



Government of Afghanistan

Ministry of Education
&
Ministry of Rural Rehabilitation and Development

Environmental and Social Management

Framework

EQRA Project

FINAL REPORT

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EXECUTIVE SUMMARY

Background

The Ministry of Education (MoE) in consultation with development partners and other relevant ministries has developed the third five-year National Education Strategic Plan (NESP III) 2017-2021. The primary purpose of the NESP III is to establish a new framework that will realize national, social and economic priorities, direct the education system to deliver results efficiently, and provide better opportunities for children and youth, and more relevant education for Afghanistan's people. The plan lays out both the priorities of the sector and the directions provided by H.E the President of Afghanistan. The key focus areas are as follows: quality and relevance of learning, enrolment of school age children, particularly girls, streamlining of Ministry operations and functions, greatly improving the efficiency and harmonizing donor funding and programs management.

Project description

The EQRA project supports the implementation of the third NESP III over the implementation period of five years. NESP III, which aims to prepare skilled and competent citizens through the education system, is anchored in three priority areas: (a) Quality and Relevance: ensuring learners at all levels acquire the knowledge, skills, attitudes, and values needed to be productive, healthy, and responsible citizens, who are prepared to contribute to the welfare of society and are equipped for viable employment in the national and international labor market; (b) Equitable Access: increased equitable and inclusive access to relevant, safe, and quality learning opportunities for all children, youth, and adults in Afghanistan, but especially women and girls; and (c) Efficient and Transparent Management: transparent, cost-effective, and efficient delivery of equitable quality education services at the national and subnational levels.

PDO: The development objectives are: to increase equitable access to primary and secondary education in selected lagging provinces, especially for girls, and to improve learning conditions in the education sector in Afghanistan.

EQRA consists of four components, with components 2 and 3 following a results-based modality and components 1 and 4 following a standard investment project financing (IPF) approach.

Component 1: Increase Equitable Access to Basic Education Especially for Girls, in Selected Lagging Provinces

Component 2: Improve Learning Conditions

Component 3: Strengthen Education Sector Planning Capacity and

Component 4: Technical Assistance and Capacity Building

Objective of the Environmental and Social Management Framework (ESMF)

The ESMF approach allows for the early identification of potential adverse impacts while providing broad guidance for their effective mitigation. The objective of the framework is to help ensure that activities under the project will:

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

A framework approach has been adopted to effectively manage potential environmental and social impacts of the proposed activities. Therefore, certain due diligence social and environmental instruments, namely the (i) Environment and Social Management Framework and (ii) Resettlement

Policy Framework have been prepared in accordance with international best practices, World Bank (WB) safeguards and Government of Afghanistan (GoA) requirements. These instruments provide practical guidance for management of potential environmental and social issues associated with future sub-projects under the EQRA project.

This document provides an ESMF, which will be used by the MoE and the Ministry of Rural Rehabilitation and Development (MRRD) to ensure that all environmental and social safeguards are adequately addressed. The main purpose of the ESMF is to avoid, minimize or mitigate adverse social and environmental impact by: (a) Establishing clear procedures and methodologies for the environmental and social assessment, review, approval and implementation of investments to be financed under the project; (b) Specifying appropriate roles and responsibilities, and outlining the necessary reporting procedures, for managing and monitoring environmental and social concerns related to project investments; (c) Determining the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF; and (d) Providing practical information resources for implementing the ESMF.

Provision of a Resettlement Policy Framework

The EQRA project anticipates land acquisition since projects sites are unknown at this stage. If land acquisition becomes necessary, the Resettlement Policy Framework (RPF) contained in Annex 13 outlines guidelines for land and asset acquisition, entitlement and compensation compliant with the provisions of Afghanistan's current laws, i.e. the Land Management Law 2017 & Land Acquisition Law 2017 and the current draft land policy 2017 and with WB Operational Policy (OP) 4.12 on Involuntary Resettlement.

Legislative framework

The Environment Law of Afghanistan (2007) is the principal law governing environment management and conservation in Afghanistan. Supporting regulations to the law include: Land Management Law (2017), Land Acquisition Law (2017), Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004), Water Law (2009) and the Water Sector Strategy of the Government of Afghanistan.

With respect to WB safeguard requirements, the following OPs have been triggered by the project and require specific safeguard provisions: Environmental Assessment (OP 4.01), and Involuntary Resettlement (OP 4.12).

Institutional roles and responsibilities

The overall responsibility of the project implementation rests with the MRRD in rural areas. At the national level, MRRD will have an environmental and social safeguards unit (ESSU) with two staff members (male or female), a senior environmental officer and a senior social officer. This unit will be responsible for all environment and social safeguards (ESS) issues within the overall ESMF. The unit will also ensure that the ESMF is operationalized at the field level through proper environmental and social management plans (ESMPs).

At the regional level, each of the six regions will have one dedicated environmental and social safeguards officer (male or female) who will be responsible for cascading the training delivered by the national ESSU to the ESS focal points / senior engineers in provincial management units (PMUs). The environmental and social safeguards officer will also check a sample of the ESMPs received from the senior engineer within the PMU and monitor a sample of the sub-projects for ESMP implementation.

At the provincial level, one senior engineer from the PMU will be nominated as the ESS focal point and be assigned all ESS responsibilities. The senior engineer will approve all the ESMPs and send a sample to the ESSU. He / She will also monitor sub-project implementation, based on the ESMP. The key decision making with regard to the ESMP will take place at the provincial level; any queries affecting decisions will be referred to the national unit.

At the district level, there will be one engineer (likely to be male) responsible for 20 community development councils (CDCs). The district engineer will be in charge of the transect walk and the discussion of the findings with the community. The district engineer will then integrate into the ESMP the social component provided by the social organizers. The engineer will also monitor the implementation of the ESMP and submit quarterly reports.

Ministry of Education (MoE)

At the national level, MoE will have one environmental and social safeguards officer who will be responsible for environmental and social issues. The primary responsibility of this officer is to implement the RPF guidelines and ensure that all project sites are in compliance with social and environmental safeguards. The officer will also develop training manuals, conduct training sessions, receive and review all reports from the urban staff and address all queries received from the provinces. Provincial engineers will undertake other monitoring duties at the provincial level and ESS responsibilities will be included in the provincial engineer's terms of reference (TOR). The Memorandum of Understanding (MoU) between MoE and MRRD will highlight in even greater detail the institutional arrangements for the project implementation.

At the sub-national level, ESS units will be assigned to ensure implementation of the RPF guidelines and any other additional monitoring and evaluation (M&E) exercises that might be required.

All proposed sub-projects prior to the design stage will go through a transect walk and site selection procedure to confirm the feasibility of the expected sub-projects. The selected site will be properly studied from both environmental and social aspects. The findings will be shared with the communities during public consultations.

All proposed sub-projects will be screened to ensure that the potential environmental and social risks can be adequately addressed through the application of a typical ESMP if needed.

The implementing agencies will ensure that all occupants of land and owners of assets located in a proposed sub-project area are consulted. There will be gender-separate community meetings for each affected area (urban infrastructure) or village (other sub-projects), to inform the local population about their rights to compensation and options available to them in accordance with the attached guidelines for land acquisition and chance finds of archaeological sites.

ESMP and Resettlement Action Plan (RAP) preparation, review and appraisal process

The ESMF outlines the environmental impact assessment procedures, reporting systems, and responsibilities to be adopted by the implementing agencies during the implementation of EQRA project. The tools and mechanisms provided include:

- Screening of proposed sub-projects;
- Preparation of ESMPs and RAPs;
- An annual environmental and social audit of the EQRA project;
- Guidelines on the environmental and social impact of potential subprojects;
- Grievance redress mechanism;
- Compliance mechanisms; and
- Descriptions of roles and responsibilities.

The RPF outlines the process for preparation and implementation of site specific resettlement action plans.

Main environmental and social impacts of the proposed Project investments

The activities under the EQRA project are not likely to have significant adverse environmental or social impacts. The program has a potential for localized, site-specific adverse environmental impact

associated with rehabilitation and civil works for construction and renovation of buildings, academic premises and associated facilities (sanitation services). These include construction waste, dust and noise pollution during construction, increased construction traffic, as well as social and health impacts due to temporary establishment of workers' camps, etc. Most of these impacts are well known and can be mitigated using standard good construction best practices embedded in the civil works contracts.

According to the EQRA project, the site location for school development remains unknown, but any land acquisition would have to be cleared by MoE. The risk of involuntary resettlement or land acquisition is therefore also unknown. Therefore, prior to the start of physical work, land documentation clearly indicating that the land is free of encroachments, squatters or other encumbrances, and that the land has been transferred to the relevant authorities while following all due government procedures is required.

Impact can be divided into environmental and social from construction and operation. These impacts depend specifically on the size and nature of the sub-project and the environmental and social context within which the subproject will be situated. Therefore, the implementation of the proposed EQRA project will result in a number of environmental and social impacts, some negative or adverse while others might be positive and beneficial.

In general, EQRA interventions individually may have minimal adverse environmental and social impact. But, several sub-projects in combination with each other or with other government or private sector activities, have the potential for a larger and more significant cumulative impact. This is likely to be true in the case of potential vegetation clearing, groundwater depletion, or surface water pollution.

Mitigation plans

As part of the implementation of sub-projects, ESMPs will be prepared if needed. Effective implementation of ESMPs will ensure that the appropriate mitigation measures have been employed to avoid and/or minimize any potential impact resulting from the proposed activity. The MRRD will agree with local district offices and the project proponent on the supervision of the ESMP within the overall plan for the project. Proposed mitigation measures to address anticipated impacts during construction and operation include:

- Re-vegetate open patches of the site to prevent gullies and stabilize the soil.
- Exert care in removal of vegetation and leave as is the trees that may not affect construction.
- Create an instant grass cover as it offers long-term erosion control; leguminous plants that have soil conservation qualities are particularly recommended.
- Ensure an efficient drainage system as it plays a key role in erosion control; erosion checks or lining have already been designed in the architectural designs.
- Use erosion control fences, silt traps, bare surface cover (mulching or geotextiles) to control soil erosion.
- Use hard cores in the foundation to increase the firmness of the structure on the ground
- Construct surface trenches to help the onsite water drainage avoid flooding.

The proper management of the civil works will minimize or eliminate the negative impacts that are likely to be caused by construction activities. The environment management plan (EMP) will be implemented during all the phases of project (preparation, construction, operation and closure).

Accordingly, the ESMP supervision arrangements will highlight the key areas for supervision such as critical risks to ESMP implementation, how such risks will be monitored during implementation and any agreements reached with the proponent. If identified during the screening process as a requirement of the sub-project, a RAP and/or a Cultural Resources Management Plan / Chance Finds Procedures or a combination of the two will be prepared alongside or as an integrated part of the ESMP.

Preparation of RAPs

Any sub-project that might cause a loss of access to resources as per the RPF (Annex 1) will require the preparation of RAP will be needed for each sub-project. The Citizens' Charter National Priority Program (CCNPP) in MRRD is responsible for planning and implementing the sub-projects and will coordinate with the MoE on the RAP preparation.

Citizen Engagement

Citizen engagement (CE) will form an integral part of project implementation and will enable an effective two-way interaction between citizens and governmental officials from the education sector. This will include consultation, grievance redress mechanism (GRM), community score card system/school report cards, and social accountability through deeper engagement with communities via school shuras and community participatory monitoring. The new ESMF will provide details on citizen engagement for the EQRA project. During the implementation stage, the client will carry out beneficiaries' satisfaction survey in the selected sites to evaluate public satisfaction with citizen engagement measures. The feedback satisfaction surveys will be conducted through phone surveys, workshops, and community score cards.

Grievance Redressal

The new ESMF and RPF for EQRA provide details on the institutional responsibilities for implementation and monitoring and will include the citizen engagement component. The new ESMF also includes a detailed GRM procedure which will outline the responsibilities of the key agencies in addressing concerns related to project activities. The client will develop an effective and standalone GRM manual for the EQRA project. The manual will include the following steps: (i) inform the project beneficiaries on using grievance services through a public awareness program, (ii) establish multiple uptake channels, including a hotline for grievance registration; (iii) enable tracking and review of all grievances tied to project activities through proper registration; and, (iv) strengthen capacity of all relevant agencies to address local concerns. The GRM manual will include procedures for establishment a functional GRM system which will include: (a) a Grievance Redress Committee (GRC) at various levels based on project institutional arrangements, with the GRC comprised of members who are qualified, experienced, and competent personnel who can win the respect and confidence of the affected communities; (b) a Grievance logbook at the community level and a database at the central level; (c) registration of grievances and tracking of feedback to the complainant in the logbook and database, and (d) delivery of trainings and awareness activities on GRM utilization.

Capacity building and Training

The ESS unit will assist the MRRD CCNPP in setting up institutional arrangements defined in the ESMF. The ESS unit will recruit a senior environmental safeguards officer and a senior social safeguards officer who will be responsible for overall implementation of the EMSF and RPF during project implementation; the two officers will report to the engineering division of the CCNPP MRRD. They will help set up within the MRRD, satisfactory arrangements for preparing site specific ESMPs if and when needed for any construction activities during project implementation and build relevant staff capacity for handling environmental and social safeguards issues. They will also help the MRRD staff in monitoring the implementation of mitigating measures. They will prepare relevant sections on the project's compliance with implementation of the EMSF and EMPs; these sections will be included in the regular project progress reports prepared by the ESS division.

Relevant stakeholders will be invited to attend a workshop devoted to the application and implementation of the ESMF. During project supervision, the MRRD, through technical assistance received from multi-lateral partners such as the World Bank will assess the implementation of the framework directly and through third parties, and recommend additional strengthening (if needed).

In order to strengthen capacity for the implementation of ESMF, the EQRA project will support training of relevant staff in the MRRD, MoE, and the Afghan National Environmental Protection Agency (NEPA). This training will be part of the overall training plan for the EQRA project.

Regional meetings will be organized and facilitated by the MRRD, MoE and the Afghanistan Independent Land Authority (ARAZI). The workshop will instill attendees with the basic approach to implementing the guidelines provided in the ESMF, and teach them to use appropriate tools, such as the screening form, EMP template and ESMF annual reporting form. Refresher courses should be held as needed during the project lifecycle.

This workshop will be prepared and undertaken by technical experts with relevant experience in the proposed topics and who are highly familiar with environment and social issues related to infrastructure development.

Monitoring

The overall responsibility for the enforcement of this ESMF rests with MRRD in rural areas. In order to ensure compliance, MRRD/MoE will be tasked with regularly monitoring the implementation of the ESMP and RAP during the construction phase. Monitoring the implementation of mitigation measures related to significant impacts during the operation of sub-projects will be the main responsibility of CDCs/Governing Councils (GCs) and the communities. The community participatory monitoring method will be extensively used in this regard.

The PMU ESS officer will also monitor sub-projects for ESMP compliance and supervise the work of the district ESS focal points. Similarly, the ESS unit at the EQRA headquarters of both the MRRD and MoE will periodically monitor the sub-projects, as part of being an overall overseeing institution.

At the provincial level, EQRA safeguards officers, together with CDC/GC, will continue to be responsible for monitoring the implementation of mitigation measures set out in the ESMP.

Public consultations and Disclosure

The MRRD has discussed the preparation of the ESMF for the EQRA project with different stakeholders, including representatives of MRRD, NEPA, MAIL and WB experts on environment and social issues through a series of consultation meetings. In particular, the consultation with the WB team focused on learning from the WB experience on ESMF implementation in other countries, while also discussing institutional and monitoring arrangements related to ESMP implementation. Consultations highlighted the positive impacts associated with the proposed investments and noted that potential negative environmental and social impacts can be readily addressed through adequate implementation of an EMP and RAP.

The MRRD will establish an easily accessible system with different public information/disclosure of information options for communities and relevant stakeholders that will enable them to understand and be aware of the process through which complaints can be registered.

This ESMF will be disclosed in Pashto, Dari and English languages by the MoE and MRRD and will be made available on their websites. The ESMF will also be disclosed at the WB InfoShop in English and local languages prior to appraisal.

ACRONYMS AND ABBREVIATIONS

| | |
|-------|--|
| ALCS | Afghanistan Living Conditions Survey |
| ANSA | Afghanistan National Standards Agency |
| AP | Affected Person |
| ARAZI | Afghanistan Independent Land Authority |
| BoQ | Bill of Quantity |
| CBE | Community-Based Education |
| CC | Community Contracts |
| CCAP | Citizens Charter Afghanistan Program |
| CCNPP | Citizens Charter National Priority Program |
| CDC | Community Development Council |
| CE | Citizen Engagement |
| CoC | Certificate of Compliance |
| CPF | Country Partnership Framework |
| DP | Development Partners |
| DLI | Disbursement-Linked Indicator |
| DED | District Education Directorate |
| EA | Executing Agency |
| ECE | Early Childhood Education |
| ECSSU | Environmental Compliance and Social Safeguards Unit |
| E&S | Environmental and Social |
| EIA | Environmental Impact Assessment |
| EMIS | Education Management Information System |
| EMP | Environment Management Plan |
| EQRA | Education Quality Reform in Afghanistan |
| EQUIP | Education Quality Improvement Program |
| ESIA | Environmental and Social Impact Assessment |
| ESMF | Environmental and Social Management Framework |
| ESMP | Environmental and Social Management Plan |
| ESS | Environmental and Social Safeguards |
| ESSU | Environmental and Social Safeguards Unit |
| FP | Facilitating Partners |
| FM | Financial Management |
| GoA | Government of Afghanistan |
| GC | Governing Council |
| GPE | Global Partnership for Education |
| GRC | Grievance Redress Committee |
| GRM | Grievance Redress Mechanism |
| IDLG | Independent Directorate of Local Governance |
| IFC | International Finance Corporation |
| IPF | Investment Project Financing |
| ISD | Ministry of Education Infrastructure Services Department |
| LAC | Land Acquisition Committee |
| LAL | Land Acquisition Law |
| LARP | Land Acquisition and Resettlement Plan |
| LLE | Law on Land Expropriation |
| LML | Land Management Law |
| MAIL | Ministry of Agriculture, Irrigation and Livestock |
| MACA | Mine Action Center for Afghanistan |
| MAPA | Mine Action Program of Afghanistan |
| MDG | Millennium Development Goal |
| MoE | Ministry of Education |
| MoF | Ministry of Finance |
| MoU | Memorandum of Understanding |
| MRRD | Ministry of Rural Rehabilitation and Development |
| M&E | Monitoring & Evaluation |
| NCB | National Competitive Bidding |
| NEPA | National Environmental Protection Agency |

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|----------|--|
| NGOs | Non-Governmental Organizations |
| NIC | National Identification Card |
| NESP III | National Education Strategy Plan-III |
| OHS | Operational Health and Safety |
| OP/BP | Operational Policy/Bank Procedure |
| O&M | Operation and Maintenance |
| PAP | Project affected people |
| PCB | Polychlorinated dibenzo-p-dioxins, dibenzofurans |
| PDO | Project Development Objectives |
| PED | Provincial Education Directorate |
| PIU | Project Implementation Unit |
| PMIS | Project Management Information System |
| PMU | Project Management Unit |
| PPE | Personal Protective Equipment |
| RAP | Resettlement Action Plan |
| RPF | Resettlement Policy Framework |
| SGP | School Grants Program |
| TA | Technical Assistance |
| TF | Task Force |
| TU | Tracking Unit |
| TOR | Terms of Reference |
| TTC | Teacher Training Center |
| UXO | Unidentified Explosive Objects |
| WB | World Bank |

1. INTRODUCTION

1.1 PROJECT BACKGROUND

The proposed EQRA project objectives are consistent with the recent World Bank Country Partnership Framework (CPF) 2017–2021. The project is aligned with Objective 3.1 on improved human development, which aims to support improved access to quality education. By the end of the CPF, the intended outcomes in education are improved primary school completion rates, a halt to the slide in ratio of girls to boys attending primary schools, and an improvement in the quality of graduates.

EQRA builds on experiences from the WB’s previous engagements in the sector, primarily the First and Second Education Quality Improvement Programs (EQUIP I and II). Both EQUIP I and II were national programs focused on increasing access to basic education, grades 1 to 12. Major interventions under the programs were school construction, quality enhancement grants for schools, teacher training of in-service and pre-service teachers, social mobilization, strengthening the education management information systems (EMIS) and pioneering pilots such as conducting learning assessments to inform future policy dialogues in the sector. The needs of the sector are tremendous, both in terms of access to and quality of basic education services nationally, but it is also imperative to realize the stark inequities among the different provinces, particularly with respect to female participation in schools. Tracking retention of students, especially girls is extremely important for ensuring equitable access to quality basic education. Based on lessons learned from the implementation of both generations of EQUIP, EQRA will: (a) focus on the 17 most lagging provinces in terms of girls’ attendance in schools; (b) direct the system towards tracking and rewarding retention of students, especially girls by tracking attendance of students as opposed to enrollment (the difference between actual attendance and enrollment is estimated to be between 30-35 percent); and (c) focus on strengthening the governance of the general education to improve the service delivery in a transparent manner and strengthen accountability, an area which was not supported under the previous operations in a systematic manner.

The operational context within the MoE has also significantly changed since EQUIP II. Two of the major implementation bottlenecks recognized under EQUIP II were poor oversight of construction and low capacity in the procurement and contract management departments under MoE. The responsibility of construction of rural schools has now been shifted to the Ministry of Rural Rehabilitation and Development (MRRD) and the procurement department has been staffed with young and energetic staff recruited in a transparent and competitive way. Similarly, directors for the provincial education directorates (PEDs) have been freshly recruited through the Capacity Building for Results program. These changes promise a unique opportunity for the successful implementation of EQRA.

The Government of Afghanistan, under the leadership of the MoE, has prepared the National Education Sector Plan III which is a long-term vision of the sector. NESP III has been prepared through many consultations with policy makers, education representatives, Development Partners (DP), and Government officials from other sectors. NESP III aims to prepare skilled and competent citizens through the education system and is anchored in three priority areas: (a) Quality and Relevance: ensuring learners at all levels acquire the knowledge, skills, attitudes, and values needed to be productive, healthy, and responsible citizens prepared to contribute to the welfare of society and equipped for viable employment in the national and international labor market; (b) Equitable Access: increased equitable and inclusive access to relevant, safe, and quality learning opportunities for children, youth, and adults in Afghanistan, especially women and girls; and (c) Efficient and Transparent Management: transparent, cost-effective, and efficient delivery of equitable quality education services at national and subnational levels.

