



ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

For the

Afghanistan

**Naglu Hydropower Rehabilitation Project
(NHRP)**

Da Afghanistan Breshna Sherkat (DABS)

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Table of Contents

LIST OF ACRONYMS	4
EXECUTIVE SUMMARY	5
I. BACKGROUND AND PROJECT CONTEXT.....	10
I.I THE AFGHANISTAN POWER SECTOR	10
I.2 PROJECT OBJECTIVE	10
I.3 PROJECT DESCRIPTION	10
1.4 IMPLEMENTATION ARRANGEMENTS.....	13
1.5. POTENTIAL NEGATIVE IMPACTS.....	14
II. POLICY, LEGAL AND REGULATORY FRAMEWORK.....	18
II.1 WORLD BANK OPERATION POLICIES TRIGGERED IN NHRP.....	18
II.2 ENVIRONMENT LAW OF AFGHANISTAN, 2007.....	198
II.3 NATIONAL ENVIRONMENTAL PROTECTION AGENCY (NEPA)	19
II.4 IMPLICATIONS OF THE ENVIRONMENT LAW AND THE EIA REGULATION FOR NHRP PROJECT.....	19
II.5 THE CONSTITUTION OF AFGHANISTAN (2004)	21
II.6 LAW ON LAND EXPROPRIATION, (LLE) 2009.....	21
II.7 LAW ON LAND MANAGEMENT (LLM) 2008	22
II.8 AFGHAN LAND POLICY (2007).....	22
II.9 LAW ON PRESERVATION OF AFGHANISTAN’S HISTORICAL AND CULTURAL HERITAGES, 2004.....	23
II.1 MINE RISK MANAGEMENT.....	23
III. ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF).....	23
III.1 ESMF GENERAL GUIDELINES.....	24
III.2. LESSONS LEARNED FROM ESMF IMPLEMENTATION IN OTHER WORLD BANK-FUNDED PROJECTS IN AFGHANISTAN.....	27
III.3 STAKEHOLDER IDENTIFICATION, CONSULTATION AND PARTICIPATION.....	27
III.4 OVERVIEW OF SOCIAL STUDIES IN THE ESMF	27
III.5 ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENTS.....	29
III.6 APPLICATION OF ‘SAFTETY OF DAMS’ POLICY TO NAGHLU DAM	28
III.7 INSTITUTIONAL ARRANGEMENTS	33
III.8 CAPACITY BUILDING.....	35
III.9. MONITORING AND EVALUATION.....	36
III.10 GRIEVANCE REDRESS MECHANISM GRM)	37
III.11 COMMUNICATION	40
III.12 INDICATIVE BUDGET FOR ENVIRONMENTAL AND SOCIAL SAFEGUARDS COMPLIANCE 2014- 2017	41
III.13. DISCLOSURE.....	41
IV. RESPONSIBILITIES FOR ENVIRONMENT & SOCIAL ASSESSMENT PROCESS.....	42

LIST OF ANNEXES

ANNEX 1 A: COMMUNITY CONSULTATIONS DURING ESMF PREPARATION.....	52
ANNEX 1B SUMMARY OF PROCEEDINGS FROM KABUL (NATIONAL) CONSULTATIONS ON ESMF.....	57
ANNEX 2A – PUBLIC ANNOUNCEMENTS	65
ANNEX 2B – ALIGNMENT DETAILS FOR DISCLOSURE	66
ANNEX 2C – OUTPUTS OF TRANSECT WALK.....	67
ANNEX 3– PROTECTION OF CULTURAL PROPERTY	68
ANNEX 4 – TEMPLATE FOR ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP)	69
ANNEX 5 – ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE AT NEPA	71
ANNEX 6 – PROCEDURES FOR MINE RISK MANAGEMENT IN WORLD BANK-FUNDED PROJECTS IN AFGHANISTAN.....	72
ANNEX 7: TOR FOR NHRP PRE-FEASIBILITY SOCIAL ASSESSMENT	77
ANNEX 8: GENERIC TERMS OF REFERENCE FOR A FULL SOCIAL IMPACT ASSESSMENT (SIA).....	86
ANNEX 9: GENERIC TERMS OF REFERENCE FOR A FULL ENVIRONMENT IMPACT ASSESSMENT (EIA)	92
ANNEX 10: NHRP SAMPLE GRIEVANCE REGISTRATION FORM.....	98
ANNEX 11: SCHEDULING AND REPORTING BY DABS ENVIRONMENTAL AND SOCIAL SAFEGUARDS STAFF.....	99
ANNEX 12: RESETTLEMENT POLICY FRAMEWORK.....	100
ANNEX 12A: RESETTLEMENT ACTION PLAN CONTENT.....	156
ANNEX 12 B: GENERIC TERMS OF REFERENCE FOR INDEPENDENT MONITORING OF RAP IMPLEMENTATION.....	163
ANNEX 13: GENERIC TERMS OF REFERENCE FOR INDEPENDENT THIRD PARTY MONITORING	163

List of Acronyms

ANDS	Afghan National Development Strategy
AP	Affected Person
APSDP	Afghan Power System Development Project
ARAZI	Afghan Independent Land Authority
CDC	Community Development Council
CITES	Convention on International Trade of Endangered Species
CMS	Convention on Migratory Species
COO	Chief Operating Officer
DABS	Da Afghanistan Breshna Sherkat
DSRP	Dam Safety Review Panel
EIA	Environmental Impact Assessment
EMG	Environmental Management Guidelines
EMP	Environmental Management Plan
ESAP	Environment and Social Advisory Panel
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
LAC	Land Acquisition Committee
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
NEPS	North East Power System
NGO	Non Government Organisation
NHPP	Naghlu HydroPower Plant
NHRP	Naghlu Hydropower Rehabilitation Project
NSP	National Solidarity Program
RAP	Resettlement Action Plan
REA	Rapid Environment Assessment
RPF	Resettlement Policy Framework
SIA	Social Impact Assessment
SSO	Social Safeguards Officer
TAP	Technical Advisory Panel
UNCBD	UN Convention on Biological Diversity
UNCCD	UN Convention to Combat Desertification
UNFCCC	UN Framework Convention on Climate Change
UXOS	Unexploded Ordnance

Executive Summary

Project Objective

1. The Project Development Objective is to improve dam safety and to increase the supply of electricity at the Naghlu Hydropower Plant. .

Project Components

2. **Component 1: Mechanical, Electrical, and Electromechanical Work** (US\$30.0 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:
 - **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant.** This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (i) testing of the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.
 - **Subcomponent 1(b): Enhancing Maintenance of the Powerhouse.** Other units of the power house are in need of regular maintenance. This subcomponent will particularly support provision of spare parts and consumables for three to five years to ensure the sustainable operation and normal maintenance of the existing plant.
3. **Component 2: Dam Safety and Power Generation Capacity Improvement** (US\$33 million). This component aims to ensure the safe operation of the dam through the two subcomponents as follows:
 - **Subcomponent 2(a): Dam Safety Audit and Safety Improvement Measures.** This component will finance technical assistance and studies including (i) audit of the dam's structural and operational safety; (ii) preparation of plans and bidding documents for works to improve safety to acceptable standards, focused on reactivating the bottom outlet, adequacy of auxiliary power and other systems, improvements to the head gates closing system, installation of instrumentation, and clearance of the UXOS from the dam structure; (iii) studies on structural and operational safety considering updated hydrological and seismic data and following relevant international/national standards/guidelines; and (iv) flood routing through Naghlu Dam to Surobi Dam, including adequacy of its spilling arrangements.
 - **Subcomponent 2(b): Optimization of Power Generation.** This component aims to examine the potential for increasing power generation at NHPP. This would identify options for sustainable sediment management and for increasing the amount of electricity produced by the dam. It consists of (a) **Feasibility study** to examine the feasibility of various options to increase power generation and (b), **Detailed design** which supports the preparation of detailed designs should the feasibility study return a positive result, and will be closely guided by the findings of Environmental and Social Impact Assessment (ESIA), resettlement and livelihoods restoration, environment and social management plans, health, and other related action plans.
4. **Component 3: Environmental and Social Sustainability, Project Management Support, and Future Project Preparation** (US\$20.0 million). This component includes two subcomponents:
 - **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent aims to ensure the environmental and social sustainability of the dam through (a) **Local Development Assistance** which will promote benefit sharing with local communities and will support electrification in the project area and improved

access to skills training for local communities: (b) *Supporting environmental and social management* to ensure the effective planning, implementation and monitoring of all safeguards instruments across all project components.

- **Subcomponent 3(b): Project Management Support and Future Project Preparation** aims to ensure that DABS receives advice on good international practices.

Implementation Arrangements

5. Overall responsibility for project implementation will rest with DABS, whose chief executive officer (CEO) will delegate day-to-day management to heads of departments. Implementation will be grounded in the operation departments of DABS. Oversight of technical and safeguards issues will rest with the chief operating officer (COO) and oversight of fiduciary issues will be with the chief financial officer (CFO).

Potential Negative Environmental impacts

6. Component 1 – impacts will be associated with the electro-mechanical works taking place in the power house only and will be associated with managing removal, storage, handling and disposal of used oil's and lubricants, petroleum products and the removed parts. Other impacts may be due to loud noises and dust. These impacts are expected to be small, localized, short-lived and thus readily reversed or effectively managed with tangible mitigation measures, and are not expected to have lasting effects.
7. Component 2a – impacts will most likely be associated with removal and disposal of sediment material, and from managing public safety concerns during the removal, handling and disposal of unexploded ordinances, both from the reservoir area. Other concerns will include management of large construction equipment and plant, possible expansion and heavier use of the road networks in the area, including on access roads due to the movement of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. These impacts are likely to be of concern, and their intensity and scale will be evaluated in a full Environmental and Social Impact Assessment.
8. Component 2b – impacts will be potentially associated with the raising of the dam crest, and therefore, as a consequence an increase in area of the reservoir will occur. This will potentially result in flooding of marginally more land, and therefore, may possibly further require enhanced water quality control measures in the reservoir. Early environmental scoping based on desk reviews and from field visits do not indicate the presence of endangered fauna or flora species or any significant natural habitat concerns. On the contrary, the evidence points to an already severely degraded landscape in the project area and with little or no vegetative cover at all. Hence the ongoing concerns with severe soil erosion, sediment transportation and deposition in the reservoir and downstream of the dam, which will continually have to be effectively managed going forward. Therefore, similar to Component 2a, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms of their intensity and scale will be evaluated as part of the feasibility studies in a standalone Environmental and Social Impact Assessment.
9. Component 3a – impacts are likely to be almost negligible as these will be mostly associated with grid connections to surrounding villages in the project area. For some villages, off-grid connections may be the only feasible choice, and for these cases, the concerns there would be how to manage lead batteries that may be used to store solar power during the day for use at night. These low scale impacts will be managed in a stand-alone ESMP for this component.

Potential Negative Social impacts

10. Component 2a: The process of removing sediment from the reservoir may result in permanent asset loss and temporary land acquisition. A Resettlement Policy Framework (RPF), based on the Afghan legal framework and compliant with the requirements of OP.4.12, has been developed and will be applied to all project components where it is not feasible to avoid land acquisition.
11. Component 2b: A decision to raise the height of the dam may result in the unavoidable resettlement of people, disruption of community life and networks, permanent or temporary loss of land, assets and livelihoods and communal social and cultural facilities, e.g. cemeteries, shrines, mosques and grazing land.
12. Component 3a: This includes provision for the electrification of villages in the immediate project area. This will be a direct, tangible benefit to communities in the Naghlu vicinity. Very small areas of land may be bought outright (willing buyer-willing seller) to facilitate the siting of electricity poles and pylons.

Environmental and Social Management Framework (ESMF)

13. A framework approach is adopted as the specific alignment of activities in a number of components is unknown at the time of project appraisal. The ESMF prescribes guidelines and procedures that would avoid, mitigate, or minimize adverse environmental and social impacts of supported activities and interventions.

Legislative, Regulatory and Policy Framework

14. The primary relevant laws and regulations framing social and environmental issues are: (a) The Constitution of Afghanistan (2004); (b) The Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004) (c) The Environment Law of Afghanistan (2007); (d) The Afghan Land Policy (2007); (e) The Law on Managing Land Affairs (2008); (g) The Land Expropriation Law (2009, ESIA regulations (NEPA).
15. World Bank Operation Policies triggered by the NHRP are: (a) Environmental Assessment ([OP/BP 4.01](#)); (b) Natural Habitats ([OP/BP 4.04](#)); (c) Physical Cultural Resources ([OP/BP 4.11](#)) (d) Involuntary Resettlement ([OP/BP 4.12](#)); (e) Safety of Dams ([OP/BP 4.37](#)); (f) Projects on International Waterways ([OP/BP 7.50](#)).

Stakeholder identification, consultation and participation

16. The NHRP will identify direct and indirect stakeholders and will prioritize stakeholder consultations to inform the design and decision making of the project, and thus improve the effectiveness, relevance and sustainability of all project components.
17. A dynamic participatory approach that seeks to involve the various stakeholders in decision-making about environmental management, livelihood and community development programs will be encouraged throughout the course of the project. This approach will inform the implementation of an effective grievance redress mechanism, which would be readily accessible in the project areas.
18. A preliminary NHRP safeguards Consultation and Participation Plan (Table 2, page 25) that sets out a consultative and participatory process and requirements for addressing both environmental and social concerns for each component, has been prepared.

Pre-Feasibility Social Assessment and Environmental and Social Impact Assessments

19. A pre-feasibility social assessment to collect and analyze socio-economic, cultural and political information across specified areas in Sarobi and Tagab districts will begin during the preparation phase. The study's findings will inform the development of activities across the project, especially for component 3a.
20. Environmental and Social Impact Assessments will be coordinated by DABS safeguards officers and carried out by consultant firm(s) as a core element of components 2 and 3 of the NHRP, as summarized in the matrix in Table 1. Findings from these assessments will inform the development of Environment and Social Management Plans (ESMPs) and, where relevant, Resettlement Action Plans (RAPs).

Application of 'Safety of Dams' policy to Naghlu Dam

21. The dam design shall be guided by and compliant with the World Bank policy on safety of dams (OP4.37). DABS is responsible for ensuring appropriate measures are taken and sufficient resources provided for the safety of the dam. The dam rehabilitation works shall be designed and their implementation supervised by experienced and competent professionals. DABS will appoint experts, acceptable to the World Bank, to form an Independent Panel of Experts (Panel), known as the Technical Advisory Panel to review and advise DABS on matters relative to the safety aspects of the rehabilitation works. . DABS views the Panel as an objective reviewer, whose independence and integrity will be safeguarded. The Panel shall be maintained for the duration of the project, until all facilities are placed into final operation.

Institutional Arrangements

22. The Chief Operating Officer (COO) of DABS will have overall responsibility for ensuring effective compliance with the requirements set out in the ESMF. The COO will identify an Environmental Safeguards Officer (ESO) and a Social Safeguards Officer (SSO) who will have specific responsibility for overseeing the implementation of the ESMF provisions during preparation, implementation, monitoring and evaluation of the project. The Safeguards Officers (SOs) will be supported in their work by World Bank Social and Environmental Specialists, especially during the initial stages of the project. The SOs will liaise closely with DABS management at the Naghlu plant and representatives of local communities at each stage of project development.

Capacity Building

23. The overarching objective will be to build and strengthen the institutional capacity of DABS to better support the development and integration of social and environmental measures into the project. An assessment will be carried out by DABS, supported by the World Bank, to identify training needs of DABS' staff on environment and social issues at national and local levels. A capacity-building strategy will be developed to meet identified training and other capacity building needs.

Monitoring and Evaluation Framework

24. **Internal Monitoring and Reporting:** At local level, DABS safeguards officers, together with DABS local project management team, local government and local communities will be responsible for monitoring the implementation of environmental and social mitigation measures, set out in the Environment and Social Management Plans (ESMPs). They will also have

responsibility for monitoring RAP implementation/entitlements. Monthly progress reports will be submitted to DABS national office using standard reporting forms.

25. At national level DABS COO will take responsibility for overseeing progress in implementing the ESMF and assessing the effectiveness of mitigation measures against agreed indicators and parameters.
26. **External Monitoring and Evaluation:** External assessment of compliance with mitigation measures will also be carried out on a regular basis by an Independent Thirty Party Monitoring Agency to be appointed by DABS and agreed by the World Bank with the results communicated to DABS and the World Bank. This Agency will be responsible for the preparation of the semi-annual compliance report on RAPs and ESIA/ESMPs. (see Annex 13).
27. An Environment and Social Advisory Panel (ESAP), comprising internationally and locally recognized environment and social specialists, will provide another layer of oversight and advise DABS on key environment and social issues.

Grievance Redress Mechanism (GRM)

28. The key elements of the NHRP's GRM ,which will address grievances related to both environmental and social concerns, are (i) attempts to resolve the dispute at local level(ii) grievance redress committee and (iii) appeal to DABS' management. DABS management, ESS team and implementing partner 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's are implemented as planned.

Communication

29. An outline communications strategy and plan have been developed to increase the overall effectiveness of the project. In the NHRP context an effective communication strategy has heightened importance as a result of community concerns, many of which date from the 1960s when the dam was built. The communication plan is already being implemented through consultations on the ESMF. This consultation process helps make affected communities aware of the planned project, provides them with an opportunity to comment on it and helps reduce possible misinformation about proposed activities.

I. Background and Project Context

1.1. The Afghanistan Power Sector

1. Afghanistan's power sector suffered from thirty years of war, neglect and misuse resulting in the almost complete destruction of the grid system in most urban areas; grid power in the rural areas was virtually unknown. The limited electricity that was available from the grid was unreliable, of poor quality and available in limited quantities for a few hours a day. Anyone wanting more or more reliable electricity than was on offer used small or medium sized diesel or gasoline generators.
2. In 2002, when the new government came into being, donors started to finance rehabilitation and construction of the power system, partly to ensure essential services could be provided and partly because it was most frequently demanded by people to improve their lives. The North East Power System (NEPS) which serves several of the Northern provinces as well as Kabul has seen significant growth. Most notable are the interconnection with the Uzbekistan power system which allows the import of up to 300MW and enables provision of 24 hour power to parts of Kabul, and a connection with Tajikistan which allows the import of a further 300MW during summer when there is surplus hydropower capacity. Other parts of the country also benefit, including in the North West and west, which are supplied from the grids of Turkmenistan and Iran. Afghanistan's current heavy dependence on imports, at about 80 percent of its electricity needs in 2012, is likely to continue for some time.
3. The Government of the Islamic Republic of Afghanistan (GoIRA), through its 2006 Afghanistan National Development Strategy (ANDS), set out ambitious three to five year goals for increasing access to electricity. The aim was for electricity supply to reach at least 65 percent of households and 90 percent of non-residential establishments in major urban areas and at least 25 percent of households in rural areas. This would have represented a considerable increase over the rate of electrification – which had last been reliably estimated at six percent nationwide in 2003. More recent estimates suggest that some 25-30 percent of households have access to grid electricity. There appears to be no reliable estimate for the number of people with access to off-grid electricity although there is some 134MW of small hydro, diesel generators and solar power installed.
4. Responsibility for management and operation of the electricity system rests with Da Afghanistan Breshna Sherkat (DABS), the national electricity utility. Until 2009, DABS was a department of the Ministry of Energy and Water (MEW). DABS's corporatization has been accompanied by a strong program of commercialization supported by the World Bank and more recently by USAID. DABS is responsible for the installed domestic generation capacity, including about 230MW of hydropower and with it Naghlu Hydropower Plant, although only about 138MW is currently in service.

I.2 Project Objective

5. The Project Development Objective is to improve dam safety and to increase the supply of electricity at the Naghlu Hydropower Plant.

I.3 Project Description

6. Naghlu Hydropower Plant (NHPP) is located on the confluence of the Panshjar and Kabul rivers in the Surobu District, Kabul Province, about 80 km east of Kabul. Naghlu was first commissioned in 1967 and financed by the former Soviet Union. The equipment was manufactured by Technopromexport, a Russian engineering company founded in 1955. Its reservoir, approximately 110 meters from foundation to crest, is dammed up by a concrete gravity wall. Due to the small reservoir capacity and high inflow, reservoir operation is limited,

and the hydropower plant's operation is comparable with a run-of-river plant. The head is 61 meters. The four Francis turbines of the plant have an overall rated capacity of 94 MW (23.5 MW each). In mid-2015, the Naghlu Hydropower Plant (NHPP), is the most strategic of domestic power plants in Afghanistan's power generation portfolio and provides more than half of Kabul's electricity

7. During the civil war, the opposition used NHPP as a tool to deprive Kabul of electricity. This led to slippages in the operation and maintenance (O&M) of the plant. By 2001, when political power changed, only two generators remained operational. To remedy the situation, the World Bank prepared an Emergency Power Rehabilitation Project (EPRP) in 2004 in the amount of US\$105 million. EPRP financed the rehabilitation of three of the four turbines and the auxiliary plant. The rehabilitation of unit 1 could, however, not be completed. O&M continued to be lacking, and as a result some of the other units may now also require overhaul.
8. Improving and restoring physical infrastructure of power systems in Afghanistan is a low cost option for enhancing domestic electric capacity as long as the gains in restoring this infrastructure are sustained through improved operation and maintenance processes (O&M). However, as the experience of the EPRP project shows, the integrity of the entire system could be at risk due to ongoing O&M deficiencies. While short-term restoration projects are critical for addressing current needs, promoting long-term security of the power sector mandates an ongoing learning process that mainstreams best industrial practices into hydropower plant management.
9. Analysis undertaken in 2014/2015 concluded that dam safety management of Naghlu Dam is unsatisfactory and requires immediate attention. Issues include:
 - Sediment management: the extent of sedimentation in the reservoir has never been measured. DABS estimates that sediment has accumulated 7 m above the low-level outlet, rendering it inoperable. This has serious ramifications on the hydrological safety and flood discharge.
 - The potential presence of the unexploded ordinance in the reservoir, which complicates sediment management in the dam.
 - Need for a dynamic stability analysis to determine structural safety under earthquake loading.
 - Unavailability of auxiliary methods of operating spillway gates and independent operation of power intake gates, and lack of essential instrumentation render the dam unsafe.
10. Poor O&M at the plant do not allow for safe and sustainable plant operation. While training had been provided under an earlier project, further capacity building and training support is therefore needed, not only for Naghlu but for the sector as a whole.
11. The proposed Naghlu Hydropower Rehabilitation Project (NHRP) is estimated to cost a total of USD 83 million, and comprises the following three main components:
12. **Component 1: Component 1: Mechanical, Electrical, and Electromechanical Work** (US\$30.0 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:
 - **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant.** This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (i) testing of the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.

- **Subcomponent 1(b): Enhancing Maintenance of the Powerhouse.** Other units of the power house are in need of regular maintenance. This subcomponent will particularly support provision of spare parts and consumables for three to five years to ensure the sustainable operation and normal maintenance of the existing plant. This will include Unit 3 overhaul. Unit 3 has been running for over 20,000 hours and should have been overhauled at 7,000 hours of operation. Similarly, pipes, valves, and pumps for inlet valve control have been in service for over 45 years and need immediate attention. In order that maintenance routines are being maintained according to technical requirements over time, under Component 3 supervision routines for NHPP will also be developed/updated. These will include a review of management of spare parts and consumables.

13. **Component 2: Dam Safety and Power Generation Capacity Improvement (US\$33 million).**

This component aims to ensure the safe operation of the dam through the two subcomponents as follows:

- **Subcomponent 2(a): Dam Safety Audit and Safety Improvement Measures.** This component will finance technical assistance and studies including (i) audit of the dam's structural and operational safety; (ii) preparation of plans and bidding documents for works to improve safety to acceptable standards, focused on reactivating the bottom outlet, adequacy of auxiliary power and other systems, improvements to the head gates closing system, installation of instrumentation, and clearance of the UXOS from the dam structure; (iii) studies on structural and operational safety considering updated hydrological and seismic data and following relevant international/national standards/guidelines; and (iv) flood routing through Naghlu Dam to Surobi Dam, including adequacy of its spilling arrangements.

The dam safety audit will identify quick measures to improve dam safety to be implemented before the completion of the dam safety audit. Specifically, this will focus on supporting DABS in introducing modern dam safety measures that do not require major structural changes, particularly (i) setting up a procedure and staffing for independent dam safety inspections; (ii) preparation of dam safety plans including operations, maintenance, and surveillance manuals for civil works, emergency preparedness plans, and post-earthquake response plans; (iii) revision of operating manuals for the electrical and electromechanical works; (iv) detailed maintenance planning for equipment; (v) training of dam staff; (vi) reactivation of the low-level outlet; (vii) introduction of independent operation of the power intake gates; (viii) installation of standby generator for emergency opening of the spillway gates and closing of the power intake gates; and (ix) installation of other essential instrumentation for dam safety monitoring.

Experts indicate that the UXOS present are not expected to pose major structural risk to the body of the dam. However, UXOS will present risks to the sediment cleanup of the dam. The feasibility study referred to under (vi) will assess the different options to conduct sediment cleanup and the procedures to treat the present UXOS.

- **Subcomponent 2(b): Optimization of Power Generation.** This component aims to examine the potential for increasing power generation at NHPP. This would identify options for sustainable sediment management and for increasing the amount of electricity produced by the dam. It consists of two subcomponents as follows:

Feasibility study. This study examines the feasibility of various options to increase power generation, including but not limited to (i) appropriate dam operation and better management; (ii) additional storage upstream of the dam; (iii) additional siphon

spillway/floating barge mechanism for controlled flushing of sediments; (iv) raising the dam crest; and (v) catchment area treatment.

Detailed design. This supports the preparation of detailed designs should the feasibility study return a positive result, and will be closely guided by the findings of Environmental and Social Impact Assessment (ESIA), resettlement and livelihoods restoration, environment and social management plans, health, and other related action plans.

14. Component 3: Environmental and Social Sustainability, Project Management Support, and Future Project Preparation (US\$20.0 million). This component includes two subcomponents.

- **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent aims to ensure the environmental and social sustainability of the dam through:
 - **Local development assistance.** Partly in support of benefit sharing with local communities, this subcomponent will support (i) electrification in the project area and (ii) improved access to skills and training to enable local people gain employment at the plant and elsewhere. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent such as road development. This will insure continued community support for the dam and the proposed rehabilitation.
 - **Supporting environmental and social management.** This will support (i) for component one, updating the existing environmental guidelines through an environmental management plan (EMP), implementation and monitoring of that plan; (ii) the preparation, implementation, and independent monitoring of ESMPs, Resettlement Action Plans (as required), and Livelihoods Development Plans for components 2a, and 2b. For component 3a, the preparation , implementation and independent monitoring of an ESMP
- **Subcomponent 3(b): Project Management Support and Future Project Preparation.** This subcomponent aims to ensure that DABS receives advice on good international practices. It will consist of:
 - 1) This subcomponent will finance the training programs, development of operational manuals for generation, distribution planning, operation and maintenance, and translation of management and control software and technical documents into Pashto and Dari to ensure adequate capacity for the safe and sustained operation of the existing plant.
 - 2) Consulting services to support implementation of the project which include technical (hydropower specific), environmental, social, technical, procurement, financial management, and monitoring and evaluation aspects.
 - 3) Financing support for an Environmental and Social Advisory Panel (ESAP) and a Project Technical Advisory Panel (PTAP).
 - 4) Future projects identified for hydropower development and management may also be pursued under this component to support DABS expanding domestically generated power.

15. In sum, Components 1–2 focus on addressing the technical issues related to electromechanical rehabilitation of the NHPP and improving safety and power supply from the NHPP, while Component 3 focuses on building institutional and managerial capacity.

