers which officers from the implementing NGO and possibly from ESSU might become involved in	No figures can be given	As noted in column 3 this may not be as straightforward as it seems. Inter-AP disputes may erupt and the GRC called into action.
2. Business losses	compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business Compensation for temporary business losses will be cash	The figures in the next column do not seem to admit of negotiation but there will be an issue of whether a business is permanent or temporary on which APs will wish to be consulted and have their views taken on board	Permanent business will receive AF x a month for 6 months. Temporary business losses will be paid for a limited number of months at AF x a month	This is another area where disputes could arise but between those offering and those receiving compensation.
3. Income restoration for workers and employees	Indemnity for lost wages for the period of business interruption	This does not admit of much negotiation although there may be differences of opinion of what count as	No figures because wages differ depending on the work being done	Ditto but in addition, there could be disputes between employer and employee on wages which the

		wages		project will have to arbitrate on.
Income Restoration Allowance for Severe Agricultural Land Impacts.	When >10% of the agricultural land of a AP is affected, APs will get an additional allowance for <i>severe impacts equal to the market value of a year's net income crop yield of the land lost.</i>	Given the problems of measurement of APs' holdings – see above column 5 on crop losses – this may be difficult to compute and careful negotiations with the APs will be necessary	No figures because the exact sums of money involved will depend on the use to which the land is being put	Although this has the appearance of objectivity for reasons noted in column 3 there may be disputes which will need to be handled sympathetically.
Vulnerable group allowance	Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance.	There will need to be careful and sympathetic consultation and negotiation with these APs	A one-time allowance for vulnerable APs equivalent to at least AF x and priority in employment in project-related jobs.	Whether this will be seen as adequate will depend on the income forgone. It might be advisable to build in some flexibility here hence the 'at least'.
Transitional livelihood allowance	APs losing land or losing a house and forced to relocate will receive a livelihood allowance.	Disturbance is a standard head of compensation but it will need a willingness to be flexible on rates as disturbance is not an objective matter.	At least AF xa month for transitional period	This is very much a 'guestimate'. It may be the best that can be done in the circumstances. Here too the words 'at least' have been added to provide for some flexibility
Rental allowance	House renters forced to relocate will receive a rental allowance and will be assisted in identifying alternative accommodation	Negotiations with APs central to the operation of this head of compensation	x months' rent at the prevailing market rate in the project area	What the prevailing market rent is must differ from place to place. It is probably not worth while trying to create a 'shadow' market. As with other heads of 'allowances' some flexibility must be built into the outcome.

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