Under the Equitable Access pillar, the NESP aims to improve equity through (i) stronger planning and management at all administrative levels, (ii) expanding Community-Based Education (CBE), (iii) deploying additional female teachers, (iv) establishing vocational training pathways and (v) literacy programs. The Quality and Relevance pillar aims to (a) improve relevance of education through (i) curriculum reform, (ii) provision of textbooks and learning materials and (iii) use of ICT; and (b) improve quality of learning by ensuring that (i) teachers and educators are better qualified, certified, and deployed, (ii) schools are inclusive, safe and conducive to learning, (iii) teachers receive support and are accountable, and (iv) developing a credible learning assessment system. Finally, the Effective and Transparent Management pillar aims to strengthen the institutional framework through (i) stronger standards and responsibilities, (ii) partnerships with civil society, private sector and donor partners, and (iii) improved accountability and transparency or resource use through results-based resource allocation, stronger human resource management, and anti-corruption measures.

As part of NESP III preparation, a financial simulation model was developed and used as a tool for estimating resource requirements and planning financing arrangements. The official Medium-Term Financing Framework was used as the main source of estimation of financial capacity. The total financing requirement for the 5-year plan is estimated at 361 billion Afg. Over the NESP III period, the total allocation to MoE is estimated at 236.4 billion Afg (150.4 billion is for operating budget and 86 billion Afg for the development budget). Projections for off-budget grants in support of NESP III are based on estimates equivalent to 80 percent of the Government development allocation to MoE amounting to 68.8 billion Afg. This results in a financing gap of 15 percent of the total allocation (national and international).

EQRA will support a subset of selected NESP III activities focusing on critical system-level reforms required to achieve the results outlined in the plan. EQRA will be financed jointly by Afghanistan Reconstruction Trust Fund, International Development Association and Global Partnership for Education (GPE) through a US\$298 million grant. The EQRA project is the largest on-budget support that is provided to the sector and is captured in the financial model.

EQRA also supports five global-level objectives for GPE financing: (a) strengthening education sector planning and policy implementation; (b) supporting mutual accountability through effective policy dialogue and monitoring; (c) ensuring efficient and effective delivery of grant support (support achievements in sector plan-level targets for equity, efficiency, and learning); (d) better financing through grants aligned with national systems; and (e) building a stronger partnership (joint policy dialogue).

1.2 PROJECT OBJECTIVES

The Project Development Objectives (PDO) are “to increase equitable access to primary and secondary education, particularly girls, in selected lagging provinces, and to improve learning conditions in Afghanistan”. The project introduces a shift from only monitoring enrollment of students (which also includes permanently absent students) to focusing on bringing children into school and their attendance.

The primary beneficiaries will be the students in general education, out-of-school children in lagging provinces (never enrolled or dropped out), teachers, principals, and the MoE staff. The system level improvements in management will benefit all existing students as well as the out-of-school children who will be brought into school. Thus, the project is expected to benefit a total of approximately 7 million children (children who are attending school regularly) from direct project interventions, over the five-year implementation period.

1.3 NEED FOR ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

This document presents an Environmental and Social Management Framework (ESMF) for the EQRA project. The ESMF has been developed in tandem with a Resettlement Policy Framework (RPF) as a combination of due diligence instruments required to address and manage environmental and social impacts associated with the project which will cover and apply to the entire EQRA project.

The framework has been prepared to meet the WB safeguard requirements and Government of Afghanistan (GoA) environmental procedures and will be disclosed prior to appraisal of the EQRA project. The MRRD and MoE are the agencies responsible for implementing the provisions and recommendations outlined in the ESMF.

1.4 GENERAL ENVIRONMENTAL AND SOCIAL BASELINE OF AFGHANISTAN

Environmental

Afghanistan is a semi-arid land-locked country in the center of Asia, covering an area of about 652,000 square kilometers. The country's climate is continental, with big differences in temperature from day to night, from one season or region to the next, ranging from 20–45°C in summer in the lowlands to minus 20–40°C in winter in the highlands. The overall average annual rainfall of about 250 millimeters conceals stark variations between different parts of the country, from 1,200 millimeters in the higher altitudes of the northeast to only 60 millimeters in the southwest. Due to its mountainous relief and the convergence of several climate systems, Afghanistan boasts an impressive diversity of ecosystems, land cover and water sources.

Today almost 80 per cent of the country's population (19 million people) live in rural areas. That portion of the population relies heavily on productive natural resources, which makes it extremely vulnerable to the impacts of local and global phenomena (such as droughts, natural disasters, climate change and desertification) and the degradation of natural resources through erosion and pollution of soil and water.

Since the country is located in a zone of high-seismic activity, earthquakes are common. Flooding and mudslides are real dangers in the mountains and valleys, particularly in spring and summer when snow starts melting or glacier lakes suddenly burst causing destructive flash floods. Prolonged drought and dust storms can also wreak extensive damage, with nationwide impacts. Extreme winter conditions bring high losses in agriculture and infrastructure. These factors add to the burden of environmental degradation and place stress on ecosystems.

Social

Afghanistan remains one of the poorest countries in the world. In 2013, Afghanistan ranked 169th out of 185 countries in the UNDP Human Development Index, a summary measure that is based on development dimensions of health, education and living standards (UNDP 2014). Despite significant achievements in the first decade of this century, Afghanistan remains among the most poorly developed countries in the world according to almost all development indicators covered by the Afghanistan Living Conditions Survey 2013-14.

The share of the population living below the poverty line has increased from 36.5 percent in 2011-12 to 39.1 percent in the present survey. The results also indicate that the poorer segments of the population suffered more from per-capita consumption decline than the better-off population, which suggests an increase in inequality. Around one third of the Afghan population is estimated to suffer from food

insecurity, with 9.3 million people facing chronic or transitory food insecurity and some 3.4 million severely food insecure. Both quantitative and qualitative food indicators suggest better conditions in urban areas than in rural areas.

According to Afghanistan Living Conditions Survey (ALCS) 2013-14, the health sector is the one that shows the most consistent improvement. The most impressive improvements are observed for maternal health indicators. Afghanistan has achieved its Millennium Development Goal (MDG) target for ante-natal care coverage (50 percent in 2020) far ahead of schedule. The general trend in skilled birth attendance suggests that the MDG 2015 target of 50 percent is within reach. Physical access to health facilities and costs involved in obtaining health services remain major obstacles for many people to obtain the care they need.

According to the ALCS, the net attendance ratio for primary education showed a decline to 55 percent, after a peak of 57 percent in 2011-12. The school attendance information suggests that 2.3 million primary school age children and 2 million secondary school age children miss out on education and on the opportunity to learn basic life skills. Transition rates indicate that the problem of Afghanistan's education system is not so much retention and drop out, but first and foremost starting school. An Afghan child of 6 years old can expect to spend on average 7.7 years of his or her life in education, a very short period in international perspective.

The age structure of Afghanistan's population shows that population growth remains a critical element in Afghanistan's development process. The proportion of persons under age 15 (47.5 percent) is one of the highest in the world. In the next five years close to 4 million young people will reach working age in a labor market that is already characterized by high levels of unemployment and underemployment. Afghanistan's labor market is under considerable stress, with 39 percent not-gainfully employed and a youth unemployment rate of 30 percent. Around 90 percent of the working population is employed in low-skilled occupations. The average household size in Afghanistan is around 7.4 persons. The households are almost exclusively headed by men. Female-headed households make up only one percent of the total number.

Achieving gender equality remains one of the major challenges in Afghan society. Within an overall poor development context, women and girls face especially deprived conditions. Various indicators signify a subordinate and dependent position in the household, leaving little negotiating power in terms of household decisions, sexuality and fertility. Three quarters of women do not leave the dwelling without the company of another person and about half leave the house four times or less per month. Female decision making on spending money is quite restricted: only 34 percent could independently decide how to spend money they earned themselves.

2. Project Description

EQRA will use an Investment Project Financing (IPF) lending instrument, consisting of four components with components 2 and 3 following a results-based modality. Components 1 and 4 will follow a traditional IPF approach with select disbursement conditions (described under project costs). For components 2 and 3, disbursements will be made against an eligible expenditure program upon achievement of pre-specified results.

The primary beneficiaries will be the students in general education, out-of-school children in lagging provinces (never enrolled or dropped out), teachers, principals, and the MoE staff. The system level improvements in management will benefit all existing students as well as the out-of-school children who will be brought into school. Thus, the project is expected to benefit a total of approximately 7 million

children (children who are attending school regularly) from direct project interventions, over the five-year implementation period.

2.1 PROJECT COMPONENTS:

Component 1: Increase Equitable Access to Basic Education Especially for Girls in Selected Lagging Provinces

Component 1 aims to increase access to basic education, especially for girls in selected lagging provinces. To ease some of the constraints that limit school participation and regular attendance in Afghanistan—including deteriorating security, cultural norms that undervalue education, opportunity costs to attending school, distance to school, lack of gender-segregated latrines, and lack of female teachers—this component will expand access through two interventions: (a) improvement of school infrastructure, and (b) provision of school grants. School construction will fall under the responsibility of MRRD and school grants will be managed by the MoE.

Extra efforts at all levels of the education system including national, subnational and school, are needed to attract and retain school-aged children, especially girls, who are currently out of the system. The education system needs to innovate, reform and strengthen planning and management processes and incentivize authorities at different levels to pursue the same goal. EQRA will support financing of immediate, medium and longer-term measures to achieve this goal. In the immediate term, provision of school grants to address small scale needs of all schools in the 17 provinces will be made in two tranches to all eligible schools in the 17 provinces. Establishing a safer learning environment through building, expanding and rehabilitating existing school infrastructure, social mobilization and awareness programs will also play a key role in attracting and retaining new students into the system as medium-term measures.

Subcomponent 1.1: Improving School Infrastructure:

Inadequate school infrastructure has resulted in overburdened schools running multiple shifts across Afghanistan. The experience from EQUIP II has shown that besides absence of female teachers, parents are reluctant to send their girls to schools that lack boundary walls and adequate sanitation facilities. With priority given to girls'-only and mixed schools, this subcomponent will: (a) construct new school buildings and additional classrooms to upgrade temporary structures (such as tents and outdoor classrooms) to permanent physical structures, and (b) provide missing essential elements (such as boundary walls, water wells, and gender-segregated latrines). Solar panels will be installed in new schools in areas where there is no electricity. Compact fluorescent lamps will be used in an effort towards climate change mitigation. The school infrastructure needs in each district will be determined based on a geo-spatial school mapping exercise to determine underserved populations, which will inform the infrastructure policy and future school construction plans.

The mandate for school construction has recently been shifted from the MoE to the MRRD for schools in rural areas and to Ministry of Urban Development and Housing (MUD) – for schools in urban areas. EQRA will focus on construction of schools in rural areas which would be implemented by MRRD by involving the Community Development Councils (CDCs) supported by engineers and technical staff. The modality rests on construction of low-cost schools in rural areas using locally available materials and local labor. In support of GoA's initiative to provide physical structures for schools that are taking place in open areas or under tents, the project will prioritize constructing buildings for girls' schools, mixed schools and then boys' schools. Construction of missing items in existing schools would also be part of the project and would be prioritized in the same order as construction of school buildings. To improve transparency in the selection of school sites, EQRA will support the preparation of a school infrastructure policy as a condition

for disbursement. It is expected that the policy will establish nation-wide criteria to prioritize school construction in areas of the greatest need. This subcomponent will support the completion of 1,900 schools (1,200 new school buildings with necessary components such as latrines, water supply systems for all schools and boundary wall for girls' schools above primary level and missing components such as additional classrooms, toilets, water supply systems and boundary walls for another 700 schools that have a building but lack these components) in the 17 selected provinces.

Subcomponent 1.2: School Grants Program (SGP) for Improved Access and Retention

This subcomponent will provide schools with financial resources, capacity building, and operational autonomy to undertake interventions to address local demand and supply-side constraints and will be implemented by MoE. The proposed SGP under EQRA provides a level of flexibility to schools to choose their intervention that falls under the following agreed eligible expenditure categories.

To accommodate local-level variations in priorities, schools may choose any of the following eligible expenditure categories in any proportion they identify as necessary:

- (a) Subsidized school supplies, including covering indirect costs of education such as school uniforms, stationery, and additional school-related expenses.
- (b) Access to hygienic products for girls.
- (c) Transport facilities for students (particularly female students) and female teachers between homes and schools to ensure better access for students and female teachers who are beyond a particular distance from the school. Schools should take the lead in identifying common transport routes and ensure that transport service providers are locally selected to maximize trust and security for students and female teachers.
- (d) Bridge courses. Many children who were out of school and have been incentivized to (re)enter school may face additional challenges in learning, assimilating in the class, and reaching the same academic level as their peers who have already been in school. Addressing these challenges would require focused attention and schools may need to make provision for special tutoring, bridging, and remedial lessons for out-of-school children that are reentering school. The SGP may be used for making ad hoc appointments of contract teachers specifically for teaching bridge courses and conducting catch-up lessons.
- (e) Operational and Maintenance expenditures: to cover small repairs at the school level. This category should not exceed 50 percent of the overall grant allocation.

The first tranche will be provided to all eligible schools as described in the school grants manual while the second tranche will be conditional upon the MoE demonstrating results in the following area: a) successful utilization of the first grant with satisfactory financial reports as described in the school grants manual and b) demonstrate growth in the number of female students attending school.

1.3: Community-Based Education Provision in Conflict-Affected and/or Remote Rural Areas

This subcomponent will expand access through CBE financed through on-budget, which has been successfully used to extend service delivery in remote locations and in emergency situations affected

by conflict. The CBE¹ model establishes classrooms in villages, usually in homes, reducing the distance students have to travel. Evidence from Afghanistan has shown that the CBE is an effective way to reach students who would otherwise not be able to access the nearest school due to conflict, cultural, religious or social restrictions. In addition, learning outcomes for students in CBE classes are greater than or equal to outcomes for students in public schools.² Results from the recent SABER SD study led by the World Bank, in a sample of 30 CBE classes implemented by the MoE (finance by the first on-budget GPE grant), highlighted that CBE is a promising way to provide access and improve learning. Although CBE classes have relatively poorer infrastructure and far fewer teachers with adequate training (33% of CBE vs 67% of public schools), CBE students outperform public school students by a significant margin in both literacy and numeracy. The main reason for this is that CBE teachers display significantly better skills in the classroom. Despite far fewer CBE teachers having Grade 14 qualifications, they outperform public school teachers in terms of lesson planning (93% vs 72%), quality of questioning (67% vs 37%) and introducing and summarizing lessons (90% vs 55%.) CBE teachers have better student teacher ratios and are better paid, but similar to public school teachers, they also face problems with on time payment.

Most CBE classes are donor funded and off budget, overseen and monitored by NGOs. A draft policy laying out the guidelines for CBE is in its final stages and builds on previous experiences of CBE implementation. The key challenge has been to (a) harmonize the costs of service delivery amongst the various modalities while maintaining good standards, (b) ensure proper monitoring of CBE classes by MoE and, (c) provide a smooth transition of CBE students to a hub school upon completion of CBE to ensure that students can complete a full cycle of schooling. EQRA will support the establishment of harmonized standards to improving equity, cost-effectiveness, and scalability of CBE and will be completed by year 2 of EQRA implementation

Under EQRA, starting in year 3, the MoE will expand CBE for an additional 120,000 children (30,000 new children each year at a cost of US\$110/child/year) in underserved communities, identified as areas where there are no Government schools within a specified distance of 3 km³ using the quality and cost standards prescribed in the revised policy. It is expected that this subcomponent will broaden access and equity through reducing the distance to school, a key demand-side constraint, particularly for parents reluctant to send their children, especially girls, to school.

Component 2: Improving Learning Conditions

Global and local evidence finds that variables related to teachers are most critical to student learning. To strengthen the teaching and learning process, this component will cover a range of strategic interventions focusing on improving the capacity of teachers to enable them to deliver quality instructions in the classroom by: (a) requiring that teachers have subject knowledge in the subject they are teaching and strengthening instruction at, and standardization of, Teaching Training Centers (TTCs), (b) providing classroom support and coaching to teachers in a pilot program, and (c) delivering current textbooks to schools while developing a new curriculum with improved relevance.

¹ CBE varies by donor and/or NGOs. Some CBE comprise 9 grades while others only provide 3 grades.

² Burde, Dana and Leigh L. Linden. 2013. "Bringing Education to Afghan Girls: A Randomized Controlled Trial of Village-Based Schools." *American Economic Journal: Applied Economics*, 5 (3): 27–40.

³ One potential incentive to enroll in primary school is whether there is a secondary school available to attend.

Mukhopadhyay, Abhiroop and Soham Sahoo. 2012. "Does Access to Secondary Education Affect Primary Schooling? Evidence from India." *IZA Discussion Paper No. 6507* find that a "1 km reduction in distance to secondary school increases probability of primary enrollment by 0.074" in India.

Subcomponent 2.1: Strengthening Formal Teacher Training of Subject Teachers

This subcomponent will improve standardization of teacher capabilities and quality assurance across the system. Teachers teaching above Grade 6 (lower and higher secondary education) will be required to only teach subjects for which they have subject qualifications. Reassignment of teachers within schools and, potentially within nearby schools, will remedy part of the problem. For remaining teachers who do not have the knowledge of the subjects they are assigned to teach, TTCs will offer a one year part-time subject training to existing teachers, ensuring minimum disruption to their teaching duties. To ensure uniform quality of TTC diplomas across the country, the teacher education directorate will develop a harmonized exam to be administered at the end of TTC training in all TTCs for these subject specific qualifications. More broadly, this subcomponent will address the large variation in the quality of instruction at TTCs where qualifications of the faculty members vary and many instructors are recent university graduates. Technical assistance, delivered under Component 4, will aim to simplify and improve the feasibility of the National Teacher Credentialing System under-development, to ensure that it is more suited to the Afghan context. The share of teachers teaching subjects for which they have subject knowledge will be tracked as a PDO level indicator.

Subcomponent 2.2: Observation and Intensive Coaching for Teachers

The objective of this subcomponent is to improve the quality of teaching for existing teachers through a pilot using classroom diagnostics with teacher observations, followed by the provision of coaching and capacity building. The aim is to improve the quality of teaching without displacing the teacher from the classroom by using the WB's "Teach" classroom observation technique to strengthen the feedback loop for teachers, highlighting areas for improvement to further their professional development and providing coaching tailored to their needs. This will be used in 200 schools in secure districts as a pilot. The use of the tool will be closely linked to the Department of Academic Supervision's existing teacher coaching scheme by academic supervisors. It will also seek to improve the capacity of school administrators such as heads of department and principals so that they can coach teachers on an ongoing basis.

The existing teacher coaching scheme itself will be significantly strengthened in a pilot sample of 200 schools in secure districts. Teachers for grades three to six will receive intensive instruction on using scripted lessons in teaching reading and math (this involves providing lesson plans with a high degree of scripting, providing concrete steps for teachers), continually assess student performance, and receive frequent school-based pedagogic support and resource materials. Incorporated into this process will be training on subject content as well-- which is a second weakness of teachers in Afghanistan. The training will be conducted through a cluster-based and limited cascade model. This training will be supplemented by school-level visits to support teachers at least once per month. In addition to this, school principals will receive training on how to support and coach teachers on an ongoing basis and create a conducive learning environment in the school. This pilot will not be a magic bullet for learning in Afghan schools but takes a new approach that builds on global evidence on what works in teacher training and coaching, as well as proven successes in other conflict-affected countries. This subcomponent links to a disbursement-linked indicator (DLI) which will track the average improvement in scores on the TEACH observation tool by teachers in the pilot as well as their performance on a basic content knowledge test.

Subcomponent 2.3: Improving Curriculum and Development of Instructional Materials

This subcomponent will support distribution of the current set of textbooks to schools as well as the reform of the curriculum and development of new textbooks, teacher guides, and other instructional materials. Based on the newly proposed textbook distribution strategy, the vendor is responsible to deliver textbooks to the PEDs and then it becomes the responsibility of the MoE, specifically the relevant PED, to deliver

textbooks to the districts and then to schools. The MoE will bear the financial burden of transporting textbooks from PEDs to districts but beyond districts, the MoE will be using a combination of government financed delivery depending on the accessibility of roads or will invite the communities (School shuras and representative of schools) to collect textbooks for their schools from their relevant District Education Department. In districts covered under the Citizens Charter Afghanistan Project (CCAP), MoE and MRRD will work together to deliver textbooks in an effective manner while tapping on each other's resources. EQRA's financing against DLI 2, which focuses on delivery of textbooks and development of new curriculum, will be released upon the verification of the textbooks at the school level.

The revised curricular materials and associated capacity building including coaching will be expected to impact teacher practices in the classroom in the longer term. The delivery of the current set of textbooks and development of the new curriculum will also be tracked through DLI. Capacity building of school leaders, academic supervisors, and teachers on the use of the new instructional materials is supported under Component 4.

Component 3: Strengthening Education Sector Planning Capacity and Transparency (US\$39 million)

This component aims to strengthen planning and implementation capacity, coordination, and transparency of the MoE at both the central and subnational levels. The findings of a recent subnational assessment of the education sector management (2015), the MEC report (2017), Critical Administrative Constraints to Service Delivery in Afghanistan and Social Service Delivery in Violent Context provide the evidence base for interventions under this component.

Subcomponent 3.1: Strengthening Data and Information Management Systems

The MoE has made significant strides in developing and operationalizing an EMIS platform that collects, processes, and disseminates education data on a regular basis. While the system covers administrative data such as demographic and school-level information for primary and secondary schools, but verifiable and real-time information on the number, actual existence, and attendance of teachers, students and administrative staff is a major sectoral issue.

The objective of this subcomponent is to: (a) refine the datasets that are critical for education planning and management including off-budget community-based education; (b) integrate fragmented systems; and (c) strengthen its verification process. MoE intends to automate and integrate the information systems for financial management (FM), human resources, procurement, and payroll. The MoE is also introducing a system for tracking student attendance and strengthen its data management capacity at all levels (programs, departments, and deconcentrated levels). The data verification will be conducted in two steps: (1) monthly phone surveys to schools (principal or community shura representative) to collect teacher and student attendance and data on the functionality of schools (by gender) at the school level; and (2) physical verification of data reported on the EMIS among a random sample of schools (minimum of 5 percent) comparing actual observations to the data collected with the previous month's phone survey and an annual school census. Lastly, building on the preparation of the CBE policy which was just approved, MoE will: (a) establish costs of service delivery amongst the various modalities while maintaining good standards, (b) ensure proper monitoring of CBE classes by MoE, and (c) provide a smooth transition of CBE students to a hub school upon completion of CBE to ensure that students can complete a full cycle of schooling. The finalization of harmonized standards to improve service delivery by improving equity, cost-effectiveness, and scalability of CBE and data reporting will be a disbursement condition.