I.4 Implementation Arrangements

16. Responsibility for project implementation will rest with DABS, whose chief executive officer (CEO) will delegate day-to-day management to heads of departments. Implementation will be grounded in the operation departments of DABS. Oversight of technical and safeguards issues will be the responsibility of the chief operating officer (COO) and oversight of fiduciary issues will rest with the chief financial officer (CFO).
17. DABS will hire qualified consultants to carry out the various studies, environment and social assessments and Resettlement Action Plans required under components 2a, 2b and 3a. DABS has appointed environment and social safeguards officers who will take day-to-day responsibility for internal monitoring compliance of environment and social safeguards. The World Bank will support DABS through the provision of technical assistance.
18. An independent third party, reporting directly to the Chief Operating Officer of DABS and the Bank, would be hired to monitor and report on compliance. The Resettlement Action Plan(s) (RAP's) would have a robust and independent monitoring arrangement. The Naghlu capacity building program includes training in social and environmental safeguards for project staff, local communities and contractors.

I.5 Potential Negative Impacts

The severity, intensity and location of the potential Environmental and Social Impacts and when they will occur, will vary by component.

1.5.1 Potential Negative Environmental impacts

19. Component 1 – impacts will be associated with the electro-mechanical works taking place in the power house only and will be associated with managing removal, storage, handling and disposal of used oil's and lubricants, petroleum products and the removed parts. Other impacts may be due to loud noises and dust. These impacts are expected to be small, localized, short-lived and thus readily reversed or effectively managed with tangible mitigation measures, and are not expected to have lasting effects.
20. Component 2a – impacts will most likely be associated with removal and disposal of sediment material, and from managing public safety concerns during the removal, handling and disposal of unexploded ordinances, both from the reservoir area. Other concerns will include management of large construction equipment and plant, possible expansion and heavier use of the road networks in the area, including on access roads due to the movement of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. These impacts are likely to be of concern, and their intensity and scale will be evaluated in a full Environmental and Social Impact Assessment.
21. Component 2b – impacts will be potentially associated with the raising of the dam crest, and therefore, as a consequence an increase in area of the reservoir will occur. This will potentially result in flooding of marginally more land, and therefore, may possibly further require enhanced water quality control measures in the reservoir. Early environmental scoping based on desk reviews and from field visits do not indicate the presence of endangered fauna or flora species or any significant natural habitat concerns. On the contrary, the evidence points to an already severely degraded landscape in the project area and with little or no vegetative cover at all. Hence the ongoing concerns with severe soil erosion, sediment transportation and deposition in the reservoir and downstream of the dam, which will continually have to be effectively managed going forward. Therefore, similar to Component 2a, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms

of their intensity and scale will be evaluated as part of the feasibility studies in a standalone Environmental and Social Impact Assessment.

22. Component 3a – impacts are likely to be almost negligible as these will be mostly associated with grid connections to surrounding villages in the project area. For some villages, off-grid connections may be the only feasible choice, and for these cases, the concerns there would be how to manage lead batteries that may be used to store solar power during the day for use at night. These low scale impacts will be managed in a stand-alone ESMP for this component to be prepared by the consulting group carrying out the ESIA.

1.5.2. Potential Negative Social impacts

23. Component 2a: The removal of sediment from the reservoir may result in asset loss and/or temporary land acquisition. A Resettlement Policy Framework (RPF), based on the Afghan legal framework and compliant with the requirements of OP.4.12, has been developed and will be applied where it is not feasible to avoid land acquisition, asset loss and/or resettlement. The RPF clarifies resettlement principles, organizational arrangements and design criteria to be applied to all components implemented under this project.. In this way a consistent approach to resettlement practice will be ensured.
24. Component 2b: A potential decision to raise the height of the dam could result in the unavoidable resettlement of people, disruption of community life and networks, permanent or temporary loss of land, assets and livelihoods and communal social and cultural facilities, e.g. cemeteries, shrines, mosques and grazing land. A fundamental principle of the RPF is the need to ensure social justice and equity for those people directly affected by the project by making certain that they are not impoverished by displacement and at the very least their livelihoods are restored to their pre-project levels. This is considered to be especially important in the Naghlu context where, almost fifty years after the hydropower plant was built, there remains a strong perception among many upstream and downstream communities that they were seriously disadvantaged under the resettlement program of the 1960s and have not benefited from the Naghlu plant. In consultations carried out as part of this ESMF preparation local community representatives raised a number of issues related to the resettlement in the 1960s. In their view: (i) there was limited or inadequate compensation for the compulsory acquisition of land and homes; (ii) resettlement locations in Jalalabad and Kabul were too far from Naghlu (iii) there was no replacement of important cultural and religious places such as cemeteries, mosques and shrines. Since the dam was built many relocated families have returned to live in the area.
25. Component 3a includes provision for the electrification of villages in the immediate project area. This will be a direct, tangible benefit to communities in the Naghlu vicinity and should help counter a major grievance voiced by communities - that to date they have not received any benefit from the project. Very small areas of land may be bought outright (willing buyer- willing seller) to facilitate the siting of electricity poles and pylons.
26. The NHRP cannot tackle all residual or ' legacy' issues from the 1960s resettlement. Through effective implementation of the RPF provisions the project can, however, seek to ensure that such issues do not arise as part of any resettlement initiative.
27. The environmental and social safeguards management approach is summarized, component by component in Table1 (below).

Table: 1- Safeguards Management Approach Component by Component

Components (with summary description of civil works)	Activities to be financed by the Project	Safeguards Documents	Timing for Preparation and Implementation of Safeguards Documents
Overall Project level	Components 1-3	ESMF and RPF Pre-Feasibility Social Assessment	ESMF and RPF prepared during project preparation, implemented in project. Pre-Feasibility Stage, Social Assessment of entire project area to be prepared during project preparation
Component 1¹ Mechanical, Electrical and Electromechanical Work	TA and Civil Works	ESMP	Detailed Environmental and Social Safeguards Guidelines, applied during the Emergency Power Rehabilitation Project, will be updated during project preparation.
Component 2a Dam Safety Audit and Safety Improvement measures	TA services and Civil works	Dam Safety Audit, ESIA, ESMP, RAP	Dam Safety Audit, ESIA and ESMP prepared and implemented during the project. RAP will be prepared if Dam Safety Audit and ESIA indicate requirement of land.
Component 2b Optimization of Power Generation	TA services	FS, ESIA, ESMP and RAP	Step 1: FS, ESIA prepared during Project implementation. Step 2: If power optimization, requiring civil works or other activities that may have potential environmental and social impacts, is deemed feasible, an ESMP and a RAP will also be prepared during the project.(Actual Civil Works will NOT be implemented in this project, but in a potential follow on project.)
Component 3a Environment and Social Sustainability: local development assistance and support to environmental and social management.	TA services and civil works	ESMP	ESMP, informed by findings from pre-feasibility social assessment
Component 3b Project Management support and future project preparation,	TA Services	None	N/A

¹ The Environmental and Social Safeguards Guidelines have been applied to the rehabilitation of the mechanical, electrical and electromechanical work at the NHPP since the WB started financing the work under the Emergency Power Rehabilitation Project in 2006.

Dam Safety Panel, E &S Advisory Panel)			
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II. Policy Legal and Regulatory Framework

II.1 World Bank Operation Policies triggered in NHRP

Safeguard Policies Triggered by the Project	Yes	No	TBD
Environmental Assessment (OP/BP 4.01)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Natural Habitats (OP/BP 4.04)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pest Management (OP 4.09)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Physical Cultural Resources (OP/BP 4.11)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Involuntary Resettlement (OP/BP 4.12)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indigenous Peoples (OP/BP 4.10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Forests (OP/BP 4.36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Safety of Dams (OP/BP 4.37)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Projects in Disputed Areas (OP/BP 7.60)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Projects on International Waterways (OP/BP 7.50)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. **Environmental Assessment (EA OP/BP 4.01):** The project is assigned Category A. This ESMF will serve as the overall project level instrument required by OP4.01. The ESMF detailed requirements and processes for Full environmental (and social) impact assessments and environmental and (social) management plans to be prepared by DABS and will be reviewed by the Bank.

29. **Natural Habitats (OP/BP4.04):** This policy is triggered because there is a possibility that the area of the reservoir is likely to be increased which could potentially mean more habitat loss, and also there may be impacts on fish in the downstream area. The EAs will examine natural habitats closely to determine the extent to which they may be impacted by the project.

30. **Involuntary Resettlement (OP/BP 4.12):** This policy is triggered because of the possibility of land and other property loss should the decision be taken, after technical feasibility studies and an SIA, to raise the height of the dam under component 2b. It is also triggered because the process of removing sediment from the reservoir under component 2a may result in asset loss and temporary land acquisition. The overall objectives of the Bank's policy on involuntary resettlement are to avoid land acquisition and involuntary resettlement where feasible, or minimize, exploring all viable alternatives. 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. The ESMF for the Naghlu Hydropower Plant rehabilitation is supplemented with a Resettlement Policy Framework (RPF) included as Annex 12. A Resettlement Action Plan (RAP) will be prepared if the decision is made to proceed with raising the height of the dam (see Annex 12A).

31. **Safety of Dams (OP 4.37):** This Policy is triggered, because the project will rehabilitate an existing large dam. The policy requires that DABS "arrange for one or more independent dam specialists to (a) inspect and evaluate the safety status of the existing dam, its appurtenances, and its performance history; (b) review and evaluate the owner's operation and maintenance procedures; and (c) provide a written report of findings and

recommendations for any remedial work or safety-related measures necessary to upgrade the existing dam to an acceptable standard of safety” A Technical Advisory Panel has been established under component 2 to carry out these tasks.

32. **Projects on International Waterways (OP/BP 7.50).** Naghlu Dam is located at the confluence of the Panjshir and Kabul Rivers. The Kabul River then goes on to flow into Pakistan, where it joins the Indus at Attack. Therefore, as the Kabul rivers flows through Afghanistan and Pakistan, this policy is triggered. Although the two countries have no treaty or official agreement on this, the envisioned ESIA will need to address the potential water quantity and quality impacts this project may have on the Kabul River. Also, this policy requires that Afghanistan notifies Pakistan about the potential impacts this project will have on the Kabul River.
33. **Indigenous Peoples (OP/BP 4.10):** This policy is not triggered since the population around the site, according to existing information and field visits, do not fulfill the criteria of OP 4.10.
34. **Physical Cultural Resources (OP/BP 4.11):** This policy is triggered because consultations at local level confirm presence of graves in villages which are likely to be displaced should the decision be made to raise the height of the dam and in the event of ‘chance finds during project implementation. Guidelines on protection of cultural property is included as Annex 3
35. The primary relevant laws and legislations framing social and environmental issues are:
 - The Environment Law of Afghanistan (2007)
 - The Constitution of Afghanistan (2004)
 - Land Expropriation Law (2009)
 - Law on Managing Land Affairs (2008)
 - Afghan Land Policy (2007)
 - Law on the Preservation of Afghanistan’s Historical and Cultural Heritages (2004)
 - ESIA Regulations (NEPA)

II.2 Environment Law of Afghanistan, 2007

36. The Environment Law is based on international standards that recognize the current state of Afghanistan’s environment while laying a framework for the progress of governance leading to effective environmental management.
37. The Environment Law of Afghanistan promulgated in 2007 is quite comprehensive and covers most of the aspects of natural resources management. The law requires inter alia that planning for sustainable use, rehabilitation and conservation of biological diversity, forests, rangeland and other natural resources, prevention and control of pollution, and conservation and rehabilitation of the environment from adverse effects shall be an obligatory element of all national and local land-use plans and natural resources plans developed by all relevant ministries and national institutions. (art.23). Furthermore, it stipulates local communities should be involved in decision-making processes regarding sustainable natural resource management (art. 23, Para 10), and that affected persons must be given the opportunity to participate in each phase of the project. (art. 19, 1)

38. Consistent with the Articles 13(1) and 22 of the Environment Law of Afghanistan, NEPA, as the sole authorized agency, has promulgated the Environmental Impact Assessment Regulations (Gazette No. 939) on 10 March 2008, governing the process of environmental assessment for development activities. The Environmental Impact Assessment Regulations of 2008 is considered consistent with the World Bank OP.4.01 (Environmental Assessment) in its coverage of the application, screening, consideration, impact assessment, issuing certificate of compliance, and other aspects comprehensively. In addition, the Environmental Impact Assessment Regulations have specific clauses on disclosure, consultation, and public participation as part of the due EA process, as well as the categorization of projects (Schedule 1 Screening of Activities) based on scale and nature of potential impacts, that are consistent with the World Bank and international best practices.
39. With respect to multilateral environmental agreements and regional cooperation, Afghanistan has primarily concentrated on “green” trans-boundary issues concerning protection and preservation with NEPA and the Ministry of Agriculture and Irrigation dividing duties as the respective focal points. Afghanistan has signed but not ratified the Basel Convention regarding trans-boundary movement and disposal of hazardous waste, and is in the process of acceding to the Convention on Migratory Species (CMS) and the Ramsar Convention on Wetlands.
40. The Ministry of Agriculture and Irrigation is the focal point for the UN Convention on Biological Diversity (UNCBD), the UN Convention to Combat Desertification (UNCCD) and the Convention on International Trade of Endangered Species (CITES). Afghanistan has also ratified the ozone treaties, the Vienna Convention and the Montreal Protocol, and the UN Framework Convention on Climate Change (UNFCCC) with NEPA as the focal point (NEPA Environmental Policy Paper).

II.3 National Environmental Protection Agency (NEPA)

41. NEPA was constituted in 2005 and it is the prime environmental regulatory and approval authority in the country. The Act under which NEPA was established specifies that the proponents of any project, plan, policy or activity must submit to NEPA a preliminary Environmental Assessment, in order to allow NEPA to determine the associated potential adverse effects and possible impacts. As detailed above in section on Environmental Impact Assessment Regulation, NEPA can either authorize – with or without conditions – the project, plan, policy or activity, provided that the potential adverse effects of the proposed activities on the environment are unlikely to be significant. Otherwise, NEPA may require the proponents to submit a detailed environmental impact statement including a comprehensive mitigation plan for its review and approval.
42. NEPA EIA Board of Experts review, assess and consider applications and documents of the project submitted by the proponent (including DABS). Acting on the advice of the EIA Board of Experts, NEPA has the option of either granting or refusing permission. Once permission is granted the proponent needs to implement the project within three years of the date of which the permission has been granted, otherwise, it will lapse. EIA Board of Expert decisions can be appealed (Art. 19).
43. NEPA, as the knowledge centre and approval authority on environmental assessment, has provided training on EIA requirements to over 20 DABS staffs as part of the World Bank capacity building program as of January 2013.

44. A detailed EIA procedure has been laid out by the NEPA for the proponents to follow for mandatory environmental compliance. (See Annex 5).

II.4 Implications of the Environment Law and the EIA Regulation for NHRP project

45. It is envisaged that component 1 and feasibility study of component 2b of NHRP fall under Environmental Category 2 which comprise activities with limited potential adverse impacts of a reversible nature. The component 2 of project which relates with dam desilting may comprise activities with potentially irreversible adverse impacts.
46. The Afghan EIA Regulation requirement is same for either Category 1 or Category 2 that the project proponent and the owner should submit an application form and screening report to NEPA. The documents should meet the agency required technical guidelines for the screening report, e.g. description of the activities, completion of Rapid Environmental Assessment (REA) to identify potential impacts and their sources and the relevant mitigation measures, public participation in the assessment process and etc.
47. Once the application from and other relevant documents are submitted to NEPA according to the agency EIA regulation NEPA would (i) issue a Certificate of Compliance, with or without conditions, (ii) advise the applicant in writing to review the technical reports and address the concern of NEPA. According to the EIA regulation NEPA would grant Certificate of Compliance or would refuse to do so and provide written reasons for the refusal to the applicant. The EIA regulations are silent on NEPA rules during implementation for the activities and projects.

II.5 The Constitution of Afghanistan (2004)

48. The Constitution contains some articles that relate specifically to compensation and resettlement issues. These include Article 40 ‘No one’s property shall be confiscated without the order of the law and decision of an authoritative court. Acquisition of private property shall be legally permitted only for the sake of public interests and in exchange for prior and just compensation’

II.6 Law on Land Expropriation, (LLE) 2009

49. The Law sets out the provisions governing the expropriation or acquisition of land 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 and large gardens. It declares, *inter alia*, that: a) acquisition of a plot or portion of a plot land for public use is decided by the Council of Ministers and is compensated at fair value based on current market rates (Article 2); b) 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. (Article 6); c) the value of land, value of houses and buildings on the land and value of trees and other assets on the land will be considered for compensation (Article 8); and d) compensation is determined by the Council of Ministers. The Law, however, is silent on resettlement. It makes no special provision for a resettlement plan or indeed any arrangements for resettlement. A detailed comparison between the provisions of the LLE and WB OP 4.12 is

provided in the Resettlement Policy Framework, attached as Annex 15. The LLE is currently under revision by the Afghanistan Independent Land Authority.

50. Various eligibility of compensation entitlements, such as for landowners, squatters, agricultural tenants, sharecroppers and house owners/renters are available under the Resettlement Policy Framework.

II.7 Law on Land Management (LLM) 2008

51. The LLM is aimed at creating a legislated unified, reliable land management system. This Law also aims to provide a standard system for land titling, land segregation and registration; prevent illegal land acquisition and distribution; access to land to people; and conditions for appropriation of lands. The LLM provides that, *inter alia*, the management of land ownership and related land management affairs is the responsibility of the Ministry of Agriculture, Irrigation and Livestock (Article 4). However, in June 2013, The Afghan Independent Land Authority (ARAZI) was established as a separate agency, and the mandate on land administration and management transferred from MAIL to ARAZI. If no title deeds are possessed, a land settler may claim land ownership providing conditions are met, including that: there are signs of agricultural constructions; land owners bordering the said plot can confirm settlement of the land user for at least 35 years; the land is not under Government projects and is up to a maximum 100 Jeribs (Article 8).
52. A Provincial Level Land Settlement Commission will be established to better manage field activities and overcoming problems relating to implementation of the land settlement activities. This Commission is made up of the Provincial Governor, representative of the Appeal Court, Head of Ministry of Agriculture, Irrigation and Livestock, Head of MEW, Land Management Department, Department of Geodesy and Cartography (Article 20); The State may appropriate land under a project for permanent use by state departments and institutions (Article 21), whilst land in built-up or under residential structures should be appropriated by the relevant Departments and not the Land Settlement Commission (Article 22). Several Articles including Article 23, 81 and 89 provide for dispute settlement in the courts. However, Article 23 also stipulates that the legal court settlement can be resorted to only after attempts to redress grievances with the settlement commission have failed. Article 25 recognizes the possibilities of customary ownership of land, water (Kariz) and other similar community linked endorsements like by elders, tribal leaders and tribes etc.
53. The LLM is currently under revision with amendments being reviewed by MoJ. If approved amendments may have implications for compensation matrix in terms expanded recognizable claims.

II.8 Afghan Land Policy (2007)

54. A comprehensive land policy was approved by cabinet in 2007 but is yet to be operationalized. Important relevant provisions include: *Land Tenure/Land Acquisition* (i) Land policy provides that compensation for the expropriation of ownership or of rights over land as enshrined in the Constitution be strictly enforced by law. Property rights may only be expropriated under defined legal procedures and for defined legal purposes; (ii) it also provides that no law may permit arbitrary deprivation of property rights. In the event that the government decides to implement a development project in the interest of the public, the value that the land had prior to the announcement of the expropriation will form the basis for the amount of monetary compensation to the owners of the property. *Protection of*

Property Rights (i) It is a national policy that the national and provincial governments take measures to protect citizens including residents of informal settlements from arbitrary and forcible eviction. Eviction and relocation of unplanned settlement residents shall be undertaken with community involvement only for necessary spatial rearrangement which should take effect in accordance with the public's interest (ii) Compensation for expropriation of rights over land must be provided equitably in accordance with the law.

II.9 Law on Preservation of Afghanistan's Historical and Cultural Heritages, 2004

55. According to The Law on the Preservation of Afghanistan's Historical and Cultural Heritages operations which causes destruction or harm to recorded historical and cultural sites or artifacts is prohibited (art .11, art. 16). The law provides guidelines for how to deal with chance finds – see Annex 3. This is considered consistent with the World Bank OP 4.11 on physical cultural resources. The ESIA will include screening for existence of physical cultural resources in the potential area of impact.

II.10 Mine Risk Management

56. None of the project components will be implemented without appropriate mine-risk management. Procedures for mine risk management are in Annex 6.

III. Environmental and Social Management Framework (ESMF)

III.1 ESMF General Guidelines

57. A framework approach is adopted as the specific alignment of activities in a number of components is unknown at the time of project appraisal. This approach permits the early identification of potential adverse environmental and social impacts without the requirement of rigorous analysis through quantification.

58. The Environmental and Social Management Framework (ESMF) provides general policies, guidelines, codes of practice and procedures for the management of environmental and social issues to be integrated into the implementation of the project. These are set out in annexes 1-13.

59. The processes for preparing the safeguards documents required under the ESMF, and for reviewing and clearing them summarized in Section IV (page 41)

60. Consistent with existing national legislation, and in compliance with World Bank Operational Policies, the ESMF seeks to ensure that activities under the project will:

- Prevent involuntary land acquisition to the extent possible, as a first principal, and where this is unavoidable, compensate any loss of assets and livelihood;
- Avoid, prevent, mitigate or compensate for adverse environmental impacts as a result of the project;
- Protect human health and safety;
- Enhance positive environmental and social outcomes;
- Ensure compliance with World Bank safeguard policies.

III.2 Lessons learned from ESMF implementation in other World Bank- funded projects in Afghanistan

61. ESMF implementation in other World Bank- funded projects in the country was reviewed and the main lessons learned and incorporated in the present ESMF are:
1. Trained staff with clear job descriptions and conducting environmental and social audits has given good results. Exposure visits to similar projects inside and outside the country can greatly enhance the understanding and attitude of the staff in terms of safeguards issues. Repeated training in relevant fields is important considering staff turnover.
 2. Regular and timely engagement of the World Bank team with the senior leadership of the line ministries helps to focus attention on, and compliance with, ESMFs, but equally important, with the compliance with the ESIA's and ESMP's for each component that has one.
 3. Allocation of budget and resources with clear implementation and monitoring arrangements for the ESMF are essential.
 4. It is important to ensure availability of ESMF documents, including all guidelines, in local languages at project sites.
 5. ESMP provisions must be incorporated in bidding/contract documents with accompanying translation in local languages and must be reviewed with contractors by PCU management prior to start of construction work.
 6. Contractors need training in understanding and complying with ESMP provisions.
62. During the process of developing the ESMF for the NHRP a range of project and other relevant documents were studied, meetings were held with project technical staff to understand fully various aspects of the project and field visits made to collect and check data. Consultations were held with representatives from local communities located upstream and downstream of Naghlu Dam. (see Annex1) as well as other stakeholders, including representatives from local government and NGOs, to inform them about the proposed project, and receive their comments and recommendations on social and environmental issues related to it. The NHRP consultation and participation plan is included as Table 2 (below).

III.3 Stakeholder identification, consultation and participation

63. Wide-ranging consultations help to; (i) ensure that people are made aware of a project and have the opportunity to comment on it (ii) improve responsiveness, accountability and transparency on the part of project management (iii) promote better decision-making and (iv) increase cooperation of community and government partners during project implementation and local ownership after handover. Initial meetings with stakeholders provide a forum not just for dissemination of information about the project and its potential impacts, but also constitute an important opportunity to hear people's concerns and take on board their recommendations to the extent possible in project design. These meetings also will lay the foundations for systematic consultation and participation of the community in all subsequent stages of the project's development.
64. It is also a basic requirement of the World Bank OP 4.01 under the Environmental Assessment to have adequate consultation and participation from the stakeholders, records of which will need to be part of the EA documentation.

65. A dynamic participatory approach that seeks to involve the various stakeholders in decision making about environmental management, livelihood and community development programs will be encouraged throughout the course of the project. Stakeholder representatives will be consulted throughout project implementation (see Table 2 below) and will participate in workshops at the middle and end of the project to review and evaluate progress. The participatory approach will also be kept under continuous review by the NHRP project team and DABS management.
66. As a first step stakeholders will be identified. These will fall into two categories: (i) Direct stakeholders who will be directly affected by the project, i.e. different groups within communities, especially vulnerable groups and (ii) Indirect stakeholders who have an interest in the project, or who could influence its outcome, e.g. national and local government agencies, donors and NGOs.
67. Following stakeholder identification, participatory methods such as focus group discussions and semi-structured interviews will be used by DABS' safeguards staff and external specialists to conduct meetings with representatives from each group both to inform the development of safeguards instruments and to consult stakeholders through the lifetime of the project. Meetings with representatives of communities upstream and downstream (including roadside shopkeepers, fishermen and other affected roadside businesses) of the Naghlu reservoir will usually be arranged through village leaders such as the Head of the men's and women's CDCs. Meetings will be arranged at times to ensure the maximum participation of stakeholders. Separate meetings will be held with women and DABS will ensure that a local NGO with female staff is recruited to enable consultation with women. The prevailing security context is likely to determine the location of most meetings.
68. Consultation with indirect stakeholders will be conducted in parallel to those with communities. These will include meetings with representatives from relevant government departments and agencies including Sarobi District Governor, Kabul Provincial Governor, National Environment Protection Agency (NEPA), the Ministry of Energy and Water (MEW), the National Solidarity Program (NSP), the Ministry of Public Works, Ministry of Transport and Traffic Department (MOI). Meetings will also be held with NGOs working in the locality to keep them informed about the project.

Table 2: NHRP Safeguards Consultation and Participation Plan					
Elements	Scope				
Community Outreach, External, Media, Information Sharing	Entire Project				
Project Safeguards	Project Component	Safeguards Instruments	Project cycle phase	Actual Date Started	Target Group
	Preparation	ESMF	During Preparation	Dec 2012	Direct stakeholders Indirect Stakeholders
		RPF			
		Pre-feasibility Social Assessment			
	C1	ESMP	During Implementation		Direct and Indirect stakeholders
	C2a	TOR for (ESIA 1, ESMP 2 and RAP 1)	During preparation		Direct and indirect stakeholders
		ESIA 1	During implementation		Direct and Indirect stakeholders
		ESMP 1	During implementation		Direct and Indirect stakeholders
		RAP 1	During implementation		Direct and Indirect stakeholders
	C2b	Tor for(ESIA 2, ESMP2, RAP 2 and Dam Safety Plan)	During preparation		Direct and indirect stakeholders
		ESIA 2	During implementation		Direct and indirect stakeholders
		ESMP 2	During implementation		Direct and indirect stakeholders
		RAP 2	During implementation		Direct and indirect stakeholders
		Dam Safety Plan			
	C3a	ESMP 3	During implementation		Direct and indirect stakeholders

Accompanying notes to Table 2:

- Institutional arrangements and staffing to enable ongoing consultation with, and participation of ,stakeholders during the project preparation, implementation, and operation;
- Institutional arrangements that ensure that agreements made are honored.
- Institutional arrangements that provide for timely resolution for handling of complaints and grievances.
- Institutional arrangements that ensure documentation of consultations; monitoring of the implementation of agreements on entitlements and benefits; and records on the management and resolution of complaints.

69. A particular set of public and stakeholder consultations will apply if a decision is made to raise the height of the dam resulting in land acquisition and resettlement of people. The consultation process with affected persons (APs) will include the disclosure of the resettlement policy framework through various meetings and distribution of informative material aimed at creating awareness among APs regarding their potential loss, entitlements and compensation payment procedures and grievances redress mechanisms.
70. Drafts of environmental assessment studies, carried out under components 2a and 2b of the project, will also be shared with local communities and relevant government entities including NEPA.
71. Meetings will also be held with provincial and local officials to ensure that they are informed and regularly updated on the implementation of Environment and Social Management Plan and Resettlement Action Plans. With regard to the latter, DABS will coordinate with the land valuation committee, district governor, who has jurisdiction over the project area, and village leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

III.4. Overview of social studies in the NHRP

72. Various types of social studies will be carried out during the project.
 - (i) Pre-feasibility Stage Social Assessment
 - (ii) Component 2a: ESIA → household census - RAP
 - (iii) Component 2b: ESIA → household census - RAP
 (See annex 7, annex 8 and annex 12A)

III.4.1. Pre-Feasibility Social Assessment

73. A pre-feasibility social assessment to collect and analyze socio-economic, cultural and political information, covering specified areas in the vicinity of the dam in Sarobi and Tagab Districts, will begin during the preparation phase. Survey findings will inform the development of activities across the project, especially those of component 3a.