EMIS information will be further refined through comparison and verification of data reported in citizen

scorecards under the CCAP. In districts covered under phase I, CCAP will conduct an initial data gathering exercise on a broad set of indicators (e.g. school construction, teachers, textbooks) from which two minimum service delivery standard indicators will be included in the biannual citizen scorecard. This information collected by the CDCs will be shared with the EMIS team for comparison and to supplement each other. This dialogue will also allow CDCs to inform the government about its needs and for the government to report on progress. This comparison relies on the data gathering conducted by CCAP, which will be completed twice during the EQRA period. This subcomponent links to DLI 3, which supports the improvement of EMIS data collection and the implementation of quality assurance procedures.

Subcomponent 3.2: Improving Teacher Recruitment and Management

This subcomponent will support a transparent recruitment process for teachers and support the MoE to clarify and transparently communicate key policies, targets, norms, regulations and guidelines regarding teachers to stakeholders and lower levels of the Ministry's administration. The new process will rely heavily on the use of technology at the application and examination phases adopting the previously tested Kankor examination methodology. Regulations would also be clarified regarding temporary contract teachers, overtime payment and incentive schemes, which will include an emphasis on hiring female teachers. A teacher policy will be required for year 0 under DLI 4 on implementation of teacher policy and any new teacher recruitment will have to follow the new process.

This subcomponent will introduce the establishment of a personnel database for its more than 270,000 teachers and administrative staff. Each staff member of the MoE will have a unique number, a photograph and bio-metric data captured in the database. This database will have an interface with the Afghanistan Financial Management Information System, and the payroll system to clean its records of ghost teachers. This subcomponent links to DLI 5 incentivizing the establishment of an integrated personnel registry.

Subcomponent 3.3: Improving Budget Planning and Introducing Results-based Reporting

This subcomponent will improve annual planning and reporting through the NESP III operational plan, foster greater coordination and transparency of on-budget and off-budget resources, and leverage better resource allocation and expenditures across the operating and development budget. The annual Operational Planning and Reporting Framework will be prepared with technical assistance (TA) from the WB. The TA provided under Component 4 will support the development of a simple procedural manual, codifying existing national annual planning, budgeting, and implementation processes that would lead to a holistic tool of resource allocation, including on- and off-budget resources.

To improve budget planning, this subcomponent will support the introduction of a norm-based Operations and Maintenance (O&M) budget allocation formula to provinces disaggregated at the district education directorate (DED) level. The formula will exclude the permanently absent students to focus only on students who are regularly attending (with a higher allocation amount for girls attending). In addition to bringing transparency and enabling the central MoE and the Ministry of Finance (MoF) to track its expenditures, it will also lessen the burden on the O&M budget by excluding the cost of permanently absent students and allowing related funds to be reallocated. The norms will incentivize provinces demonstrating higher outcomes on girls' attendance.

This subcomponent will introduce a basic performance management system for PEDs and DEDs based on which the performance of PEDs and DEDs will be evaluated and peer-to-peer comparison made possible. The system will have well-defined standards and basic quantitative and qualitative indicators that should be achieved on an annual basis such as timely submission of budget, regular transmitting of EMIS data,

submitting updated teacher data, tracking teacher and student absenteeism, and ensuring timely delivery of school supplies and all instructional materials to the schools, benchmarking of schools with district-level performance building on the MoE's recent efforts for preparing individual school snapshots. DEDs will review all school performance in their districts and bring the poorest performing to the attention of PEDs for management action. Academic supervisors will be tasked to conduct spot checks three times per year in the schools under their purview to track real teacher and student attendance to feed into the results-based reports. Citizens through the facilitation of the CDCs in CCAP areas or school shuras in non-CCAP areas will be involved in monitoring some key indicators such as (i) textbooks delivery, (ii) presence of teachers, (iii) construction of classrooms and (iv) use of school grants. These would serve as an opportunity to cross check the validity of the data reported on in the DED and PED results-based reports. This subcomponent links to DLI 7, which incentivizes the development of NESP III operational plan and results reported.

Component 4: Technical Assistance and Capacity Building

Component 4 aims to strengthen the capacity of the MoE at the national and sub-national levels to achieve results in priority areas, and more broadly, to manage the delivery of quality education services promoted under NESP III. The TA will focus on strengthening essential functions within the MoE, which constitute either bottlenecks in service provision and management or represent high fiduciary risk. This component will also comprise one pilot of Early Childhood Education (ECE) following the standard IPF procedures. ECE is at a nascent stage and would first need to be rigorously evaluated to inform future scale-up. Therefore, the pilot will not be part of the results-based financing modality.

3. Policy, Legal and regulatory framework

3.1 KEY NATIONAL LAWS AND REGULATIONS

The primary relevant laws and legislations framing social and environmental issues for the CCAP are:

- The Environment Law of Afghanistan (2007)
- The National Environmental Impact Assessment (EIA) Policy (2017)
- The Law on Land Acquisition (2017)
- The Law on Managing Land Affairs (2017)
- The National Land Policy (2017)
- The Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004)
- The Constitution of Afghanistan (2004)
- The Water Law (2009)

The Environmental Law (2007): 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. It specifies sustainable use, rehabilitation and conservation of biological diversity, forests, land, and other natural resources; the prevention and control of pollution; conservation and rehabilitation of the environment; and the active involvement of local communities in decision-making processes, including a clearly stated opportunity for affected persons to participate in each phase of the project.

The law requires the proponent of any development project, plan, policy or activity to apply for an environmental permit (Certificate of Compliance (CoC)) before the implementation of the project, by submitting an initial environmental impact assessment to the National Environmental Protection Agency (NEPA) to determine the associated potential adverse effects and possible impacts. The law also establishes

a Board of Experts that reviews, assesses and considers the applications and documents before NEPA can make a decision regarding the permit. The EIA Board is appointed by the General Director of the NEPA and is composed of not more than 8 members. The EIA Board of Experts decision can be appealed.

The EIA Policy (2017): This policy document defines how the administration of Environmental Impact Assessment (EIA) procedures should be undertaken and provides the policy basis for the implementation of Chapter 3 of the Environment Law. It provides a list of projects expected to create adverse impacts (Category 1) and those that may create significant negative impacts (Category 2). It describes specific processes and procedures, and the required documents, for each category. Once the application form and other relevant documents are submitted to NEPA according to the requirements, NEPA will: (i) issue a CoC, with or without conditions, (ii) advise the applicant in writing to review the technical reports and address NEPA's concern, or (iii) refuse the CoC with written reasons. Once permission is granted, the proponent needs to implement the project within three years, otherwise the permit expires. Implementation constraints include (i) effective application of EIA procedures by private and public proponents; (ii) monitoring of the implementation of the ESMP; (iii) the expertise and means for quality analysis necessary to determine compliance reports; (iv) the ownership of the EIA process by line ministries; (v) limited knowledge, experience, and capacity of staff; and (vi) the coordination, monitoring, and harmonization of various requirements by international agencies involved in technical and financial supports.

It is important to note that the school service delivery under the EQRA involves the construction of schools 6, 8 and 10 classes. Since these projects do not fall within the EIA Policy's Category 1 or 2 projects, NEPA's requirement for an EIA and CoC is not required. However, in the event of possible construction of new schools in environmentally sensitive areas, which would be defined by the authority during the implementation stage, NEPA's provisions related to the EIA Regulations will be applicable.

The Law on Managing Land Affairs (2017) aims to create a legislated unified, reliable land management system. This law also aims to provide a standard system for land titling, land segregation and registration, the prevention of illegal land acquisition and distribution, access to land and conditions for the appropriation of land. The Law on Managing Land Affairs states that, inter alia, the management of land ownership and related land management affairs is the responsibility of the Ministry of Agriculture, Irrigation, and Livestock (MAIL) (Article 4). However, in June 2013, the Afghanistan Independent Land Authority (ARAZI) was established as a separate agency, and the mandate for 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, which include the following: 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). The law is currently under revision with amendments being reviewed by the Ministry of Justice. If approved, amendments may have implications for compensation in terms of expanded recognizable claims.

The Law on the Preservation of Afghanistan's Cultural and Historical Artefacts (2004) states that an operation which causes destruction or harm to the recorded historical and cultural sites, or artefacts, is prohibited. The law further states that no one can build or perform construction on the recorded historical and cultural site, unless approval, permission or agreement is issued from the Archaeology Institute (Article 7). If a construction project harms a historical or cultural artefact, the project will be stopped until proper measures are taken to preclude such harm (Article 11). Digging wells, ditches, rock blasting, driving over and any other operations which cause destruction of the recorded historical and cultural sites is prohibited without coordination and permission from Archaeology Institute (Article 16).

The Constitution of Afghanistan (2004) 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’.

The Water Law (2009) enshrines the conservation, equitable distribution and the efficient and sustainable use of water resources to strengthen the national economy and secure the rights of the water users. The law states that the priority for use of water resources is drinking water and livelihoods. The provision of drinking water supplies in the villages and the construction of small water infrastructure is the responsibility of MRRD, in cooperation with other relevant ministries. The rights of way for water resources and water infrastructure are protected from encroachment.

3.2 WB SAFEGUARDS POLICIES TRIGGERED

Safeguard policies

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

Table 1: World Bank Safeguard Policies applicable

| S.N. | World Bank Policy | Applicable due to | Addressed by ESMF/RPF |
|------|--|---|---|
| 1. | Environmental Assessment OP 4.01 | Activities under EQRA sub-projects are likely to have impacts on environmental and social components as on water bodies, air and land, human health and safety, | Environmental and Social Management Plan (ESMP) |
| 2. | Involuntary Resettlement OP/BP 4.12 | <p>The EQRA project activities under CCAP institutional arrangements may involve some small land acquisition for the construction of new schools.</p> <p>In some sub-projects, communities may agree to voluntarily provide land in exchange for desired community benefits. However, donation is only permissible in case of limited impact (less than 10 percent of an individual's holdings) land donation should be only be consider when the land is free from natural or manmade hazards and it is easily accessible for both boys and girls.</p> | RAP or Abbreviated RAP (where needed) |

4. Potential Environmental and Social Impact and Mitigation Measures

The following section describes the key environmental and social issues associated with the proposed project. The key issues identified relate to water, land, and general disturbances (noise, air, waste). The proposed solutions are applicable to all small and medium scale infrastructure and will require adequate implementation of mitigation and monitoring measures.

Impact can be divided into negative and social impact associated with construction and operation, which depends specifically on the size and nature of the intervention, site location, and affected parties (i.e. communities and other stakeholders).

4.1 POSITIVE ENVIRONMENTAL AND SOCIAL IMPACTS

The proposed project aims to improve the quality and relevance of education, so that students will be equipped with competent skills that meet labor market demand. In terms of the construction and rehabilitation work to be undertaken, there are also several positive impacts associated with the civil works such as employment of local labor, creation of jobs, improvement of associated existing infrastructure (improved waste management and sanitation facilities), and positive economic impacts on small market suppliers for raw materials needed during construction (i.e. building materials).

4.2 POTENTIAL NEGATIVE ENVIRONMENTAL AND SOCIAL IMPACTS

The potential impacts that are likely to be encountered include:

- **Site clearance:** During site clearing, any vegetation that is not properly disposed can block drains and waterways and spread invasive species.
- **Soil Erosion and Water Contamination:** Gravel/soil brought for any filling purposes, if not properly stored and exposed to the natural elements can be washed off into nearby streams, paddy lands, rivers and low-lying areas causing sedimentation. Storm water congestion on-site can create inconveniences to school activities and construction work. Improper placement of school laboratories and latrines can cause groundwater contamination to stream and drinking water sources. Also, wastewater generated during construction and from labor camps can also contaminate drinking water sources if not properly treated.
- **Waste generation:** Reconstruction work at schools may involve new construction of severely damaged faculty buildings, whereby construction debris will be generated and will need to be removed and disposed. Various construction waste from construction related activities and labor camps will be generated that can create an inconvenience if not properly managed. In addition, waste that is not disposed of properly can become the cause of water borne diseases.
- **Transport:** Transportation of material to and from the site will create disturbances during school hours and can cause injury to children and increase traffic congestion in the area.
- **Labor camps:** As construction work will be conducted in most cases on school premises, if labor camps are required, location of the camps and the interactions of the workers with students can create negative social impacts. In addition, the condition and treatment of workers in labor camps can directly impact the communities and the sub-projects and result in negative media attention and potential safety risks to the public.

- **Safety:** Safety of workers, school children and residents will be an issue. Construction related operations could generate safety risks to workers. Given that work will be on school premises, construction sites that are not cordoned off can cause potential safety hazards to students and residents who are too close to the construction site.
- **Noise:** During site preparation and construction, work noise will be generated due to construction related work. During school hours this may disturb classroom activities and residents living close to the construction site.
- **Dust:** Dust generated during clearing and construction work can cause difficulties for students who have respiratory problems and become a nuisance during school hours. Soil/ gravel kept for long periods without proper cover can generate dust and become an inconvenience during school hours and for surrounding residents. Transportation of materials to the site will also generate dust. Decommissioning of existing structures can also create dust that is potentially hazardous.

4.3 GENERAL ENVIRONMENTAL AND SOCIAL CONCERNS DURING CONSTRUCTION AND OPERATION

Impact resulting from construction/renovation of small and medium scale infrastructure is not significant if carefully managed. These concerns are usually related to occupational health and safety (OHS), and are manageable and easily addressed using appropriate mitigation measures in the civil works contracts.

In case of construction work, the following adverse environmental & social impacts can be expected:

- Temporary impact on houses and businesses from construction work such as noise, waste generation, debris and other dangers;
- Restriction of access to farms, other sources of livelihood and assets;
- Risk of damage to archaeological or historical sites;
- Community disputes;
- Security issues due to the presence of staff from outside the community;
- Presence of large number of students in the neighborhood may disrupt the social life or community norms (cultural, economic and social); and
- OHS risks associated with lack of adequate occupational, health and safety measures used on site including lack of personal protective equipment (PPE); and
- Labor and working conditions – compliance with national laws including ILO conventions, collective bargaining agreements, employment practices and risks of labor standard violations.

General issues during operation include:

- Availability of functioning and maintained sanitation facilities (often not functioning due to a water shortage);
- Improper disposal of wastewater (e.g. construction of infrastructure may dispose wastewater in percolation pits without conducting an assessment of the surrounding environment, so it is important to identify its sensitivity and accordingly whether there are potential environmental and/or public health risks); and
- Improper management of solid waste generated by the project (and other potential sources). This usually results in the accumulation of waste on or around the subproject premises/area.
- Health and safety risks associated with lack of adequate safety measures in place (e.g. life and fire safety plan, emergency preparedness, etc.).

4.4 POTENTIAL CUMULATIVE IMPACTS

In general, EQRA project's interventions may individually have minimal adverse environmental and social impact. However, several sub-projects in combination with each other or with other government or private sector activities, could have a larger and more significant cumulative impact. This is likely to be true in the case of potential vegetation clearing, groundwater depletion, or surface water pollution.

This is particularly likely to be the case for:

- Deforestation due to the exploitation of forest resources, owing to the use of timber and poles for construction. EQRA project will take necessary measures to ensure that deforestation and use of forest resources which are not sourced from certified sustainable forests is avoided and minimized to the extent possible;
- Groundwater depletion owing to the demand for water for construction; and
- Surface water depletion, for the same reasons as above.

In addition, resettlement due to the acquisition of land may combine with the induced migration of people (for labor, services etc.) and place greater pressure on natural resources in particular areas. The avoidance and mitigation of cumulative impacts requires: (i) avoidance and mitigation of the impact of individual projects; and (ii) careful planning based on sound technical knowledge, of the location, size, and material requirements of infrastructural projects.

4.5 PROPOSED MITIGATION AND MONITORING MEASURES

In order to avoid or minimize impact associated with activities under the EQRA project, mitigation measures must be implemented as part of the sub-project construction and operations to ensure compliance with local and international environmental and social guidelines and standards. These measures must be included as part of the sub-project EMP and will be budgeted for in the technical specifications of each sub-project.

Technical Guidelines (refer to **Annex 4**) have been prepared which outline and illustrate the required mitigation measures corresponding to specific environmental and social impacts associated with types of activities. These guidelines should be used to assist in the preparation of required EMPs/EIAs and include:

- 1: Prevention of and protection from soil erosion.
- 2: Prevention of and protection from landslides.
- 3: Use of quarries.
- 4: Disposal of spoil material, including harmful substances.
- 5: Management of dust.
- 6: Protection of historic and cultural sites and facilities.
- 7: Management of lubricants, oils and fuels.
- 8: Health and safety

In addition, it is recommended that best practice guidelines be applied for OHS as outlined in IFC's OHS guidelines. These guidelines are considered international best practice and apply to the design, construction and operation of all types of infrastructure projects.

4.6 PREPARATION OF AN ESMP

The proponent will undertake the assessments in consultation with the environmental safeguard specialist. An EIA/ESMP will be prepared based on findings of the initial environmental and social screening.

The ESMP format will follow the NEPA guidelines and OP 4.01 requirements. As part of the EIA process, ESMPs will need to be prepared and implemented for Category B projects. For the sub-projects which trigger the safeguard policy on cultural property, a plan will be required (e.g. a cultural resources management plan as outlined in Annex 5). The ESMP should be a short and concise document (between 5 – 10 pages) and must contain the necessary sections outlined in Annex 7. Mitigation and monitoring measures will be identified on the basis of best practice guidelines and the technical guidelines.

Environmental contract clauses should be included in the technical specifications and be accounted in the sub-project investment's overall implementation budget. Examples of such contract clauses are provided in Annex 8. Specific clauses related to land mine risk management are provided in Annex 9.

Effective implementation of the ESMP will ensure that the appropriate mitigation measures have been employed to avoid and/or minimize any potential impacts resulting from the proposed activity.

The ESMP for each investment will outline the appropriate budget required to implement measures for mitigation and monitoring. It will also indicate the costs of training and capacity building required. Costs should be calculated based on estimates provided by contractors for any mitigation measures required during the civil works. For example:

- Cost of ensuring the appropriate dust suppression mechanisms are in place during excavation works must be calculated and included in the tender documents;
- Cost of installing erosion control measures should be estimated as part of the engineering costs;
- Training of staff on environmental and operational, health and safety issues should be outlined in detail; and
- Cost of monitoring noise during construction should be calculated based on the frequency of monitoring and cost of equipment.

4.7 MONITORING AND REPORTING OF SUBPROJECT MITIGATION AND MANAGEMENT PLANS

It is the responsibility of the MRRD ESS division to prepare an appropriate environmental and social supervision plan and supervise the implementation of the ESMP. Accordingly, the supervision arrangements for the ESMP will focus on critical risks to implementation of the ESMP, how such risks will be monitored during implementation and agreements reached with the proponent.

Supervision of the ESMP, along with other aspects of the project, covers monitoring, evaluative review and reporting and is designed to:

- determine whether the project is being carried out in conformity with environmental and social safeguards and legal agreements;
- identify problems as they arise during implementation and recommend means to resolve them;
- recommend changes in project concept/design, as appropriate, as the project evolves or circumstances change; and
- identify the key risks to project sustainability and recommend appropriate risk management strategies to the Proponent.

The ESS division in collaboration with the district offices will monitor the implementation of the environment and social mitigation measures on a sample of sub-projects on quarterly basis, and report these to the WB with the same frequency (Annex 10). On an annual basis, the ESS division will carry out a national assessment of sub-project performance on E&S as part of the project's overall monitoring program.

The ESS division will monitor the compliance of project implementation with the mitigation measures set out in its ESMP and associated management plans. The ESS environmental and social safeguard specialist in collaboration with the engineering team will be responsible for monitoring by regularly visiting the projects, and pursuing the following corrective measures as required. Compliance monitoring comprises of on-site inspection of construction activities to verify that measures identified in the ESMP are included in the clauses for contractors are being implemented. This type of monitoring is similar to the work of a supervising engineer who ensures that the contractor is achieving the required standards and adhering to the quality of work.

Once implementation of the sub-project has commenced, regular supervision missions will be carried out by a third-party monitoring agency and an annual monitoring report must be submitted to the MRRD, MoE and WB for review.

4.8 ANNUAL REVIEWS

An independently commissioned environmental and social audit will be carried out on an annual basis. The audit team will report to the MRRD ESS division and the WB. The MRRD ESS division will lead the implementation of any corrective measures that are required. An audit is necessary to ensure: (i) that the ESMF process is being implemented appropriately, and (ii) that mitigation measures are being identified and implemented. The audit will be able to identify any amendments to the ESMF approach that are required to improve its effectiveness.

An annual audit report will include:

- A summary of the environmental performance of the EQRA project based on environmental and social impact assessments (ESIAs) and ESMPs;
- A presentation of compliance and progress in the implementation of the sub-project ESMPs;
- Number of written warnings of violation of ESIAs/ESMPs issued to project proponents; and
- A synopsis of the environmental monitoring results from individual sub-project monitoring measures (as set out in the subproject ESIA/ESMPs).

4.9 LESSONS LEARNT

Valuable lessons have been learnt from the implementation of civil works under EQUIP. It is clear that the capacity for planning, design, contract management and quality assurance of school projects in Afghanistan is in need of considerable strengthening to ensure pace and quality of construction of schools in sufficient number. This document presents a summary of issues faced in EQUIP, the implementation strategy suggested for EQRA to address issues faced in EQUIP, though some risks that still remain.

The first Afghan government post-Taliban era was in 2004; prior to this, two decades of continuous war had ravaged the country and dismantled all the government institutions in the country. Nearly one third of the population had either fled the country or were internally displaced. The construction work under EQUIP I in 2006 took place within this context, which meant there was no semblance of construction industry and implementation processes in place. Therefore, the local communities were involved in construction of school buildings through community contracts (CCs).

There have been shortcomings at every stage of civil works implementation, starting with the poor selection of sites, improper drawings and documents and inadequate supervision resulting in poorly constructed buildings. Over the years, the construction scene in Afghanistan has improved and better skilled people are available for the design, construction and supervision phases. But these improvements are not enough and much more needs to be done for sustained better quality construction output, especially considering the construction envisaged under EQRA.

Under EQUIP, construction was implemented by MoE through the EQUIP coordination unit. This coordination unit had to coordinate between multiple departments, including the MoE Infrastructure Services Department (ISD) which provided technical input, the finance and procurement departments and the site supervision engineers hired at the provincial level. Under EQRA, construction will be handled by MRRD.

5. ESMF Objectives and Process

5.1 OBJECTIVE OF THE ESMF

The proposed EQRA Project, aimed at supporting the NESP III, has been classified as an Environment Category B in accordance with the WB's safeguard policies because the activities to be financed under the project are not expected to have any significant environmental or social impacts. Any anticipated impacts can be readily addressed through appropriate mitigation and management measures included in the design and implementation of project-specific activities. However, since the extent of these activities and their location are not known at this time and will depend to a large extent on availability of additional financial resources and assessments in the future, MRRD and MoE have prepared an ESMF in accordance with the WB's requirements.

The objective of the framework is to help ensure that activities under the project will:

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

In addition, in regard to potential land acquisition and in view of the two new Legal Instruments Land Management Law 2017 and Land Acquisition Law 2017, a RPF has been prepared for EQRA project. The purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to specific infrastructure investment activities by MRRD as and when they take place. In this way a consistent approach to resettlement practice will be ensured for all activities involving land acquisition and displacement.

The RPF sets out the general principles and steps to be followed in any land acquisition and resultant resettlement which may occur during the implementation of the EQRA projects such as the construction of schools by MRRD or with the co-operation of the MoE. The RPF is a customized version of an existing RPF, compliant with the provisions of Afghanistan's current Land Management law 2017, Land Acquisition Law 2017 and WB's OP 4.12 on Involuntary Resettlement.

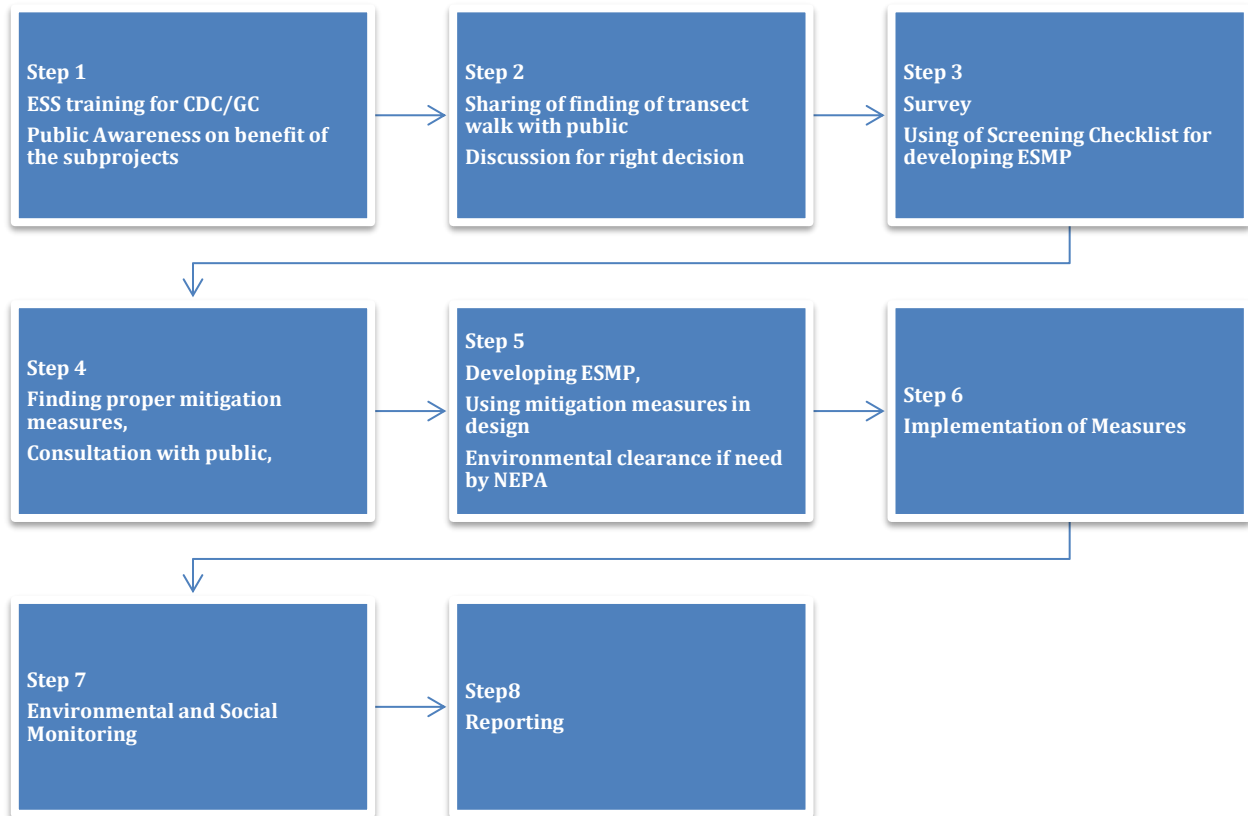
A transect walk, a key element of the environmental assessment and the site selection procedure, will be carried out for all proposed sub-projects prior to the design stage, to ensure the feasibility of the expected sub-projects. The selected site will be assessed from both an environmental and social aspect prior to the construction phase. The findings of the sub-projects will be shared with the communities during public consultation.

Based on the experiences and lessons learned from the potential environmental and social impacts of infrastructure sub-projects under EQRA, the following are the general principles of this framework:

1. The EQRA project will support multiple sub-projects, the detailed designs of which are not known at appraisal. To ensure the effective application of the WB's safeguard policies and Afghanistan Environmental Law and Regulations, the framework provides guidance on the approach to be taken during the process of the selection and design of sub-projects and planning of mitigation measures.
2. All proposed sub-projects will be screened to ensure that the potential environmental and social risks can be adequately addressed through the application of a typical ESMP. It is to be noted, however, that in case an environmental or social impact is identified, MRRD is required to apply relevant and applicable safeguards instruments.
3. In all sub-projects which require consultations with local communities or beneficiaries, gender-separated consultations will be conducted to elicit the views of the female population, along with that of the male population.
4. All activities under this ESMF follow the Do No Harm principle. All stakeholders should play an active role to ensure a better and sustainable outcome.
5. This ESMP will be disclosed in Afghanistan in Dari and Pashto after approval by WB Board.

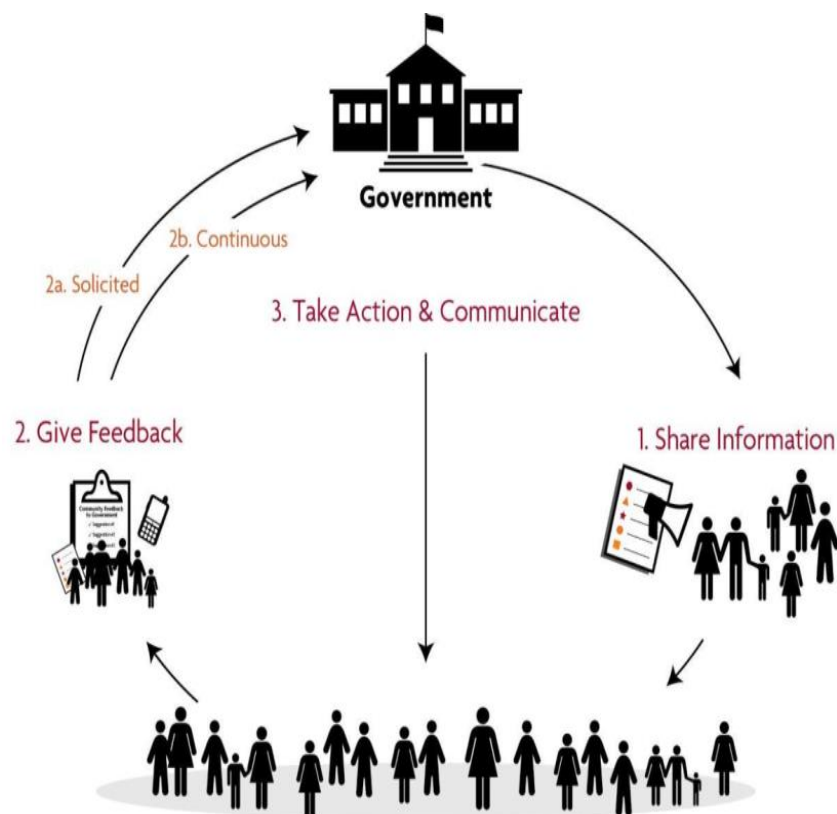
Additionally, the selection, design, construction, monitoring and evaluation of all sub-projects will be consistent with the guidelines set out in annexes.

1.2 ESMF PROCESS FLOWCHART AT SUB-PROJECT LEVEL:



5.3 CITIZEN ENGAGEMENT (CE)

CE values the right of citizens to have an informed say in the decisions that affect their lives. CE is based on a two-way interaction and dialogue with government and emphasizes the sharing of power, information, and a mutual respect between the two parties. Key elements of CE within the CCAP include stakeholder consultations and participation, effective implementation of a GRM, systematic third-party monitoring, community feedback mechanisms, social audit etc.



5.4 STAKEHOLDER CONSULTATION AND PARTICIPATION

The CCAP will prioritize consultations with different groups of direct and indirect stakeholders in proposed sub-project areas. Raising public awareness of proposed activities will form part of the wider consultation process. Separate meetings will be held with women and men for each affected mantaqa/Gozar (urban infrastructure) or village (other sub-projects). Every effort will be made to seek the views of vulnerable groups including women (especially female-headed households) and the landless about proposed sub-projects and their likely impacts.

Consultations related to activities which may involve some land or asset loss will inform the local population about their rights to compensation and options available in accordance with attached guidelines for land acquisition and grievance redress mechanisms (Annex 2). The minutes of the community meetings will reflect the discussions held, agreements reached and include details of the agreement. This will be part of sub-project proposal.

The implementing agency will provide a copy of the minutes to all affected persons and confirm in discussions with each of them, their requests and preferences for compensation, agreements reached, and any eventual complaint(s). Copies will be recorded in the posted project documentation and be available for inspection during supervision.

A dynamic participatory approach that seeks to involve the various stakeholders in the management of social and environmental issues will be encouraged throughout the course of a sub-project. Stakeholder representatives will be invited to 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 PMU's at

the provincial level, MRRD's facilitating partners and the national management committee. Principles of consultation are included as Annex 11. Summaries of consultations on draft CCAP ESMF will also be included under this annex.

Stakeholder Consultation: The ESMF was presented to stakeholders, including representatives from the Government of Afghanistan (MRRD, Independent Directorate of Local Governance (IDLG), MoE, Ministry of Public Health, MAIL, NEPA and Afghanistan National Standards Agency), civil society and members of urban and rural CDCs from Kabul and the surrounding provinces, at a consultation meeting held on 29th June 2016 (see Annex 14 for full minutes and list of participants). The executive summary of the draft ESMF was translated into Dari and Pashto and circulated to the stakeholders in advance of the consultation. A number of complete drafts of the ESMF were available at the meeting.

The stakeholders were given a presentation on the overall CCNPP and the provisions of the ESMF. Particular attention was paid to the process through which ESMPs would be developed and the involvement of the communities. Community representatives and other stakeholders highlighted a number of key issues, which would all be considered as part of the legal and regulatory framework guiding the ESMF, or within the ESMPs – e.g. site regulation, environmental degradation, preservation of cultural heritage etc. The issues raised by the CDCs reinforced the importance of the training for CDCs on environmental and social safeguards, which is a provision in this ESMF, together with the necessary monitoring of adherence to the ESMP during sub-project implementation.

NEPA agreed to receive a summary of program activities to review, due to the anticipated expected large volume of activities for the Citizens' Charter and to prioritize its involvement to areas where it would be most needed to review environmental considerations.

The legal status of the CDCs was raised as an issue hindering the recognition of the role of the CDCs as the elected representatives of the people at the village level. Under the National Solidarity Program (NSP), there was a CDC by-law because of which the Government will now have to consider the introduction of a new by-law, or other measures, to provide more recognition for the role of the CDCs in the implementation of the Citizens' Charter.

Community representatives also requested support to get the cooperation from the District Governors. The provincial and district governors have clear roles in the Citizens' Charter, with the provincial governors already having been involved in discussions with the President.

The one area raised regarding follow-up, is for IDLG to consider the standardization and location of septic tanks in urban areas. While the IDLG is now considering the feasibility and financial implications of this recommendation, it is fully committed to give this area particular attention. IDLG has now included improvements to the construction of septic tanks in the technical manual that has been prepared to guide the implementation of the Citizens' Charter service delivery.

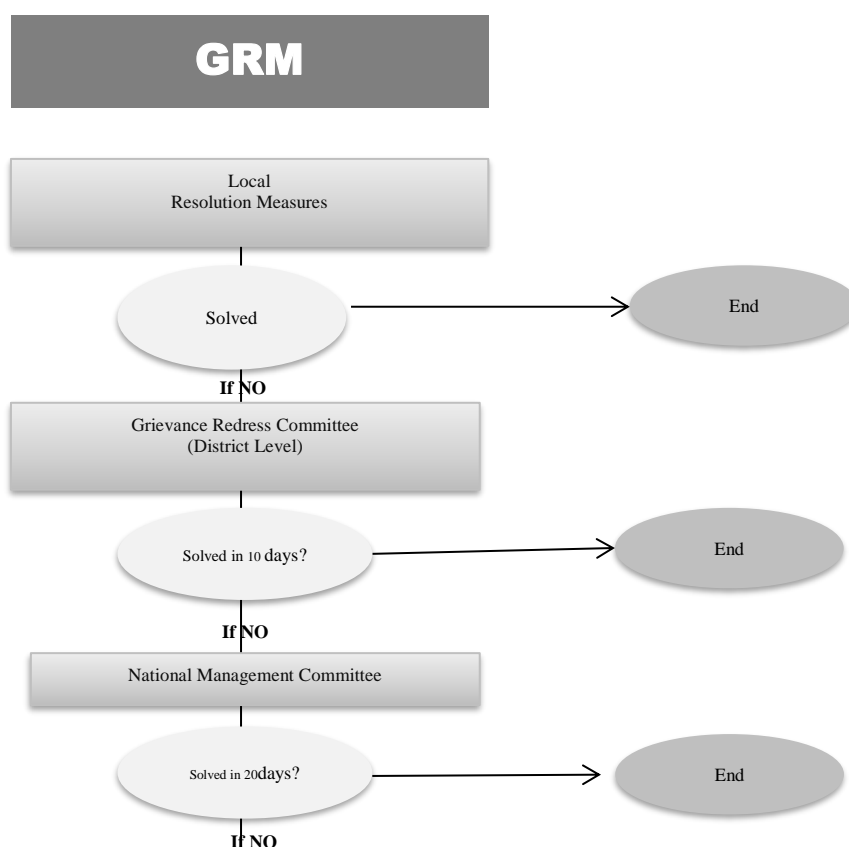
There were no identified areas for disagreement within the ESMF, but all participants acknowledged the need for specific training for all stakeholders to understand the commitments and implementation of the ESMF, through the individual ESMPs, throughout the duration of the CCAP.

5.5 GRIEVANCE REDRESS MECHANISM (GRM)

It was agreed between the MoE and MRRD that the already established CCAP GRM will be used for the construction component of the EQRA project. In initial meetings, CCAP staff in both the MRRD and IDLG, together with local government and MoE representatives informed community representatives about the

GRM and explained the various uptake channel for accessing the system to register potential complaints. The above-mentioned team should be required to explain the range of mitigation measures to reduce potential negative environmental and social impacts of project activities on communities. An integral part of the sub-project development will require the team to further discuss and agree with community representatives. These will be included within the project's ESMPs and should reduce the number of potential grievances.

The CCAP GRM system will use effective multi-level GRM system to handle all grievances related to sub-project activities for the construction component of the EQRA project. Complaints related to construction will be communicated to MRRD, and complaints related to land acquisition will be communicated to MoE under the construction component. Once the construction component is completed MoE will be required to develop their own ministry-based GRM for the rest of the project components. The GRM system for the construction component will function at three levels: at the community level where every effort will be made to resolve the issue; at the district and municipal level where Grievance Redress Committee (GRCs – Annex 12 (ii)) will be established and as an appeal mechanism at the national level.



If still unresolved, APs may choose to exercise their right under Afghanistan law to refer the matter to a court of law.

If intermediation at the local level is unsuccessful, the individual or affected person (AP) can take his or her complaint to a formal GRC at the district level which will record the grievance and try and resolve issues relating specifically to the implementation of the CCAP. A GRC will include the AP, MRRD's representative at the provincial level, MoE's representative at the provincial level / IDLG representative, a

representative from local government, a representative from the AP's CDC, which may be a representative from a women's CDC, a local non-governmental organization (NGO) representative and the contractor(s).

The AP (or his/her representative) may submit his/her complaint in a number of ways e.g. by written letter, phone, 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 the 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 CCAP's National Management Committee in Kabul, or if relevant to the management committee at the MoE. The National Management Committee will then examine and address the complaint within 20 days.

In urban areas, the Project Implementation Unit (PIU) will conduct a separate session at each neighborhood level elected for upgrading, to inform the affected communities about the mechanism. PIU will maintain a complaint record database to enable complaint tracking and review and establish a complaint handling committee and involve GCs members in grievance handling processes.

All submitted complaints and grievances will be added to a database/project file, which will be updated regularly by designated IDLG and MRRD staff. 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.

5.6 THIRD-PARTY MONITORING AND INDEPENDENT TECHNICAL AUDITS

A third-party monitoring agent will produce regular reports on selected sub-projects and will assess safeguards compliance using site specific ESMPs/RAP. The agency's reports will be informed by field observation visits and discussions with community representatives and various members of the project team. The role of the third-party monitor is increasingly important as security considerations make it difficult for WB staff to visit most sub-projects. Safeguards staff from MRRD, MoE, IDLG and relevant line ministries will meet regularly with the third-party monitor to review their safeguards findings and recommendations. Lastly, as with the NSP, an independent firm will conduct technical audits of CCAP sub-projects to review infrastructure quality, safeguards compliance and cost-effectiveness.

6. ESMF Implementation Arrangements

6.1 INSTITUTIONAL RESPONSIBILITIES

The overall responsibility of the school construction component of the EQRA project rests with the MRRD. The ESS unit within MRRD, responsible for the operationalization of the ESMF for CCNPP, will also be responsible for the safeguards implementation of EQRA project under the existing institutional arrangement. The responsibility of implementation of RPF will rest with MoE.

MRRD

National: At the national level, MRRD will have an ESSU with two staff (male or female), a senior environmental officer and a senior social officer. This unit will be responsible for all ESS issues within the overall ESMF and for ensuring the ESMF is operationalized at the field level through proper ESMPs. The ESS unit will develop the TORs for the ESS focal points at the sub-national level, develop the training manuals and provide training to the regional ESS staff. It will also provide a generic ESMP to the PMU for its guidance. This unit will also receive and review all quarterly ESS reports from the Citizens' Charter PMUs and address all queries that are received from the provinces and the field. This unit will review a sample of the ESMPs received from the PMUs to ensure that the correct procedures are followed and that the plan includes all necessary information. The unit will also coordinate with all stakeholders at the national level.

Regional: At the regional level, there will be one dedicated environmental and social safeguards officer (male or female) in each of the six regions. This staff person will be responsible for cascading the training received by the national ESSU to the ESS focal points / senior engineers in the PMUs. This person will also check a sample of the ESMPs received from the senior engineer in the PMU and will monitor a sample of the sub-projects for the implementation of the ESMP. The ESS officer will also provide technical support to the PMUs and will support the coordination with the provincial NEPA office and other line ministries. The ESS officer will provide reports back to the ESS unit at the national level.

Provincial: At the provincial level, one senior engineer (likely to be male) from the PMU will be nominated as the ESS focal point and assigned all ESS responsibilities. This engineer / ESS focal point will be responsible for training the district level engineers and for consolidating the quarterly ESS reports received from the districts. The senior engineer will approve all the ESMPs and send a sample to the ESSU. He / She will also monitor sub-project implementation, based on the ESMP and the review of the sub-project ESS checklist (see Annex 3 for environmental & social safeguards checklist). The senior engineer / ESS focal point will lead the discussion at the community level to present the findings of the transect walk. Key decision making with regard to the ESMP will take place at the provincial level, with any queries affecting decisions referred to the national unit.

District: At the district level, there will be one engineer (likely to be male) responsible to cover 20 CDCs. The district engineer will conduct the transect walk and be responsible for the discussion with the community on the findings. The engineer will also be responsible for sub-project site selection, completing the ESS checklist, identifying potential adverse impacts and mitigation measures and developing the environmental component of the ESMP. The district engineer will then consolidate the ESMP with the inclusion of the social component provided by the social organizers. The engineer will monitor the implementation of the ESMP and submit quarterly reports to the senior engineer in the PMU.

Also, at the district level, the facilitating partner (FP) will have 2 social organizers (1 male and 1 female) for every 20 CDCs. A key role of the 2 social organizers will be to work with the CDCs to ensure that the views and voices of the most vulnerable groups, especially female headed households and landless, are reflected in the selection and implementation of sub-projects. The social organizers will develop the social component of the ESMP and monitor implementation. The social organizers will also submit quarterly reports to the PMU. The social organizers will receive ESMF training from their FP training staff.

Community: CDCs will be responsible at the community level for the ESMF and the ESMP. They will receive training from the FPs on this responsibility. CDCs will support the district engineer to complete the ESS checklist and will be responsible for the implementation of the ESMP based on the findings from the transect walk.

MoE

At the national level, MoE will have one environmental and social safeguards officer who will be responsible for environmental and social issues, mainly the implementation of RPF guidelines and ensuring/monitoring compliance with social and environmental safeguards throughout the project sites. He or she will also be responsible for developing the training manuals and conducting training sessions. She or he will also receive and review all reports from the urban staff and address all queries that are received from the provinces. Other duties and monitoring at the provincial level will be done by provincial engineers and ESS responsibilities will be included in TOR for the provincial engineer. The MoU between the MoE and MRRD will highlight the institutional arrangements for the implementation of the project in greater detail.

6.2 ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN (ESMP) PREPARATION

The ESMP spells out action plan that will be used to mitigate/minimize negative impacts of the proposed projects and recommend mitigation measures, with monitoring and reporting details. Site specific ESMPs will be prepared by MRRD in rural areas, in consultation with the CDC. The ESMPs will be approved by the ESS focal point / senior engineer at the provincial level for MRRD.

The district engineer and the social organizers will prepare the ESMP. The district/city engineer will conduct the transect walk and be responsible for the discussion with the community on the findings. The engineer will also be responsible for selecting the sub-project site, completing the ESS checklist, identifying potential adverse impacts and mitigation measures and developing the environmental component of the ESMP. The social organizers will also develop the social component of the ESMP, which will then be consolidated by the district engineer.

The site specific ESMPs will be part of bidding documents and the implementation will be properly monitored by MRRD, CDCs and the third-party monitoring agency.

6.3 CAPACITY BUILDING

The program will allocate specific capacity building provisions for the safeguards unit within the MRRD & MoE headquarters and responsible staff at field level throughout the project lifecycle, to effectively implement this ESMF. This will include finalizing the ESS training manual, holding training workshops for ESS officers and focal points at the CCNPP PMU/PIUs.

Training modules will be prepared for CDCs, communities and contractors. ESS trainings will be conducted for the CDC/GC and communities. It is also proposed that ESS focal points at the community level be nominated. As part of the capacity building efforts, exposure visits abroad could also be organized in order to learn and benefit from the experiences and achievements made by other programs. All ESS training materials will be available into Pashto and Dari languages in order to increase its readability by the target audience at various levels.