III.5. Environmental and Social Impact Assessments

III. 5.1 Environmental impact assessment

74. As required under the Afghan Environmental impact assessment regulations of 2008 and the World Bank OP/BP 4.01, the Environmental impact assessment will be conducted for Components 2a and 2b of the NHRP by independent team of experts and be coordinated by DABS environmental safeguard officer.
75. For Component 2a, impacts will most likely be associated with removal and disposal of sediment material, and from managing public safety concerns during the removal, handling and disposal of unexploded ordinances, both from the reservoir area. Other concerns will include management of large construction equipment and plant, possible expansion and heavier use of the road networks in the area, including on access roads due to the movement

of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. These impacts are likely to be of concern, and their intensity and scale will be evaluated in a full Environmental and Social Impact Assessment, and mitigation measure will be formulated based on consultation and scientific assessment, and be included in an integrated Environmental and Social Management Plan (ESMP, also see below on Social impact assessment). Detailed content and required format of the EIA is in annex 9 and the ESMP in annex 4.

76. For Component 2b, impacts will be potentially associated with the raising of the dam crest, and therefore, as a consequence an increase in area of the reservoir will occur. This will potentially result in flooding of marginally more land, and therefore, may possibly further require enhanced water quality control measures in the reservoir. Early environmental scoping based on desk reviews and from field visits do not indicate the presence of endangered fauna or flora species or any significant natural habitat concerns. On the contrary, the evidence points to an already severely degraded landscape in the project area and with little or no vegetative cover at all. Hence the ongoing concerns with severe soil erosion, sediment transportation and deposition in the reservoir and downstream of the dam, which will continually have to be effectively managed going forward. Therefore, similar to Component 2, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms of their intensity and scale will be evaluated as part of the feasibility studies in a standalone Environmental and Social Impact Assessment.) A comprehensive EIA (see annex 9 for detailed format and contents) will be prepared, draft disclosed, consulted with stakeholders, and reviewed by NEPA and World Bank.

III.5.2. Social Impact Assessment

77. Social Impact Assessments (SIAs), will form part of ESIA, and will be coordinated by DABS social safeguards officer across all identified stakeholder groups as a core element of components 2a and 2b of the NHRP. The SIAs will be reviewed by DABS Board, the ESAP and World Bank. Generic TOR for a full Social Impact Assessment attached as Annex 8.
78. NHRP Component 2a - Improvement of the Safety and Sustainability of the Dam - includes a range of studies to address safety shortfalls of the plant. A Social Assessment, as part of the ESIA, will be required to examine the impact of proposed activities recommended by these studies. Findings will be used to select the most appropriate mitigation measures which will be integrated into an Environment and Social Management Plan (ESMP) (see Annex 4). Where the ESIA and safety studies recommend options where land acquisition (temporary and/or permanent) is unavoidable (e.g. the diversion of the river as part of a process of removing sediment from the reservoir), a Resettlement Action Plan (see Annex 12a), in line with the Resettlement Policy Framework (see annex 12), will be prepared. The in-stream dredging may cause some adverse livelihood impacts (e.g. possible adverse effects on fishery and agriculture products), thus the proposed SIA should also include downstream communities in consultations.
79. A detailed Social Impact Assessment will be required as part of a wider ESIA study for Component 2b. The SIA will examine the impact of various options to increase power generation from the reservoir including raising the height of the dam. The ESIA together with technical and safety assessments will form part of the feasibility study with future investment decisions based on findings and recommendations from all reviews. Early

scoping of the area, together with discussions with local community and government representatives, indicate that raising the dam's height would result in both land acquisition and resettlement of people. If a decision is made to increase dam height, a resettlement action plan (RAP) will be developed which complies with the resettlement principles, with regard to eligibility criteria for identifying Affected Persons (APs) and compensation categories and rates, and organizational arrangements set out in the Resettlement Policy Framework. The elements of a RAP are set out in Annex 12A.

80. Findings from the pre-feasibility social assessment (see Annex 7) ,to be carried out in the project's preparation phase, will inform the development of the electrification element of component 3a. Very small areas of land may be bought outright (willing buyer- willing seller) to facilitate the siting of electricity poles and pylons. The social survey findings, together with those from a capacity building survey, will inform the development of an ESMP.

III.6 Application of 'Safety of Dams' policy to Naghlu Dam

III. 6.1 Overview

81. The dam design shall be guided by the World Bank policy on safety of dams (OP4.37). DABS are responsible for ensuring appropriate measures are taken and sufficient resources provided for the safety of the dam. The dam rehabilitation works shall be designed and their implementation supervised by experienced and competent professionals.
82. DABS will appoint experts, acceptable to the World Bank, to form an Independent Panel of Experts (Panel), known as the Technical Advisory Panel (TAP) to review and advise DABS on matters relative to the safety aspects of the rehabilitation works. DABS views the TAP as an objective reviewer, whose independence and integrity will be safeguarded. The TAP shall be maintained for the duration of the project, until all facilities are placed into final operation.

III.6.2. Conditions of the civil works

83. Naghlu Dam was built in the mid-1960s to supply electricity to Kabul. The dam is a concrete gravity structure founded on sound rock; height of the dam is 100m. The power house is incorporated in the dam body, a typical Russian design solution; it hosts 4*23.5MW units for a total installed capacity of 94MW. Two units have been rehabilitated and the other two are under rehabilitation.
84. Given their age (about 60 years), civil works are in generally good conditions. That is probably due to the generous size of the concrete structures, to the good quality of the concrete, and to the very good foundation conditions. There is no evidence of structural cracking resulting from overstresses or differential movements. There are widespread superficial cracks, most likely due to shrinkage and temperature effects, but they are not expected to extend to any significant depth in the concrete mass.
85. Absence of deposits of rock or concrete debris downstream of the dam toe seems to indicate that any scouring in the plunge pool area should not be significant. However that should be checked with bathymetric survey.

86. Inspection of the internal gallery, at the level of the drainage gallery at elevation 1103.6, showed very minor signs of seepage; no leaching of salts from the mass concrete was observed either. The actual drainage gallery could not be inspected because partly flooded. In terms of process, there has been no dam safety management since, at least, 30 years.

III.6.3. Measures required to comply with OP4.37

Essential elements

Table 3- Summary of situation on site and compliance requirements.

Dam safety element	Situation on site	Compliance requirements
As built drawings of civil works	With the exception of a few old design drawings, no as built drawings of the civil works are available on site. DABS confirm that a set of drawings is available at AIEC.	DABs agree that it is very important to create an electronic archive of available drawings and shall ensure that at least one set of hard copies is always available on site.
Instrumentation and monitoring	Not performed since at least 30 years. No records available.	Essential instrumentation shall be re-activated/ installed (see below for more details). An Instrumentation Plan shall be prepared and staff trained in its use.
Independent dam safety inspections	The last independent dam safety assessment was performed by Fichner in 2006; other than that, no other independent assessment has been carried out.	An independent panel of experts, known as the Technical Advisory Panel shall be assembled to review design and construction of rehabilitation of civil works.
Operation, Maintenance and Surveillance Manuals	Available manuals refer to electro-mechanical equipment; no manuals on O&M of civil works.	OMS manual for civil works shall be prepared. Operation staff need training
Emergency preparedness	There are some rules for warning Kabul in case of large spillway discharge.	Emergency Preparedness Plan (EPP) and Emergency Response Matrix in particular, shall be prepared.
Spillway operation	Surface spillway if controlled by four radial gates which have been recently rehabilitated. Gates are operated every year with electricity from the power house. There is no stand-by generator to operate the gates if turbines are out of service (as normally is the case during very large floods).	Stand-by generator shall be provided. Electricity supply from the generator should be independent from the existing one (redundancy).
Post-earthquake response	Some rules are reported to exist to warn Kabul in case of earthquake. Absence of	Low level outlet shall be re-activated (see below)

	an operating low level outlet (currently obstructed by sediments) does not permit post-earthquake drawdown on the reservoir.	
Power house safety	The head gates of the power intake are operated by the large gantry crane located on the crest of the dam. Lowering those gates requires several hours to half a day. The Sayano Shushenskaya (Russia) accident of August 2009 showed how important it is to have head gates that will close automatically on receipt of a signal from the station and also in the event of excess velocity in the penstock.	DABs shall introduce the independent operation of the head gates to rapidly stop inflow to the penstocks in case of waterway failures of the latter or in the power house.

III.6.4. Essential instrumentation and monitoring

Table 4: Essential monitoring needs:

Key aspects to be monitored	Remarks
Uplift pressures	Drainage holes into dam foundation shall be located inside the drainage gallery. They shall be reactivated, or re-drilled if necessary, and pressure gauges installed on the exit standpipe.
Global movements	Geodetic stations outside the dam body and on the dam crest shall be re-established and readings taken on regular basis.
Seepage rates	Volumetric discharge of the drainage pumps shall be recorded on a regular basis to check any seepage anomaly.
Reservoir level and weather conditions	These are probably been measured; shall be enhanced as necessary.
Strong motion accelerographs	Two instruments: one at the base, and one on the top of the dam shall be installed
Sedimentation trends	Regular sedimentation surveys of the reservoir shall be carried out.
Plunge pool scouring	Regular bathymetric surveys shall be carried out.

III.6.5 .Hydrological safety

87. Russian dam engineers' approach to flood discharge was to assume full operation of all spillway gates, low level outlets, and turbine units operating at full capacity. This is very

different from current international practice (e.g. ICOLD) which assumes at least one gate out of operation and no generation during large floods. Besides, Russian determination of extreme floods, including the safety check flood, was based on pre-established regulations (SNIP) which related the design flood to the size of the dam and its reservoir with little or no consideration of hazard level.

88. A study shall be carried out to assess the hydrological safety of Naghlu Dam to determine
- Values of design flood and safety check flood, and
 - Discharge capacity of existing waterways

III.6.6. Seismic safety

89. Earthquake intensity is high; maximum recorder event (1967) 7.3 RM.

A dynamic stability analysis of Naghlu Dam shall be carried out to determine structural safety under earthquake loading. The study shall:

- Carry out a seismic study of the area to determine values of DBE (Design Base Earthquake) and MCE (Maximum Credible Earthquake);
- Analyze structural response to DBE and MCE (the dam should remain in service conditions after DBE; significant damage could occur after MCE, but no uncontrolled release of water would take place);
- Recommend any necessary strengthening measures;
- Recommend seismic instrumentation.

III.6.7. Sediment Management

90. The extent of sedimentation in the reservoir has never been measured. Operation staff reported that sediments have reached up to some 7 m above the low level outlet, i.e. around 1130 masl. Size of sediments is not known but, given the evidence in the area, a significant amount of coarse sediments should be included in the deposits.

91. A factor that severely complicates the problem is the almost certain presence of unexploded ordnance (UXO) within the sediments. Ensuring safety during de-silting operations will be top priority. Solving the problem is not going to be simple, it will take time and it will be costly. With successful rehabilitation of the low level outlet, two very important functions of the project will be re-established:

- Maintaining power intakes free of sediment by regularly flushing sediments through the outlet, and
- Ability to lower reservoir level in case of emergency (e.g. earthquakes)

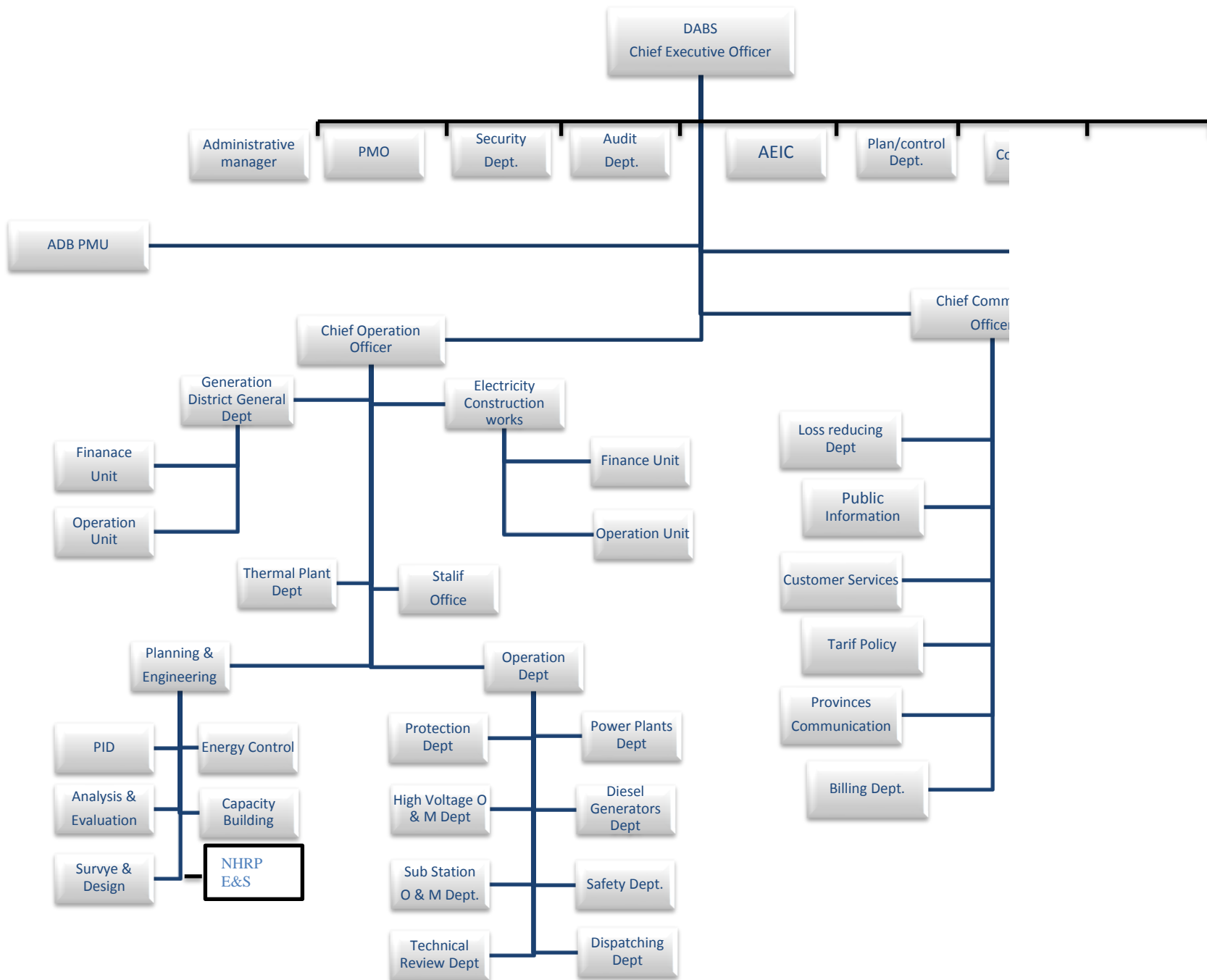
92. Tactical dredging or hydro-suction operations, in the delta fore-set slope could support flushing of sediments from the rehabilitated outlet. However the size of the outlet is considered insufficient to maintain an equilibrium condition between the incoming sediments and those removed. Measures to ensure the achievement of a long term sustainable reservoir capacity will have to be studied based on reliable data on sediment yield from the bathymetric surveys. Such measures could require construction of an additional outlet.

III.7 Institutional Arrangements

93. The Chief Operating Officer (COO) of DABS will have overall responsibility for ensuring effective compliance with the requirements set out in the ESMF. He will identify an Environmental Safeguards Officer (ESO) and a Social Safeguards Officer (SSO) who will have specific responsibility for overseeing the implementation of the ESMF provisions during preparation, implementation, monitoring and evaluation of all components of the Naghlu Hydropower Rehabilitation Project (NHRP). The Safeguards Officers (SOs) will be supported in their work by World Bank Social and Environmental Specialists, especially during the initial stages of the project. The Safeguards Officers (SOs) will liaise closely with DABS management at the Naghlu plant and representatives of local communities at each stage of project development.
94. The two safeguards positions will be located initially within the Generation Department of DABS in Kabul and during the interim period they will report to the COO. It is envisaged that eventually environmental and social safeguards' responsibilities will be transferred to the Planning Department with the safeguards officers reporting to the Head of Planning and Design. Responsibilities of Environmental and Social Safeguards will include:
- Ensuring that communities and local government departments have up-to-date information on project activities.
 - Facilitating environmental and social impact assessments including developing relevant TOR for consultants etc.
 - Coordinating implementation of DABS' environmental and social commitments and initiatives with relevant government agencies including the Afghanistan Land Authority and NEPA.
 - Supervising and monitoring ESMP implementation and producing periodic reports.
 - Training local government and communities on environmental and social safeguards issues and implementation of ESMPs.
 - Facilitating land acquisition and resettlement processes as required.
 - Coordinating with, and receiving feedback from and recommendations of, the Independent Third Party Monitoring Agency, ESAP and TAP.

Designated Environment and Social Safeguards staff will receive training to enable them to carry out their responsibilities to an acceptable standard.

95. The COO will ensure that mechanisms are put in place within DABS at national and project level to foster knowledge sharing across the organization on: (i) the benefits of including environmental and social safeguards in planning and implementing power projects and (ii) the content and requirements of the Naghlu ESMF. Consultant organizations and/or NGOs hired to conduct project studies and surveys will be required to include women as members of their consultancy teams in order to ensure women's involvement in the various assessments at community level. An independent third party reporting directly to the COO will be hired to monitor and report on safeguard compliance. A partnership will be formed with an appropriate NGO to work with DABS on the development, implementation and monitoring of any Resettlement Action Plans (RAP).



III.8 Capacity Building

III.8.1. Institutional Capacity Building

96. The overall objective is to build and strengthen the institutional capacity of the DABS to better support the development and integration of social and environmental measures into the project. The institutional capacity building strategy will seek to:
- Develop organizational mechanisms to ensure that environmental and social requirements of the World Bank and Afghanistan are followed throughout the project.
 - Assist DABS in strengthening its own capacity to deal with social and environmental issues and develop socially and environmentally sound programs.
 - Ensure effective coordination between implementing agencies such as DABS and a regulating agency like NEPA on environmental issues
 - Ensure effective coordination with Afghan Independent Land Authority (ARAZI) on land acquisition and resettlement issues
 - Ensure compliance with the ESMF and Resettlement Policy Framework
 - Facilitate networking among various government departments at the regional or provincial levels.
 - Assure consistency with the National Strategy for the Environment and the Environmental Action Plan as laid out under Environmental Law of Afghanistan.
 - Identify and assess overall needs for environmental education, information, awareness building and training.
97. The National Environmental Protection Agency is a relatively new agency and has offices in the provinces. NEPA's institutional capacity is evolving and it has promulgated Environmental Law, EIA regulations, National Environmental Impact Assessment Policy, Administrative Guidelines for the Preparation of Environmental Impact Assessments. DABS needs trainings and capacity building efforts from the donor community to help mainstream the mentioned laws, regulations and policies in letter and spirit into its specific power development plans.
98. At the same time, as per the Environment Law, NEPA has established an EIA Board of Experts to review EIA reports submitted by major national projects proponents, such as DABS, in the country.

III.8.2 Capacity Building of DABS staff

99. An assessment will be carried out by DABS, supported by the World Bank, to identify training and other capacity building needs of DABS staff on environment and social issues at national and local levels. A program for training delivery will be developed as a follow up to World Bank sponsored capacity building programs in January 2014 to June 2014. NEPA will be involved in identifying environmental capacity gaps.
100. DABS safeguard staff will work closely with the relevant NEPA departments to cooperate and coordinate in the implementation of the environmental laws, policies and regulations as well as the World Bank safeguards policies.
101. A capacity building strategy is expected to ensure that (i) all DABS staff are familiar with and can implement the requirements of the ESMF (ii) DABS staff and government partners are given timely training on the provisions and implementation requirements of the Resettlement Policy Framework. It is also anticipated that the strategy will give priority to ensuring that DABSs safeguards and technical staff are equipped to carry out effective outreach and consultations on project activities with all stakeholders, especially with affected communities.

III.8.3. Capacity Building of local government and communities

102. DABS safeguard officers will work through local CDCs and other relevant forums to organize practical training to build the knowledge and awareness of local government officials and local communities, including women and pastoral groups, on social and environmental issues related to proposed project activities. Training will also seek to build the skills of local people to participate actively in identifying appropriate mitigation measures to avoid or reduce potential negative impacts of project activities.

III.9. Monitoring and Evaluation

103. Implementation of the NHRP ESMF includes both internal monitoring and reporting and external monitoring and evaluation.

III.9.1. Internal Monitoring and Reporting

104. At local level, DABS safeguards officers, together with DABS local project management team, local government and local communities will be responsible for monitoring to ensure that all required environmental and social mitigation measures, set out in Environment and Social Management Plans (ESMPs) (see annex 4) for each project component, are being implemented satisfactorily. Information collected from various stakeholders (e.g. representatives of men and women's CDCs, farmers, shopkeepers, local government officials from Sarobi district, local NGOs and contractors) together with observations of project activities will be reported monthly to DABS national office in Kabul using standard reporting forms. (see Annex 11). 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 ESMP.
- Monitoring RAP implementation of entitlement measures
- The various periodic implementation progress reports and other reports from all of DAB's consultants.
- Trainings

105. For those project components where a Land Acquisition and Resettlement Action Plan (LARAP) has been developed and approved monthly monitoring reports will also include a brief update on specific LARAP requirements: (i) the timely provision of compensation to individual PAPs and (ii) the timely provision of resettlement assistance (relocation and income restoration assistance) to individual PAPs.

106. External organizations/NGOs recruited to implement specific project activities will be required to submit timely monitoring reports on implementation of safeguards to DABS and copied to the World Bank.

107. At national level DABS COO will take overall responsibility for overseeing progress in implementing the ESMF and assessing the effectiveness of mitigation measures against agreed indicators and parameters. Where Resettlement Action Plans are in place the Safeguards officers will also submit short monitoring reports describing the delivery of the compensation package to each PAP/PAF as per the entitlement matrix. The COO will review monthly reports with safeguards officers who, supported by World Bank specialists, will be responsible for developing reporting forms and preparing quarterly reports which will inform

the Government, DABS Board and the World Bank on progress. Where appropriate, quarterly project reports will include consolidated information on the status of RAP implementation prepared by the DABS and submitted to World Bank. Similar quarterly reporting with consolidated or summarized data on the EIA/EMP for environmental mitigation measures implementation (including the budget used as committed) and achievement of environmental parameters will be prepared by DABS and submitted to the World Bank, and copied to NEPA.

III.9.2.External Monitoring and Evaluation

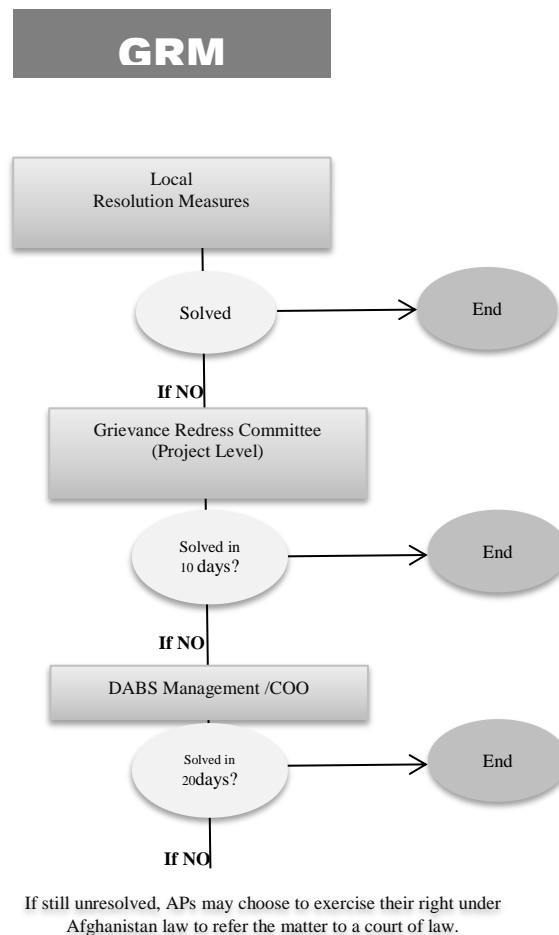
108. External assessment of compliance with mitigation measures will also be carried out on a regular basis by an Independent Third Party Monitoring Agency to be appointed by DABS and agreed to by the World Bank with the results communicated to DABS and the World Bank.
109. The Independent Third Party Monitoring Agency will be responsible for the preparation of the semi-annual compliance report on RAPs and ESIA/ESMPs which will (i) update the status of PAPs against the socio-economic baseline of the RAP, (ii) review how compensation and related resettlement assistance in cash or kind are being delivered to affected households and (iii) ensure ESIA/ESMP measure and commitments adequately implemented.
110. The Independent Third Party Monitoring Agency will use the compliance report specifically to assess the status of project- affected vulnerable groups such as female-headed households, landless, disabled/elderly and poor families. The Independent Third Party Monitoring Agency's report will be a valuable tool for the Government/DABS to ensure that PAPs receive the compensation due to them under the RAP and that mitigation measures including offsets and other compensation program under the ESIA/ESMP are implemented with acceptable results/parameters. Based on the findings of the compliance report, the EMA will recommend to DABS and the World Bank if necessary civil works with resettlement impacts - e.g. heightening the dam - can commence and if additional measures are needed to manage the environmental, health and safety impacts related to the dam height raising. The report and any recommendations will be made available to the public. The cost of external Monitoring and Evaluation will be borne by the NHRP.
111. The compliance report will include a table on baseline socio-economic conditions of PAPs (details to match the type of RAP undertaken) including listing of PAPs, their assets taken as recorded during the preparation of the RAP.
112. An Environment and Social Advisory Panel (ESAP), comprising internationally and locally recognized environment and social specialists, will provide another layer of oversight and advise DABS on the best international practices in project safeguards management and assist the team in formulating the implementation approach and conducting the safeguard management.

III.10 Grievance Redress Mechanism GRM)

113. The GRM covers grievances related to both environmental and social concerns. The 3 elements of the project's GRM conducted or accessed at three different levels are:
 - (i) Efforts made to resolve issues at community level
 - (ii) A Grievance Redress Committee at district/project level
 - (iii) Appeal mechanism to DABS management
114. In initial meetings NHRP ESS staff, together with local government representatives, must inform community representatives about the GRM and explain the various ways of

accessing it. ESS staff should explain that a range of mitigation measures to reduce potential negative environmental and social impacts of project activities on communities will be discussed and agreed with community representatives as an integral part of project development. These will be included within the project's ESMPs and should reduce the number of potential grievances.

115. Where an individual has a grievance 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. The GRM structure that outlines the grievance handling process is shown below.



116. If intermediation at local level is unsuccessful, the individual or Affected Person (AP) can take his or her complaint to a formal Grievance Redress Committee (GRC) at District level which will record the grievance and try and resolve issues relating specifically to the implementation of the NHRP. A GRC will consist of the Affected Person (AP), DABS manager of Naghlu Hydro Power Plant, 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, a local NGO representative and the contractor(s).

117. The AP (or his/her representative) may submit his/her complaint in a number of ways e.g. by written letter, phone, sms messages and email to the GRC or, alternatively, raise his/her voice in a public or individual meeting with project staff. The 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 the Chief Operating Officer (COO) of DABS in Kabul. DABS/COO will then examine the complaint and address the complaint within 20 days.

III 10.1 Grievances related specifically to land acquisition and resettlement

118. The Land Acquisition Committee (LAC), established by the Council of Ministers under the Law on Land Expropriation and Law on Land Management, will also perform the task of a Grievance Redress Committee in relation to the value of land or assets acquired. The five member LAC consisting of the affected person or CDC representative, representatives from each of the Ministries of Energy and Water, Finance, MAIL and Justice and a local government representative, will seek to reach a consensus on the replacement value of land and assets lost.
119. If the negotiated approach fails the AP may bring this matter to a Grievance Redress Committee (GRC), established under the NHRP to try and resolve the issue. The GRC does not have any legal mandate or authority but acts as a facilitator to try and resolve issues between the affected household and the NHRP which would implement the valuation based on the decision of the LAC. The GRC will consist of the affected person, a representative from the AP's CDC, a representative from local government, a representative from DABS, a representative from the local legal department and a representative from the implementing NGO. The GRC would meet to try and resolve the matter and make a recommendation within 7-10 working days. If there is no decision after 10 days the affected person may seek recourse through the legal system as a last resort. However, every effort would be made to avoid this costly alternative for the AP.
120. DABS management, ESS team and their implementing partner will have an important role in ensuring that affected communities have a full understanding of the GRM and the concept of just compensation for land and/or assets and the procedures to be followed in filing complaints.

III.10.2. Dissemination

121. The NHRP GRM procedures will be translated into Pashto and Dari so that they are easily accessible to all stakeholders and made available through DABS, the Naghlu Hydro Power Plant Office and the Governors of Sarobi and Tagab Districts. Information on the steps to be followed by the GRC in handling grievances will be incorporated into the process of mobilizing and creating awareness of the project by local CDCs.
122. DABS will ensure that copies of the standard grievance registration form (attached as Annex 9) are available to members of the GRC and are kept in sufficient numbers in different offices in Sarobi District and Naghlu Hydro Power Plant office. This should enable local communities to access forms easily. The GRC will ensure that the grievance database is regularly updated and that information on the status of individual cases is made available to the COO of DABS as required. Summaries of GRM and major complaints and their resolution as contained in the database will be reported to the World Bank, and be included in project information update to be disclosed publicly.
123. 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.

III.10.3 Recording and processing of grievances

124. 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.

III.11 Communication

125. 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 staff. Consultations on this ESMF are essential and are the first activities to be implemented in the communications plans. In the NHRP context a communications strategy has heightened importance as a result of community concerns which date from the 1960s when the dam was built.
126. 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
127. 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. DAB SSOs 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 the regional government departments: Naghlu Manager and DABS Safeguards staff will meet regularly with the District Governor and other government staff in key regional departments such as the Water Management Department and NEPA staff, Department of Health, Agricultural Extension Services etc to explore possible program linkages.
 - Communication through NGOs. The implementing/partner NGO or company for resettlement plans will also disseminate project information about the LARP and other aspects of the project through its own communication mechanisms.
 - 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.

III.12 Indicative Budget for Environmental and Social Safeguards Compliance 2014- 2017

Table: 5

No.	Activities	Cost (US\$)
1	Pre Feasibility Social Assessment	64,000
2	Preparation of ESIA's /ESMPs/RAPs for Components 2a and 2b	367,000
3	Independent Third party monitoring	720,000
4	National and regional Training for DABS staff on ESMF /ESMP development/monitoring and evaluation	136,000
5	Training for community and local govt representatives on ESMF-related issues	18,000
3	Support to preparation of Land Acquisition and Resettlement Plans	280,000
4	Preparation of Environmental & Social Safeguards Training Manual and Operational Manual	46,000
5	Production and Publication of Safeguards Communication Materials	34,000
6	Miscellaneous	100,000
	Total	1,765,000

III.13. Disclosure

128. This Environmental and Social Management Framework (ESMF) was developed by the DABS on the basis of the generic Framework for World Bank-funded reconstruction operations, a review of the ESMF implementation in related WB-funded projects and a review of the specific requirements of the planned project. Prior to approval of the project by the World Bank, it was disclosed on 19.Feb.2014 by DABS in Afghanistan in both *Dari* and *Pashto* in relevant places in the country and the English version of the ESMF at the World Bank's InfoShop on 4 July, 2013

IV. Responsibilities for Environment & Social Assessment Process

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
I. Project Identification						
Component 1: Mechanical, Electrical and electro-mechanical works	Screen and scope Naghlu Dam upstream and downstream areas from an environmental & social perspective	Draft ESMF	External Consultant	DABS Management	DABS Board	World Bank
Component 2a: Dam Safety Audit and Safety Improvement Measures			External Consultant	DABS Management	DABS Board	World Bank
Component 2b: Optimization of Power Generation			External Consultant	DABS Management	DABS Board	World Bank
Component 3a: Environment and Social Sustainability			External Consultant	DABS Management	DABS Board	World Bank
Component 3b: Project Management Support and Future Project Preparation			External Consultant	DABS Management	DABS Board	World Bank

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
II. Project Preparation						
Component 1: Mechanical, Electrical and electro-mechanical works		EMG	International Consultants	DABS Management	DABS board	World Bank
Component 2a: Dam Safety Audit and Safety Improvement Measures	<ul style="list-style-type: none"> • Screen and scope site from an environmental & social perspective • Consultations with community representatives • Consultations with relevant local and national government representatives, NGOs and other indirect stakeholders 	ESMF	International Consultants DABS ESS staff	DABS Management	DABS Board	World Bank
Component 2b: Optimising power generation	<ul style="list-style-type: none"> • Screen and scope site from an environmental & social perspective • Consultations with community representatives • Consultations with relevant local and national government representatives, NGOs and 	ESMF	International Consultants DABS ESS staff	DABS Management	DABS Board	WB

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Component 3a Environment and Social Sustainability	<p>other indirect stakeholders</p> <ul style="list-style-type: none"> Development of TOR for Pre-feasibility Social Survey Assessment Select and award appropriate agencies/specialists to conduct pre-feasibility social assessment Pre-feasibility social assessment carried out Consultations with relevant local and national government representatives, NGOs and other indirect stakeholders. 	<p>ESMF</p> <p>TOR for Pre-feasibility Social Assessment</p> <p>Pre-feasibility Social Assessment report</p>	<p>International Consultants</p> <p>DABS Safeguards staff,</p>	DABS Management	DABS Board	WB WB
Component 3b: Project Management Support and Future Project Preparation	<ul style="list-style-type: none"> Development of TOR for both Technical Advisory Panel and Environment and Social Advisory Panels 	TOR for both panels	<p>International Consultants</p> <p>DABS safeguards staff</p>	DABS Management	DABS Board	WB

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY				
			INTERNAL			EXTERNAL	
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW	
III. Project Approval							
Component 1: Mechanical, Electrical and electro-mechanical works	Project proposal with ESMF submitted for approval	project proposal with EMG (already approved)	DABS safeguards team	DABS	DABS' Board	World Bank	
Component 2a: : Dam Safety Audit and safety Improvement measures	<ul style="list-style-type: none"> Submit project proposal with ESMF for approval 	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board/ARAZI	<ul style="list-style-type: none"> World Bank appraisal and concurrence 	
Component 2b: optimising power generation	<ul style="list-style-type: none"> Submit project proposal with ESMF for approval 	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board/ARAZI	<ul style="list-style-type: none"> World Bank appraisal and concurrence 	
Component3a: Environment and Social Sustainability	<ul style="list-style-type: none"> Submit project proposal with ESMF for approval 	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board	<ul style="list-style-type: none"> World Bank appraisal and concurrence 	
Component 3b: Project Management Support and Future Project Preparation	<ul style="list-style-type: none"> Submit project proposal with ESMF for approval 	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board	<ul style="list-style-type: none"> World Bank appraisal and concurrence 	
IV. Detailed Design & Award							
Component 1:	<ul style="list-style-type: none"> Select and award 	<ul style="list-style-type: none"> Agencies 	DABS'	DABS	DABS board	World Bank review	

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Mechanical, Electrical and electro-mechanical works	environment and social work to appropriate agencies (already appointed)	appointed to execute social and environment works (already appointed)	safeguards staff and international consultants	management team		World Bank NoL
Component 2a : Dam Safety Audit and Safety Improvement measures Environmental & Social Screening and Scoping	<ul style="list-style-type: none"> Select and award social and environmental assessment work to appropriate agencies/specialists through competitive bidding if necessary 	<ul style="list-style-type: none"> Detailed design and bid documents Concurrence Agencies appointed to execute social and environment works 	DABS NHRP Project Manager	DABS Management	DABS Board	<ul style="list-style-type: none"> World Bank NOL
Component 2b: Optimising Power Generation	<ul style="list-style-type: none"> Select and award social and environmental assessment work to appropriate agencies/specialists through competitive bidding if necessary Appointment of Third Party Monitoring 	<ul style="list-style-type: none"> Detailed design and bid documents Concurrence Agencies appointed to execute social and environment works Third Party Monitoring appointed 	DABS NHRP Project Manager	DABS /Management	DABS Board	<ul style="list-style-type: none"> World Bank NoL
Component 3a Environment and Social Sustainability	<ul style="list-style-type: none"> Select appropriate agencies to carry out and award 	<ul style="list-style-type: none"> Agency appointed to execute social and environment work 	DABS NHRP Manager	DABS Management	DABS Board	<ul style="list-style-type: none"> World Bank NoL

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Component 3b: Project Management Support and Future Project Preparation	<p>social and environmental work to appropriate agencies/specialists through competitive bidding if necessary</p> <ul style="list-style-type: none"> Appointment of Panel Members (Technical Advisory Panel and ESAP) 	<ul style="list-style-type: none"> Detailed design and bid documents Concurrence ESAP and TAP panels constituted 	NHRP Project Manager	DABS Management	DABS Board	WB clearance

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
V. Project Implementation						
Component 1: Mechanical, Electrical and electro-mechanical works	ESMP to be developed and implemented	<ul style="list-style-type: none"> ESMP activity reports 	TPE (contractor)	DABS	DABS	Technical Advisory Panel, ESAP and WB
Component 2a : Dam Safety Audit and Safety Improvement Measures	<ul style="list-style-type: none"> Preparation and implementation of ESIA and ESMP Preparation of dam safety audit Preparation of RAP if required by ESIA 	<ul style="list-style-type: none"> ESIA ESMP Dam safety audit RAP 	International Consultants/DABS safeguards staff/ DABS Naghlu Manager/NGO	DABSCOO /management, ESAP and TAP	DABS Board	Direct and Indirect stakeholder Technical Advisory Panel and ESAP, WB
Component 2b : Optimising Power	<ul style="list-style-type: none"> Preparation and 	<ul style="list-style-type: none"> ESIA 	International Consultants/DAB	DABS management, ESAP and TAP	DABS Board	Direct and Indirect stakeholder s, Technical Advisory

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Generation Component 3a: Environment and Social Sustainability	<ul style="list-style-type: none"> implementation of ESIA Preparation of ESMP Preparation of RAP <ul style="list-style-type: none"> Preparation of ESMP 	<ul style="list-style-type: none"> ESMP RAP ESMP	S safeguards staff/ DABS Naghlu Manager/ NGO Consultants/DAB Safeguards staff/ DABS Naghlu Manager/ NGO	DABS management	DABS Board	Panel and ESAP, WB Direct and Indirect stakeholder s Technical Advisory Panel and ESAP External agency ,WB ESAP and WB
VI. Operation & Maintenance						
Component 1: Mechanical, Electrical and electro-mechanical works	<ul style="list-style-type: none"> Monitor environmental and social assessment management plan measures 	Periodic reports monitoring	DABS NHRP manager and safeguards staff	DABS	DABS Board	Independent Third Party Monitoring ESAP
Component 2a: : Dam Safety Audit and Safety Improvement Measures	<ul style="list-style-type: none"> Monitor preparation of ESIA and RAP Monitor implementation of ESMP and RAP 	Periodic reports monitoring	DABS NHRP Manager, ESS staff	DABS management	DABS Board	Independent Third Party Monitoring ESAP
Component 2b: optimising power generation.	<ul style="list-style-type: none"> Monitor preparation of 	Periodic reports monitoring	DABS NHRP Manager, ESS staff	DABS Management	DABS Board	Independent Third Party monitoring ESAP

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Component 3a: Environment and Social Sustainability	<ul style="list-style-type: none"> ESIA and RAP Monitor implementation of ESMP Monitor preparation and implementation of ESMP 	Periodic monitoring reports	DABS NHRP manager and ESS staff	DABS Management	DABS Board	Independent Third Party monitoring ESAP
VII. Project Review						
Component 1: Mechanical, Electrical and electro-mechanical works	<ul style="list-style-type: none"> Review and report on implementation of ESMP. 	<p>Included in quarterly progress reports</p> <p>6 monthly ESMP compliance reports</p>	DABS NHRP Project Manager	DABS	DABS Board	Independent third party monitoring/TAP/ESAP
Component 2a : Dam Safety Audit and Safety Improvement Measures	<ul style="list-style-type: none"> Review and report on development and consultations on the ESIA Review and report on implementation of ESMP and RAP 	<p>Monthly internal progress reports</p> <p>6 monthly ESMP/RAP compliance reports</p>	DABS NHRP Project Manager and ESS staff	DABS Management	DABS Board	Independent third party monitoring agency/TAP/ESAP
Component 2b:	<ul style="list-style-type: none"> Review and report 	Monthly internal	DABS NHRP	DABS Management	DABS Board	Independent third party monitoring

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Optimizing power generation Component 3a: Environment and Social Sustainability	<p>development and consultations on the ESIA</p> <ul style="list-style-type: none"> Review and report on implementation of ESMP and RAP Review and report development and consultations on the ESMP 	<p>progress reports</p> <p>6 monthly ESMP/RAP compliance reports</p> <p>Monthly internal progress reports</p> <p>6 monthly ESMP/RAP compliance reports</p>	<p>Project Manager and ESS staff</p> <p>DABS NHRP Project Manager and ESS staff</p>	<p>DABS COO /Management</p>	<p>DABS Board</p> <p>DABS Board</p>	<p>agency TAP/ESAP</p> <p>Independent third party monitoring agency/ ESAP</p>

Annex 1 A: Summary of Community Consultations during ESMF preparation

MEETING WITH COMMUNITY REPRESENTATIVES AND DISTRICT GOVERNOR SAROBI

DISTRICT GOVERNOR'S OFFICE, SAROBI DISTRICT TOWN

04/02/13

PARTICIPANTS:

Mr Hazrat Mohammad Haqbin, District Governor Sarobi
Mr Md. daud, Head of Naghlu Dam
Mr Mohammad Sabir, Deputy Administrator for 3 power plants
Village Representatives from (a) upstream villages (i) Shir Khan Kas, (ii) Dawlatzai (iii) Shinki, (iv) Mirza China, (v) Khamirdan (vi) GhlooGodar, and (vii) (Anziray,: (b) downstream villages (i) Naghlu village composed of approximately 18 small villages totalling 730 houses
Ramatullah Safi, DABS safeguard staff
JawadNoori ,DABS safeguard staff
Noori, Social Development Specialist (WB)
Elizabeth, Social Development Specialist (WB consultant)

KEY POINTS FROM DISCUSSIONS

Initial discussion with Mr Haqbin, District Governor

Mr Haqbin, who has been in post for 3.5 years, made the following points:

- (i) Representatives from several villages had travelled to attend the meeting with WB/DABS staff last week and were very disappointed that the meeting did not take place.
- (ii) Sarobi District appreciates the assistance it has received from international donors in recent years.
- (iii) Understands that the dam is an important national asset – but local people must also benefit from it.
- (iv) The increased power capacity will benefit Jalalabad. Power will be transmitted through Uzbin area, which belongs to Sarobi located to the East of Naghlu dam. The Governor requested that people living in this area should also receive electricity as the new transmission line from Naghlu dam will reportedly pass through this area.
- (v) Significant development assistance has been directed towards Sarobi over the last three years including an 8 million Euro grant from the French Ambassador. Funds remitted to MRRD but managed by CDCs.
- (vi) Funds have been used to support 172 projects in wide ranging areas. Of particular interest is the growth in the number of CDCs from 48 three years ago to 155 now.
- (vii) As well as improving health, education and irrigation services, the construction projects have provided job opportunities for local communities.
- (viii) There is a very strong link between the local governor and local communities
- (ix) Local communities felt they had not received any direct benefit from the dam as the vast majority of people do not receive electricity from the plant. Some communities have

access to electricity but there are many technical problems resulting in interruption to supply e.g. old transformers not working properly and old cables/distribution lines that need to be replaced.

- (x) Communities believe that they had been disadvantaged by the building of the dam as they had lost agricultural land near the dam - although they did receive some agricultural plots in Jalalabad.
- (xi) A number of families who resettled in Jalalabad have now moved back to the dam building new houses further up the hill sides.
- (xii) Approximately 400 people from Sarobi District are working at the three Plants
- (xiii) The governor requested that a reliable electricity supply be extended to all communities upstream and downstream of the dam

When community representatives joined the meeting Noori expressed appreciation for their participation, introduced the project and invited their comments on the various components.

The representative from Naghlu village (downstream) (150- 200 hhs approx) provided some background information about the dam. He remembered the dam being built. He reported that the King came to talk to all villages about the proposed dam and promised them that they would have free electricity – this has not yet happened. The person responsible for overseeing the project, close to the Royal Family, designed and built a garden close to the dam site/downstream from the dam and in so doing diverted the river, which resulted in land erosion of private agricultural land belonging to the villagers. He:

- (xiv) Stated that his village had not received any benefits from the dam. (This statement was disputed by others in the meeting who felt that some people from the Naghlu community had jobs at the plant.)
- (xv) Emphasized that his village would be directly and negatively affected by the clearing of sediment from the dam (component 2) and urged that measures are put in place to prevent negative impacts. He suggested that a retaining wall is put in place to ensure that agricultural land is not inundated.
- (xvi) The participants estimated that approximately 18 villages between Naghlu and Sarobi would be affected by component 2 of the project.
- (xvii) Confirmed that the population in the village continues to grow due to more job opportunities locally (both at the plant and local roadside trading).

The representatives from Shir-hanKas(150hhsapprox) and DawletZai (500hhs approx) villages (upstream)

- (xviii) Confirmed that they had lost land when the dam was built. They said that due to a tax of 5 Afs per jerib at the time of resettlement, most farmers had underreported the size of their landholdings. Compensation was paid according to the land-size they had reported which was much less than their original landholding. One participant reported that for 20 jeribs of land near the dam, he received 1 jerib in Jalalabad.
- (xix) Reported no compensation was paid for loss of houses.

The malik for the two villages confirmed that the villagers had lost out under resettlement. He said that:

- (xx) Their cemeteries and shrines had been submerged
- (xxi) There were no job opportunities at the plant for upstream villagers
- (xxii) Villagers had not received timely nor just compensation for their losses

- (xxiii) Raising the height of the dam(component- 2b) would have a huge impact on upstream villages . He estimated a total of 7 villages would be affected if the dam is raised.
- (xxiv) Like the Governor, he understood that the project was in the national interest but it was essential that people directly affected were properly compensated, with payments being correctly calculated and replacement land should be close to the site and not far away.
- (xxv) The dam had not spoilt the natural habitat with more birds and animals in evidence now than before the dam was built.
- (xxvi) The upstream communities have no access to electricity.

**MEETING WITH COMMUNITY REPRESENTATIVES FROM FOUR VILLAGES
DOWNSTREAM OF THE NAGHLU DAM 13.12.12**

Team members:

HameedQuraishi (HQ)– World Bank Operations Officer, Energy;
Elizabeth McCall (EM), Social Development Specialist (World Bank consultant) .

Community representatives:

No.	Name	Village	Occupation
1	Haji Abdul Jabbar Khan	ShirkhanKas	Land owner
2	Haji Khanzada	Shirkhankas	Land owner
3	Mohammadullah	Shirkhankas	Land owner
4	Mohammad Arif	Shirkhankas	Land owner
5	Abdullmanaf	Shirkhankas	Land owner
6	Haji Arab	Dawlatzayekas	Land owner
7	Taleb	Dawlatzayekas	Land owner
8	Payanda Khan	Dawlatzayekas	Landowner
9	Ibrahim	Dawlatzayekas	Landowner
10	Sayed Mohammad	Shirkhankas	Landowner
11	Shah Mohammad	Shirkhankas	Farmer
12	Omar Gul	Dawlatzayekas	Landowner
13	Abdullah Khan	Dawlatzayekas	Landowner
14	Sayed Rahim	Shirkhankas	Landowner
15	Mirza Mohammad	Shirkhankas	Landowner
16	Mohammad Yusuf	Dawlatzayekas	Landowner
17	Astana Gul	Shirkhankas	Farmer
18	JomaGul	Dawlatzayekas	Landowner
19	Sattar	Shirkhankas	Landowner/Farmer
20	Jan Aqha	Dawlatzayekas	Landowner/Farmer

EM outlined the proposed components of a second rehabilitation phase of Naghlu and the importance placed on seeking the views of local communities on these. (a list of community participants is provided at the end of this note.)

1. Key points related to the dam raised by participants included:
 - a. 6 villages were resettled when the dam was built in 1966
 - b. The perceived failure of government to honour its commitments to affected villages when the dam was built. At that time the Government made a number of promises to villagers regarding replacement of their homes, land and other assets. According to the participants, these promises were largely unfulfilled. As a result affected villagers are scattered in several places including Jalalabad, Kabul and some new sites close to the dam. Land, schools and mosques and burial sites were not replaced.
 - c. Families who moved away from the area (e.g. to Kabul and Jalalabad) now have great difficulty in burying family members as they are seen as newcomers by the host communities and are denied access to local burial grounds/cemeteries.

- d. As a result the participants said they would be reluctant to support any increase to the size of the dam if it meant losing their homes, land or other assets.
- e. None of those present in the meeting felt they had benefited directly from the dam. They do not have electricity (although pylons are adjacent to their land) and their land is irrigated from the Kabul river.
- f. Some participants cited additional problems such as limited access to land/roads within the area as a result of increased security provided by the police/military to the dam headwork's
- g. A major irritation was that none of the local people have been able to secure employment at the dam.

2. Other points raised in the meeting included:

Average hh land holding is less than 5 jeribs. A significant proportion of young men have left the villages (Kabul/Pakistan) in search of work (none available at the plant!) . As a result, more women are working outside the home on agricultural activities.

Annex 1B Summary of proceedings from Kabul (National) Consultations on ESMF

Venue: Kabul Star Hotel

18/11/13

Background

The ESMF has been developed to address environmental and social concerns and impacts that may arise during the development and implementation of the NHRP. The framework provides general guidelines, codes of practice and procedures for the management of environmental and social issues. Ongoing consultations with various stakeholders, throughout the life of the project, are a central plank of the ESMF. Consultations help improve a project's design, effectiveness and sustainability. The consultations in Kabul follow earlier consultations with local people's representatives in Sarobi district and with the Governors of Sarobi and Tagab Districts.

Pre- consultation process- Dissemination of information

In order to facilitate access to the documentation, the Executive Summary of the disclosed draft version of the ESMF was translated into Dari and Pashto and made available to potential participants via electronic means, both as an attachment to the invitation to the consultation, and on DABS' web site. Additionally, a project briefing document was elaborated synthesizing the main aspects of the project. A companion document to it- Frequently Asked Questions – was also produced. These two documents were available in electronic and paper format in their English, Dari and Pashto versions on the day of the consultations. Hard copies of the disclosed version of the ESMF were also available at the consultations.

Arrangements were made to provide a simultaneous interpretation service in Dari-Pashto-English at the meeting as well as an audio recording of the proceedings.

Summary of proceedings

1. Sheekeeb Nessar (SN), DABS' Chief Operating Officer, opened the meeting by explaining that its principal purpose was to make people aware of the project and its ESMF and invite their comments on both. SN stressed the importance of the project in helping Afghanistan achieve self-sufficiency in energy supply which in turn would facilitate growth in all areas including agriculture and industry. He outlined the main components of the project which include feasibility studies to assess the viability of raising the height of the dam as a way of increasing the water supply in the reservoir and electrification of villages around the dam. SN said that consultations with representatives of local communities had taken place at Naghlu and in Sarobi town earlier in the year.
2. Richard Spencer (RS), the World Bank's Lead Energy Specialist, confirmed the World Bank's support for Afghanistan and for the Energy sector within the country. He reiterated the importance of Naghlu in meeting Afghanistan's energy requirements and stressed the need for the plant to be maintained in good condition. RS said that the Bank placed a high priority on consultations with different stakeholder groups and regarded these as vital for enhancing project effectiveness and sustainability.

3. Rahmatullah Safi presented a chronology of the Naghlu project before outlining the six components of the project. He pointed out that among the three rehabilitated turbines one is temporary damage and shortly it will also start to operate only two of the four turbines were currently functioning thus the plant was operating at only 50% of its potential capacity. Safi explained that a number of feasibility studies would be carried out to find the most appropriate way of cleaning the dam and increasing the water in the reservoir. He also mentioned that the project included electrification of local villages in the vicinity of the dam and skills enhancements for local people as part of the project's emphasis on/ commitment to benefit sharing.
4. Abdul Jabar Taqwa, the Governor of Kabul, said that the benefits of the project outweighed any potential harm and that environmental issues had been taken into account during the construction of the dam in the 1960s. He indicated that the Naghlu plant owned 52 jeribs of land and the government owned a further 720 jeribs in the locality of the dam. Governor Taqwa, confirmed that (name of the District governor to be inserted) the Sarobi District Governor, present in the meeting, would cooperate fully with the project.

5. Main points/questions raised by participants

- (a) It is essential from a security perspective to have the cooperation of local people on all aspects of the project. Local people still don't have access to electricity and there are very few employment opportunities at the plant. They should be provided with electricity and the plant should employ more local people.

Response: These issues were also raised in earlier consultations at Naghlu with representatives of local people. Their views and feedback have been taken into account in an update of project component 3A which focuses on electrification and skills enhancement for local people.

- (b) When the dam was built Naghlu residents, both upstream and downstream of the dam, did not receive compensation for lost land and assets. It is essential that professional feasibility studies are carried out for this rehabilitation project and that local people are properly compensated for any losses. Local people do not oppose land acquisition under the NHRP but they cannot afford losses. There is currently a flood risk to some agricultural land beside the dam. Local people request that flood protection to minimize the risk is considered as part of the NHRP.

Response: Detailed environmental and social impact studies as well as technical feasibility studies will be carried out for the various components of the project. Local people will continue to be consulted and properly compensated in accordance with Afghan law and World Bank operational policies for losses incurred under the NHRP.

- (c) How will communities be compensated for loss of land? Jobs are not enough, alternative land needs to be offered to communities. If people have to be relocated, can they be moved to viable agricultural land? Information needs to be shared with affected communities and there needs to be continued consultations with them.

Response: there will be detailed consultations with affected communities and individuals and they will be compensated for loss of land and assets in line with Afghan laws and WB operational policies.

- (d) Local people working in Naghlu plant and sub stations may lose their jobs due to the introduction of new systems and technologies. The project needs to consider options to support these employees through the transition phase.

Response: Skills enhancement and training of local people is included as a specific component of the project.

- (e) Why were consultations not carried out in Tagab District?

Response: Some consultations have already taken place with Tagab District Governor and more are planned. The French Government has indicated its intention to finance a third phase of electrification in Tagab District.

- (f) The project seems to represent a role reversal between MEW and DABS with the Ministry in an operational role and DABS in a policy role.

Response: DABS is responsible for maintaining all hydropower plants within Afghanistan. As this is rehabilitation and not a new project it falls under DABS' existing responsibilities. The development of the Kunar dam in its early stages, (component 6) will be a new structure and MEW may take responsibility for this component. DABS works closely with MEW and there is no conflict between the two entities.

- (g) Wouldn't it be more effective to construct another hydropower plant along the river rather than rehabilitate the Naghlu plant?

Response: The advantages of rehabilitating Naghlu include (i) the plant is already operational (ii) has a reservoir (iii) the same water is used by the Sarobi dam downstream (iv) costs less than building a new hydropower plant.

- (h) It is important that the repairs to Naghlu are undertaken in such a way that the plant remains operational.

Response: it is expected the plant will remain operational during most of the project but may have to close for a short time during the sediment removal process.

- (i) Clarification was sought on whether the rehabilitation of the plant will increase the generating capacity of Naghlu beyond its potential maximum capacity of 100MW. If the dam height is raised, this may affect the operating height for the turbines. How will this be handled?