During supervision of the proposed project, WB will assess the implementation of the Framework, and if required recommend additional strengthening.

Various topics to be covered in ESS trainings include but are not limited to the following:

Table 3: Key Training

| Key training for safeguards team and other staff | | |
|---|--|---|
| | Selected Environmental and Social Topics | Key elements |
| 1 | Citizen Engagement | |
| 1.2 | Environment and Social Management Framework | Policies, guidelines, procedures, and codes of practice, |
| 1.3 | WB Safeguards Policies Afghanistan Environment Law Environmental Evaluations Regulations | Relevant Afghan laws and regulations and WB safeguard policies and their application to the CCAP and EQRA Project. The role of NEPA in ensuring safeguards compliance |
| 1.4 | Environmental Impact Assessment and Social Impact Assessment techniques | Purpose of Transect Walk. Screening, Scoping and Mitigations, Developing Abbreviated RAPs and strip plans. Principles and Procedures, compensation criteria, potential impacts, communications with local communities |
| 1.5 | Development and Implementation Environmental and Social Mitigation Measures | Consultation with/ feedback to local communities on potential problems and their impacts – short term and cumulative, identification of appropriate mitigation measures. Identification of appropriate indicators, incorporating ESMPs into project document. |
| 1.6 | Environmental Monitoring and Evaluation | Identification of relevant environmental and social indicators. Monitoring responsibilities. Preparing monitoring reports |
| 1.7 | Trainings on social safeguards including Land acquisition/land management Conflict management Public consultation Participatory consultative techniques Physical Cultural Resources | Policies, guidelines, procedures, and codes of practice |

At the field level, CCAP safeguards officers will deliver the safeguards training to the CDC/GC. For increased understanding, the ESS unit will publish pictorial training material, booklets and cartoons. 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. It will also include training on basic technical concepts as well as principles of fair and equitable social organization.

6.4 MONITORING AND EVALUATION

The overall responsibility for the enforcement of this ESMF rests with MRRD. In order to ensure compliance, MRRD will be tasked with regularly monitoring the implementation of the ESMP during the construction phase. Monitoring of the implementation of mitigation measures related to significant impacts during the operation of sub-projects shall be mainly the responsibility of CDCs/GC and communities. The community participatory monitoring shall be extensively used in this regard.

The PIU ESS officer will also monitor sub-projects for ESMP compliance and supervise the work of the ESS focal points. Similarly, the ESS unit at headquarters will also periodically conduct monitoring of sub-projects as an overall overseeing institution.

6.5 INTERNAL ENVIRONMENTAL MONITORING AND REPORTING

At the provincial level, CCAP safeguards officers, together with CDC/GC, will continue to be responsible for monitoring the implementation of mitigation measures, set out in the ESMP. Relevant practical indicators to enable effective monitoring will be identified by safeguards staff, in close discussions with community representatives, during consultations on possible impacts of sub-project activities and the preparation of ESMP.

Environmental monitoring information, together with observations of project activities based on the ESMP, will be reported quarterly to the safeguards department headquarters in Kabul using standard reporting forms.

Quarterly monitoring reports from provincial ESS officers will include:

- Safeguards implemented issues (land acquisition, ESMP),
- Number of ESS trainings conducted with gender separation,
- Record of grievance applications (see Annex 12 (i) for a grievance registration form) and grievance redress dealt with, and
- Monitoring data on environmental and social measures detailed in ESMPs

ESS unit at the national level will prepare the quarterly report based on reports received from the field.

6.6 DISCLOSURE

This ESMF was developed by the MRRD and MoE. The ESMF will be disclosed by MRRD and MoE in their respective websites in both Dari and Pashto in relevant places in the country and the English version of the ESMF at the World Bank's InfoShop. The ESMF will also be posted on the CCAP website.

Annexes

Annex 1: Negative Menu of Sub-project Attributes

Sub-projects with any of the attributes listed below will be ineligible for funding under the proposed EQRA project.

| Attributes of Ineligible Sub-projects |
|--|
| <p>Involves significant conversion or degradation of critical natural habitats including, but not limited to, any activity within:</p> <ul style="list-style-type: none"> ▪ Ab-i-Estada Waterfowl Sanctuary; ▪ Ajar Valley (Proposed) Wildlife Reserve; ▪ Dashte-Nawar Waterfowl Sanctuary; ▪ Pamir-Buzurg (Proposed) Wildlife Sanctuary; ▪ Bande Amir National Park; ▪ Kole Hashmat Khan (Proposed) Waterfowl Sanctuary. |
| <p>Will significantly damage non-replicable cultural property, including but not limited to any activities that affect the following sites:</p> <ul style="list-style-type: none"> • Monuments of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, Fifth Minaret, Gawhar Shah mausoleum, mausoleum of Ali Sher Navai, and the Shah Zadehah mausoleum complex); • Monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-I Ghulghular and Shahr-i Zuhak); • Archaeological site of Ai Khanum; • Site and monuments of Ghazni; • Minaret of Jam; • Mosque of Haji Piynda/Nu Gunbad, Balkh province; • Stupa and monastery of Guldarra; • Site and monuments of Lashkar-i Bazar, Bost; • Archaeological site of Surkh Kotal. |
| <p>Requires:</p> <ul style="list-style-type: none"> • Equipment or materials that are included in the annual implementation plans by other agencies (e.g. by other government or NGO sub-projects that are operating in the area); • Political campaign materials or donations in any form; • Weapons including but not limited to mines, guns and ammunition; • Chainsaws; • Pesticides, herbicides and other chemicals; • Investments detrimental to the environment; • Motorized extraction of groundwater; • Construction, rehabilitation, or maintenance of any government office buildings; • Payments of salaries to government servants or the salaries of the staff of government subsidized organizations; • Any activity on land that is considered dangerous due to security hazards or the presence of unexploded mines or bombs; • Any activity on land or affecting land that has disputed ownership, tenure or user rights. • Any activity that will support drug crop production or processing of such crops. |

Annex 2: Sub-project Site Selection Criteria & Evaluation Checklist EQRA

Province: -----
District: -----
Community: -----

Project ID #: -----
Project Input: -----

| شرح Description | بله Yes | خیر No | مشکلات عمده Potential Problem |
|--|---------|--------|-------------------------------|
| Site Access دسترسی به ساحه** | | | |
| Centrally located with regard to population density? با توجه به تکاتف نفوس در ساحه، آیا پروژه در مرکزیت قرار گرفته است؟ | | | |
| Is there a safe walking area for children and females? آیا مسیر مطمئن رفت و آمد برای اطفال و زنان در ساحه احداث پروژه وجود دارد؟ | | | |
| Located on or near the main road? آیا پروژه نزدیک و یا در مسیر سرک عمومی قرار گرفته است؟ | | | |
| Is there adequate open play/recreational area? آیا فضای مناسب برای انجام بازی/تفریح در ساحه پروژه وجود دارد؟ | | | |
| Located at high snow, rainfall area? آیا پروژه در ساحه قرار گرفته که بارندگی و برف زیاد دارد؟ | | | |
| Is there an obstacle to access (such as intersections, trees, garden, wall)? آیا مانع (درخت، باغ، دیوار، دو راهی) برای دسترسی به پروژه است؟ | | | |
| Is there a natural obstacle (flood plain grades or gullies)? آیا مانع طبیعی (دره، راه سیلاب، پتی) در ساحه پروژه است؟ | | | |
| Easily accessed/evacuated for vehicles etc. during emergency? آیا پروژه امکانات ساده برای ایجاد فضا برای وسایط نقلیه در مواقع اضطراری را دارد؟ | | | |
| Site Characteristics and Size وسعت و خصوصیات ساحه | | | |
| Enough & adequate area to meet the plan? آیا ساحه کافی برای احداث پروژه موجود است؟ | | | |
| Potential for expansion for future plan? آیا برای وسعت دادن پروژه در آینده امکانات وجود دارد؟ | | | |
| Prone to environmental natural hazards (air pollution, water pollution, toxins, storm, earthquakes, trees)? آیا امکانات خطرات طبیعی و محیطی (آلودگی هوا، آب، زهریات، طوفان، زلزله، قطع درختان) وجود دارد؟ | | | |
| Disputed land? Or conflict between communities? آیا زمین برای احداث پروژه منازعه ای است؟ یا منازعه میان کمیونیتی ها بالای زمین وجود دارد؟ | | | |
| Potential of loss of accessor negative impact on livelihoods? آیا امکان کاهش دسترسی یا تاثیر منفی بر معیشت زندگی در پروژه وجود دارد؟ | | | |

| مشکلات عمده Potential Problem | No خیر | Yes بلی | شرح Description |
|--|-----------|------------|---|
| | | | Ecologically sensitive environment (landscape, wildlife), آیا محیط حساس ایکولوژیکی در ساحه پروژه موجود است؟ |
| | | | Historically or archaeologically valuable, آیا ساحه پروژه از لحاظ مسایل باستان شناسی و تاریخی داری ارزش است؟ |
| | | | Is the subproject planned site is prone to flood/avalanches? آیا ساحه پلان شده برای پروژه در مسیر سیلاب/برفکوج قرار دارد؟ |
| | | | Topographically suitable for construction, آیا ساحه انتخاب شده از لحاظ عوارض طبیعی مناسب برای احداث پروژه است؟ |
| Environmental and Safety Issues مسایل محیطی و ایمنی | | | |
| | | | Adjacent to or near to highway road ways, آیا پروژه نزدیک یا در مجاورت شاهراه یا سرک قرار دارد؟ |
| | | | Close to sewer or community water/power lines, آیا پروژه در نزدیک به مسیر آب، برق ویا فاضلاب کمیونیتی قرار دارد؟ |
| | | | Close to high noise sources, آیا پروژه نزدیک منبع تولید صدای بلند قرار دارد؟ |
| | | | Soil or groundwater contaminants (such as from landfills, dumps, fuel tanks, pesticides, fertilizer and etc.) آیا خاک یا آب زیر زمینی ساحه پروژه آلوده است با (مواد پرکاری شده، انبار شده، مواد سوخت، حشره کش ها، کود ویاچیزهای دیگر)؟ |
| | | | Are any major waterborne diseases (diarrhea, skin disease, typhoid,) are recorded for the project site? آیا ساحه پروژه ملوث با امراض ناشی از آب است مانند (اسهال امراض پوستی، محرقه)؟ آیا این امراض ثبت شده در ساحه پروژه؟ |
| | | | Is the subproject located near to the municipality trash and garbage disposal/dumping site? آیا پروژه نزدیک ذباله دانی و انبار کثافات شاروالی است؟ |
| | | | Is there any source of drinking water, electricity and other basic infrastructure in place? آیا در ساحه پروژه منبع آب، برق ویا دیگر زیربنا های اولیه است؟ |
| | | | Is there any conflict or tension over right of way/water rights? آیا منازعه ویا کشیدگی در مورد حقابه و حق راه در ساحه پروژه وجود دارد؟ |
| Soil خاک | | | |
| | | | Is the soil surface stable for ordinary engineering design? آیا مقاومت خاک ساحه مناسب احداث پروژه دیزاین شده است؟ |
| | | | Is the selected site prone to landslides or stone slide from the hill? آیا ساحه احداث پروژه مستعد لغزش زمین و یا سنگ است؟ |
| | | | Is the water table very high and need special sewage system? آیا سطح آب در ساحه پروژه انقدر بلند است که ضرورت به سیستم فاضلاب مشخص دارد؟ |
| | | | Easy accessible water table for drinking and sanitation آیا سطح آب در ساحه احداث پروژه قابل دسترسی برای مسایل شرب و حفظ الصحه است؟ |
| | | | Existing land fill, |

| مشکلات عمده Potential Problem | No خیر | Yes بلی | شرح Description |
|---|-----------|------------|--|
| | | | آیا امکان لغزش زمین در ساحه احداث پروژه موجود است؟ |
| Cost قیمت | | | |
| | | | Reasonable costs for site preparation, آیا فراهم کردن ساحه هزینه مناسب را ضرورت دارد؟ |
| | | | Reasonable maintenance costs, آیا پروژه از لحاظ مسایل حفظ و مراقبت هزینه مناسب را ضرورت دارد؟ |
| Public Acceptance تائید عامه | | | |
| | | | Public acceptance of the proposed site (male & female), آیا ساحه پروژه مورد تائید عامه (زن و مرد) قرار گرفته است؟ |
| | | | Any negative environmental/social impact description, ایا در ساحه احداث پروژه تاثیرات منفی اجتماعی و محیطی وجود دارد؟ |
| Comments and Acceptance Reason اظهار نظریات و دلیل تائید ساحه برای احداث پروژه**** | | | |
| | | | |

Note: * Environmental Screening must be conducted for the selected site. ** Any comments and recommendations for improving of selected site and agreement of CDC.

یادداشت: * ارزیابی محیط باید برای ساحه انتخاب شده صورت گیرد. ** نظریه و پیشنهاد جهت بهبود ساحه انتخاب شده برای احداث پروژه و توافق شورای انکشافی محل

تکمیل شده توسط: Checklist filled by:

Name of Engineer: ----- Signature: ----- Date: -----

تصویب شده توسط دفتر ولایتی: Approved by Provincial PMU:

Name of NSP Engineer: ----- Signature: ----- Date: -----

Annex 3: Monitoring Checklist for Environmental & Social Safeguards

Monitoring Checklist for Environmental and Social Safeguards EQRA

چک لیست نظارت تحفظ محیطی و اجتماعی

Province:
District:

Project ID #:
MRRD Engineer:

| ACTIVITY فعالیت | PARAMETER محدوده ها یا شاخص | YES/NO بلی / خیر | If No, what is the reason, در صورتیکه خیر باشد، دلیل اش چیست؟ |
|-------------------------------|--|---------------------|--|
| Site Selection انتخاب ساحه | (a) Has the transect walk done through the project alignments? آیا قدم زدن در مسیر پروژه توسط اشخاص مربوطه (انجینیر دفتر همکار با همکاری مردم محل) صورت گرفته است؟ | | |
| | (b) Have the key points of Technical, Economical, Environmental, Social and Operation & Maintenance factors of the site selection criteria shared with CDCs and its documents exist? آیا موارد اساسی معیارات انتخاب ساحه هم از لحاظ فنی، اقتصادی، محیطی، اجتماعی و حفظ و مراقبت با شورای انکشافی محل شریک ساخته شده و اسناد آن موجود است؟ | | |
| | (c) Have their ideas and views taken into consideration during the Site Selection process? آیا ایده ها و نظریات شورای انکشافی در جریان انتخاب ساحه پروژه مد نظر گرفته شده است؟ | | |
| | (d) Is there a team of locals, engineer (FP) selected for site selection? آیا برای تثبیت ساحه تیم از مردم محل و انجینیر (دفتر همکار) انتخاب شده است؟ | | |
| | (e) Is there a list or criteria set for site selection? آیا برای تثبیت ساحه لیست از معیارات انتخاب مشخص شده است؟ | | |
| | (f) Is Site Selection Criteria Checklist available in the proposal? آیا چکلیست معیارات انتخاب ساحه در پیشنهادیه پروژه موجود است؟ | | |

| ACTIVITY فعالیت | PARAMETER محدوده ها یا شاخص | YES/NO بلی / خیر | If No, what is the reason, در صورتیکه خیر باشد، دلیل اش چیست؟ |
|--|---|---------------------|--|
| | (g) Have the Project Affected People (PAP) been identified/consulted and are the minutes of the meeting in hand? آیا اشخاص متأثر شده از پروژه شناسایی/مشوره شده اند، و یادداشت جلسات آن موجود است؟ | | |
| | (h) Will the project cause disproportionate impact to women or other disadvantaged or vulnerable groups? آیا پروژه دارای تأثیرات نا متناسب و نا مساعد بالای زنان و گروه های آسیب پذیر خواهد بود؟ | | |
| Impact Identification شناسایی تأثیرات | (a) Has the Impact Identification Checklist done? آیا چکلیست شناسایی تأثیرات اجرا شده؟ | | |
| | (b) Are there any impacts identified? آیا کدام تأثیر شناسایی شده است؟ | | |
| Impact Mitigation راه حل های کاهش تأثیرات | (a) Is the Environmental Impact Checklist for the subprojects available? آیا چکلیست مشاهدات محیطی در پیشنهادیه پروژه فرعی موجود میباشد؟ | | |
| | (b) Have the significant impacts discussed with CDC? آیا تأثیرات چشمگیر مخرب با شورای انکشافی قریه در میان گذاشته شده است؟ | | |
| | (c) Is there any agreement in place with CDC? آیا توافق در این زمینه با مردم صورت گرفته است؟ | | |
| ESMP development تهیه پلان تنظیم محیطی و اجتماعی | (a) Has ESMP been developed for the project? آیا پلان تنظیم محیطی و اجتماعی برای پروژه تهیه شده؟ | | |
| | (b) Has the ESMP covered all identified adverse impact? آیا پلان تنظیم محیطی و اجتماعی تمام تأثیرات مخرب شناسایی شده را احتوا نموده است؟ | | |
| | (c) Has the ESMP been part of bidding document? آیا پلان تنظیم محیطی و اجتماعی جز اسناد داوطلبی پروژه بوده؟ | | |
| | (d) Has the ESMP implemented properly? آیا پلان تنظیم محیطی و اجتماعی بصورت درست انجام شده است؟ | | |

| ACTIVITY فعالیت | PARAMETER محدوده ها یا شاخص | YES/NO بلی / خیر | If No, what is the reason, در صورتیکه خیر باشد، دلیل اش چیست؟ |
|---|---|---------------------|--|
| | (e) Are there any unforeseen impacts not mentioned in the ESMP? If Yes, what are they? آیا تأثیرات پیشبینی نشده که در پلان تنظیم محیطی و اجتماعی از آن نامبرده نشده موجود است؟ در صورت بلی، آنها چی هستند؟ (در چوکات روبرو شرح دهید) | | |
| Acquisition of land کسب زمین | (a) How much squared meter land required for the project? چند متر مربع زمین برای پروژه لازم بوده است؟ | | |
| | (b) Land provided through donation, purchase by CDC or governmental land? آیا کسب زمین برای پروژه از طریق وقف، خریداری توسط شورای انکشافی یا از زمین دولتی صورت گرفته است؟ | | |
| | (c) Is the document of transaction done properly? آیا سند انتقال زمین بصورت درست طی مراحل گردیده است؟ | | |
| | (d) Have the Project Affected People (PAP) identified/consulted? And have the minutes of the meeting recorded? آیا اشخاص متأثر شده از پروژه شناسایی/مشوره شده اند، و یادداشت جلسات آن موجود است؟ | | |
| | (e) Does it affect more than 10% of land donor livelihood? آیا مقدار گرفته شده بیشتر از 10% معیشت وقف کننده است؟ | | |
| | (f) Have the PAPs been informed about possibilities for compensation? آیا اشخاص متضرر از پروژه از موجودیت امکان پرداخت جبران خساره با خبر بوده اند، | | |
| Notification and Worker Safety اطلاعیه و ایمنی کارگران | (a) Does the project include measures to ensure a safe and healthy working environment for workers employed as part of the project? If Yes, what are those measures? آیا پروژه اقدامات مناسب برای مطمئن شدن از محیط ایمن و صحتی برای کارگران استخدام شده دارد؟ در صورتیکه بلی باشد، آن اقدامات چی هستند؟ (در چوکات روبرو شرح دهید) | | |
| | (b) Has the community been notified of upcoming activities by ESS Focal Points? آیا شورا توسط اشخاص ارتباطی تحفظ محیط زیست و اجتماع از فعالیت های آینده آگاهی داده شده است؟ | | |
| | (c) Has the public been notified of the works through appropriate notification (including the site of the works)? آیا مردم محل از جریان کار در ساحه مورد نظر با استفاده از اطلاعیه های مناسب آگاه شده اند؟ | | |

| ACTIVITY فعالیت | PARAMETER محدوده ها یا شاخص | YES/NO بلی / خیر | If No, what is the reason, در صورتیکه خیر باشد، دلیل اش چیست؟ |
|--|---|---------------------|--|
| | (d) Does the Contractor formally agree that all work will be carry out in a safe and disciplined manner designed to minimize impacts on neighboring residents and environment? آیا قراردادی بصورت رسمی توافق نموده که کار های پروژه را با توجه به نرساندن ضرر به شورا های همجوار و محیط منطقه اجرا نماید؟ | | |
| | (e) Have Workers' PPE been complied with good practice (hardhats, as needed masks and safety glasses and safety boots)? ایا کارگران ملبس با تجهیزات محافظوی فردی (کلاه، ماسک، عینک و بوت) اند؟ | | |
| | (f) Has worker informed with appropriate signposting of the sites with key rules and regulations to follow? آیا کارگران در ساحه با استفاده از علایم و رهنمود های وقوانین از اجرای و ادامه کار آگاهی یافته اند؟ | | |
| | (g) Is the construction site properly secured In compliance with NSP Camp Construction safety and health guideline, this includes but is not limited to: <ul style="list-style-type: none"> Is Signposting, warning signs, barriers and traffic diversions in place: Is the site clearly visible and the public warned of all potential hazards? Is working hours set well in the community and public warned about? آیا ساحه احداث پروژه با توجه به رهنمود احداث کمپ کاری و صحت برنامه همبستگی ملی صورت گرفته است، که این مورد مقید نمیشود به: <ul style="list-style-type: none"> ایا لوحه ها، اخطاریه ها، موانع و راه های انحرافی موجود است؟ آیا ساحه به صورت واضح قابل دید بوده و مردم از خطرات احتمالی آگاهی یافته اند؟ ایا ساعات کاری تثبیت و مردم محل از موضوع اطلاع یافته اند؟ | | |
| General Conditions and Waste Management موضوعات عمومی و مدیریت ذباله | (a) Is the site cleaned from exist construction debris? آیا ساحه از وجود ذباله های ساختمانی پاک شده است؟ | | |
| | (b) Is demolished/construction debris moved and kept in controlled area? آیا ذباله های ساختمانی به یک مکان امن و کنترل شده انتقال یافته است؟ | | |
| | (c) Has water spray been used to reduce or minimize dust debris? آیا به منظور کم کردن ذباله ها و خاکباد آبپاشی صورت گرفته است؟ | | |
| | (d) Have the sidewalks, roads kept free of construction debris? آیا ساحات رفت و آمد (سرک های و پیاده رو ها) از وجود ذباله های ساختمانی پاک شده؟ | | |
| | (e) Is the disposal area selected well and located in a safe place? آیا ساحه طرد ذباله در یک مکان مناسب انتخاب و قرار گرفته است؟ | | |