Response: Heightening the dam is one of a number of options to optimize power generation at Naghlu. Other options might include improved management of the dam operation as well as a regulating reservoir/dam upstream to provide additional storage capacity and control sediment. Increasing the height of the dam would increase the volume of water within the reservoir allowing an extended period over which power can be produced. When deciding on whether to increase the height of the dam, the turbine-working head tolerances will be taken into account. This will be examined in the technical feasibility studies.

- (j) Is the rehabilitation plan included within the Government's Master Plan?

Response: Naghlu rehabilitation is included in the Government's Master Plan.

- (k) This dam rehabilitation project should be a multi-purpose project (e.g. for hydropower production, agricultural irrigation and etc). Agriculture is a core pillar of the Afghan Development Strategy. Can the water from Naghlu be used for agriculture?

(l) Down stream Naghlu villages concerns about the compensation in the construction of Naghlu dam down stream villages did not received the compensation (e.g. land loses...) this time Naghlu villages should proper compensate?

Response: as you know during the consultation we invite the representative from Naghlu villages to know about their concerns to be proper consult and compensate according to afghan laws.

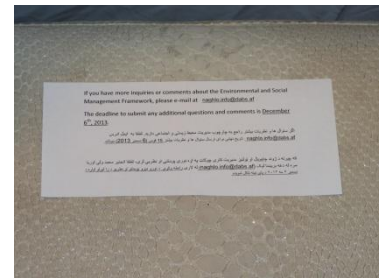
Response: Water from Naghlu is already used by Sarobi and also for agricultural activities in the Jalalabad area. A key advantage of hydropower is that water can be harvested.

(m) Who will be the beneficiaries of the power generated by Naghlu? What is Kabul's power requirements?

Response: Kabul needs between 800 -900 MW. It actually receives between 380-390 MWs which is enough for residential areas but not for commercial zones. There is a need for more sub stations and transmission lines as well as more electricity. ADB is funding a transmission line from Turkmenistan which will be able to bring up to 1000 MW to Kabul in due course.

Time window to provide more comments and questions

During the consultations it was announced that the deadline for receiving comments on the ESMF, via electronic means (Naghlo.info@dabs.af), would be extended to December 6th, 2013. A note was also circulated to all attendants. In addition, DABS has sent a follow up email to all invitees reminding them of the extension. Language versions of the ESMF Executive Summary and Project brief were –one more time- distributed as attachment to this reminder.



Note announcing time window to provide more comments

20.11.13

Images from the consultation



Participants collecting material

Participants making comments/questions

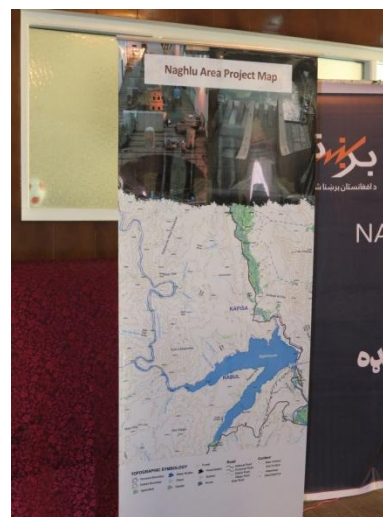


General view of attendance

Representatives from villages expressing their views

List of material available

1. ESMF Exec. Summary English
2. ESMF Exec. Summary Dari
3. ESMF Exec. Summary Pashto
4. Project Brief English
5. Project Brief Dari
6. Project Brief Pashto
7. Frequently Asked Questions- English
8. Frequently Asked Questions- Dari
9. Frequently Asked Questions- Pashto
10. Power point presentation in English, Dari,
11. Naghlu area map poster
12. Stakeholders poster
13. Grievance Resolution Mechanism posters (2)
14. Project Components poster



- Naghlu area map

Pashto

Consultation Annexes:

(i) Note delivered to Kabul consultation from representatives of downstream Community villages.

(ii) List of participants/invitees

Annex IB (i): Translation of Request Letter from people of Naghlu village, Sarobi District, delivered at Kabul consultations

Considerable to the respected representatives of the World Bank and Government of Islamic Republic of Afghanistan!

Me, ShirAqha as the representative of Naghlu village people, am happy to attend in this conference to discuss on development and rehabilitation of Naghlu Dam. I hope I could share people problems and comments with responsible, within considered and specified time.

I should remind all, with the starting of Sarobi dam construction works by that time government in 30 decade, as per conducted survey, the alternative of all vulnerable lands in Naghlu downstream villages have been given to those people and all were compensated. But there was no compensation to the people in Naghlu upstream villages who their lands and properties were under threats by floods and Naghlu reservoir water flow, and also there was no consideration for compensation.

Also after completion of Naghlu dam construction works, starting of operation and planting and greening the Pinus lands , the government destroyed agriculture lands of Naghlu upstream villages to stabilize road backbones as well as Naghlu water flow pathway areas for turbines 24 hours operation. By that time people sent and shared their grievance to authorities but again no attention was paid to them and no action for compensation was taken.

Despite all these, according to information, Naghlu is a dam with 91m storage height from lower level, has been designed for a capacity of 55 million cubic meters. The structure of this dam has a straight vertical design. Now with the idea of increasing more 3m to dam height, how much would be the increasing of water quantity in dam storage? And would this dam stand and support this quantity of water? So there should be a high consideration on systematic measurements by the responsible persons and expert engineers.

Therefore, we are requesting an accurate survey in conjunction to vulnerable lands and properties and if there was any threat and damage, the alternative or compensation should be paid from government or World Bank. We kindly request the authorities' consideration.

By Regards,

Annex 1B (ii):List of participants in Kabul consultation:

Da Afghanistan Breshna Sherkat (DABS)
Naghlu Hydropower Rehabilitation Project (NHRP)
ESMF Consultation Workshop (Kabul Consultation)

List of the participants

Kabul, November 2013

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Annex 2a – Public Announcements

(Prior to the transect Walk)

Province:

Project ID:.....

District/Village:

- What is the Project and its salient features
- Benefits
- Which Agencies are involved
- What if resentment from community
- Likely Impacts and Entitlements
- ate of Transect Walk
- Alignment Details along with map of alignment displayed
- Whom to be invited (upstream & downstream communities, CDCs, IAs, Mirabs, Sub-Mirabs, etc.)

Responsible Agency/Person: DABS Environment Safeguards Officer
Contact number, address

Annex 2b – Alignment Details for Disclosure

(Prior to finalization of alignment/transect walk)

Province:

Project ID:.....

District/Village:

Name of alignment:

Total Length (km):

Connected Settlements:

•**Starting Node/km:**

•**Ending Node/km:**

Population Benefited Total

Implementing Agency:

Name of Contact Person and Address:

Project alignment marked on schematic diagram with socio-environmental features

Socio-environmental Features	Schematic diagram
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Annex 2c – Outputs of Transect Walk

(After finalization of transect walk)

Province:

Project ID:.....

District/Village:

Participants:

Identification of Environmental & Social sensitive location

Likely location for additional land requirement

Issues identified

PAPs Identified

Suggestion from community

Modifications (if any) to minimize land width accretion and incorporating community suggestions through alterations/modifications on alignment:

.....
.....

Responsible Agency/Person: SO, IAs/CDC (Chairman and other members), Government officer, if any

Ground rule to be followed: CDC, representative of government relevant department, DABS Environment Safeguard Officer, representative from IA, local religious scholar, Site engineer, and likely owner(s) or their legal representative(s) should participate in the transect walk but each PAP family should be consulted individually and separately before written agreement in CDC meeting.

Annex 3– 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.

Component three of the Naghlu project poses a risk to damaging cultural property due to the likelihood of graves in villages which would be displaced in the event that the dam height is raised. The negative list of attributes, which would make a project ineligible for support (Annex 1), includes any activity that would significantly damage non-replicable cultural property. The following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents. The ESIA's will screen for presence of physical cultural resources in the area of potential impact.

Chance Find Procedures

Chance find procedures are defined in the law on Law on the Preservation of Afghanistan's Historical and Cultural Heritages and Artefacts (Official Gazette, April 16, 2004), 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 artefacts are state property, and further:

- The Archaeology Institute and the Historical Artifacts Preservation and Repair Department are both responsible to survey, evaluate, determine and record all cultural and historical sites and collect and organize all historical documents related to each specific site. No one can build or perform construction on the recorded historical and cultural site unless approved or granted permission or agreement is issued from the Archaeology Institute.(Art. 7)
- All moveable and Immoveable historical and cultural artifacts and heritage items that are discovered or remain buried and not discovered/excavated in Afghanistan are the property of the Islamic Republic of Afghanistan and any kind of trafficking of such items is considered theft and is illegal.(Art. 8)
- Whenever municipalities, construction, irrigation or other companies (whether they are governmental or private) find or discover valuable historical and cultural artifacts during the conduct of their projects, they are responsible to stop their project and report any findings to the Archaeology Institute about the discovery.(Art. 10)
- Any finder or discoverer of historical and cultural sites is obligated to report a find or discovery to the Archeology Institute immediately but not later than one week if it is in the city and not later than 2 weeks if it is in a province. All discovered artifacts are considered public properties and the Government of Afghanistan will pay for all lands and sites which are considered to be of historical or cultural value.(Art. 19, 1)

- Whenever there is an immovable historical and cultural site discovered which includes some movable historical and cultural artifacts, all such movable artifacts are considered public property and the owner of that property will be rewarded according to Article thirteen (13) of this Decree.(Art. 19, 2)
- A person who finds or discovers a movable historical and cultural artifact is obligated to report the discovery to the Archaeology Department no later than seven (7) days if he/she lives in the capital city of Kabul, and in the provinces they should report the discovery to the Historical and Cultural Artifacts Preservation Department or Information and Culture Department or to the nearest governmental Department no later than fourteen (14) days.
- Mentioned Departments in this article are responsible to report the issue to the Archaeology Department as soon as possible and the discoverer of the artifact will be rewarded according to Article 13 of this Decree. (Art. 26)
- Whenever individuals who discover historical and cultural artifacts do not report such discoveries to the related Departments within the specified period according to Articles 19 and 26 of this Decree, they will be incarcerated for a minimum of one (1) month but not more than a maximum of three (3) months.(Art. 75)

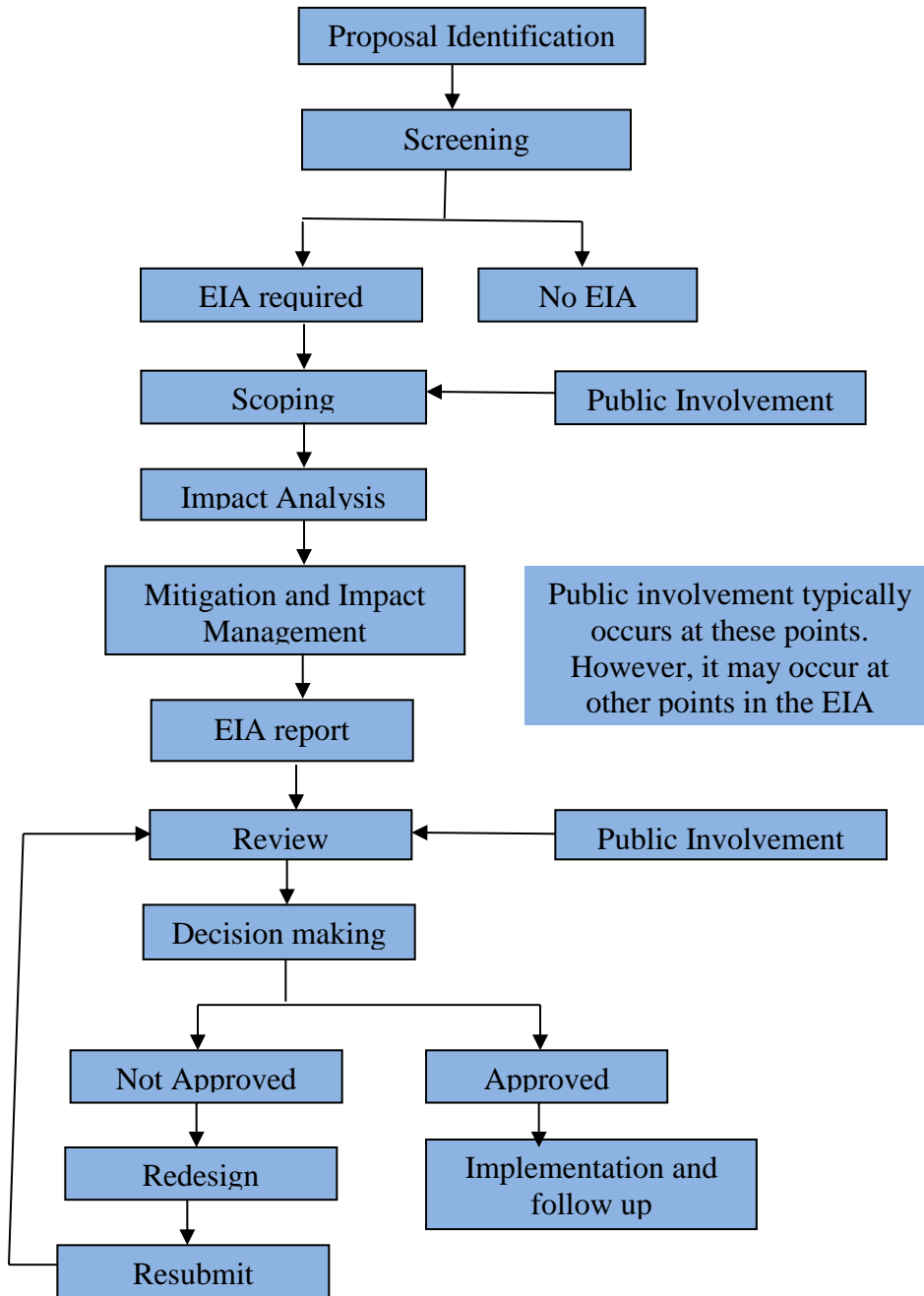
The above procedures must be referred to as standard provisions in construction contracts, when applicable. During project supervision, the Site Engineer shall monitor that the above regulations relating to the treatment of any chance find encountered are observed.

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.

Annex 4 – Template for Environmental and Social Management Plan (ESMP)

Naghlu project components	Concerns/Issues	Potential Environmental and Social Impacts	Proposed Mitigation Measure(s)	Institutional Responsibilities	Cost Estimates	Comments (e.g. secondary impacts)
Component 1						
Design Phase						
Component 2a						
Design Phase						
Component 2b						
Design Phase						
Component 3a						
Design Phase						
Component 1						
Construction Phase						
Component 2a						
Construction Phase						
Component 2b						
Construction Phase						
Component 3a						
Construction Phase						
Component 1						
Operation and Maintenance Phase						
Component 2a						
Operation and Maintenance Phase						
Component 2b						
Operation and Maintenance Phase						
Component 3a						
Operation and Maintenance Phase						

Annex 5 – Environmental Impact Assessment Procedure at NEPA



Annex 6 – Procedures for Mine Risk Management in World Bank-Funded Projects in Afghanistan

Background:

The following procedures are 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);

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.

Procedure for Community-Managed Works

Applicability: This procedure applies to community rehabilitation / construction works to be identified and implemented by the communities themselves (for small projects of up to \$100,000 each).

Overall approach: The communities should be responsible for making sure that the projects they propose are not in mine-contaminated areas, or have been cleared by MACA (or a mine action organization accredited by MACA).

Rationale: Communities are best placed to know about mined areas in their vicinity, and have a strong incentive to report them accurately as they will carry out the works themselves.

Procedure:

1. Communities are required to submit a reply to a questionnaire regarding the suspected presence of mines in the area where Bank-funded community-managed projects will be implemented. This questionnaire should be formally endorsed by the Mine Action Program for Afghanistan (MAPA). It will be a mandatory attachment to the project submission by the communities and should be signed by community representatives and the external project facilitator. External project facilitators will receive training from MAPA. Financing agreements with the communities should make clear that communities are solely liable in case of a mine-related accident.

2. If the community certifies that there is no known mine contamination in the area, the ministry responsible for the selection of projects should check with MACA whether any different observation is reported on MACA's data base.
 - If MACA's information is the same, the project can go ahead for selection. The community takes the full responsibility for the assessment, and external organizations cannot be made liable in case of an accident.
 - If MACA's information is different, the project should not go ahead for selection as long as MACA's and community's statements have not been reconciled.
3. If the community suspects mine contamination in the area,
 - If the community has included an assessment / clearance task in the project agreed to be implemented by MACA (or by a mine action organization accredited by MACA), the project can go ahead for selection.
 - If the community has not included an assessment / clearance task in the project, the project should not go ahead for selection as long as this has not been corrected.
 - Mine clearance tasks must be implemented by MACA or by a mine action organization accredited by MACA. Communities will be penalized (subsequent funding by World-Bank funded projects shall be reduced or cancelled) if they elect to clear mines on their own.

Procedure for Small and Medium-size Works Contracted Out

Applicability: This procedure applies to small- and medium-size works to be identified by local authorities and implemented by local contractors (for projects up to \$5m each).

Overall approach: MACA (or a mine action organization accredited by MACA) should provide detailed information on the mine-related risks (either based on previously done and updated general survey or on a new general survey) before projects are considered for selection. Only project sites assessed to have a nil-to-low risk would be eligible for selection, unless they have been determined by MACA or by a mine action organization accredited by MACA.

Rationale: Neither local authorities nor local contractors have the capacity to assess the mine-related risks in a systematic way, while they may have incentives to underestimate them.

Procedure:

1. Prior to putting up a project for selection, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) to assess mine-related risks in the area of the project (this should include checking information available in the MACA data base).

2. If MACA provides information suggesting a nil-to-low risk in the proposed project area, the project can go ahead for selection.
3. The contract between the responsible ministry and the contractor will include a clause stating that in case of an accident, legal liability would be fully and solely borne by the contractor.
4. If MACA assesses a potentially high risk in the area (whether due to the presence of mines or uncertainty),
 - If the project includes an assessment / clearance task agreed to be implemented by MACA (or by a mine action organization accredited by MACA), it can go ahead for selection based on agreed funding modalities (clearance may be funded either under a contract with a Bank-funded project or under existing donor agreements with the mine action organization);
 - If the project does not include an assessment / clearance task, it should not go ahead for selection as long as this has not been corrected.

Procedure for Works to be implemented directly by Government Departments/Agencies, without use of contractors

Applicability: This procedure applies to works to be implemented directly by Government departments/agencies, without use of contractors.

Overall approach: MACA (or a mine action organization accredited by MACA) should provide detailed information on the mine-related risks (either based on previously done and updated general survey or on a new general survey) before works or installation of goods/materials are carried out in any given area. Work would only be allowed to proceed in areas assessed to have a nil-to-low risk, unless they have been de-mined by a mine action organization accredited by MACA.

Rationale: Government departments and agencies responsible for providing services currently do not have the capacity to assess the mine-related risks in a systematic way, and currently follow a process of consulting with MACA prior to carrying out activities.

Procedure:

1. Prior to carrying out work, the Government department/agency will consult with MACA to assess mine-related risks in the area (this should include checking information available in the MACA data base). If not already done, a general survey should be carried out by MACA (or by a mine action organization accredited by MACA) to assess mine-related risks in the area.

2. If MACA provides detailed information on mine-related risks which suggest a nil-to-low risk in the proposed area, the work can proceed. The Government would be solely liable in case of a mine-related accident.
3. If information provided by MACA cannot support the assessment of a nil-to-low risk in the proposed area (whether due to the presence of mines or uncertainty), works should not go ahead before MACA (or a mine action organization accredited by MACA) carries out the necessary further assessment and/or clearance for risks to be downgraded to nil-to-low, based on agreed funding modalities (clearance may be funded either under a contract with a Bank-funded project or under existing donor agreements with the mine action organization).

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 unambiguous 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.
- d) 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).

Annex 7: TOR for NHRP Pre-feasibility Social Assessment

1. INTRODUCTION

1.1 Project Background

The Naghlu Dam is a gravity dam on the Kabul River in Sarobi District, Kabul province, Afghanistan. It is located 40 km east of the Afghan capital Kabul. The primary purpose of the dam is hydroelectric power generation and it supports a power station with a design capacity of approximately 100 MW. It is the largest hydropower plant in Afghanistan and generate/provide most of Kabul's electricity. It is currently being rehabilitated and currently only two out of the four generators are operational. The dam height is 110 m and is 280 m long and its reservoir has a storage capacity of 550,000,000 m³.

Construction of the dam was financed and supervised by the Soviet Union between 1960 and 1968. The first generator was commissioned in 1967. During the Civil War, the opposition used the NHPP as a tool to deprive the Kabul people from electricity. The power station fell into disrepair and by the 2001 Change of political power only two generators were operational. In August 2006, Afghanistan's Ministry of Energy and Water awarded the Russian company Technopromexport (TPE) a \$32.5 million contract to rehabilitate the two inoperable generators and replace the transformers. The first of the two became operational in September 2010 and the transformers were replaced by early 2012. The rehabilitation is being funded by the World Bank. The second unit was operational by the end of 2012. In November 2011 another World Bank funded contract was awarded to upgrade the switch yard of the power station.

The current project under which this financing is taking place had to close in March 2013. Among others, two primary problems have emerged: sediment has built up on the face of the dam and blocked the bottom outlet; and there is no auxiliary power source, leaving only manual opening and closing of the spillway gates or inlet valves in the event that the plant is not generating. Overall, under the status quo, without additional Bank financing, there is a grave risk to Naghlu not being able to continue to generate and also a significant safety risk.

As a result, a consensus has been reached among the relevant Afghan counterparts and internally in the Bank to prepare a new grant, the Naghlu Hydropower Rehabilitation Project (NHRP).

This project triggers the World Bank's Operational Policies OP4.01 on environmental assessment, OP4.12 Involuntary Resettlement; and OP4.37 Safety of Dams, and OP7.50 Projects on international Waterways.

1.2 Project Components

Component 1: Mechanical, Electrical, and Electromechanical Work (US\$30.0 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:

- **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant.** This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (i) testing of the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.
- **Subcomponent 1(b): Enhancing Maintenance of the Powerhouse.** Other units of the power house are in need of regular maintenance. This subcomponent will particularly

support provision of spare parts and consumables for three to five years to ensure the sustainable operation and normal maintenance of the existing plant. This will include Unit 3 overhaul. Unit 3 has been running for over 20,000 hours and should have been overhauled at 7,000 hours of operation. Similarly, pipes, valves, and pumps for inlet valve control have been in service for over 45 years and need immediate attention. In order that maintenance routines are being maintained according to technical requirements over time, under Component 3 supervision routines for NHPP will also be developed/updated. These will include a review of management of spare parts and consumables.

Component 2: Dam Safety and Power Generation Capacity Improvement (US\$33 million). This component aims to ensure the safe operation of the dam through the two subcomponents as follows:

- **Subcomponent 2(a): Dam Safety Audit and Safety Improvement Measures.** This component will finance technical assistance and studies including (i) audit of the dam's structural and operational safety; (ii) preparation of plans and bidding documents for works to improve safety to acceptable standards, focused on reactivating the bottom outlet, adequacy of auxiliary power and other systems, improvements to the head gates closing system, installation of instrumentation, and clearance of the UXOS from the dam structure; (iii) studies on structural and operational safety considering updated hydrological and seismic data and following relevant international/national standards/guidelines; and (iv) flood routing through Naghlu Dam to Surobi Dam, including adequacy of its spilling arrangements.

The dam safety audit will identify quick measures to improve dam safety to be implemented before the completion of the dam safety audit. Specifically, this will focus on supporting DABS in introducing modern dam safety measures that do not require major structural changes, particularly (i) setting up a procedure and staffing for independent dam safety inspections; (ii) preparation of dam safety plans including operations, maintenance, and surveillance manuals for civil works, emergency preparedness plans, and post-earthquake response plans; (iii) revision of operating manuals for the electrical and electromechanical works; (iv) detailed maintenance planning for equipment; (v) training of dam staff; (vi) reactivation of the low-level outlet; (vii) introduction of independent operation of the power intake gates; (viii) installation of standby generator for emergency opening of the spillway gates and closing of the power intake gates; and (ix) installation of other essential instrumentation for dam safety monitoring.

Experts indicate that the UXOS present are not expected to pose major structural risk to the body of the dam. However, UXOS will present risks to the sediment cleanup of the dam. The feasibility study referred to under (vi) will assess the different options to conduct sediment cleanup and the procedures to treat the present UXOS.

- **Subcomponent 2(b): Optimization of Power Generation.** This component aims to examine the potential for increasing power generation at NHPP. This would identify options for sustainable sediment management and for increasing the amount of electricity produced by the dam. It consists of two subcomponents as follows:
 - i. **Feasibility study.** This study examines the feasibility of various options to increase power generation, including but not limited to (i) appropriate dam operation and better management; (ii) additional storage upstream of the dam; (iii) additional siphon spillway/floating barge mechanism for controlled flushing of sediments; (iv) raising the dam crest; and (v) catchment area treatment.

- ii. **Detailed design.** This supports the preparation of detailed designs should the feasibility study return a positive result, and will be closely guided by the findings of Environmental and Social Impact Assessment (ESIA), resettlement and livelihoods restoration, environment and social management plans, health, and other related action plans.

Component 3: Environmental and Social Sustainability, Project Management Support, and Future Project Preparation (US\$20.0 million). This component includes two subcomponents.

- **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent aims to ensure the environmental and social sustainability of the dam through:
 - i. **Local development assistance.** Partly in support of benefit sharing with local communities, this subcomponent will support (i) electrification in the project area and (ii) improved access to skills and training to enable local people gain employment at the plant and elsewhere. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent such as road development. This will insure continued community support for the dam and the proposed rehabilitation.
 - ii. **Supporting environmental and social management.** This will support (i) for component one, updating the existing environmental guidelines through an environmental management plan (EMP), implementation and monitoring of that plan; (ii) the preparation, implementation, and independent monitoring of ESMPs, Resettlement Action Plans (as required), and Livelihoods Development Plans for components 2a, and 2b. For component 3a, the preparation , implementation and independent monitoring of an ESMP
- **Subcomponent 3(b): Project Management Support and Future Project Preparation.** This subcomponent aims to ensure that DABS receives advice on good international practices. It will consist of:
 - i. This subcomponent will finance the training programs, development of operational manuals for generation, distribution planning, operation and maintenance, and translation of management and control software and technical documents into Pashto and Dari to ensure adequate capacity for the safe and sustained operation of the existing plant.
 - ii. Consulting services to support implementation of the project which include technical (hydropower specific), environmental, social, technical, procurement, financial management, and monitoring and evaluation aspects.
 - iii. Financing support for an Environmental and Social Advisory Panel (ESAP) and a Project Technical Advisory Panel (PTAP).
 - iv. Future projects identified for hydropower development and management may also be pursued under this component to support DABS expanding domestically generated power.

2. THE SOCIAL SURVEY

2.1 Objective of the Social Survey

The main objective of the social survey is to collect, and provide an analysis of, socio-economic, cultural, political and institutional information in the project area - up to 2 kilometers from the edge of the dam in Sarobi and Tagab districts – in order to inform the subsequent project activities of the NHRP. The study

area will include the following villages within 2-3 km of the dam that include: Kam Shenkay, China, Shin Khwar, Loy Khwar, Warakay Khwar, Dawlat Zai Kalay, Tor Nassar, Kace Sherkhan, Malekhel, Mela Halim and Ragheh Ghar villages. In addition, the survey will cover the villages earmarked for electrification that include: Momen Khan, Enzarai, Shinwari, Tezin, Gogamanda, Gando khat sarai, Mundo Kelai, Torkani (Dorkanay), Sherkhan Kas, Parman bik, Dawlat zai, Jegdalak, Mirza, Malora, Torkha china, Katagay, Mazghondai, Dubilai (Debalay), Nagoman, Sapar villages, and Khojasi baba.