| ACTIVITY فعالیت | PARAMETER محدوده ها یا شاخص | YES/NO بلی / خیر | If No, what is the reason, در صورتیکه خیر باشد، دلیل اش چیست؟ |
|--------------------|--|---------------------|--|
| | (f) Is construction noise limited to restricted times agreed to in the permit? آیا سروصدا های ناشی از کار ساختمانی به ساعت توافق شده محدود شده است؟ | | |
| | (g) Does the project include measures to avoid corruption? آیا اقدامات لازم به منظور جلوگیری از فساد و رشوه در پروژه موجود است؟ | | |
| | (h) Does the project include measures to avoid forced labor and/or child labor? آیا در پروژه اقدامات به منظور جلوگیری از کار به جبر و استفاده از نیروی کاری اطفال موجود است؟ | | |
| | (i) Does the project change the morphology and regime the stream? آیا پروژه شکل ظاهری جوی و جریان آب را تغییر میدهد؟ | | |
| | (j) Have PAPs been consulted separately? آیا اشخاص متضرر از پروژه بصورت جداگانه مورد مشوره قرار گرفته اند؟ | | |
| | (k) Are PAP Consulted Comments/and their agreements with minutes of the meeting in proposal? آیا مشوره ها، نظریات و تفاهمات و یادداشت جلسات اشخاص متضرر در پروپوزل موجود است؟ | | |
| | (l) Are there any safeguards training conducted for CDC? آیا آموزش تحفظ محیط زیستی و اجتماعی برای شورا های انکشافی دایر گردیده است؟ | | |
| | (m) What were the main topics of Safeguards training for the CDC? عناوین عمده این آموزش ها برای شورا های چی بوده است؟ در چوکات | | |
| | (n) Have PMU ESS Focal Points had any comments and inputs in the training sessions? ایا شخص ارتباطی تحفظ محیط زیستی و اجتماعی در جلسات آموزشی شورا ها ذیدخل بوده است؟ | | |
| | (o) Have ESS Focal Points monitored FPs ESS works? ایا شخص ارتباطی تحفظ محیطی و اجتماعی کار های فوکل پاینت های دفاتر همکار را نظارت نموده اند؟ | | |
| | (p) Have FP ESS Focal Points had discussions with the local community on installation of Construction Camp, collecting water, construction material, working time and restoration of site to prior stage of projects? آیا شخص ارتباطی تحفظ محیطی و اجتماعی در مورد احداث کمپ کاری، استفاده از آب، مواد ساختمانی، ساعت کاری و احیای ساحه اطراف پروژه که صدمه دیده به حالت قبل از کار پروژه صحبت نموده است؟ | | |
| | (q) Has any divert route been constructed for transportation of construction material? آیا در مسیر پروژه راه های انحرافی کمکی برای انتقال مواد ساختمانی ساخته شده است؟ | | |
| | (r) Has any on-the-job-safety training been given to CDC? آیا برای شورا های انکشافی آموزش ایمنی و تحفظ داده شده است؟ | | |
| Water Quality | (a) Have the project activities brought any pollution to the water sources? | | |

| ACTIVITY فعالیت | PARAMETER محدوده ها یا شاخص | YES/NO بلی / خیر | If No, what is the reason, در صورتیکه خیر باشد، دلیل اش چیست؟ |
|----------------------------------|---|---------------------|--|
| کیفیت آب | آیا فعالیت های پروژه باعث آلودگی منابع آبی گردیده است؟ | | |
| | (b) Is there any appropriate mechanism in place to prevent such impacts (erosion and sediment control measures such as e.g. hay bales and / or silt fences to prevent sediment from moving off site in nearby streams and rivers)? If yes; what are those? آیا راهکار های مناسب برای جلوگیری از تاثیرات (اقدامات پیشگیرانه برای جلوگیری از فرسایش و استفاده از قوده علف / یا دیواره های گلی برای کنترل ترسوبات از جریانات آب دریا یا جوی ها) در ساحه وجود دارد؟ اگر وجود دارد، پس این اقدامات چی است؟ (در چوکات روبرو شرح دهید) | | |
| Cultural Heritage آثار فرهنگی | (a) Is the project located near an archeological and cultural site? آیا پروژه نزدیک ساحه فرهنگی و باستانی قرار گرفته است؟ | | |
| | (b) Has any cultural heritage been discovered by chance? آیا در ساحه پروژه کدام کشف تصادفی آثار فرهنگی صورت گرفته است؟ | | |
| | (c) What mitigations are taken into consideration for protecting cultural heritage? برای حفاظت آثار فرهنگی کدام اقدامات در پروژه مد نظر گرفته شده است؟ | | |

Prepared by PMU ESS Focal Point:

Date:

Annex 4: Technical Guidelines

The following Technical Guidelines are intended to be used by the consultants/contractors involved in the design, construction and operation of the EQRA project. These guidelines illustrate the required mitigation measures that correspond to the specific environmental and social impacts.

The guidelines should be referred to when preparing the ESIAs/ESMPs that respond to the issues identified in the E&S Screening Form.

This Annex contains the following guidelines:

Technical Guideline 1: Prevention of and protection from soil erosion.

Technical Guideline 2: Prevention of and protection from landslides.

Technical Guideline 3: Use of quarries.

Technical Guideline 4: Disposal of spoil material, including harmful substances.

Technical Guideline 5: Management of dust.

Technical Guideline 6: Management of lubricants, oils and fuels.

Technical Guideline 7: Health and safety

In addition, it is recommended that best practice guidelines for OHS as outlined in **IFC's OHS Guidelines**⁴ be applied.

Technical Guideline 1: Prevention of and protection from soil erosion

| Description of Impact |
|--|
| <p>Soil erosion is the state of land surface disturbance caused mainly by water and wind or other anthropogenic activities. The objective of this guideline is to minimize the quantity of soil lost during construction due to land-clearing. In dealing with soil erosion the priority should be given to prevention rather than treatment measures.</p> <p>In this project 'low' to 'moderate' scale soil erosion is expected which may be induced by vegetation clearing. Some generic guidelines which may apply in this project are:</p> <ul style="list-style-type: none">▪ Natural vegetation shall be retained, protected or supplemented to the extent practical. The stripping of vegetation shall be done in a manner that minimizes soil erosion.▪ Large construction equipment shall not be placed in the base of an infiltration area during construction. Construction vehicles (if any) shall not be placed in the root zone area of trees to be retained during construction.▪ Onsite waste generated during the construction phase, including, but not limited to discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste shall be removed from the site daily to the extent feasible or at a regular interval.▪ No ground disturbed as a result of site construction and development shall be left as exposed bare soil. All areas exposed by construction, with the exception of finished building, structure, and pavement, shall be de-compacted (aerated) and covered with a minimum thickness of six inches of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such grass, groundcovers, trees, and shrubs, and other landscaping materials such as mulch, loose rock, gravel or stone. |

| Mitigation Measures | | |
|---------------------|---|---|
| Issue | Drivers of impact | Mitigation Measures |
| Soil Erosion | Erosion due to cut and fills, and clearing vegetation/trees for construction | <ul style="list-style-type: none"> - Limitation of earth moving to dry periods - Protection of most susceptible soil surfaces with mulch. - Protection of drainage channels with berms, straw or fabric barriers. - Installation of sedimentation basins, seeding or planting of erodible surfaces as soon as possible - Preserve vegetation by physically marking and building sturdy fence as shown in the picture below: <div data-bbox="816 569 1390 991" data-label="Image"> </div> <ul style="list-style-type: none"> - Re-vegetate stockpiles to protect the soil from erosion |
| | Erosion due to slope | <ul style="list-style-type: none"> - Slope stabilization manually or via machines - Avoid soil surface work under aggressive rain and strong winds conditions - Establishment of vegetative cover on erodible surface as early as possible |
| | Erosion due to construction drain water | <ul style="list-style-type: none"> - Proper drainage outlets must be installed connected to main sewer system or local drainage. - Program construction activities so that the area of exposed soil is minimized during times of the year when the potential for erosion is high, for example during summer when intense rainstorms are common. - Cultivating the cut surface will increase infiltration of rainfall and decrease the velocity of water across the slope during rain and therefore reduce erosion |
| | Erosion due to movements (heavy vehicles etc.), which causes compact soil, changing surface and groundwater flows and damaging future use for agriculture | <ul style="list-style-type: none"> - Stabilize the site and install and maintain erosion controls so that they remain effective during any pause in construction - Keep vehicles to well-defined haul roads, mark areas for preservation and instruct workers to honor those areas - Keep haul roads off sloping terrain wherever practical |

| | | |
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| | | - Minimize the use of heavy equipment's to the extent possible |
| | Erosion due to wind | <ul style="list-style-type: none"> - Ensure that smooth surfaces are deep ripped and left rough and cloddy to reduce the wind velocity at the soil surface. - Construct wind fences if this is appropriate for the site. |

Reference:

Erosion & Sediment Control Guidelines for Urban Construction, December, 2006.

<http://www.rvca.ca/plan-reg/PDF/TRCA%20S&E%20Control%20GGHCA%20s%2040035.pdf>

Arne Eriksson & Asfaw Kidanu (August, 2010) Guidelines for Prevention and Control of Soil Erosion In Construction Works.

http://www.ilo.org/public/english/region/afpro/daressalaam/download/soil_prevention_kenya.pdf

Best Practice Environmental Management, Environmental Guidelines for Major Construction Sites

(1996), Environment Protection Authority <http://www.epa.vic.gov.au/~media/Publications/480.pdf>

Sediment & Erosion Control On Construction Sites Field Guide, Cooperative Extension Service School of the Virgin Islands (2003), <http://www.coralreef.gov/transportation/sederosuvi.pdf>

Technical Guideline 2: Prevention of and Protection from Land Slides.

| Description of Impact |
|--|
| <p>Landslides are a major natural disaster in mountainous areas that causes damage to property and lives. They are triggered by heavy rainfall, steep slopes, seismic activities and poor drainage system. Considering the topography of Afghanistan, landslides require special attention in construction activities. The purpose of this guideline is proposing measure which could help in mitigation or avoiding landslide.</p> <p>Pre-Construction Phase:</p> <p>Before the start of construction activities, it is crucial to get familiar with the characteristics of the land. Landslides can happen on natural slopes or slopes that have been modified by human activity (fills, cuts, waste piles). They tend to occur on slope angles steeper than 22 degrees (40 percent slopes), therefore it is advised to determine if modified slopes exist on your property and if they are stable. The MUD together with Afghanistan Information Management System has developed landslide hazard maps; these maps may be useful to avoid being victim to naturally occurring landslides.</p> <p>Construction Phase:</p> <p>Water is one of the biggest triggers of landslides, when soil on steep slopes get over saturated; they lose their strength and are prone to failure. Therefore, try to maintain water flowing into its natural drainage ways, or direct it through drainage pipes but avoid letting it go over the steep slope. The foundation on which on which construction should be thoroughly tested and any cut or fill slopes and drainage near them should be carefully designed to avoid landslides.</p> <p>Post-Construction Phase:</p> <p>Normally less monitoring is carried out after the completion of construction activities, to avoid landslides it is recommended to maintain ditches and culverts. Blocked storm water runoff pathways can lead to water running over slopes that were not designed for it. This can lead to over-saturation of the soil and failure. Also, ensure to report if you see cracks along the edges of driveways or tops of fill slopes.</p> |

| Mitigation Measures | | |
|---------------------|-----------------------|--|
| Issue | (Driver of) Impact | Mitigation Measures |
| Landslides | Steep Slope | <ul style="list-style-type: none"> - Plant trees and other vegetation on the slope to prevent landslides - Keep the surface drainage system away from the steep slopes, loose soil and non-vegetated land - Surface water should not be allowed to pond on the landslide-prone slope - Minimize the land vibrations caused by heavy equipment used during the construction |
| | Poor Drainage | <ul style="list-style-type: none"> - Direct the drainage water to flow via drainage pipes instead of allowing it through the slope. - Keep the surface drainage system away from the steep slopes, loose soil and non-vegetated land |
| | Modification of slope | <ul style="list-style-type: none"> - Keep the modification of slope to minimum |
| | Removal of vegetation | <ul style="list-style-type: none"> - Avoid removal of dense vegetation on steep slope as it works as a bio-stabilizer - Compensate for any vegetation cleared |

Technical Guideline 3: Use of Quarries

| Description of Impact | | |
|---|---|--|
| <p>The construction work is likely to create a huge demand for construction materials such as sand, clay for bricks and timber which will place a burden on resources. Therefore, there will be impact related to sand mining and extraction of gravel from burrow pits/quarries.</p> <p>The contractor shall ensure that all raw material such as rubble, metal, timber etc. required for the construction of the building are sourced from licensed sources. If the contractor himself wants to operate his own quarry/ sandpit, all necessary approvals from the relevant authorities shall be obtained. Contractor will need to submit copies of such approvals to the relevant school in-charge.</p> | | |
| Mitigation Measures | | |
| Issue | (Driver of) Impact | Mitigation Measures |
| Degradation of land and stone / sand reserve | Uncontrolled stone quarrying techniques | <ul style="list-style-type: none"> - Put in-place licensing agreement between the district level representative of department of the mines and minerals and Transportation Company. - Limit the issuance of license to those who are experienced in quarrying - Improve the technologies used in quarrying work - Method of cutting stone through improved technology instead blasting |
| | Lack of regulations on quarrying land | <ul style="list-style-type: none"> - Include the extraction of the building material such as sand, clay, and concrete blocks in the mining law. |

| | | |
|--|---------------------------------------|---|
| | Lack of designated land for quarrying | <ul style="list-style-type: none"> - The government should designate specific site and land for quarrying use. - The site should be managed by local district mine officers to ensure sustainable use of the land |
|--|---------------------------------------|---|

Technical Guideline 4: Disposal of spoil material, including harmful substances

| Description of Impact |
|--|
| <p>Proper storage and disposal of construction materials and hazardous wastes from the construction site prevents the discharge of pollutants to storm drains and watercourses.</p> <p>Managing hazardous waste - to reduce potential risks to project personnel and the site - requires knowledge and diligence from both contractor and Caltrans staff. This bulletin reviews typical hazardous waste management challenges on construction sites and summarizes requirements from Best Management Practice for Hazardous Waste Management.</p> <p>Typical Hazardous Wastes:</p> <p>Best Management Practices applies to all hazardous wastes except aurally deposited lead soil. The typical hazardous wastes on the construction site include:</p> <ul style="list-style-type: none"> ▪ Spills or leaks of construction materials such as concrete curing compounds, asphalt products, paints, etc. ▪ Petroleum products from equipment operation and maintenance ▪ Septic wastes ▪ Pesticides and herbicides <p>Common Challenges</p> <p>Typical challenges of managing hazardous waste on a construction project include:</p> <ul style="list-style-type: none"> ▪ All construction personnel must be properly trained regarding management of hazardous wastes. ▪ Construction materials that are potentially hazardous should be stored under watertight conditions, while still making them readily available for use. ▪ Hazardous waste collected from the project must be stored and disposed of in a manner that is appropriate for that particular type of waste. ▪ The contractor must be prepared to respond to spills or leaks that occur anywhere on the project site. ▪ Failure to clean up spills, or improper storage of hazardous materials, may trigger sampling and analysis requirements. <p>Each individual on the project has some level of responsibility for managing hazardous wastes, from the laborer's responsibility for cleaning up spilled materials, to the Water Pollution Control Manager's responsibility for notifying the appropriate agencies. All project personnel should be trained to recognize hazardous wastes on the project and to respond appropriately to ensure safety and protect the environment.</p> |

Material Storage Procedures:

A number of common construction materials are considered hazardous waste when spilled or leaked. Such materials include concrete curing compounds, asphalt products, paints, stains, wood preservatives, roofing tar, and palliatives. Such materials should be stored under watertight conditions to prevent their discharge in storm water. Watertight conditions include storage in a watertight container, storage under a watertight roof or within a building, or protection by temporary cover and containment that prevents storm water contact and runoff from the storage area.

Waste Storage and Disposal

Hazardous wastes must be stored in sealed containers constructed of suitable material with a label that clearly identifies the contents and accumulation date. Store waste containers in containment facilities that are covered during non-working days during the rainy season and prior to rain events, year-round.

Leaks and Spills:

If a leak or spill occurs, it must be cleaned up prior to a rain event. Spill cleanup kits should be maintained on site at storage locations to facilitate and expedite cleanup. Spills of hazardous wastes or materials, including any affected soil or water, should be stored as hazardous waste and disposed of properly.

Mitigation Measures

| Issue | (Driver of) Impact | Mitigation Measures |
|-----------------|---|--|
| Hazardous Waste | Spills or leaks of construction materials such as concrete curing compounds, asphalt products, paints, etc. | <ul style="list-style-type: none">- Immediate cleanup of spill from asphalt products and paints.- Take action to stop the source of the spill.- Toxic substances should not be used for burning purpose.- Categorize and proper label chemical substances required at the construction site.- |
| | Petroleum products from equipment operation and maintenance | <ul style="list-style-type: none">- trucks should be equipped with devices to prevent spillage- Used oils be containerized in standard packages and disposed at approved facility.- Remove all scrap waste and petroleum-based products from the site when project work completes.- The petroleum containers should be stored away from the rainwater stream. |
| | Septic wastes | <ul style="list-style-type: none">- Removal of soil vegetative cover should be kept at minimum- Septic tanks or pit latrines should be located far away from ground water aquifers. |

Technical Guideline 5: Management of Dust

| Description of Impact | | |
|---|--|--|
| <p>Dust generated during clearing and construction work can cause difficulties for students who have respiratory problems and become a nuisance during school hours. Soil/gravel kept for long periods without proper cover can generate dust and become an inconvenience during school hours and for surrounding residents. Transportation of materials to site will also generate dust. Decommissioning of existing structures can also create dust that is potentially hazardous.</p> <p>Materials such as gravel and soil shall be covered during transport. Frequent watering down of construction site to minimize dust generation. To prevent dust pollution during the construction period, the Contractor shall carry out regular watering of the construction site and shall cover materials to construction site to prevent dust and other particles getting airborne. All vehicles delivering materials shall be covered to avoid spillage and dust emission.</p> <p>Workers who are involved in handling and installing sheets containing asbestos should take precautions to minimize exposure by wearing protective masks and showering to minimize spread of dust. Work clothes used during the installation of sheets should be washed and workers change to clean clothes before leaving construction site.</p> <p>The contractor shall, in particular, comply with the regulations for disposal of construction/demolition wastes, waste water, combustion products, dust, metals, rubble and timber. Wastewater treatment and discharge will conform to the applicable regulations by the relevant Local Authority and Ministry of Irrigation and Water Development.</p> <p>Asbestos waste, PCBs and other hazardous wastes shall be treated and disposed of in conformity with the national regulations and where applicable, with the supervision of qualified personnel.</p> | | |
| Mitigation Measures | | |
| Issue | Drivers of Impact | Mitigation Measures |
| Dust | Dust in dry months | Ensure in the project schedule that the area of cleared land is minimized during the drier months of the year, when dust generation is at its greatest |
| | Dust due to movement (vehicles etc.) | Pave and water haul roads. The frequency of watering will be determined by weather conditions and the erodibility of the soil. If additives (only if required) in the water are used to increase its dust suppression properties, the chemical should have no adverse environmental impact on adjacent water bodies. |
| | Other sources of dust generation, such as demolition of existing infrastructure etc. | <ul style="list-style-type: none"> - Controlled demolitions of existing infrastructure (if required) with buildup fence to control dust pollution and injuries. - Water areas other than haul roads, if they are a source of dust. - Ensure that smooth surfaces are deep ripped and left rough and cloddy to reduce the wind velocity at the soil surface. - Construct wind fences if this is appropriate for the site. |

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| | | - Hand water or install temporary sprinklers to suppress dust from un-stabilized stockpiles. |
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Technical Guideline 7: Management of Lubricants, Oils and Fuels

| Description of Impact | | |
|---|---|--|
| Contaminated lands may involve surficial soil or subsurface soil that, through leaching and transport, may affect groundwater, surface water, and adjacent sites. Where subsurface contaminant sources include volatile substances, soil vapor may also become a transport and exposure medium and create potential for contaminant infiltration of indoor air spaces of buildings. | | |
| Mitigation Measures | | |
| Issues | Impacts | Mitigation Measures |
| Lubricants spillage | Put workers at risk from exposure to hazardous materials | <ul style="list-style-type: none"> - Prevent dumping of hazardous materials. Burn waste materials that are not reusable/readily recyclable, do not contain heavy metals and are flammable - Investigate and use less toxic alternative products |
| | Contaminate ground or surface water when machinery repairs result in spills or dumping of hydraulic oil, motor oil or other harmful mechanical fluids | <ul style="list-style-type: none"> - Repairs and fueling of vehicle and other heavy equipment occur elsewhere or over impervious surface such as plastic sheeting. Prevent dumping of hazardous materials - All drainage water contaminated with construction related lubricants must be collected (preferably treated) and disposed an appropriate location ensuring no spillage to ground and surface work |
| | | <ul style="list-style-type: none"> - The waste from fuel and spoil shall be disposed in such a manner that (i) water ways and drainage paths are not blocked, (ii) the disposed material should not be washed away by floods and (iii) should not be a nuisance to the public. |

Technical Guideline 8: Health and Safety

| Potential Impacts | Prevention and Mitigation Measures |
|---|---|
| Injury and death from earthquake: | <ul style="list-style-type: none"> - Apply low-cost aseismic structural designs. Seismically active or volcanic zones should be avoided if possible. If these sites must be used, then seismically resistant construction should be used in all construction activities, and early warning systems established. |
| Injury and death from flood: | <ul style="list-style-type: none"> - Flood-vulnerable sites should be avoided. When such sites must be used, then provisions for raising ground level under structures, drainage and protective dikes are necessary. - Such interventions may need to be removed during decommissioning. A local flood warning system should be established. - Appropriate drainage systems will be needed during the periods of heavy rain. Provisions for safe latrine use during the rainy season will be needed as part of the management plans. |
| Injury and death from landslides or heavy erosion: | <ul style="list-style-type: none"> - Landslide and erosion prone sites should be avoided. If not possible, natural vegetation should be maintained in the landslide-vulnerable slopes and throughout the site, the site should be terraced to limit runoff, and structures should not build on landslide-prone slopes. A local landslide warning system should be established. |
| Injury and death from fire: | <ul style="list-style-type: none"> - Incorporate fire safety into management plan including means of warning and escape, internal fire spread, external fire spread, and access and facilities for the fire service. |
| Disease caused by inadequate provision of water and sanitation: | <ul style="list-style-type: none"> - Ensure designs include adequate sanitary latrines and access to safe water. - A site should not be selected until a sustainable source of potable water is available. |

| Potential Impacts | Prevention and Mitigation Measures |
|--|--|
| <p>Injury and death from toxic materials on sites:</p> | <ul style="list-style-type: none"> - Verify that there are no toxic materials present in the soil or ground water. - Verify that there are no environmentally hazardous sites (e.g. septic systems) are located where a building will be constructed. - Avoid sites with a risk of air or water pollution from industrial or commercial activities. - Sites should not be located within 50 meters of main roads. If such locations cannot be avoided, then site area nearest the road should be allocated to less frequently activities where possible and barriers should be placed along the road side of the site to reduce pollution and the chance of accident. |
| <p>Disease caused by poor water quality:</p> <p>Contamination by seepage from latrines, municipal waste or agricultural areas.</p> <p>High mineral concentrations.</p> <p>Creation of stagnant pools of water.</p> | <ul style="list-style-type: none"> - Develop a drainage plan for the site which incorporates natural drainage and drainage infrastructure. - Priorities leak detection and repair of pipe networks. - Chemical and bacteriological testing of water quality from adjacent comparable sources prior to installation of new sources. - Redesign to prevent contamination if adjacent comparable sources are found to be contaminated. - Subsequent monitoring of installed or rehabilitated sources. - Appropriate location, apron and drainage around tube wells and dug wells to prevent formation of stagnant pools. - Provision of cover and hand-pump to prevent contamination of dug wells. - Where pit latrines are used they should be located more than 10 meters from any water source. The base should be sealed and separated by at least 2 meters of sand or loamy soil from the groundwater table. - Where night-soil latrines or septic tanks are built they should be sealed. Outflows should drain either to a soak-way located at least 10 meters from any water source or be connected to a working drain. |

| Potential Impacts | Prevention and Mitigation Measures |
|---|--|
| Sanitation | <ul style="list-style-type: none"> - Proper sanitation services should be ensuring for the workers before the construction work start at least 30 meters away from all surface water systems, and at least 5 meters above the ground water table. - Devote adequate attention to identifying and addressing social barriers to using latrine - Ensure the use of a reliable and safe system for emptying latrines or septic tanks and transporting the collected material off-site for treatment (e.g., a mechanized vacuum pump, associated tank or container, use of stones to avoid collapse of the pit during emptying, and the use of protective clothing, long-sleeved shirts and pants, boots, rubber gloves, and masks / eye protectors, when needed, as well as access to adequate washing facilities with soap and warm water) - Ensure that collected material is adequately treated and not directly applied to fields or otherwise disposed of improperly |
| Accidents due to construction work | <ul style="list-style-type: none"> - Road signs of the construction work should be place in appropriate locations to warn pedestrians and other traffic - Construction vehicles should not exceed maximum 15km per hour in the residential area. - All people within the vicinity of the construction site should use helmets Ensure that maintenance workers are also trained in first-aid measures and relevant occupational health and security topics |
| Stagnant water ponds and water related diseases | <ul style="list-style-type: none"> - Ensure good drainage around water supply points and avoid creating stagnant water ponds (e.g. through the appropriate design, installation, use, and maintenance of drains and soak-away pits) - Construct a spigot or similar system that prevents people from touching impounded water with their hands or mouths - Avoid the entry of contaminants into the water source/supply system |

Annex 5: Protection of Cultural Property and National Heritage

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

The proposed emergency reconstruction operations are unlikely to pose a risk of damaging cultural property, as the sub-projects will largely consist of small investments in community infrastructure and income generating activities, reconstruction of existing structures, and minor urban public works. Further, the negative list of attributes, which would make a sub-project ineligible for support (Annex 1), includes any activity that would significantly damage non-replicable cultural property. Nevertheless, the following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents.