2.2 Scope of the Survey

The Social Survey is intended to get an overview of the following:

- (a) Demographic factors: number, names and location of villages within 2 kilometers of the dam, total number of households (HHs) in villages, number of female headed HHs in each villages, number of landless HHs in each village.
- (b) Livelihoods – factors affecting livelihood: agriculture, off-farm employment, outward migration from the area, factors affecting income and productivity, such as risk aversion of the poorest groups, land tenure (land usage/ land ownership including individual and communal land rights, access to productive inputs and markets, and access to labour/income opportunities
- (c) Social organization: organization and capacity at the household and community levels affecting participation in local level institutions as well as access to services and information.
- (d) Identifying project stakeholders, including traditional authority and community structure, and establishment of an appropriate strategy for their participation in the project design, implementation, monitoring and feedback;
- (e) Needs and values: stakeholder attitudes and values determining whether development interventions are needed and wanted, appropriate incentives for change and capacity of stakeholders to manage the process of change; OR identify and rank key social issues that will need to be taken account of in project design.
- (f) Literacy and skills: to identify the skills levels of the people in the project area to identify training needs under Component 4 of the project;

2.3 Specific Tasks

The Consultant will be responsible for carrying out a Pre-Feasibility Social Assessment and come up with a Social Assessment Report. This Assessment will undertake to analyse the social and economic characteristics of the communities in the NHRP project areas by undertaking the following tasks:

Task 1: Provide a comprehensive picture of the social characteristics, dynamics and challenges in the project areas. Under this objective, the survey will cover the following:

- i) Number and names of villages located within 2 kilometres from the dam in Sarobi and Tagab districts, whose lives and livelihoods may be impacted by the project: the total number of HHs in each village, identify vulnerable groups e.g. number of FHHs, number of landless and disabled HHs; identify ethnic groups and tribes.
- ii) Gender– identification of the critical issues and concerns, livelihood strategies for men, women and young people;
- iii) Livelihood and coping strategies - What are the key livelihood bases in the project area (pastoralism, agriculture, fishing etc.)
- iv) Cultural resources: What are some of the key physical cultural resources in the project area?
- v) Status of roads, electricity, water supply and other basic infrastructure;
- vi) Energy: type and usage in each village: preferred energy type, willingness to pay for energy including electricity
- vii) Health: access to health care in each village

- viii) Education: access to primary and secondary education
- ix) Community: What types of communities are present in the area, are they based on clan, ethnicity, geographic boundaries?
- x) Institutions – what are the significant formal and informal institutions in each village? What constraints and barriers are there and what does this mean to community mobilization mechanisms and overall project success opportunities? Which NGOs are operating in the area
- xi) Stakeholders - who are the key stakeholders? What specific interests do they have and how can the participation of the poor and vulnerable groups (especially women and landless) be enhanced?
- xii) Land tenure - identify land tenure systems (land usage and land ownership including individual and communal land rights) including those of nomadic people. Particular attention should be paid to the extent of cultivable area
- xiii) Planned development: document and review current and planned development activities within the project area.

Task 2: Vulnerability Issues

Under this task, the survey will cover the following:

- i) Identify vulnerable and marginalized groups; who is particularly vulnerable or marginalized within the project area?
- ii) Define requirements for consultations with groups identified and documentation of views and findings. Identify what processes are needed to conduct free, prior and informed consultations with these affected groups;
- iii) Provide guidance on mechanisms that the project needs to adopt to ensure that these groups participate and benefit from the project interventions including electrification and livelihood skills enhancement;
- iv) Identify institutions that relate and interact with these groups including local NGOs;
- v) Documentation of land and natural resource access and implications to vulnerable and marginalized groups
- vi) Assess capacity of the relevant stakeholders and their ability to manage social effects relevant to the project.

Note: The Consultants needs to be aware of the fact that special targeted consultations with marginalized groups will be important because marginalized groups are often the most adversely affected by the negative impacts of a project and the least equipped to benefit from positive changes that may come about with the project. Consultation and participation of men, wealthier people in the community or of people from ethnic majority and non-indigenous communities may not always highlight the special conditions or concerns of marginalized groups.

2.4 Approach/Methodology

The Consultant is expected to design a suitable methodology for collecting primary and secondary baseline data and will have the flexibility to organise the study based on his/her own prior experience. However, the methodology should include briefing and debriefing sessions with DABS where necessary and the design should include quantitative and qualitative data collection, sampling design and analysis plan for any preliminary data collection. The qualitative data collection may include Focus Group Discussion (FGDs), Semi – Structured Interviews and Key Informant Interviews.

The consultant will review and build on reports, studies and relevant documents and will work directly with staff from DABS to obtain the necessary information. The consultant will then develop a methodology for field activities and carry out field work in the project areas. This will involve consultations with communities, key actors and other relevant stakeholders in the project area. It is suggested that the Consultant uses participative meetings at the community level and with focus groups to obtain information, the perception of NHRP and its activities, as well as the negative and positive perceptions of the project. The Consultant will have to ensure to identify and reach out to groups that do not routinely participate in government decision making because of cultural, linguistic, and economic barriers.

Note: The methodology must take account of the existing security constraints in the project area. It must also be sensitive to cultural and religious traditions and practices in the area. In addition, a confidentiality statement be added to the questionnaires and the facilitating partner (survey field staff) should inform community members that their names and identify will not be disclosed to the public. In addition, It is also important to point out that although surveys are useful means to gather information, the Consultant must be sensitive of the 'survey fatigue' that is common in small communities.

3. TIME SCHEDULE and Deliverables

This consultancy will have to be completed in a period of 8 weeks starting from 10th December 2013. This will cover review of secondary data, design of methodologies, execution of the survey, report writing and presentation of the results.

Key milestone	Time frame
1. Signing of contract	To be determined
2. Inception report*	1 week after commencement
3. Draft report to be presented in a workshop	5 weeks after Inception Report
4. Final report	2 weeks after workshop

*The inception report entails a clear methodology including questionnaires/data collection tools, specific outcomes and work plan on carrying-out the survey. It will be approved by DABS and World Bank and act as an agreement between parties on how the survey is to be conducted.

Report Content

The Social Assessment Report (main report not to exceed 30 pages- additional information to be included as annexes) will include the following:

- (a) Executive Summary (maximum 8 pages)
- (b) Background
- (c) Methodology
- (d) Findings (Considered as the core part of the report which should be detailed enough to be used for Mid Term Review and Final Evaluation as well as DABS reporting): Baseline information on the demographic, social, cultural, and political characteristics of the project communities including the following: Number of people who live in the area, how local people earn a living, gender and income levels, ethnic groups or tribes in the area, social and community groups (both formal and informal) that exist in the area, leadership structures and the land and territories they own or customarily use or occupy, and the natural resources on which they depend;
- (e) Recommendations
- (f) Identification of the key project stakeholders and the elaboration of a culturally appropriate process for consulting with the communities at each stage of the project preparation and implementation:

- (g) Recommendations on measures for effective management and enhancement of the project's positive social development outcomes;
- (h) Details of issues raised during all consultations including the following:
 - Details of those consulted (institutions where they work or associated with, names, contacts, designations, and signatures);
 - Venues, dates, and time of the consultations;
 - Issues or concerns discussed during consultations;
 - Major outcomes of such consultations; and
 - Information on how such concerns should be addressed based on stakeholders perceptions.

SURVEY TEAM MEMBERS AND QUALIFICATIONS:

The Team leader has to meet the following minimum requirements:

- At least a Masters Degree in Social Science – Sociology or Anthropology;
- Proven experience of at least 5 years in social research.
- Competencies – Thorough understanding of quantitative research methodology, knowledge of data processing packages such as SPSS, quantitative data analysis and report writing, organization and coordination of all stages of social survey at least in 3 similar projects;
- Language Requirements – Fluency in Dari and Pashtu is essential and knowledge of English will be an asset;
- Working knowledge of the project areas (Sarobi and Tagab) will be an advantage

The Data Entry or Statistician should possess a Degree in Statistics or related field with at least five years experience in social research, and statistical data collection, compilation and analysis systems such as SPSS and should possess good report writing skills as well.

The Field Coordinator should have a minimum of a Degree in Social Science or a related field with excellent skills in data collection using both qualitative and quantitative methods, analysis and compilation of reports. He/she should have experience in designing of field tools for surveys.

The Survey staff (2 males and 2 females) should possess a diploma or degree in social science or related field and experience in conducting social or baseline surveys. They should have excellent conversational skills and be familiar with local culture and religious norms in addition to fluency in both Dari and Pashtu.

Team Roles and Responsibilities

Position	Input (Man-Days)	Responsibilities
Team Leader	30	<ul style="list-style-type: none"> • Overall coordination and provide leadership to the entire Team leader • Report writing • Development of the survey tools • Team orientation and training • Quality assurance of survey tools and report
Field Coordinator	30	<ul style="list-style-type: none"> • Pretesting of survey tools

		<ul style="list-style-type: none"> • Oversee the data collection exercise in the field. • Participate in the discussions with different stakeholders. • Participate in the development of the research tools.
Data Entry Officer or Statistician	20	<ul style="list-style-type: none"> • Creation of databank • Data entry and Analysis
Survey Staff (4)	30 (120 total)	<ul style="list-style-type: none"> • Interview respondents • Fill in the questionnaires • Preliminary data refinement and submission to Statistician.

Annex 8: Generic Terms of Reference for a full Social Impact Assessment (SIA)

1. Introduction

The Government of the Islamic Republic of Afghanistan (GoIRA), through its 2006 Afghanistan National Development Strategy (ANDS) set out ambitious three to five year goals for increasing access to electricity. The aim was for electricity supply to reach at least 65 percent of households and 90 percent of non-residential establishments in major urban areas and at least 25 percent of households in rural areas. This would have represented a considerable increase over the rate of electrification – which had last been reliably estimated at six percent nationwide in 2003. More recent estimates suggest that some 25-30 percent of households have access to grid electricity. There appears to be no reliable estimate for the number of people with access to off-grid electricity although there is some 134MW of small hydro, diesel generators and solar power installed.

In 2002, when the new government came into being, donors started to finance rehabilitation and construction of the power system, partly to ensure essential services could be provided and partly because it was one of the things most frequently demanded by people to improve their lives. The North East Power System (NEPS) which serves several of the Northern provinces as well as Kabul has seen significant growth. Most notable are the interconnection with the Uzbekistan power system which allows the import of 150MW and enables provision of 24 hour power to parts of Kabul, and a connection with Tajikistan which allows the import of a further 300MW during the summer time when there is surplus hydropower capacity. Other parts of the country also benefit from imported power, including in the North West and west, which are supplied from the grids of Turkmenistan and Iran. Afghanistan's current heavy dependence on imports, at about 80 percent of its electricity needs in 2012, is likely to continue to do so for some time.

Responsibility for management and operation of the electricity system rests with Da Afghanistan BreshnaSherkat (DABS), the national electricity utility. Until 2009, DABS was a department of the Ministry of Energy and Water. DABS's corporatization has been accompanied by a strong program of commercialization supported in the early years by the World Bank and more recently by USAID. DABS is responsible for the installed domestic generation capacity, including about 230MW of hydropower and with it Naghlu, although only about 138MW is currently in service. MEW still retains a role in investment planning and project management and is the main counterpart for three existing World Bank projects.

2. Project Background

The Naghlu Hydropower Rehabilitation Project (NHRP) aims to increase the supply of domestically generated electricity to the Afghan power system of least cost electricity in a safe and environmentally and socially sustainable way.

Social impact Assessment studies will be carried out to ensure that social implications of the proposed activities under the NHRP have been identified, analysed and clearly communicated to the decision makers and stakeholders including direct affected people.

Component Two of this project - Improvement of the safety and sustainability of the dam - includes a range of studies to address safety shortfalls of the plant. A Social Impact Assessment, which may be part of an integrated Environmental and Social Impact Assessment, will be required to examine the impact of proposed activities recommended by these studies.

A detailed Social Impact Assessment will be required as part of the feasibility study for Component three of the NHRP - Dam heightening feasibility study. Both SIAs will include, where appropriate, land acquisition, resettlement and livelihood development plans.

3. Overall SIA Objectives

Social Impact Assessment (SIA) focuses on assessing the intended and unintended social consequences of planned interventions on affected populations. These assessments can help relevant authorities design and put in place suitable mitigation plans in order to improve the quality of life of all those directly affected by the project. The participatory approach that lies at the heart of social impact assessments aims to ensure greater social inclusion and participation by affected communities in the design and implementation of mitigation measures.

The broad objective is to identify, develop and incorporate social measures into project planning, preparation, implementation and monitoring as a means of identifying and addressing direct and indirect social outcomes through all aspects of project execution. This process needs to be carried out at each stage of project preparation, namely feasibility and detailed project report (DPR) stage. To carry out the detailed assessments at various stages a detailed work-plan needs to be provided as part of the inception report.

The following provides specifies objectives, activities and outputs to complete the SA process:

4. Specific SIA Objectives

SIA is an approach for incorporating social analyses and participatory processes into project design and implementation. The specific objectives of the SIA are:

- To assist the government and other stakeholders in understanding the social impacts of the proposed project;
- To carry out a socio-economic, cultural and political/institutional analysis to identify potential social impacts of the proposed project;
- To identify principal stakeholders and develop consultation framework for participatory implementation;
- To screen social development issues and scope SIA activities for feasibility and design stage;
- To ensure that results of the SIA provide inputs to the monitoring of project impacts during implementation and to the evaluation of project outcomes at completion;
- To provide inputs to the project design at the feasibility and detailed design stage including specific recommendations in selection of design alternatives (identification of areas that may require adjustments in project designs) and preparing social policy framework;
- To develop a Resettlement Action Plan (RAP) that includes comprehensive mitigation measures to ensure that the affected and displaced persons are appropriately resettled and rehabilitated i.e. to assist them to improve their livelihoods and standards of living or at least to restore them, in real terms;
- To assess the current capacity for management of social impacts, develop institutional arrangements for this and subsequent (like) projects and formulate a training and capacity building plan.

5. Scope of Work

5.1. Stage I - Feasibility Stage:

Social screening and preliminary assessment will be carried out to:

- Review all national legislation and regulations pertinent to the project, as well as the WB Safeguard policies and procedures.
- Determine nature, magnitude of adverse social impacts as well as to determine beneficial impacts and specific of social issues to scope out social issues for detailed assessment.
- Identification of stakeholders' needs and inform, consult and carry out dialogues with stakeholders on matters regarding project design alternatives, implementation of social mitigation measures and provide specific recommendations with high social risks, including, presence of significant common property that may require adjustments in project design.
- Assess the capacity of institutions and mechanisms for implementing social risk management instruments and recommend capacity building.
- Develop monitoring and evaluation mechanism to assess social development outcomes.
- Develop broad mitigative measures
- Prepare preliminary budget estimates, market-based prices for the affected people.

5.1.1. SIA Methods and Tools:

For socio-economic, cultural and political/institutional analysis combine multiple tools and employ a variety of methods for collecting and analysing data, including both quantitative and qualitative methods (expert and key informant interviews, focus group discussions, household survey, beneficiary assessments, rapid and participatory rural appraisal, gender analysis).

Develop scoping techniques, interview schedules, field survey instruments and checklist for data collection and discussions.

Screen and scope to prioritize social issues through different techniques such as ranking and composite index.

The selection of SIA methodology should emphasize consultation and participation of project affected persons (PAPs), project implementing and executing agencies and other stakeholders.

The discussions with the relevant government officials, other institutions and organizations in the civil society, should be participatory and broad-based, leading to the identification, selection and agreement on project options.

5.1.2. Outputs:

The expected output will be a Social Screening report and findings integrated in the feasibility report, including:

- Findings of analysis and consultation framework for project.
- Outline of social risk management instruments as required.
- Recommendation for adjustments in designs during feasibility and detailed design stage.
- Scope of social impact assessment to define the universe of social issues for detailed analysis for Detailed Project Report.

- Guidelines for resettlement and rehabilitation measures.

5.2. Stage II - Detailed Project Report:

The social impact assessment will cover the directly affected populations to formulate development strategies in order to assist in determining project impacts on the social, economic, cultural, and livelihood activities of affected communities. This will establish a social baseline against which changes resulting from the intervention can be measured in the future. The social surveys will be carried out after demarcation of zone of impact (area of influence).

- a) A census and socio-economic survey, including a detailed inventory of affected land/assets would however, need to be carried out for all PAPs to establish a cut-off date, loss of fixed land/assets such as land, structures and trees, loss of infrastructure (a national road, potable water point, mosques, etc.), livelihood or access to community resources and categorise each type of losses as a result of project implementation.
- b) Assess local tenure and property rights arrangements which may include usufruct or customary rights to the land or other resources taken for the project including common property resources.
- c) Analysis of baseline information and its processing will include adequate measures to compensate and assist the people to restore and improve their livelihood.
- d) Carry out market survey and focus group consultation with different social groups including women to prepare socially, technically and economically feasible income generations schemes including skill up gradation plans.
- e) Identify the land and prepare a plan for relocation in consultation with the project displaced people with different social groups including women and local administration.
- f) Finalize estimate of land required that will be affected by zone of impact, resettlement and economic rehabilitation and review land transfer procedure adopted in project area for all types of activities related to project such as back water effect, distributary network, approach roads and other civil works.
- g) Carry out meaningful public consultation with project affected people and other stakeholders on the types of social risk management measures to ensure 1) that the proposed mitigation measures are feasible to assist people to improve their livelihoods and 2) provide opportunities and a plan to participate in planning and implementing resettlement. Setting out mechanisms for community participation to set out priorities to ensure consultation with project affected people and dialogues with government officials from various departments, to make recommendations on measures necessary to mitigate adverse impacts and enhance social outcomes.
- h) Determine, in consultation with DABS and government officials, the current replacement cost rates for all types of affected assets and prepare detailed cost estimates for all types of affected assets and for other assistance and allowances.
- i) For all those who are affected including ethnic minorities, the social and economic benefits they receive should be consistent with their cultural preferences and decided in consultation with affected communities.
- j) The assessment will incorporate all measures necessary to ensure compensation for assets acquired at replacement cost, assistance to facilitate shifting of structures out of the impact zone, and mitigation measures for loss of livelihood, or reduction in incomes for PAPs. A Resettlement Action Plan (RAP) is intended to be action-oriented and time-bound document. As such it should be as precise and affirmative as possible, to facilitate approval by project authorities and the WB. Clarifying the parameters of the RAPs during the early stages will ensure that the RAP is a document focused on practical steps for implementation of Resettlement & Rehabilitation (R&R) measures.
- k) Prepare the draft R & R framework in close coordination with the borrower and the project affected people, based on type of losses expected, which describes entitlements and mitigation

measures needed to assist affected people, especially for the vulnerable in accordance with World Bank guidelines.

- l) Assess institutional capacity and propose the institutional arrangement for implementation of RAP, addressing grievances, and ensuring gender equity, and identify the roles and responsibilities of each agency and develop a training program on Resettlement & Rehabilitation (R &R), based on the assessment of the capacity of the implementing agency.
- m) To develop a time schedule to implement the action plan that synchronizes with civil works.
- n) Conduct risk assessment for proposed mitigation measures and develop a risk assessment framework.
- o) Develop user friendly software package for database on Project Affected Households and families to enable monitoring.

5.2.1. Methods & Tools:

- a) Conduct census and baseline survey with the help of interview schedules and prepare linear maps at appropriate scales showing each affected property to identify all project affected households and assets.
- b) Conduct land surveys in project area with the assistance of government officials for preparing land plan schedules.
- c) Conduct focus group discussions and HH survey to discuss adjustment in designs.
- d) Conduct consultations with affected people, and district level workshops with communities and executing organizations to finalize the implementation mechanism and for informed decision making.

5.2.2. Outputs:

The following shall be the outputs:

- a) Final Social Impact Assessment study(s) including the findings of baseline data/study.
- b) Final Resettlement & Rehabilitation Policy Framework.
- c) Final Resettlement Action Plan (RAP) including a capacity building, training plan for project partners and entitlement matrix. This will also be a stand alone document.
- d) Final data base of the socio- economic surveys.

6. Reporting Requirements

- a) Inception Report: The Consultant will submit an Inception report confirming the methodology to be adopted for the study, the deployment schedule of personnel, a schedule of site visits to be carried out and a reporting schedule, within a fixed time from the date of beginning of the assignment. The consultant may need to carry out a reconnaissance survey before submitting the inception report.
- b) Social Screening Report: The expected output will be a Social Screening report and findings integrated in the feasibility report, including findings of analysis and consultation framework for project; outline of safeguard instruments as required; recommendation for adjustments in designs during feasibility and detailed design stage; scope of social impact assessment to define the universe of social issues for detailed analysis for Detailed Project Report (DPR); and guidelines for resettlement and rehabilitation measures.
- c) Resettlement Action Plan: Project description; method of study; analysis of alternatives; minimization of adverse impacts; analyses of land tenure systems, land acquisition or transfer mechanism and R&R policies; project area profile, profile of the affected people and Impact analyses of the project on affected and displaced people with disaggregated data analyses of men

and women; impact on land and other assets vis-à-vis the total asset including impact on occupation (formal and informal) and income (formal and informal sources) with disaggregated data analyses of both men and women; cut-of date, relocation plan with alternate sites, selection of preferred sites in consultation with the affected people, and planning for development of alternative sites; livelihood restoration plan with training plan for skill up gradation, employment and credit; community participation and integration with host population; restoration and relocation plan for cultural/common properties; institutional arrangement specified with roles and responsibilities, and training plan for capacity building; implementation schedule; monitoring, and evaluation plan, including indicators and reporting formats; risk assessment; cost estimates including rate analysis, quantities for civil work items and detailed budget (entitlement matrix).

7. Reporting Schedule

No.	Title of Report	Due within date from beginning of assignment	No. of copies	Time for comment from M&E Unit of DABS/WB
I	Inception Report			15 days
II	Social Screening Report			1 month
III	Resettlement Action Plan			15 days

8. Consulting Team

The consulting team shall include the following key experts in addition to any support staff that the consultant may decide.

No.	Qualification	Minimum Experience	Duration of Service Required	Continuous / Intermittent Inputs
1	Post graduate Degree in Sociology/Anthropology	10 years		Continuous
2	Postgraduate Degree in Social Work	10 years		Continuous
3	Degree in Agriculture	5 years		Intermittent
4	Degree in Civil Engineering	5 years		Intermittent
5	Community Participatory Specialist	10 years		Continuous
6	Gender Specialist	8 years		Intermittent

Annex 9: Generic Terms of Reference for a full Environment Impact Assessment (EIA)

Introduction

The Government of Afghanistan (GoA) intends to upgrade and expand its infrastructure to enhance the livelihood earning capacity of its people sustainably. GoA wishes that the proposed development occurs with due regards for the environmental and social concerns associated with such development. GoA's focal body on the subject, Da Afghanistan Breshna Shirkat (DABS) wishes to engage the services of a team of consultants to carry out the Environmental Impact Assessment of specific components of the Naghlu Hydropower Rehabilitation project (NHRP) preparation stage to ensure that these key concerns are addressed early in project development.

While the DABS is the focal entity of the GoA for the project, inputs are also expected from the Ministry of Energy and Water, Ministry of Agriculture and Animal Husbandry, National Environmental Protection Agency, and Ministry of Rehabilitation and Rural Development.

Project Background

The proposed multi-component Naghlu Hydropower Rehabilitation Project aims to improve infrastructure using a river-basin approach. One component of this project is also financing preparation of feasibility studies for large hydropower schemes which may be taken up in the future possibility of increasing the dam height and flushing out the settled sediment. As part of the NHRP, detailed Environmental Impact Assessments are to be carried out for candidate components identified, to feed into the overall project preparation. The XYZ project is being prepared as part of this component. {Provide a plan of the area that will be affected either indirectly or directly. Basic data should be given on existing and proposed irrigation and drainage in the area and the catchment characteristics, if available. }.

Objectives

This study is being carried out to ensure that environmental implications of the proposed XYZ project have been identified, analysed and clearly communicated to the stakeholders and decision makers. In order to achieve this target, the following objectives have been set:

To prepare inventory of the bio-physical and socio-economic environmental attributes in the study area;

To involve the local population in project preparation through active consultations which could also assist in identifying the attributes important to them?

To identify and assess the magnitude and significance of impacts due to the proposed activities on the attributes identified;

To consider a range of proposals should be considered and if so whether they would be less environmentally damaging;

To propose avoidance, mitigation and enhancement measures for adverse and positive impacts;

To assess the current capacity for environmental management to develop institutional arrangements for this and subsequent projects; and

To prepare an environmental management plan (EMP) to ensure implementation of the management measures selected from the ones proposed, along with budget and staff allocation (to feed into the overall project cost estimates) and institutional responsibility.

Environmental Assessment Requirements

The Environmental Assessment (EA) shall be guided by the requirements of OP4.01 and other relevant safeguard policies of the World Bank such as OP4.04, etc.

Scope of Work

The current information has led to the development of the following tasks, which may be modified with consent of the MEW and DABS if new information comes to light during the course of the study (e.g. the presence of sensitive receptors not known when the ToR is finalized).

Task 1. Description of the Proposed Project. General design and extent of hydropower works (specifications of dam and reservoir, size of command area, etc.); size of catchment area; operation and maintenance of civil works.

Task 2. Description of the Environment. Assemble, evaluate and present baseline data on the relevant environmental characteristics of the study area. Include information on any changes anticipated before the project commences.

Physical environment: geology; topography; soils; climate and meteorology; ambient air quality; surface and ground- water hydrology; existing sources of air emissions; existing water pollution discharges; and receiving water quality.

Biological environment: flora; fauna; rare or endangered species; sensitive habitats, including parks or preserves, significant natural sites, etc.; species of commercial importance; and species with potential to become nuisances, vectors or dangerous.

Socio-cultural environment: land use (including current crops and cropping patterns); land tenure and land titling; present water supply and water uses (including fish farming and household use and irrigation, among other current distribution and water resources if irrigation systems already exist in area); control over allocation of water resource and use rights.

Task 3. Legislative and Regulatory Considerations. Describe the pertinent regulations/law and standards governing environmental quality, health and safety, protection of sensitive areas, protection of endangered species, siting, land use control, etc., and relevant international treaties or agreements if any.

Task 4. Determination of the Potential Impacts of the Proposed Project. Potential impacts to be assessed include:

Project location: loss of forest land and natural habitats; loss of agricultural land (cropping and grazing); impact on flora and fauna; impact on historic and cultural sites; resettlement of people; effects on water resources outside and inside command area.

Project Design: Disruption of hydrology; drainage problems; design of dams and other structures; crossings for people and animals.

Project Construction: Soil erosion; construction spoils (disposal of); sanitary conditions and health risks associated with construction camp and workers coming into area; social and cultural conflicts between imported workers and local people.

Project Operation: Pollution by agrochemicals; impacts on soils (water logging, salinization, etc.); changes in ground water levels inside and outside command area; changes in surface water quality and risks of eutrophication; incidence of water-borne and water-related diseases.

Cumulative and long-term effects: which may be an issue where a number of irrigation and hydropower systems shared a common watershed or river basin system.

Task 5. Analysis of Alternatives to the Proposed Project. Describe alternatives that were examined in the course of developing the proposed project and identify other alternatives which would achieve the same objectives. The concept of alternatives extends to siting, design, technology selection, construction techniques and phasing, and operating and maintenance procedures. Compare alternatives in terms of potential environmental impacts; capital and operating costs; suitability under local conditions; and institutional, training, and monitoring requirements. When describing the impacts, indicate which are irreversible or unavoidable and which can be mitigated. To the extent possible, quantify the costs and benefits of each alternative, incorporating the estimated costs of any associated mitigating measures. Include the alternative of not constructing the project, in order to demonstrate environmental conditions without it.

Task 6. Development of Environmental Management Plan (EMP), with focus on three generic areas: Mitigation measures, institutional strengthening and training, and monitoring. The emphasis on each of these areas depends on the needs in the specific project context, as identified by the EA itself.

Mitigation of environmental impact: Recommend feasible and cost-effective measures to prevent or reduce significant negative impacts to acceptable levels. Estimate the impacts and costs of those measures. Consider compensation to affected parties for impacts which cannot be mitigated. The plan should include proposed work programs, budget estimates, schedules, staffing and training requirements, and other necessary support services to implement the mitigating measures.

Institutional strengthening and training: Identification of institutional needs to implement environmental assessment recommendations. Review the authority and capability of institutions at local, provincial/regional, and national levels and recommend steps to strengthen or expand them so that the management and monitoring plans in the environmental assessment can be implemented. The recommendations may extend to new laws and regulations, new agencies or agency functions, inter-sectoral arrangements, management procedures and training, staffing, operation and maintenance training, budgeting, and financial support.

Monitoring: Prepare detailed arrangements for monitoring implementation of mitigating measures and the impacts of the project during construction and operation. Include in the plan an estimate of capital and operating costs and a description of other inputs (such as training and institutional strengthening) needed to carry it out.

Task 7. Assist in Inter-Agency Coordination and Public/NGO Participation. Assist in coordinating the environmental assessment with NEPA and other government agencies, in obtaining the views of local NGO's and affected groups, and in keeping records of meetings and other activities, communications, and comments and their disposition.

Reporting Requirements

Inception Report: The Consultant will submit an Inception report confirming the methodology to be adopted for the study, the deployment schedule of personnel, a schedule of site visits to be carried out and a reporting schedule, within a fixed time from the date of beginning of the assignment. The consultant may want to carry out a reconnaissance survey before submitting the inception report.

Environmental Impact Assessment report:

The **EIA report** should include the following items (not necessarily in the order shown):

- (a) Executive summary. Concisely discusses significant findings and recommended actions.
- (b) Policy, legal, and administrative framework. Discusses the policy, legal, and administrative framework within which the EA is carried out. Also explains the environmental requirements of any co-financiers. Identifies relevant international environmental agreements to which the country is a party.
- (c) Project description. Concisely describes the proposed project and its geographic, ecological, social, and temporal context, including any offsite investments that may be required (e.g., dedicated pipelines, access roads, power plants, water supply, housing, and raw material and product storage facilities). Indicates the need for any resettlement plan or indigenous peoples development plan {see also subparagraph. (h) (v) Below. Normally includes a map showing the project site and the project's area of influence.
- (d) Baseline data. Assesses the dimensions of the study area and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences. Also takes into account current and proposed development activities within the project area but not directly connected to the project. Data should be relevant to decisions about project location, design, operation, or migratory measures. The section indicates the accuracy, reliability, and sources of the data.
- (e) Environmental impacts. Predicts and assesses the project's likely positive and negative impacts, in quantitative terms to the extent possible. Identifies mitigation measures and any residual negative impacts that cannot be mitigated. Explores opportunities for environmental enhancement. Identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions, and specifies topics that do not require further attention.
- (f) Analysis of alternatives. Systematically compares feasible alternatives to the proposed project site, technology, design, and operation-including the "without project" situation in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs; their suitability under local conditions; and their institutional, training, and monitoring requirements. For each of the alternatives, quantifies the environmental impacts to the extent possible, and attaches economic values where feasible. States the basis for selecting the particular project design proposed and justifies recommended emission levels and approaches to pollution prevention and abatement.
- (g) Environmental Management Plan (EMP). Covers mitigation measures, monitoring, and institutional strengthening; see outline (in III) below.
- (h) Appendixes:

- (i) List of EA report preparers-individuals and organizations.
- (ii) References-written materials both published and unpublished, used in study preparation.
- (iii) Record of interagency and consultation meetings, including consultations for obtaining the informed views of the affected people and local nongovernmental organizations (NGOs). The record specifies any means other than consultations (e.g., surveys) that were used to obtain the views of affected groups and local NGOs.
- (iv) Tables: presenting the relevant data referred to or summarized in the main text.
- (v) List of associated reports (e.g., resettlement plan or indigenous people's development plan).
- (vi) Environmental Management Plan: The consultant will submit an environmental management plan (in line with Annex C of OP4.01) which will include the following components.
 - (a) Mitigation the EMP identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient.
 - (b) Monitoring Environmental monitoring during project implementation provides information about key environmental aspects of the project, particularly the environmental impacts of the project and the effectiveness of mitigation measures. Such information enables the borrower and the Bank to evaluate the success of mitigation as part of project supervision, and allows corrective action to be taken when needed. Therefore, the EMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the EA report and the mitigation measures described in the EMP.
 - (c) Capacity Development and Training to support timely and effective implementation of environmental project components and mitigation measures, the EMP draws on the EA's assessment of the existence, role, and capability of environmental units on site or at the agency and ministry level. If necessary, the EMP recommends the establishment or expansion of such units, and the training of staff, to allow implementation of EA recommendations. Specifically, the EMP provides a specific description of institutional arrangements-which is responsible for carrying out the mitigatory and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). To strengthen environmental management capability in the agencies responsible for implementation, most EMPs cover one or more of the following additional topics: (a) technical assistance programs, (b) procurement of equipment and supplies, and (c) organizational changes.
 - (d) Implementation Schedule and Cost Estimates For all three aspects (mitigation, monitoring, and capacity development), the EMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans with staffing requirements; and (b) the capital and recurrent cost estimates and sources of funds for implementing the EMP. These figures are also integrated into the total project cost tables.
 - (e) Integration of EMP with Project the borrower's decision to proceed with a project, and the Bank's decision to support it, are predicated in part on the expectation that the EMP will be executed effectively. Consequently, the Bank expects the plan to be specific in its description of the individual mitigation and monitoring measures and its assignment of institutional responsibilities, and it must be integrated into the project's overall planning, design, budget, and implementation. Such integration is achieved by

establishing the EMP within the project/contract documents so that the plan will receive funding and supervision along with the other components.

Reporting Schedule

No.

Title of Report

Due within date from beginning of assignment

No. of copies

Time for comment from M&E Unit of DABS/WB

Inception Report 15 days

Interim Report (including screening of alternatives) 15 days

Environmental Impact Assessment 3 months

Environmental Management Plan 15 days

Consulting Team

The consulting team shall include the following key experts in addition to any support staff that the consultant may decide.

Qualification/ Minimum Experience/ Duration of Service Required/ Continuous / Intermittent Inputs

1 Post graduate Degree in Environmental Planning/Engineering 10 years - Continuous

2 Post graduate Degree in Sociology/Anthropology 10 years - Continuous

3 Undergraduate Degree in Agronomy 8 years - Intermittent

4 Undergraduate Degree in Civil Engineering / Hydrology 8 years - Intermittent

5 Undergraduate Degree in Terrestrial / Aquatic Ecology 8 years - Intermittent

6 Undergraduate Degree in Social Science 8 years - Intermittent

Annex 10: NHRP Sample Grievance Registration Form

(Refer to ESMF section 10 ,paragraphs 108 -119, for information relating to the components and functioning of the GRM)

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"/> Water Use <input type="checkbox"/> Dispute with contractors <input type="checkbox"/> CDC formation <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:

Annex 11. 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

ANNEX 12 RESETTLEMENT POLICY FRAMEWORK

Naghlu Hydropower Rehabilitation Project (NHRP)

Resettlement Policy Framework

Prepared by: The Board of Da Afghanistan BreshnaSherkat (DABS)

Islamic Republic of Afghanistan

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.

Contents

Abbreviations	4
Definitions	5
Preface	9
1. Outline of the NHRP project	10
1.1 Key development issues and rationale for Bank involvement	10
1.2 Proposed objectives	11
1.3 Preliminary description	11
1.3 Why a Resettlement Policy Framework	13
2. Legal & Policy Framework for Resettlement	15
2.1 Afghan Law & Policy on Land Acquisition	15
2.2 Principles of World Bank OP 4.12 on acquisition, resettlement and compensation	17
2.2.1 Introduction	17
2.2.2 The application of OP 4.12	17
A table of comparison between the Law on Land Expropriation and OP 4.12 with proposals for reconciliation	25
3. Eligibility for compensation	30
3.1 General eligibility	30
3.2 Land Tenure and Compensation Entitlements	30
3.3 Entitlements to Compensation & Livelihood Restoration	33
4. Unit Compensation Rates and Budget	36
4.1 Establishing Rates for Land Acquisition & Resettlement	36
4.2 Valuation of Land	38
4.3 Valuation of structures	38
4.4 Valuation of crops and trees	38
4.5 Income restoration allowances	40
5. Institutional Arrangements	41
5.1 General	41
5.2 Overall Organization – Ministry of Energy and Water (MEW)	42
5.3 Project Implementation	43
5.3.1 Ministry of Energy and Water	43
5.3.2 Implementing NGO	43
5.3.3 Local Government	44
5.3.4 Gender	45

6.	Public Consultation and Participation	46
6.1	General Public Consultation	46
6.2	Public consultation	46
6.3	Village meetings	46
6.4	Consultations with Government Officials and Other Stakeholders	47
6.5	Preparation of Project Specific Informative Material	47
6.6	Disclosure	48
7.	Preparatory Actions and Implementation Schedule	49
7.1	Preparation Actions	49
7.2	Process of LARP Implementation	50
8.	Complaints and Grievance Redress	51
9.	Monitoring & Evaluation	53
9.1	General	53
9.2	Internal Monitoring	53
9.3	External Monitoring	54
9.4	Management Information Systems	55
9.5	Reporting Requirements	55
10.1	Matrix of Actions under the RPF	56
10.2	Matrix of Compensation Entitlements and Rates	60

Abbreviations

ALA	Afghanistan Land Authority (ARAZI)
AGCHO	Afghanistan Geodesy and Cartography Head Office
AP	(Project) Affected Person including all persons in an affected household
DABS	Da Afghanistan BreshnaSherkat
DSRP	Dam Safety Review Panel
EA	Executing Agency
EMA	External Monitoring Agency
ESIA	Environment and Social Impact Assessment
ESPoE	Environment and Social Panel of Experts
ESS	Environmental and Social Safeguards Staff
GRC	Grievance Redress Committee
ha	hectare
IC	International Consultant
IOL	Inventory of Losses
IRA	Islamic Republic of Afghanistan
LARP	Land Acquisition and Resettlement Plan
LLE	Law on Land Expropriation
MAIL	Ministry of Agriculture, Irrigation and Livestock
MEW	Ministry of Energy and Water
MoF	Ministry of Finance
NEPS	North East Power System
NGO	Non-governmental organization
NHRP	Naghlu Hydropower Rehabilitation Project
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RP	Resettlement Plan
SSO	Social Safeguards Officer
TOR	Terms of Reference

Definitions of words and phrases used in the RPF

Affected Persons (APs), for the purpose of this RPF, mean all the people affected by a project-related land acquisition that leads to their physical relocation, or loss of assets, or access to assets, with adverse impacts on livelihoods. This, household (sometimes referred to as project affected family), firms, or public or private institutions who on account of a 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, 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 acquisition or clearing of the right of-way or construction work area; (ii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to project-related land acquisition impact; (iv) persons who lose work/employment as a result of project impact; 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, that is they are not included in the list of APs as defined by the census. The cut-off date for the titleholders is the date of the beginning 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 nature of their losses, to restore their social and economic base.

Income 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 incomes of all affected persons 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.

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, public 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 52Afghanis.

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 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 as a result 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 – 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 on based on the lack of title.

Temporary Loss means those losses incurred by landowners and businesses for a defined period as a result of project activities.

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; (vi) ethnic minorities and (vii) pastoral nomads who are one of the most vulnerable group in Afghanistan.

Preface

This draft Resettlement Policy Framework (RPF) sets out the general principles and policies to be followed in connection with any land acquisition and resultant resettlement which will occur during the implementation of the proposed Naghlu Hydropower Rehabilitation Project (NHRP) scheduled to commence in 2013. It has drawn on, the existing and Resettlement Policy Framework for the Irrigation Restoration and Development Project which was developed by the Ministry of Water and Energy through a consultative process and cleared by interministerial councils.. It has also been informed by the Resettlement Policy Frameworks prepared for the Second Sustainable Development of Natural Resources and CASA 1000 by the Ministry of Mines and Petroleum and cleared by the World Bank.

Common standards and approaches to 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 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.

It should however be emphasised that this RPF is designed solely for the NHRP. It may have wider uses but these are a by-product of and not the main purpose of this framework.

Naghlu Hydropower Rehabilitation Project (NHRP)

Land Acquisition & Resettlement Policy Framework

1. Outline of the NHRP project

1.1. The Afghanistan Power Sector

Afghanistan's power sector suffered from thirty years of war, neglect and misuse resulting in the almost complete destruction of the grid system in most urban areas; grid power in the rural areas was virtually unknown. The limited electricity that was available from the grid was unreliable, of poor quality and available in limited quantities for a few hours a day. Anyone wanting more or more reliable electricity than was on offer used small or medium sized diesel or gasoline generators.

The Government of the Islamic Republic of Afghanistan (GoIRA), through its 2006 Afghanistan National Development Strategy (ANDS) set out ambitious three to five year goals for increasing access to electricity. The aim was for electricity supply to reach at least 65 percent of households and 90 percent of non-residential establishments in major urban areas and at least 25 percent of households in rural areas. This would have represented a considerable increase over the rate of electrification – which had last been reliably estimated at six percent nationwide in 2003. More recent estimates suggest that some 25-30 percent of households have access to grid electricity. There appears to be no reliable estimate for the number of people with access to off-grid electricity although there is some 134MW of small hydro, diesel generators and solar power installed.

In 2002, when the new government came into being, donors started to finance rehabilitation and construction of the power system, partly to ensure essential services could be provided and partly because it was one of the things most frequently demanded by people to improve their lives. The North East Power System (NEPS) which serves several of the northern provinces as well as Kabul has seen significant growth. Most notable are the interconnection with the Uzbekistan power system which allows the import of 150MW and enables provision of 24 hour power to parts of Kabul, and a connection with Tajikistan which allows the import of a further 300MW during the summer time when there is surplus hydropower capacity. Other parts of the country also benefit from imported power, including in the north west and west, which are supplied from the grids of Turkmenistan and Iran. Afghanistan's current heavy dependence on imports, at about 80 percent of its electricity needs in 2012, is likely to continue to do so for some time.

Responsibility for management and operation of the electricity system rests with Da Afghanistan Breshna Sherkat (DABS), the national electricity utility. Until 2009, DABS was a department of the Ministry of Energy and Water. DABS's corporatization has been accompanied by a strong program of commercialization supported in the early years by the World Bank and more recently by USAID. DABS is responsible for the installed domestic generation capacity, including about 230MW of hydropower and with it Naghlu, although only about 138MW is currently in service.

MEW still retains a role in investment planning and project management and is the main counterpart for three existing World Bank projects.

1.2. Project Objective

The Project Development Objective is to improve dam safety and to increase the supply of electricity at the Naghlu Hydropower Plant.

Project Description

Naghlu Hydropower Plant (NHPP) is located on the confluence of the Panshjar and Kabul rivers in the Surobu District, Kabul Province, about 80 km east of Kabul. Naghlu was first commissioned in 1967 and financed by the former Soviet Union. The equipment was manufactured by Technopromexport, a Russian engineering company founded in 1955. Its reservoir, approximately 110 meters from foundation to crest, is dammed up by a concrete gravity wall. Due to the small reservoir capacity and high inflow, reservoir operation is limited, and the hydropower plant's operation is comparable with a run-of-river plant. The head is 61 meters. The four Francis turbines of the plant have an overall rated capacity of 94 MW (23.5 MW each). In mid-2015, the Naghlu Hydropower Plant (NHPP), is the most strategic of domestic power plants in Afghanistan's power generation portfolio and provides more than half of Kabul's electricity

During the civil war, the opposition used NHPP as a tool to deprive Kabul of electricity. This led to slippages in the operation and maintenance (O&M) of the plant. By 2001, when political power changed, only two generators remained operational. To remedy the situation, the World Bank prepared an Emergency Power Rehabilitation Project (EPRP) in 2004 in the amount of US\$105 million. EPRP financed the rehabilitation of three of the four turbines and the auxiliary plant. The rehabilitation of unit 1 could, however, not be completed. O&M continued to be lacking, and as a result some of the other units may now also require overhaul.

Improving and restoring physical infrastructure of power systems in Afghanistan is a low cost option for enhancing domestic electric capacity as long as the gains in restoring this infrastructure are sustained through improved operation and maintenance processes (O&M). However, as the experience of the EPRP project shows, the integrity of the entire system could be at risk due to ongoing O&M deficiencies. While short-term restoration projects are critical for addressing current needs, promoting long-term security of the power sector mandates an ongoing learning process that mainstreams best industrial practices into hydropower plant management.

Analysis undertaken in 2014/2015 concluded that dam safety management of Naghlu Dam is unsatisfactory and requires immediate attention. Issues include:

Sediment management: the extent of sedimentation in the reservoir has never been measured. DABS estimates that sediment has accumulated 7 m above the low-level outlet, rendering it inoperable. This has serious ramifications on the hydrological safety and flood discharge.

The potential presence of the unexploded ordinance in the reservoir, which complicates sediment management in the dam.

Need for a dynamic stability analysis to determine structural safety under earthquake loading.

Unavailability of auxiliary methods of operating spillway gates and independent operation of power intake gates, and lack of essential instrumentation render the dam unsafe.

Poor O&M at the plant do not allow for safe and sustainable plant operation. While training had been provided under an earlier project, further capacity building and training support is therefore needed, not only for Naghlu but for the sector as a whole.

The proposed Naghlu Hydropower Rehabilitation Project (NHRP) is estimated to cost a total of USD 83 million, and comprises the following three main components:

Component 1: Mechanical, Electrical, and Electromechanical Work (US\$30.0 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:

- **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant.** This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (i) testing of the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.
- **Subcomponent 1(b): Enhancing Maintenance of the Powerhouse.** Other units of the power house are in need of regular maintenance. This subcomponent will particularly support provision of spare parts and consumables for three to five years to ensure the sustainable operation and normal maintenance of the existing plant. This will include Unit 3 overhaul. Unit 3 has been running for over 20,000 hours and should have been overhauled at 7,000 hours of operation. Similarly, pipes, valves, and pumps for inlet valve control have been in service for over 45 years and need immediate attention. In order that maintenance routines are being maintained according to technical requirements over time, under Component 3 supervision routines for NHPP will also be developed/updated. These will include a review of management of spare parts and consumables.

Component 2: Dam Safety and Power Generation Capacity Improvement (US\$33 million). This component aims to ensure the safe operation of the dam through the two subcomponents as follows:

- **Subcomponent 2(a): Dam Safety Audit and Safety Improvement Measures.** This component will finance technical assistance and studies including (i) audit of the dam's structural and operational safety; (ii) preparation of plans and bidding documents for works to improve safety to acceptable standards, focused on reactivating the bottom outlet, adequacy of auxiliary power and other systems, improvements to the head gates closing system, installation of instrumentation, and clearance of the UXOS from the dam structure; (iii) studies on structural and operational safety considering updated hydrological and seismic data and following relevant international/national standards/guidelines; and (iv) flood routing through Naghlu Dam to Surobi Dam, including adequacy of its spilling arrangements.

The dam safety audit will identify quick measures to improve dam safety to be implemented before the completion of the dam safety audit. Specifically, this will focus on supporting DABS in introducing modern dam safety measures that do not require major structural changes, particularly (i) setting up a procedure and staffing for independent dam safety inspections; (ii) preparation of dam safety plans including operations, maintenance, and surveillance manuals for civil works, emergency preparedness plans, and post-earthquake response plans; (iii) revision of operating manuals for the electrical and electromechanical works; (iv) detailed maintenance planning for equipment; (v) training of dam staff; (vi) reactivation of the low-level outlet; (vii) introduction of independent operation of the power intake gates; (viii) installation of

standby generator for emergency opening of the spillway gates and closing of the power intake gates; and (ix) installation of other essential instrumentation for dam safety monitoring.

Experts indicate that the UXOS present are not expected to pose major structural risk to the body of the dam. However, UXOS will present risks to the sediment cleanup of the dam. The feasibility study referred to under (vi) will assess the different options to conduct sediment cleanup and the procedures to treat the present UXOS.

- **Subcomponent 2(b): Optimization of Power Generation.** This component aims to examine the potential for increasing power generation at NHPP. This would identify options for sustainable sediment management and for increasing the amount of electricity produced by the dam. It consists of two subcomponents as follows:
 - i. **Feasibility study.** This study examines the feasibility of various options to increase power generation, including but not limited to (i) appropriate dam operation and better management; (ii) additional storage upstream of the dam; (iii) additional siphon spillway/floating barge mechanism for controlled flushing of sediments; (iv) raising the dam crest; and (v) catchment area treatment.
 - ii. **Detailed design.** This supports the preparation of detailed designs should the feasibility study return a positive result, and will be closely guided by the findings of Environmental and Social Impact Assessment (ESIA), resettlement and livelihoods restoration, environment and social management plans, health, and other related action plans.

Component 3: Environmental and Social Sustainability, Project Management Support, and Future Project Preparation (US\$20.0 million). This component includes two subcomponents.

- **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent aims to ensure the environmental and social sustainability of the dam through:
 - i. **Local development assistance.** Partly in support of benefit sharing with local communities, this subcomponent will support (i) electrification in the project area and (ii) improved access to skills and training to enable local people gain employment at the plant and elsewhere. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent such as road development. This will insure continued community support for the dam and the proposed rehabilitation.
 - ii. **Supporting environmental and social management.** This will support (i) the monitoring of the existing environmental and social management plan (ESMP) for Component 1; (ii) the preparation, implementation, and independent monitoring of an ESMP, Resettlement Action Plan, and Livelihoods Development Plan for Subcomponent 2(c) of Component 2.
- **Subcomponent 3(b): Project Management Support and Future Project Preparation.** This subcomponent aims to ensure that DABS receives advice on good international practices. It will consist of:
 - i. This subcomponent will finance the training programs, development of operational manuals for generation, distribution planning, operation and maintenance, and translation of management and control software and technical documents into Pashto and Dari to ensure adequate capacity for the safe and sustained operation of the existing plant.

- ii. Consulting services to support implementation of the project which include technical (hydropower specific), environmental, social, technical, procurement, financial management, and monitoring and evaluation aspects.
- iii. Financing support for an Environmental and Social Advisory Panel (ESAP) and a Project Technical Advisory Panel (PTAP).
- iv. Future projects identified for hydropower development and management may also be pursued under this component to support DABS expanding domestically generated power.

1.4 Why a Resettlement Policy Framework?

The elements of the project for which a Resettlement Policy Framework (RPF) are required are components 2a and 2b and 3a which may involve acquisition of land and/or loss of assets from persons living, farming, fishing or carrying out other work near the Naghlu reservoir where the height of the dam may be raised and the removal of sediment may involve diversion of the Kabul river. A final decision related to this work is dependent upon a range of studies yet to be undertaken. It is, therefore, not possible at this stage of developing the project to prepare a resettlement plan with the full details of all affected persons who are likely to have to be relocated or who are going to suffer adverse impacts from project-related land acquisition..

The purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied if decisions to divert the river and raise the height of the dam are made. The RPF sets out a clear framework for the assessment, mitigation and compensation and, where necessary, the settling of disputes arising out of resettlement, land acquisition, loss of assets/access to assets.

There are several interlinked issues that 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 Operating Policies 4.12 which deal with Involuntary Resettlement and with existing national 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 must 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 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 key principles of an RPF are to:

- first, avoid or minimise 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.

2. Legal & Policy Framework for Resettlement

2.1 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 operationalised. 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 (Article 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 (Article 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 (Article 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 (Article 8);
- (v) The value of land depends on the category and its geographic location (Article 11);
- (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 (Article 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 (Article 15);
- (viii) The values of orchards, vines and trees on land under acquisition shall be determined by the competent officials of the local body (Article 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 (i.e.DABS);
- (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 the end of 2013, no final decisions had been taken on any amendments.

2.2 Principles of World Bank OP 4.12 on acquisition, resettlement and compensation

2.2.1 Introduction

This part of the RPF will discuss the World Bank’s Operational 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 the NHRP, 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.
- (d) Lack of title would not bar the affected population from resettlement and compensation benefits.
- (e) Compensation for losses will be delivered at replacement costs.
- (f) Compensation payments must be delivered from 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 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 at the start of the household census.. After that date, no one coming into or obtaining land or a house in the potential project area will be entitled to compensation. There will be a risk that there may be some speculative encroaching as word gets out unofficially about the likelihood of raising the height of the reservoir and or new bypass canal in case of in stream dredging . 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 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, agricultural 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; and
- (ii) provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

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 temporary or permanent 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 preparing the feasibility study and SIA for raising the height of the reservoir 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 pre-existing communities and groups honoured.

The preparation of a plan must be preceded by meetings with potential APs and more general public consultation. There will be informal day-to-day meetings among APs, DABS staff, and other stakeholders. The more formal consultation process at local level will be through: (a) one-to-one meetings with directly affected households (b) village meetings; and (c) public consultations with government officials. Informative materials will have to be prepared and distributed within the project area 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 –

(a) Institutional Arrangements

- 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

(b) Consultations with Affected Persons

- 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
 - the manner and timing of claiming and paying compensation
 - the process of decision-making and appeals on compensation

- with respect to resettlement
 - process and procedures on resettlement
 - financial and other assistance with resettlement
- 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.

Land Donation

This is especially relevant where some land may be ‘donated’ by PAPs. There must be very clear documentation that any person who ‘donates’ land to the project is made fully aware of his or her right to receive compensation for any land which he or she is losing to the project and specifically waived that right.

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.

Wherever 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 measures.

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 recognised (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’¹ of land not taken
- compensation for temporary impact
- resettlement expenses 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 (pp128-130)

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 and resettlement.

Assistance with resettlement will include

- assistance with packing up and moving
- 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.

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 Operational Policies, in all cases of gaps between the two, the World Bank's Operational Policies will apply, unless the local requirements sets a higher standard or benefit for the Affected Person, as reflected in the RPF, will apply.

ⁱ A good explanation of injurious affection is provided by a Canadian judicial decision given in 1916: "The basis of a claim for lands injuriously affected by severance must be that the lands taken are so connected with or related to the lands left that the owner of the latter is prejudiced in his ability to use or dispose of them to advantage by reason of the severance." The value of the lands left is reduced by virtue of the taking and that must be compensated for. B. Denyer-Green (2003) *Compulsory Purchase and Compensation* 7thed (Estates Gazette, London), 234.

A table of comparison between the Law on Land Expropriation and OP 4.12 with proposals for reconciliation²

Law on Land Expropriation (LLE)	WB Operating Procedure 4.12 (OP 4.12)	Gaps between LLE and OP 4.12 with comments	Possible solutions to gaps	What RPF should provide
PART ONE: PRE ACQUISITION PROCEDURES				
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 the project areas	Potential APs must be able to discuss need for acquisition 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 the project.	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 start of the project. So information on land to be acquired is sent to APs three months before acquisition. Informal	Prepare resettlement plan on how project to be implemented and resettlement etc provided for. Emphasis on participation by APs in preparation of process and in project implementation Emphasis on early information	LLE does not provide for what OP 4.12 requires. Some pre-planning of project 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.	There is nothing in LLE to prevent a more participative approach to acquisition as is 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	A legal framework within the RPF allowing for a participatory approach to acquisition and resettlement planning and implementation would not contradict the LLE and is the best way forward.