Chance Find Procedures

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

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

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

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

Relevant findings will be recorded in WB project supervision reports, and the implementation completion reports will assess the overall effectiveness of the project's cultural resources mitigation, management, and capacity building activities, as appropriate.

Annex 6: Checklist based ESMP template (for school missing components)

A. Mitigation Measures

| Project Activity | Potential Environmental and Social Impacts | Proposed Mitigation Measures (Incl. legislation & regulations) | Responsibilities | Cost Estimates | Comments (e.g. secondary impacts) |
|--|---|--|-------------------------|-----------------------|---|
| Pre-Construction Phase | | | | | |
| Construction Phase | | | | | |
| Operation and Maintenance Phase | | | | | |

B. Monitoring

| Proposed Mitigation Measure | Parameters to be monitored | Location | Measurements (incl. methods & equipment) | Frequency of measurement | Responsibilities (Incl. review and reporting) | Cost (equipment & individuals) |
|--|-----------------------------------|-----------------|--|---------------------------------|---|--|
| Pre-Construction Phase | | | | | | |
| Construction Phase | | | | | | |
| Operation and Maintenance Phase | | | | | | |

Annex 7: ESMP template

Sample Environmental Management Plan for Construction/Renovation of Buildings

| Impact | Mitigation measures | Monitoring indicator | Responsibility |
|--|---|---|---|
| Site and design | | | |
| Change land use pattern | Ensure that present land use at project site is not critical and the activities can be carried out on nearby land before the site is selected | Participation of communities in local planning | Local community / NGO / District Land Valuation office |
| Destroy important ecological, cultural or historical areas | Evaluate to verify that endangered or endemic species and critical ecosystems will not be adversely affected An alternative site should be used if the effects are identified as critical | Degree of biodiversity (number of species) within site boundaries Extent of critical habitats affected | NEPA / District Environmental Officers |
| Contaminate soil and water from sewage and solid waste | Establish human waste and solid waste disposal systems to avoid contamination of surface and groundwater, taking into account soil characteristics and historical groundwater and surface water conditions Install adequate, appropriate sewage and solid waste disposal systems. For example, use above-round compost latrines in areas with high water tables. | Participation of communities in local planning Occurrence of illness or disease | Local community / NGO / District Environmental Officers |
| Create risks for residents due to possible natural dangers | Ensure that the project site is not located in areas subject to landslides, fires, or flooding; with slopes over 20 percent; or below areas likely to undergo significant deforestation or land clearing. If the site is in an area subject to natural dangers, an alternate site should be used or appropriate mitigation measures taken to minimize risk in areas where unavoidable. Measures should include construction of firebreaks, slope stabilization, drainage construction, or elevating housing units on pilings. | Monitor the amount of rain during intense storms. More than three to four inches of rain per day, or 1/2-inch per hour, have been known to trigger mudslides. Monitoring of deep lying displacement by boreholes can directly reflect the feature of multilayer deformation of landslide mass and location of landslide zone. Reliance on hydro-climatic, meteorological and earthquake/tsunami warning systems | NEPA / District Environmental Officers |
| Create risks for residents due to human activity near the site | Ensure that the project will not be located within the area of influence (1km) of pollution sources or hazards, including factories and mines. Ensure the project is not downwind of contamination sources. | If groundwater will be used for drinking, test for chemical and microbial contamination. Identify sources of noise pollution and monitor on regular basis. | Local community / District Environmental Officers |

| Impact | Mitigation measures | Monitoring indicator | Responsibility |
|--|---|--|---|
| Causes deforestation | If forest is dense or is part of a critical habitat, alternative sites should be found. For each tree cut, plant 20 no later than six months after the residents have moved in. | Routine inspection of site, assessment of critical habitats Number of trees planted during construction phase vs number of trees felled | NEPA / District Environmental Officers |
| Initiate excessive use of fuel wood as energy source | Encourage other energy sources, such as gas, electric, solar | Use and origin of energy sources (gas, electric and solar) Number of consumers of alternative energy versus fuel wood | Local community / District Environmental Officers |
| Inadequate ventilation | Design building to ensure adequate ventilation matched in the heating and cooking sources to be used. Take advantage of wind direction. | Routine inspection of ventilation systems | District Environmental Officers |
| Inadequate management of solid waste | Prepare and implement a solid waste disposal management plan, including system maintenance and disposal, effects on groundwater and wind direction | Local complaints of excessive waste Groundwater quality within the site, particularly close to water sources | District Environmental Officers |
| Create health hazards due to lack of sanitation facilities (water, sewage, and solid waste disposal) | Sanitation facilities must be included in the project design Ensure all sanitation facilities are installed and running by the time occupants move in | Participation of communities in local planning Occurrence of illness or disease | Local community / District Environmental Officers |
| Make potable water supplies unsafe | Ensure siting of supply systems and choice of supply technologies minimize health hazards | Conduct seasonal testing of water quality, particularly for coliform bacteria and arsenic | NEPA / District Environmental Officers |
| Cause social impacts in and around the project site | Conduct a social diagnosis of beneficiaries and communities around the proposed site before project is designed. Implement development program in each community before or during construction phase | Participation of communities in local planning | Local community / NGO |
| Construction | | | |
| Risk injury to construction workers and local inhabitants | Ensure that workers have proper PPE and follow sound safety practices, including use of safety ropes, proper blasting safety, noise and dust protection, boots and gloves Ensure that pits are covered or access impeded during construction | Number of accidents/LTIs during construction periods Routine inspection on site of use of proper PPE and OHS plans Visual inspection of sites including pits, trenches and quarry slopes | Contractor |

| Impact | Mitigation measures | Monitoring indicator | Responsibility |
|---|--|--|--|
| | Excavate and rebury trenches quickly Manage quarry slopes to avoid cave-ins | | |
| Interrupt local transportation | Schedule construction for low traffic days or hours, phase construction to distribute the impacts of road closure. Conduct work to permit at least alternating one-way road passage | Number of accidents/incidents as a result of poor traffic management Routine inspection of road works and maintenance | Contractor / Local District Office |
| Noise disturbance | Use less noisy construction techniques including making a work schedule to minimize impact | Number of community complaints to local authorities about noise. Routine measuring of decibel levels against national requirements. | Contractor / Local District Office |
| Create dust or mud | Spread water to keep dust down. Drain areas prone to mud. Schedule land-clearing excavation and similar activities to avoid extremely dry and wet conditions. Implement agreed dust control measures such as wetting dirt roads, truck washing for trucks exiting site, and monitoring dust emissions | Number of community complaints to local authorities about dust | Contractor / Local District Office |
| Create breeding grounds for disease vectors (standing water in borrow pits, demolition debris) | Excavate and rebury trenches quickly and arrange for proper permanent disposal for construction and demolition debris, away from watercourses. Fill borrow pits or assure drainage. Use shallow wells or streams for construction water, rather than diverting natural flows to the site. | Occurrence of illness or disease Inspect site after moderate rains to identify areas that collect or gully water | Contractor / Local District Office |
| Erosion | Soil conservation measures should be included in the design and implemented. The exact measure will depend on the site and the severity of the impact. Install checks and barriers, berms, hay bales, or other vegetation to trap sediment runoff. Revegetate disturbed areas. | Quality of soil/productivity Integrity of road and building structures Accidents due to erosion of roads and structures within the site area Collection of water in drainage system | Contractor / District Environmental Officers |
| Impact of labor accommodation on project site and working conditions of labor employed by the project | Recruitment should aim to ensure direct employment creation from the immediate neighborhood of construction sites. | Number of workers employed within the project site and neighboring villages/towns Publicly disclosed violations of working conditions and treatment of labor | Contractor / Local District Office |

| Impact | Mitigation measures | Monitoring indicator | Responsibility |
|--|---|--|-------------------------------------|
| | Contractor should comply with ILO convention and national laws for employment and working conditions | Complaints received from community members | |
| Post-construction / Operation | | | |
| Landslides, slumps and slips | Avoid areas of soil, slope or geological instability and unstable river crossing sites Stabilize slopes by planting vegetation Minimize vertical road cuts Install drainage ditches to divert water away from road | Degree of erosion Extent of re-vegetation Improvement and installation of drainage ditches | Contractor / Supervision Consultant |
| Increased soil erosion leading to sediment in runoff and, possibly, gully formation from inadequate maintenance of road surface, ditches, borrow/quarry sites, and drainage and erosion control measures | Ensure proper and timely maintenance of erosion control and drainage measures along the road and at borrow/quarry sites Clean out culverts and side channels/runout when they begin to fill with sediment Fill mud holes and pot holes with quality gravel Use water from settling basins and retention ponds for road maintenance | Quality of soil/productivity Integrity of building structures Accidents due to erosion of road Collection of water in drainage system | Contractor / Supervision Consultant |
| Quarry used for construction may become a health hazard | Discuss with local community the usefulness of using pits as water collection pits for cattle, irrigation Highlight issues of disease transmission and the need to prohibit its use for drinking, bathing, and clothes washing | Occurrence of disease or illness | Contractor / Supervision Consultant |

Annex 8: Occupational Health and Safety (OHS)

Today, health and safety are two of the main requirements of human life and is the main factor of life in urban and rural areas. Non-compliance with health and safety on the job will create a lot of problems and troubles. Understanding safety measures and focusing on areas of concern will be effective and functional. Collection of articles and tips on safety and security in the working areas will be one of the principles of good practice and improvement.

Given Afghanistan's sensitive traditions and customs, using manpower outside of the village and construction of the camp as a temporary shelter for the workers are the main social issues and will cover most of social aspects of site selection. Therefore, it is important to consider this issue perfectly and avoid any unexpected conflicts and its negative effect. In case a construction camp is required for the project, installation of said camp is the responsibility of the CDCs, and if the sub-projects are contracted, installation of construction camp is the contractor's responsibility. The decision for installation of construction camp should be taken during the project selection and site investigation phase. A construction camp could be a tent or a basic shelter.

Installation of a construction camp is part of CDC volunteer work and individual responsibility of contractors, and the CDC share of the program budget should never be used for this purpose.

Health and Safety Guide in Construction Site:

In the past, there were different accidents such as falling, sliding from heights, tripping and injuries due to the use of basic construction tools, pollution or chemical contamination in construction site. Today, there is significant progress in construction work, but given that there are more complicated equipment, greater power and exposure to chemicals, the laborers are exposed to lots of incidents.

Work incidents are those that occur during work time. The working time is the entire time when the laborer is busy with physical work in the workplace or is listening to the instruction the supervisor provides in the workplace. Therefore, work incidents are directly or indirectly important from a human, social and economic perspective.

Labor should identify and specify the reason for accidents in a workplace and respect any guidelines or rules which aim to decrease risk. Reduction of the number and grade of accidents at workplace would reduce the problems and cost and save time during work hours (e.g. save the amount of time that a helper or nurse uses to treat an injured person).

Safety and its impacts:

Accidents and incidents are of two types:

1. Accidents which are impossible to prevent from occurring; and
2. Foreseeable accidents which need to be prevented.

"Construction Site" means a place where construction work is undertaken and/or any area in the immediate vicinity of any such place which is used for the storage of materials or plant used or intended to be used for the purpose of the construction work.

Construction work can be particularly hazardous. PPE, fire safety, electrical safety, and other precautions are essential for safe construction work.

- a. The construction, erection, installation, reconstruction, repair, maintenance (including redecoration and external cleaning), renewal, removal, alteration, improvement, dismantling, or demolition of any structure or works specified in the third schedule;
- b. Any work involved in preparing for any operation referred to in paragraph (a), including the laying of foundations and the excavation of earth and rock prior to the laying of foundations;
- c. The use of machinery, plant, tools, gear, and materials in connection with any operation referred to in paragraph (a) or (b).

Barriers and Guards

Barriers, guards, and warning signs are required to ensure safety against existing hazards. Standard types of barriers and guards include the following:

- Guardrails and handholds
- Saw horses
- Tape
- Cones
- Other physical barriers and solid separators (dust barriers, hazard barriers, temporary walkways, etc.)

NOTE: Signs that state DANGER, WARNING, or CAUTION are also important when barriers or guards are necessary. Remember to make signs legible, visible, and brief.

Areas that Need Barriers or Guards

Any area that poses a physical threat to workers and/or pedestrians requires barriers or guards. Areas that typically require permanent or temporary protection include the following:

- Stairways
- Hatches
- Chutes
- Open Manholes
- Elevated platforms
- Areas with moving machinery
- Excavation sites
- Construction sites
- Temporary wall or floor openings
- Doors opening into construction sites
- Land and stones sliding from places or mountains

Using Barriers and Guards

The following list provides guidelines for using barriers and guards:

- Avoid hanging cloths (such as scarves) during work;
- Use a safeguards belt in case of need;
- Reroute pedestrian and vehicular traffic to completely avoid a construction site when necessary;
- Guard any permanent ground opening into which a person could fall with a guardrail, load-bearing cover, or other physical barrier;
- Ensure that temporary floor openings, such as pits and open manholes, are guarded by secure, removable guardrails. If guardrails are not available, have someone guard the opening;
- Ensure that all stairways, ladder ways, hatchways, or chute floor openings have handrails or hinged covers;
- Ensure that enclosed stairways with four or more steps have at least one railing, and that open stairways with four or more steps have two railings;

- Ensure that all platforms and walkways that are elevated or located next to moving machinery are equipped with handrails, guardrails, or toe boards;
- Barricade any wall openings through which a person or tools could fall. Use gates, doors, guardrails, or other physical barriers to block the opening;
- Mark and /or guard any excavation that is deeper than 30cm, potholes and sidewalk damage.

Hoists

Only authorized employees may use hoists to move heavy objects and equipment. When using hoists remember the following safety points:

- Never walk, stand, or work beneath a hoist.
- Isolate hoisting area with barriers, guards, and signs, as appropriate.
- Never exceed the capacity limits of your hoist.
- Wear gloves and other personal protective equipment, as appropriate, when working with hoists and cables.
- Always hold tension on the cable when reeling it in or out.
- When the work is complete, always rig the hoist down and secure it.
- Be prepared to stop operations immediately if signaled by the safety watch or another person.

Scaffolds

When employees must conduct construction work above the ground and away from solid platforms, scaffolds may be appropriate. The following list provides guidelines for using small scaffolds. Larger scaffolds must be designed and erected in accordance with applicable standards.

- Ensure that scaffold anchors are sound, rigid, and capable of supporting the maximum intended load without shifting. Scaffolds and their components should support at least four times their maximum load.
- For freestanding, mobile scaffolds, the height should not exceed four times the minimum base dimension. If workers are riding the scaffolding, however, the base dimension should be at least one half the heights.
- Do not use unstable objects such as barrels, boxes, bricks, or blocks to support scaffolds or planks.
- Keep floors free of debris where mobile scaffolds are used.
- Lock scaffolds with wheels into position.
- Either overlap multiple planking and platforms by 30cm or secure them to ensure stability. Thickness of the board should not be less than 5cm.
- Secure scaffolds to permanent structures with anchor bolts or other means.
- Repair damaged scaffolds immediately.
- Do not work on scaffolds in high winds or during storms.
- Remove ice or snow from scaffolds and apply sand to the wood before conducting work in winter weather.
- Do not allow tools, equipment, or other debris to accumulate on scaffolds.
- Dismantle and remove scaffolds when they are no longer needed. Do not use temporary scaffolding as a permanent installation.

Safety during Concrete Casting:

Concrete casting is often done by a group of people. Different places need their own safety conditions which include PPE, laborers skilled in the required work and know how to use the equipment, good coordination and cooperation amongst the task team and job description based on their physical manner. During concrete casting, the following points should be taken into consideration:

- Equip laborers with plastic boots and gloves;
- Select appropriate working tools and when not in use, keep them in a designated area;
- Keep damaged tools in a specific area for repair;
- Avoid throwing tools;
- Ensure that during concrete casting, laborer's feet should be alert and not clumped in bars;
- Use planks as a pathway;
- Use the work tools appropriately and take good care of them,
- Wash hands before eating and take a bath after work daily to take away dust from cement;
- Prepare good working conditions and good ventilation;
- Ensure that a good supervisor leads the team and oversees their instruction
- Cut the wire used to fasten the bars into small pieces and keep it near the work area;
- Avoid throwing wires everywhere;
- Fasten the mesh properly; and
- Use meshes in the slopes.

The following tools are mandatory in sub-projects and should be mentioned in the EQRA Operation Manual for budget allocation and ownership at the end of the project:

- First Aid kit for workers,
- Safety signs and traffic signals,
- PPE for laborers,
- Labor camp

Annex 9: Procedures for Land Mine Risk Management

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 US\$100,000 each);
- Small and medium-size works to be identified by local authorities and implemented by local contractors (for projects up to US\$5 million each);
- Works to be implemented directly by Government departments/agencies, without use of contractors;
- Large works to be implemented by contractors (for projects above US\$5 million);

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 Mine Risk

| | | | |
|---|--|--|--|
| <p style="text-align: center;"><u>Verification</u> <u>of Mine Risk Safety / Clearance</u></p> | <p>Province: _____</p> <p>District/Nahiya: _____</p> <p>Community/Gozar: _____</p> <p>Community Code: _____</p> <p>Sub-project Code: _____</p> | | |
| <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>Date of this Report: _____</p> </td> <td style="width: 50%; vertical-align: top;"> <p>Sub-Project Title: _____</p> </td> </tr> </table> | | <p>Date of this Report: _____</p> | <p>Sub-Project Title: _____</p> |
| <p>Date of this Report: _____</p> | <p>Sub-Project Title: _____</p> | | |

Please check your answers to the following questions:

1. Was there fighting in the area where the sub-project is to be implemented? ___Yes ___No
2. Was this area a permanent checkpoint of Military? ___Yes ___No
3. Have there been any accidents of mine explosion during the last 10 years? ___Yes ___No
4. Was the area used for any of the following? ___Ammunition dump ___Suspected minefield
___Current ambush area ___Confrontation area ___None of the Above
5. Is this area considered a danger of mine or UXO (Unidentified Explosive Objects) ___Yes ___No
6. Has the area been cleared of mines in the past? ___Yes ___No
7. Is the sub-project area considered at risk for mines? ___Yes ___No

8. If the sub-project area is considered at risk for mines, please respond also to the following questions:

- a) What is the source of information about mines in the area?
___Civilians ___Incident involving animal's ___Incident report
___Military person ___Minefield record
- b) Does the area for the sub-project contain markers, flags, fencing, rocks, etc. showing that mine-clearing operations have taken place? ___Yes ___No.
- c) Indicate the type of area where the sub-project is to be implemented:
___City ___Field ___Forest ___Roadside ___Road for vehicles ___Path

___ Government building ___ Military installation ___ Residential building
___ Riverbank ___ Unknown ___ Other _____

9. Does the CDC declare that to the best of their knowledge the area for the proposed project is safe from the risk of mines or UXO? ___ Yes ___ No

10. Does the CDC CCAP liability in the case of a mine-related accident? ___ Yes ___ No
If no, does the CDC request the UNMACA to conduct a mine clearance action for the area?
___ Yes ___ No

Signature:

Name: _____
Head of the Community Development Council

Verified by:

Name: _____
MRRD District Engineer

Signed and endorsed by:

Name: _____

Representative of AMAC

1. 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 US\$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.

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. The Mine Action Program of Afghanistan (MAPA) should formally endorse this questionnaire. 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.

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 In MACA's database.

- a) 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.
- b) 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.