² Gap Analysis of OP 4.12 and Afghan Legal Framework, Prof. McAuslan (2007)

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’.	to be given to potential APs of possible resettlement		acquisition and its consequences.	
5. No special provision in LLE for a resettlement plan or any special arrangements for resettlement	Prepare resettlement plan: contents to include – Involvement of and ensure APs their rights to compensation relocation assistance development assistance in new location. Distinction drawn between short and full plans, depending on numbers to be resettled.	Major gap of substance	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	2 and 3 the preferred option.
PART TWO: ACQUIRING THE LAND				
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 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	No specific procedures required by OP 4.12 but content of resettlement plan implies APs will be involved in all stages of acquisition	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 is not clear why that is confined to “the Municipality”. Given many absentee owners ,it may be unavoidable to allow absentee acquisition.	Spirit of OP 4.12 could be met by more protective provisions and or practice on dealing with absentee acquisition. The silence of 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.	Involvement of owners present on the land to be acquired and greater protection for absentee owners should be provided 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.

explained in article 18 LLE. Under article 22, the owner etc obliged to hand over all documentary evidence relating to land to the acquiring authority				
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	No change
PART THREE: COMPENSATION PAYMENT PROCEDURES				
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 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.	Fundamental principle of OP 4.12 is that all those on land are to be entitled to fair compensation and assistance with resettlement irrespective of their title to land.	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 customary titles which is likely to be the majority in project areas.	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 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.
9. The Constitution provides for payment of prior and just compensation. (English translation).The LLE at article 2 provides for the payment of	OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local	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	1. OP 4.12 must be accommodated. Other resettlement plans developed in connection with ADB projects more or less ignore	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

<p>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 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>markets. Compensation for lost livelihoods required Disturbance compensation required Land for land compensation encouraged. Resettlement costs and ‘start up’ expenses required.</p>	<p>reliable functioning markets. Biggest gap is compensation for squatters and even there 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 payment of compensation.</p>	<p>the LLE and provide detailed frameworks for assessment and payment of compensation. 3. The ADB models should be adapted for use in the project. 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 applicable to all acquisitions including resettlement costs which can be a part of the RPF without doing violence to the existing law.</p>	<p>practice.</p>
<p>10. No provision in the law on</p>	<p>OP 4.12 requires</p>	<p>Major gap of substance as</p>	<p>If preferred option at 4 above</p>	<p>The RPF should provide for</p>

resettlement support. Practice seems a little haphazard and tends to turn on legality of occupation of APs who are to be relocated	implementation of resettlement plan the contents of which are noted at 4 above	noted in 4 above.	accepted, resettlement plan implementation is issue:. Choice is between formal top-down and participative involvement of APs which OP 4.12 requires.	the making of a resettlement plan (5 above) which should be based on a guided participative approach to implementation.
PART FOUR: ADMINISTRATIVE& JUDICIAL PROCEDURES				
11. LLE provides for 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.	OP 4.12 silent on 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.	A major gap on grievance 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.	Develop grievance handling practices but keep them administrative rather than legal. Make legal provision for appeals from administrative decisions and decisions on compensation to an independent body.	A combination of law and 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
12. LLE does not provide for any external monitoring body or process	OP 4.12 states that the borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument.	Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to providing for same.	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.	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

3. Eligibility for compensation

3.1 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)”.

APs who will be entitled to compensation or at least rehabilitation under the project are:

- (i) All APs losing land with or without title, formal land-use rights or traditional land use rights;
- (ii) APs losing use of land, assets or whose businesses are interrupted, for a temporary period;
- (iii) Tenants and sharecroppers whether registered or not;
- (iv) Owners of buildings, crops, plants, or other objects attached to the land;
- (v) APs losing business, income, and salaries.
- (vi) APs a group of people losing social and community facilities such as; cemetery, mosque.

Compensation eligibility will be limited by the cut-off date. DABS will inform local communities regarding this cut-off date through local staff and 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.

3.2 Land Tenure and Compensation Entitlements

In the case of all the sub-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 land law defines ownership of immovable property as *private, public and Mawat lands*. 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 article 5 of the Law on Land Management.

Immovable property 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.

In the new Law on Managing Land Affairs land is classified as (i) government land, (ii) private land, (iii) public land and (iv) community land. 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.

Mawat Land meaning "dead land". In practice, this term refers to land which is not suitable for cultivation. The concept of *mawat* 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 *mawat* land as property neither owned by a private individual nor by the state and which could be acquired through renovation. Consistent with this, *mawat* land is recognized under the laws, but whoever wants to acquire *mawat* land must first secure permission from the President. In theory then, private property may be acquired in accordance with this concept. If *mawat* 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 (*Firman*) 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.

3.3 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 (

albeit with differences in entitlement) , 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, incomes, etc.) as detailed below:

- ***Agricultural land impacts*** -- These impacts will be compensated at replacement value in cash based on current market rates plus an additional indemnity for 3 months as transitional livelihood allowance. DABS will shoulder transaction costs such as all 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, 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,(fixed assets), structures 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 of 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.

- ***Businesses losses***—Compensation for business losses, including fishing, 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 xxAfghanis per month. Permanent business losses will be based on actual income loss or in cash for the period deemed necessary to re-establish the business (6 months). Compensation for temporary business losses will be cash covering the income of the interruption period up to 6 months based on a monthly allowance of xx Afghanis. Business loss is computed at

xx Afghani 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 agricultural workers and employees*** -- Indemnity for lost wages for the period of business interruption.
- ***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. Duration to be determined in RAP.
- ***House owners/renters*** -- House owners/renters who are forced to relocate their houses will be provided with relocation allowance equivalent to xx Afghanis per month 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 xx Afghanis and priority in employment in project-related jobs.
- ***Impacts on irrigation canals*** -- Project will ensure that irrigation channels are diverted and rehabilitated to previous standards.

Temporary impact: Landowners who lose use of their land temporarily as a result of project activities will be compensated in cash covering the period of interruption based on an agreed monthly allowance.

- ***Transitional Livelihood allowance*** -- APs forced to relocate will receive a livelihood allowance of xx Afghanis for the duration of the livelihood interruption. Transitional livelihood allowance is computed based on the prevailing wage rate of xx Afghanis per day times duration of interruption of their livelihood activities. This is also the basis for cash compensation on lost wages.

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.

4. Unit Compensation Rates and Budget

4.1 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), 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 in respect of a contract to be funded by the ADB. These figures would not necessarily be the same for the NHRP 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.

Equally, the problems involved in arriving at valuation of assets are likely to be encountered in the NHRP so that the 'how to' aspect of the process is as important as the ultimate result in setting out how to proceed. The MPW project document did discuss the Law on Land Expropriation but in very general terms and not in the context of the valuation of land and assets. The various heads of compensation dealt with in the MPW project are more than those likely to be encountered in the NHRP but it is desirable that all the heads are set out in case they are needed at some point over the course of the project.

A further point must be made about the rates. In a 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 a RPF is different. ARPF 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 a 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 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 a RAP. The overall budget of resettlement cannot with any certainty be determined at this stage. However, the budgeting agency needs to ensure that funds are available for the resettlement costs, including not only compensation to the 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).

4.2 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.

4.3 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.

4.4 Valuation of Crops and Trees

This was quite 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. Their measurements of farm lots are 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 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 will be estimated at x AF per sqm but would be 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 (xxAfghanis) 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.

4.5 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 (6 months). Permanent business will receive xx Afghanis each month for 6 months. Compensation for temporary business losses will be cash covering the income of the interruption period based on a monthly allowance of xxx Afghanis. The duration to be determined in the RAP.

Income Restoration Allowance for Business workers and employees -- Indemnity for lost wages for the period of business interruption. Duration to be determined in a RAP.

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.*

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 xx Afghanis 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 XX Afghanis per month until relocation and livelihood restoration is completed.

Rental Allowance – House Renters forced to relocate will receive a rental allowance equivalent to at the prevailing market rate) until suitable accommodation has been found and will be assisted in identifying alternative accommodation.

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.

5. Institutional Arrangements

5.1 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. Da Afghanistan BreshnaSherkat (DABS)
 - Office of Chief Operating Officer
 - Safeguards Staff
 - Management of Naghlu Plant
 - Environment and Social Consultants
3. Implementing Non Government Organization (NGO)
4. Local Government Units (LGUs)

The agencies involved in the planning and implementation of resettlement and rehabilitation program are DABS as the EA and the Provincial and District governments together with the appointed NGO. DABS will be acting in the project through the Office of the Chief Operating Officer. In the field, DABS will act and implement through the Management of the Hydropower Plant and Safeguards Officers 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* (*CDC*) in which the package will be implemented.

5.2 Overall Organization – Da Afghanistan BreshnaSherkat (DABS)

Da Afghanistan BreshnaSherkat (DABS) will be the executing agency (EA). The Director of DABS 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 from DABS, MEW, Ministry of Finance, Afghan Independent Land Authority (ARAZI).
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 and ARAZI.

5.3 Project Implementation

5.3.1 DABS

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 be responsible for the implementation of the LARP.

Within DABS, LARP tasks will be handled at two levels described below. At Local level the Manager of the Naghlu Plant, the 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 the local governments but under the supervision of the DABS and the Supervision consultants.

The Social Safeguards Officer (SSO) will be primarily responsible for the social safeguard issues. The Manager of the Naghlu Plant 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.

A national Social Safeguards Officer (SSO) will be appointed and, 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.

5.3.2 Implementing NGO

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

1. Work under close coordination with the ESS/Naghlu Plant management, local government units to implement the LARP.
2. Assist the DABS' ESS staff and Naghlu Management 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 programs.
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.
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 (at least years) 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 for the project area; have work with government focal agencies; and must be willing to undergo training in resettlement work for project implementation.

5.3.3 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, local municipality, 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 Governor, (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 local municipality will carry out the tasks of identifying the titles and verification of ownership. The Office of Woloswal (the appointed District head) is expected to play a coordinating role.

5.3.4 Gender

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 Naghlu area 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 NHRP uses 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.

6. Public Consultation and Participation

6.1 General Public Consultations

This section describes the mechanisms for public consultation process with the APs. There are two types of consultations: the first consultations that take place cover the disclosure of the RPF and the development of the corresponding RAPs including distribution of informative material to create awareness among the APs regarding their entitlements and compensation payment procedures and grievance redress mechanisms.. These are set out below. The second is ongoing throughout the course of the project. (see table 1 and section 1V.1 of ESMF)

6.2 Public Consultation

In addition to informal day-to-day meetings among APs, DABS safeguards staff, and other stakeholders, the formal consultation process in the project area will be ongoing and will be managed by DABS and implementing NGOs 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.

6.3 Village Meetings

In so far as security considerations permit, 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 the NHRP will be explained as will the necessity for, processes and outcomes of any resettlement. The village elders and stakeholders meetings will be

scheduled based on the availability of the participants. The ESS staff will be responsible for conducting village consultations.

In a socio-economic survey, the project will list the names of the owners/users of assets likely to be acquired or damaged for which compensation will be payable and DABS will prepare a land acquisition and resettlement plan (LARP) 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 be 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.

6.4 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.

6.5 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 and relevant government agencies, it will be translated into local languages and disclosed to the stakeholders, especially affected persons, by DABS through safeguards staff, consultants and at village meetings. LARPs for sub-projects will be made available to the concerned district governments and village leaders, directly affected households and DABS' Plant Manager as an official public document. This RPF will also be disclosed on the DABS 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 NHRP's benefits/compensations to be made to available for various types of APs, as given in the 'entitlement matrix'. DABS' safeguards staff/consultant will distribute the brochures through the village meetings and will explain the

mechanisms and procedures of the consultation program and how APs will be engaged in resettlement activities and the overall process.

- A cheque disbursement schedule, or preferably transfer of compensation 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

6.6 Disclosure

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

- Provision of the RPF in local languages and English to DABS staff in the national and Naghlu office, 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.

7. Preparatory Actions and Implementation Schedule

7.1 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 the 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. The first agreed monthly allowance, as compensation for temporary business and income losses as well as temporary loss of use of land, will be in paid one month prior to the beginning of the interruption period.

However, in case of a dispute regarding the amount of compensation, 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, an agreed member of the DABS Board e.g. the Ministry of Finance, 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 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..

7.2 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 in the Naghlu area and travelling time.

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 (Sarobi) to the Naghlu plant.. 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.

8. 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 Ministry of Energy and Water,
- Representative of the Ministry of Finance,
- Representative of the Ministry of Justice, and
- Representative of the local municipality,
- Local community
- Local NGO that currently responsible for the implementation of NSP.

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 is new to Afghanistan, the ESSOs 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.

9. Monitoring & Evaluation

9.1 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.

9.2 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

9.3 External Monitoring

The implementation of the NHRP 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.

9.4 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 NGO. This data bank would form the basis of information for RAP implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

9.5 Reporting Requirements

The implementing NGO 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 NGO 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.

10.1 Matrix of Actions under the RPF

ACTIONS, MEASURES, COMPENSATION ENTITLEMENTS AND CATEGORIES IN THE RPF

ACTIONS	TO	IMPLEMENT	THE	NHRP
Who	What	When	Why (Objective)	Comments
DABS	Establish liaison arrangements with Ministries which will necessarily be involved in NHRP: MEW; MOF; MOJ, MAIL and AGCHO/	Assuming these arrangements already exist (DABS Board members) , they can be utilised as soon as possible to bring these Ministries up to date on NHRP	To facilitate the smooth implementation of the beginning and operation of the NHRP	The vital first step in the process of developing the NHRP
DABS	Establish 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 national safeguards officers	Desirable to appoint these officers well before the commencement of NHRP	Creation of internal DABS arrangements to implement RPF	Early 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	At commencement of 2014	To give as much advance publicity to NHRP as possible 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	At commencement of 2014 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 going to carry out the processes of resettlement	Initial work on appointment – terms of reference; basic requirements for an NGO/consultant to be qualified to apply; vetting applicants – can start in 2013. Appointment would not be made until RPF approved	The implementing NGO will have an important role to play in all significant resettlement exercises.	where only very small-scale resettlement will take place, the ESSOs and the Naghlu Plant Manger could be the implementers but anything over that and the implementing NGO would be involved.

DABS	Continue with process of locating sites and preparing technical plans etc for sub-projects under the NHRP	ongoing	To ensure no delay in beginning implementation of NHRP	No comment needed. Self-evident action.
DABS	Where likely resettlement will be involved in a site located for action under NHRP begin preparation of RAP under the RPF	This action should begin to be incorporated into plans developing the sites for action under NHRP	To ensure no delay in beginning of implementation of NHRP	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 inviting APs to submit claims for compensation; assessing discussing and settling claims with APs	Part of the process of consultation and preparing an RAP as an RAP must contain precise details of the compensation and resettlement payments	Compensation and the process of resettlement is at the heart of an RAP and its implementation.	ESSOs and NGO will be 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 commencement 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	A necessary step to commencing action on the ground	RAP must be approved by World Bank

		taking		
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 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	1. Work closely with ESSOs in generating awareness of all aspects of resettlement and compensation 2. Work closely with APs in assisting in making, negotiating and if necessary taking to the GRC claims for compensation 3. Submit regular reports on the process to DABS and the monitors	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	Another key element on the RPF. Important that the members of the GRC see themselves as independent and

			(a second and independent opinion on compensation) and procedurally (an AP can have a hearing and put his/her case) fair	operate accordingly. They are not there ‘to save government money’.
DABS	Internal monitoring conducted by ESSOs	Throughout the process of the implementation of an RAP with regular reports to the World Bank	The Planning and Design Department is responsible for managing the NHRP. 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	An essential aspect of the RPF as it provides an element of project assurance to the World Bank with respect to the implementation of the IDRP
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.	Throughout the process of the implementation of the NHRP with regular reports to the World Bank and guaranteed access to the project site.; APs; documents; officials in DABS and other relevant public and private bodies	An independent overview of the implementation of the NHRP	The independence of the EMA must be assured in the contract between it and the MEW. The World Bank has a substantial interest in the EMA and its outputs so will likely be involved in the selection process.

10.2 Matrix of Compensation Entitlements and Rates

ELIGIBILITY	CRITERIA	FOR	IDENTIFYING	APs
Who is eligible	What are they eligible for	How to determine eligibility and compensation levels	What's the objective	Comments
Landowners	Loss of land and rights to land	<ol style="list-style-type: none"> 1. Official documentation issued by or on behalf of government 2. Customary documents; i.e. documents recognised by both official and customary law as giving rise to ownership rights 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. 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. 	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
Squatters	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	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	relocation allowance	This is a very standard	Not specifically provided for

	accommodation	equivalent to xxAfghanis per month until suitable accommodation established.	element of compensation in all systems	in LLE but nothing to stop is being paid
Loss of livelihoods by agriculturalists	Replacement costs for all losses	<p>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.</p> <p>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.</p>	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 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.	See above.	Ditto
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. Duration to be determined in RAP	See above	Ditto
Thos 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 re-established.	See above	Ditto
Vulnerable households	Additional compensation over and above strict loss of income	Vulnerable people (APs below the poverty line, women household heads, mentally	This is a recognition that those classified as vulnerable households will likely suffer	Ditto

		challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to xx Afghanis0 and priority in employment in project-related jobs.	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 xx Afghanis per month for x months. Transitional livelihood allowance is computed based on the prevailing wage rate of x Afghanis per day times during transition time..	This is a standard head of compensation in most systems of compensation.	Ditto
ESTABLISHING	VALUATION	RATES	FOR	ACQUISITION
What is being valued	How is valuation conducted	Input of APs	Indicative figures	Comments
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 the are indicative only being based on a 2009 valuation exercise. They will almost certainly be changed when budgets for RAPs are developed under the IDRP	None
Land	Valuation of the land is pegged on an average, the actual value depending on the nearness to a build up area. Land prices are based on the district land prices in the district government	Land values are so far as possible determined on the basis of 'objective' factors but it is not possible to ignore the assumptions of APs about land values which do play a part in valuation	None	Land values are dealt with after a fashion in the LLE.. The Council of Ministers 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,	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

	mud/tin roof), 2 (tiled roof and normal cement floor) and 3 (RCC, single/double storey building)			
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 was estimated at xx Afghanis per sqm.	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	<p>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.</p> <p>Non-productive trees are valued based on the multiple years investment they have required.</p> <p>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.</p>	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 when all other farmers sold their fruit. In the off-season, prices were higher but few farmers could store their crops until then	The compensation rate for a fruit bearing tree is the average yield per tree (xx Afghanis) times the age of the tree.	The same point as above applies here too

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 ESS 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 xxAfghanis a month for x months. Temporary business losses will be paid for a limited time period at xxAfghanis per month. Duration to be determined in RAP	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 up to a maximum of 3 months	This does not admit of much negotiation although there may be differences of opinion of what count as wages	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 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</i> the market value of a year's net income crop yield of the land lost.	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 xxAfghanis 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 xxAfghanis per month for transitional period.	This is very much a 'guesstimate'. 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	xx 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.

Annex 12 A: RESETTLEMENT ACTION PLAN CONTENT

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

1. Description of the Project Area

General description of the project and description of the project area

2. Potential Impacts

Identification of :

- The project component or activities that give rise to resettlement
- The zone of impact of such component or activities
- The alternatives considered to avoid or minimize resettlement
- The mechanisms established to minimize resettlement to the extent possible during project implementation

3. Objectives

The main objectives of the resettlement program

4. Socio-economic studies:

The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

- The results of a census survey covering:
 - Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
 - Standard characteristics of displaced households, including a description of production systems, labor and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population.
 - The magnitude of the expected loss – total or partial- of assets, and the extent of displacement, physical or economic
 - Information on vulnerable groups or persons as provided for in OP4.12. para. 8, for whom special provision may have to be made
 - Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
 - Other studies describing the following:

- Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest area) governed by local recognized land allocation mechanisms and any issues raised by different tenure systems in the project area.
- The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project.
- Public infrastructure and social services that will be affected and
- Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. Legal Framework

The RAP is based on the RPF which sets out the legal and regulatory framework governing resettlement, land acquisition and asset loss for the NHRP. (See section 2 of the RPF)

6. Institutional Framework

The findings of an analysis of the institutional framework covering:

- The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation.
- An assessment of the institutional capacity of such agencies and NGOs
- Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for the resettlement implementation.

7. Eligibility

Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

8. Valuation of and compensation for losses

The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law, and such supplementary measures as are necessary to achieve replacement cost for lost assets.

9. Resettlement Measures

A description of the packages of compensation and other resettlement measures, including an entitlement matrix, that will assist each category of eligible displaced persons to achieve the objectives of the policy (see.0p 4.12. para. 6). In addition to being technically and economically feasible the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

10. Site Selection, Site Preparation and Relocation

Alternative relocation sites considered and explanation of those selected covering:

- Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites with an estimate of the time needed to acquire and transfer land and ancillary resources.
- Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites.
- Procedures for physical relocation under the project, including timetables for site preparation and transfer and
- Legal arrangements for regularizing and transferring titles to resettlers.

11. Housing, infrastructure and social services

Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services (e.g. schools, health services) – plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

12. Environmental protection and management

A description of the boundaries of the relocation area and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement)

13. Community participation, involvement of resettlers and host communities

- A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities.
- A summary of the views expressed and how these views were taken into account in preparing the resettlement plan.
- A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries)
- Institutionalized arrangements by which displaced persons can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

14. Integration with host populations

Measures to mitigate the impact of resettlement on nay host communities including:

- Consultations with host communities and local governments
- Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers.
- Arrangements for addressing any conflict that may arise between resettlers and host communities
- Any measures necessary to augment services (e.g. education, water, health and production services) in host communities to make them at least comparable to services available to resettlers.

15. Grievance Procedures

Grievances and complaints raised during the implementation of the RAP will be dealt with in accordance with the Grievance Redress Mechanism set out in Section 8 of the RPF. The Land Acquisition Committee (LAC) established by the Council of Ministers under the LLE, also performs the duties of a grievance redress committee in relation to the value of land and/or assets acquired. The LAC will use a negotiated approach to reach a consensus on the replacement value of lands and assets. If this approach fails an AP may bring the matter to a Grievance Redress Committee which will try and resolve the issue and make a recommendation within 7- 10 days. If no decision is reached after 10 days, the AP may seek recourse through the legal system as a last resort.

16. Organizational responsibilities

The organizational framework for implementing resettlement , including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. Implementation schedule

An Implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and termination of the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

18. Costs and budget

Tables showing itemised cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies, timetables for expenditures, sources of funds, and arrangements for timely flow of funds and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

19. Monitoring and Evaluation

Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process, evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent activities.

ABBREVIATED RESETTLEMENT ACTION PLAN

An abbreviated RAP must contain a minimum of the following elements:

- (i) A census survey of displaced persons and valuation of assets
- (ii) Description of compensation and other resettlement assistance to be provided
- (iii) Consultation with displaced people about acceptable alternatives
- (iv) Compensation Matrix w. all PAPs and their complete entitlements etc
- (v) Institutional responsibilities for implementation and procedures for grievance redress
- (vi) Arrangements for monitoring and evaluation
- (vii) A timetable and budget

ANNEX 12 B: Generic Terms of reference for independent monitoring of RAP implementation

External Monitoring

External (or independent) monitoring is often needed to periodically assess resettlement implementation and impacts, verify internal reporting and monitoring, evaluate qualitative aspects of the resettlement program, and suggest adjustments to the delivery mechanisms and procedures, as required. Integral components of this monitoring activity include a social and economic assessment of the results of entitlements and a measurement of the income and standards of living of the Displaced Persons (DP) before and after resettlement. The following activities are the standard functions of the external monitors:

- Verifying internal reports by field-checking delivery of compensation to intended recipients, including the levels and timing of the compensation; readjustment of land; preparation and adequacy of resettlement sites; construction of houses; provision of employment, the adequacy of the employment, and income levels; training; special assistance for vulnerable groups; repair, relocation, or replacement of infrastructure; relocation of enterprises, compensation, and adequacy of the compensation; and transition allowances;
- Interviewing a random sample of DPs in open-ended discussions, to assess their knowledge and concerns about the resettlement process, their entitlements, and the rehabilitation measures;
- Observing the functioning of the resettlement operation at all levels, to assess its effectiveness and compliance with the RPF/RAP;
- Checking the type of grievance issues and the functioning of grievance redress mechanisms by reviewing the processing of appeals at all levels and interviewing aggrieved DPs and members from the host community;
- Surveying standards of living of DPs (and people in an unaffected control group, where feasible) before and after implementation of resettlement, to assess the effects of the resettlement on their standards of living;
- Interviewing a random sample of people from the host communities to assess their level of satisfaction with/ grievances as a result of the resettlement process; and
- Advising project management regarding possible improvements in the implementation of the RP.

Regular external monitoring begins about the same time as implementation activities and continues until the end of the project. It sometimes continues even beyond project completion if the standards of living of all DPs have not at least been restored and the Bank and the borrower agree that the situation needs continued follow-up. In projects with large-scale resettlement impacts, good practice is to conduct standard-of-living surveys before beginning resettlement (baseline survey) and then to repeat them 3 years after resettlement and thereafter, as required, to assess the effectiveness of remedial measures.

Monitoring Indicators

Some indicators to measure the progress in RAP implementation are suggested below. The indicators have been formulated at outcome, output and activity (performance levels). The frequency of collection of data on the indicators and the agency responsible for the collection has also been suggested.

No.	Indicator	Frequency of collection	Agency
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			Responsible
1.	Monthly income level of PAPs restored to pre-project levels	Mid-term and end of RAP	Consultant (third party monitoring)
2.	Increase in number of PAPs that are 'very satisfied' with the services of DABS and Government of Afghanistan by 50% from Baseline	Mid-term and end of RAP	Consultant (TM)
3.	No. of vulnerable persons (poor, women-headed households and widows, elderly and physically challenged) expressing their satisfaction with RAP measures taken.	Mid-term and end of RAP	Consultant (TM)

Reporting

- **Inception report** describing approach and methodology for conducting review of implementation of RAPs in connection to component 2 & 2 – document review as well as field review of project (components) implementation.
- **Half-yearly** monitoring reports of implementation of Resettlement Action Plans (RAPs)
- **Annual** Reviews of RAPs during implementation, and post implementation stages.
- **Social audits** of implementation of RAPs under NHRP.

Consulting Team

The consulting team shall include the following key experts in addition to any support staff that the consultant may decide.

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No.	Qualification	Minimum Experience	Continuous / Intermittent Inputs
1	Post graduate Degree in Social Sciences	10 years	Continuous
2	Specialist in Community Participation	10 years	Continuous
3	Gender/Social Inclusion Specialist	10 years	Continuous

ANNEX 13: Generic TOR for Independent Third Party Monitoring

External Monitoring by Independent Third-Party Monitor

An external third-party monitor would be hired to carry out systematic and independent monitoring and reporting of compliance with ESMF requirements and ESMP implementation at design, implementation and maintenance stages. On a day-to-day basis, the National Environmental and Social Safeguards Officer within a project implementation unit act as the focal point for the independent third-party auditor.

Specific Responsibilities

The responsibilities of the independent, third-party auditor would include:

- Verifying internal monitoring and evaluation processes by field-checking implementation of ESMP mitigation measures and checking the robustness of M&E indicators.
- Conducting interviews with representatives from different stakeholder groups to assess their understanding of/ support for/ concerns about ESMP implementation.
- Observing the functioning of specific environmental and social mitigation measures to assess their effectiveness and compliance with ESMF requirements.
- Checking the type of grievance issues and the functioning of grievance redress mechanisms by reviewing the processing of appeals at all levels and interviewing aggrieved DPs and members from the host community;
- Advising project management about possible improvements to the implementation of ESMPs.

Reporting

The independent, third-party auditor will deliver the following written reports:

- **Inception report/monitoring framework** outlining the approach and methodology for conducting the review of implementation of ESMPs across the project.
- **Half-yearly monitoring reports** of implementation of all environmental and social management plans.
- **Annual Environmental and Social Performance Reviews** of ESMPs, to include selected detailed case studies, during sub-project construction, operation and maintenance – covering all relevant sub-projects
- **Social audits** of implementation of all LARAPs under IRDP.

The **half-yearly monitoring reports, annual performance reviews and social audits** should be presented in a workshop with participation of all stakeholders, including community representatives.

Auditor Consulting Team

The consulting team (CBO/NGO/Firm) shall include the following key experts in addition to any support staff that the consultant may decide. In case of CBO/NGOs, the agency should also have a proven record of rural development work in Afghanistan over at least 10 years

No.	Qualification	Minimum Experience	Continuous / Intermittent Inputs
1	Post graduate Degree in Social Sciences	10 years	Continuous

2	Post graduate Degree in Environmental Planning/Engineering	10 years	Continuous
3	Specialist in Community Participation/Gender specialist.	10 years	Continuous
5	Degree in Civil Engineering/ Hydrology	5 years	Continuous
6	Gender/Social Inclusion Specialist	10 years	Continuous
7	Degree in law/specialist in land issues	5 years	Intermittent