If the community suspects mine contamination in the area, then the following measures need to be taken:

- 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 with selection.
- If the community has not included an assessment / clearance task in the project, the project should not go ahead with 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 WB funded projects shall be reduced or cancelled) if they elect to clear mines on their own.

2. 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 US\$5 million 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 will be eligible for selection, unless they have been defined 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.

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).

If MACA provides information suggesting a nil-to-low risk in the proposed project area, the project can go ahead with selection.

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.

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 WB 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.

3. Procedure for Works to be implemented directly by Government Departments/Agencies Without the 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 defined 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.

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, then a general survey should be carried out by MACA (Mine Action Organization Accredited) 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).

4. Procedures for Large Works Using Contractors

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

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

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

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

- 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.

- As a separately identified item in their bid, the bidders include a provision for a further detailed mine assessment and clearance during construction.
- 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.

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

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.

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.

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.

In case of an accident, a Board of Inquiry is assembled by MACA to investigate the causes of the accident and determine liabilities. Large penalties should be applied to the contractor if the Board determines that the accident resulted from a breach of safety rules.

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 10: Environmental & Social Safeguards Quarterly Report Format

Province/district Quarter

| Safeguards Implemented Issues | | | | | | |
|---|--------------------------|---|---------------------------------|---|----------------------|--|
| Land transfer documents to CDC | Project ID Number | Donation | Purchase | Government | m² | |
| | | | | | | |
| | | | | | | |
| Project Affected People Consulted | Project ID Number | Consultation theme and documented result | | | | |
| | | | | | | |
| | | | | | | |
| Site Specific ESMPs | Project ID Number | Document available with contractor and CDC | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| # of ESS training conducted | Project ID Number | # of Male participants | # of Female participants | Minutes/Pictures documented in SPP | | |
| | | | | | | |
| | | | | | | |
| Do the ESS focal points have any input in the project initial survey, site selection and project design stage? | Yes | No | Project ID | Details | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Has the safeguards focal point discussed with the local community about locations, borrow pit area, construction waste/debris disposal, transportation route, cutting trees, plantation etc.? | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| # of grievances recorded at the field level | | | | | | |
| Project ID | Verbally | Written | Type | Main Theme | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Collaboration with Government line agencies and NGOs? | | | | | | |
| Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | | | |
| If yes, answer the following | | | | | | |
| Government line agencies /NGO | Project ID | | Details | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| | | |
|--|-------------------------------------|-------------------------------------|
| Do they follow up the CCAP ESMF? Yes <input type="checkbox"/> No <input type="checkbox"/> If No, please explain which procedures they followed up. | | |
| Sub-projects monitored ESS Focal Points (especially NCB projects). | Project ID | Indicators |
| Suggestions for better implementation of ESMF in sub-project: | | |
| Attachments available by requests: Land Document <input type="checkbox"/> Minutes of the meeting <input type="checkbox"/> Pictures <input type="checkbox"/> Environmental Assessment Checklists/EMP <input type="checkbox"/> | | |
| ESS Focal Point | | |

Annex 11: Basic Guidelines on Consultations

Wide-ranging consultations help to: (i) ensure that people are 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 a sub-project and its potential impact, but also constitute an important opportunity to hear people's concerns and integrate as much as possible their recommendations into the project design. These meetings also lay the foundations for systematic consultation and participation of the community in all subsequent stages of a sub-project's development.

It is a basic requirement of the WB OP 4.01 (Environmental Assessment) to have adequate consultation and participation from the stakeholders, records of which will need to be part of the environmental assessment documentation.

As a first step, stakeholders need to be identified. Stakeholders fall into two categories: (i) direct stakeholders who will be directly affected by the project, i.e. different groups within communities, especially vulnerable groups including women and landless; 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.

Following stakeholder identification, participatory methods such as focus group discussions and semi-structured interviews will be used (by CCAP's safeguards staff /facilitating partners/ line agencies safeguards staff) to conduct meetings with representatives from each stakeholder group. The purpose of the meetings is twofold: (i) to inform the development of safeguards instruments; and (ii) to consult stakeholders through the lifetime of the project. A written record of main points discussed in all meetings must be created and filed for easy retrieval at the district centre. Meetings will be arranged at times to ensure the maximum participation of stakeholders. Separate meetings will be held with women through women's CDCs and/or other relevant mechanisms. To the extent possible, women will be encouraged to take part in transect walks. The prevailing security context is likely to determine the location of most meetings.

Consultation with indirect stakeholders will be conducted in parallel to those with communities. These will include meetings with representatives from relevant line government departments and agencies etc. Meetings will also be held with NGOs working in sub-project localities to inform them about the project and explore opportunities for cooperation to leverage the impact of the CCAP activities

Annex 12 (i): Sample Grievance Registration Form

This annex applies to all investment schemes to be financed by ARAP-AF.

(Refer to ESMF Section 6.4 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 12 (ii): Grievance Redress Committee

Grievance Redress Committee

کمیته حل منازعات

| | |
|-------------|-----------|
| Project ID: | District: |
| Village: | Province: |
| Start date: | End date: |

در نشست
امروزی
مورخ /
/

هجری شمسی مطابق / / میلادی که در محل () به اشتراک تعداد از نمایندگان، متنفذین و بزرگان محل تدویر گردیده بود روی تشکیل و ایجاد کمیته حل منازعات بحث و گفتگو صورت پذیرفت که در نتیجه اشخاص ذیل به تایید اکثر آرا مجلس، اعضای کمیته GRC تعیین گردید.

1. محترم ولد تلفون:
2. محترم ولد تلفون:
3. محترم ولد تلفون:
4. محترم ولد تلفون:
5. محترم ولد تلفون:

مایان اعضای کمیته اجتماعی فوق مسولیت داریم تا در اثنای شروع کار پروژه، کار را نظارت و در صورت بروز کدام مشکل اجتماعی (بشمول حل منازعات زمین مورد نیاز که جهت عریض سازی پروژه سرک ضرورت است) در قسمت حل و فصل آن اقدامات عندالموقع نموده و با مسولین پروژه جهت تطبیق بهتر کار پروژه همکاری همه جانبه نموده و همچنان بعد از تکمیل پروژه در قسمت حفظ و مراقبت آن توجه لازم نمایم.

وسلام

محترم امضاء محترم امضاء ..

محترم امضاء محترم امضاء ..

محترم امضاء

تاییدی شورای انکشافی

مسوول محیط زیستی و اجتماعی: امضاء

The Government of Afghanistan

Ministry of Education/Ministry of Rural Rehabilitation &
Development

Resettlement Policy Framework

EQRA Project

Annex 13: Resettlement Policy Framework for EQRA Project

This Resettlement Policy Framework (RPF) sets out the general principles and steps to be followed in connection with any land acquisition and resultant resettlement which might occur during the implementation of the EQRA project for the construction of new schools.

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 APs in all projects will have greater confidence that they are being treated fairly, this will also reduce the likelihood of grievances which could be followed by perusing legal actions and other associated 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. Under this annex, the Involuntary Resettlement (OP 4.12) is triggered.

Definitions of words and phrases used in the RPF

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

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

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

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

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

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

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

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

Livelihood Restoration means the measures required to ensure that APs have the resources to *at least* restore, if not improve, their livelihoods. Restoration of livelihood of all APs is one of the key objectives of the World Bank's resettlement policy. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels.

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

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

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

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

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

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

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

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

Resettlement means all social and economic impacts that are permanent or temporary and are caused by: (i) acquisition of land and other fixed assets, (ii) 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 means a person who cultivates land they do not own for an agreed proportion of the crop or harvest.

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

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

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

Vulnerable means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement, i.e. single household heads with dependents, disabled household heads, poor households, elderly households with no means of support, the landless or households without security of tenure and ethnic minorities.

1. PROJECT BACKGROUND AND RPF OBJECTIVES

1.1 Project Context

The Ministry of Education (MoE) in consultation with development partners and other relevant ministries has developed the third five-year National Education Strategic Plan (NESP III) 2017-2021. The primary purpose of the NESP III is to establish a new framework that will realize national, social and economic priorities, direct the education system to deliver results efficiently, and provide better opportunities for children and youth, and more relevant education for Afghanistan's people. The plan lays out both the priorities of the sector and the directions provided by H.E the President of Afghanistan. The key focus areas are as follows: quality and relevance of learning, enrolment of school age children, particularly girls, streamlining of Ministry operations and functions, greatly improving the efficiency and harmonizing donor funding and programs management.

1.2 Proposed objective

An RPF is prepared because the extent and location of all sub-projects to be financed under the EQRA project cannot be known at the appraisal stage. The key objective of the RPF is to provide guidelines for preparation of the RAP, abbreviated RAP and land acquisition process throughout the EQRA project. The policy framework for EQRA activities establishes resettlement objectives and principles, organizational arrangements, entitlement matrix and eligibility criteria for any resettlement operation that may be necessary during project implementation.

The project anticipates three scenarios for land acquisition that might require resettlement:

1. Private voluntary donation
2. Government land
3. Acquisition of private land requiring resettlement and/or compensation for losses

The resettlement policy needs to be consistent with both of the following policies:

1. Existing local laws and policies related to land acquisition and compensation; and
2. WB's OP 4.12 which deals with Involuntary Resettlement.

The guiding principles of this framework are:

1. All Project Affected Persons (PAPs) are eligible for compensation on losses resulting from project intervention, irrespective of possession of title to land. However, a title or some other acceptable evidence would be required to receive compensation for land.
2. All compensation will be at replacement value.
3. All stakeholders, particularly PAPs, will be consulted and consultation will be an on-going activity of the project.

1.3 Purpose of a Resettlement Policy Framework

Activities to be financed under the EQRA project have not and cannot be finalized at this stage, so it is not possible at this stage to develop any site-specific resettlement plan with the full details of all APs 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 to specific transmission line activities as and when they take place. In this way a consistent approach to resettlement practice will be ensured for all activities involving land acquisition and displacement.

In addition, an RPF can contribute to the development of technical capacity within the MoE and MRRD in the following ways:

(i) **Provision of technical assistance to the ESS division** within MRRD, and the regional offices of MoE and MRRD involved in project implementation, including project management, procurement, contract management, FM, survey construction supervision and quality control, and environmental and social management.

(ii) **Support for building capacity in MRRD and MoE in various technical fields such as** procurement, contract management, FM, internal audit, M&E, and management of environmental and social issues.

(iii) **Support for the continuation and strengthening of monitoring and evaluation activities** including input, output, process, and outcome monitoring. Progress of various components will be monitored as an integral part of EQRA project implementation. The ESS division will be responsible for monitoring the physical progress and collation of progress reports. Monitoring of results/outcomes will be carried out by an M&E unit independent of the MoE. This unit will be responsible for collecting and analyzing panel data, conducting a limited number of case studies, and providing continuous feedback to the MoE. The M&E unit would be strengthened through the training and provision of specialists and field staff.

There are several interlinked issues that must be addressed by way of introduction to the policy. First, the RPF is required to be consistent both with the WB's OP 4.12 which deals with Involuntary Resettlement and with existing local 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 AP.

Second, before the details of the RPF can be outlined and explained, the basic principles and objectives of the RPF may be set out. But whereas OP 4.12 contains such principles and objectives, there are relevant national laws that deal with Land Management (Land Management Law 2017) and Land Acquisition (Land Acquisition Law 2017), and National Land Policy (2017). Therefore, setting out the principles of an RPF at the outset of developing one is unavoidably to give priority to WB policies on resettlement, in case the WB's policy offers more benefit to the affected people.

The principles of the RPF are:

- first, avoid or minimize adverse impact 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 before any construction work starts.
 - 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

The drastic reform in Afghanistan's legal sector has resulted in two new legal instruments on land management and land acquisition. The new Land Management Law (2017) and Land Acquisition Law (2017) and the new Land Policy (2017) have closed the gap between WB policy and national legal instruments to a large extent; however, WB's own policies still provides better leverage and benefits to APs. There is no country specific resettlement policy in Afghanistan, the mentioned legal instruments coupled with a comprehensive land policy (2017) addresses resettlement in more detail.

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, there is the Law on Land Acquisition (2017) enacted in accordance with paragraph (4) of article 40 of the Constitution of Afghanistan.

Comparative Analysis of the land Acquisition law 2017 with the Land Acquisition law 2009

The purpose of this review and comparative assessment of the recently approved Land Acquisition Law (2017) with the Land Acquisition Law of (2009) is to review and assess Afghanistan's legal framework regulating social safeguards (national and local laws, regulations, procedures and policies) with special reference to the law and practice of compulsory land acquisition, or expropriation. The overall objective of the analysis is to consider how the new Land Acquisition Law (LAL) would address land rights in Afghanistan, process for acquisition, with the role of relevant agencies and actors clearly determined, and the establishment of an objection process, establishing best-practice requirements for determining land values and required compensation, comparison of interests of public welfare in both 2017 and 2009 Land Acquisition laws, introducing provisions on resettlement and rehabilitation, analyzing land acquisition and land disputes, recognizing rights of occupants lacking formal ownership, introducing alternative proposals to land acquisition, potential impact of land acquisition on current Criminal Justice System and some shortcomings of the Land Acquisition Law 2017.⁵

The objectives of the LAL-2017 are very much comprehensive from the LAL-2009: The objective of LAL-

⁵ The footnotes in this document are structured to assist easy reference and thus may not be standard.

2009 was only to govern acquisition affairs for the implementation of public utility projects. But LAL-2017 covers a larger number of goals such as fair acquisition of public land, identification of purpose, nature and credibility of public utility projects for which land may be acquired, determination of compensation, rehabilitation and resettlement and compensation for losses originating from the implementation of acquisition projects. LAL-2017 also focuses on the determination of immovable properties under acquisition ownership, nature, type and appropriateness of size thereof and facilitation of implementation of urban development plans and all other public utility projects.

Definition of Terms: Unlike LAL-2009, which didn't define any terms, the LAL-2017 covers a wide range of terminology in article three⁶ of this law such as **Acquisition** which refers to taking over of the immovable property (Iqaar) of a person for the implementation of public utility projects in exchange for just and fair compensation and **Immovable property** (Iqaar) which refers to belongings firmly set on the ground) that could not be moved without causing destruction movable things that are attached to the immovable property are also deemed as immovable property. In addition, some other terms such as commercial site, total acquisition, partial acquisition, resettlement and rehabilitation, land acquiring organization, exchange, affected person and rearrangement of land are defined.⁷

Implementing Agency of the LAL-2017: The ARAZI and municipalities are responsible for the enforcement of the provisions of this law.⁸ The LAL-2009 didn't specify any government agency for this task.

Acquisition of Special Places: This law has given special consideration to places with cultural and historical importance and scared places and has totally banned the acquisition of above-mentioned places,⁹ while LAL-2009 didn't recognize the above-mentioned places. Moreover, LAL-2017 requires governmental permission for the acquisition of forests, agricultural farms, orchards and water resources because of their environmental importance.

Land Acquisition Process: The ARAZI and municipalities carry out land acquisition proceedings. When they intend to acquire land in any locality, they have to state the reasons with objectives that outline the specification of the land, kind and place of project for which the land is acquired with specification and alternatives on its social and economic impact and the exact time of the project.¹⁰ The report is then presented to the government. Next, the Technical Committee for Evaluation of Acquisition Project Plan needs to evaluate the plan¹¹ after which the acquisition authorities of the land issue a notification under article 9 of LAL-2017 in the media and give a public notice, containing all the specification mentioned above, which entitles the owner of the land and anyone on behalf of the government six months in advance.¹² This is a mandatory provision of the process of land acquisition. While according to LAL-2009 Land may be expropriated for public purposes¹³ with the approval of the Council of Ministers in exchange for prior and fair compensation.

Objection over the decision of land acquisition authorities: A well-intended and satisfactory objection mechanism has been introduced by LAL-2017. Under Article 34 if the owner of the land or his/her legal representative which is notified under Article 9 is dissatisfied with respect of compensation or specifications of the land, they may file his / her objection containing reasonable grounds within 60 days.¹⁴ The authorities after assessing the objections have to make a decision within 30 days. If the owner of the land or his/her legal

⁶ Land Acquisition law 2017.

⁷ Land Acquisition law 2017 (Art. 3)

⁸ Land Acquisition law 2017. (Art. 4)

⁹ Land Acquisition law 2017. (Art.8)

¹⁰ Land Acquisition law 2017. (Art.7)

¹¹ Land Acquisition law 2017. (Art. 12)

¹² Land Acquisition law 2017 (Art.9)

¹⁴ Land Acquisition law 2017 (Art.34)

representative disagree with the ruling of the authorities, the acquiring organization will designate a panel of arbitrators to review the objection and make a decision. The decision of the panel of arbitrators will be final if both parties come to an agreement in this regard; if not, the case needs to be submitted to the authorized court. On the other hand, there is no real objection mechanism to stop the process of acquisition in LAL-2009.

Payment and compensation: The next step in the process of acquisition is payment and compensation. By regarding total calculation of prices under Article 29 to 34 of LAL-2017, the following compensation shall be payable respectively:¹⁵

- I. Land, equivalent to acquired land in terms of its quantity, quality and commercial value.
- II. In case sufficient land is not available, land based on conditions provided in paragraph (I) and cash.
- III. In case no land is available, only cash is payable
- IV. In all other methods will be defined through a special regulation

Duration of payment and compensation is valid at least 6 months after the date of official announcement of project implementation in three installments. If the compensation is not paid within the due time frame, the property under acquisition would be re-priced according to provisions of LAL-2017 and the new price must be paid. In case, the new price is lower than the previous price, the previous price is payable. If a dispute arises between the owner of the land and acquirer over the construction or product of land, the price of the land needs to be paid and the price of the construction and product should be paid after the final verdict of the authorized court.¹⁶

Establishing best-practice requirements for determination of land values and compensation: To establish best price and do a good calculation of just and fair compensation, LAL-2017 introduces a Compensation Committee with the Governor of the province as the chairperson, Mayor as the deputy chairperson and members of different government organizations such as ARAZI , survey cadaster of ARAZI, Department of Agriculture Irrigation and Livestock, Department of Urban Development, Department of Justice sector, Chamber of Commerce, and the Acquisition Office.¹⁷

The main duties and obligations of the appraisal, pricing and calculation of compensation committee under Article 23 of this law, while pricing land for acquisition and presenting to the government are as follows:

- Calculating the estimate price of land in the market and nearby areas within three months.
- Considering kind, place, stage and commercial value of the land.

The price job team needs to have a technical team of engineers from the acquisition office and the owner or his/her legal representative (art 24).

LAL-2017 has also dealt with, determination of compensation of land with establishments and constructions, determination of compensation of land with crops, determination of compensation of land with trees, determination of compensation of a commercial property, determination of compensation of residential property, payment of rent of acquiring land and compensation payable to the owner of the property in detail.¹⁸

Recognizing the rights of occupants lacking formal ownership: The main difference of LAL-2017 from LAL-2009 is with respect to persons who are not owners of the property in the project implementation site but have

¹⁵ Land Acquisition law 2017. (Art. 31)

¹⁶ Land Acquisition law 2017. (Art 37)

¹⁷ Land Acquisition law 2017. (Art. 28)

¹⁸ Land Acquisition law 2017. (Art. 25, 26, 28, 29,30,31)

occupied state land. According to article 32 of LAL-2017 the squatter can only receive the costs for building and land with the incentives having the following conditions:¹⁹

- I. The land shall be state land
- II. The squatter shall not have any property in the same province
- III. They shall have at least 10 years occupancy of the property

The same article states that after the enactment of this law, if someone occupies government land and construct on it, they will be prosecuted in accordance to this law. In contrast, LAL-2009 is silent in this regard.

The final stage of the acquisition process is evacuating the site within one-month of receiving compensation and handing over the original legal official ownership document to the acquiring organization after the land clearance processes (Tasfiia). If the process goes smoothly, the claim of the owners is not admissible after receiving just and fair compensation for the property.²⁰

Land acquisition and Land dispute: Land rights in Afghanistan are administrated by a number of laws involving constitutional law, state law, religious law, civil law and mostly customary law, which subsequently complicate the regulatory environment. ARAZI's role in land acquisition and dispute resolution centers limited its operational remit in respect of land clearance activities so far. Often, at the heart of any dispute in this context are the questions of value and compensation. On the other hand, disputes over agricultural land, disputes over customary land rights, growing informal settlements, and a history of illegitimate land expropriation by powerful individuals and insecurity points to a much bigger problem.

Whilst many Afghan citizens are prepared to accept the need to provide land for investment purposes, the stated problems make it difficult for the ARAZI and municipalities, especially in rural and urban areas to acquire land. However, LAL-2017 does transfer the responsibility of land disputes to the Land Management Law (LML). LAL-2017 stipulates in article 49 (1) if dispute over land ownership arises during the acquisition, it should be settled by LML.²¹

“The Proposed LML clearly identifies the tasks of cadaster team as part of the settlement team. The proposed law fails to effectively facilitate local participation in identification of rights to lands. It does not guarantee affected individuals’ right to express their views or present their claims during the settlement. Instead, the proposed law only exerts and obligation on people to cooperate instead of obligating settlement teams to facilitate local participation. However, the proposed amendments address the problem of judiciary’s twin role in settlement of the lands as well as solving the disputes arising from those settlements. Thus, the proposed law solves the conflict of interest issue raised by judiciary’s ability to decide disputes over lands it has settled. The settlement is still organized in a manner as if it only focuses on rural lands.”²²

On the other hand, in the Afghan context, there is a long tradition of community-based mediation through well-recognized cultural processes. Although LAL-2017 does state in article 34 (3) that in case of objection over the decision of an acquisition office in a dispute, the case must be presented to an arbitration panel composed of representative of related engineer’s association, representative of chamber of commerce and representative of community elder of acquiring area.²³ But it is not the traditional mediation (Jerga) as traditional rules do not apply here.

¹⁹ Land Acquisition law 2017. (Art. 32)

²⁰ Land Acquisition law 2017 (Art. 10)

²¹ Land Acquisition law 2017 (Art. 49)

²² A Comparative Review of Afghanistan’s Proposed New Land Management Law vs. Land Management Law, 2008.

²³ Land Acquisition law 2017 (Art. 34)

Resettlement: The issue of restoring the livelihood of the affected people from acquisition project has been covered in chapter six of LAL-2017. If the inhabitants of the area lose their residential properties due to project implementation, for the purposes of restoring their livelihood, the land acquiring organization shall, prior to the implementation of project, take measures to resettle and rehabilitate them. The resettlement and rehabilitation committee introduced by LAL-2017 will manage the rest of the resettlement and rehabilitation projects.²⁴ The main duties and responsibilities of the committee are as follows:²⁵

- Identification and preparation of list of projects affected people who are in need of resettlement and rehabilitation;
- Identification of the location of resettlement and rehabilitation project;
- Preparation of list of project affected and displaced people for the purpose of restoration of their livelihood;
- Preparation of implementation plan of the resettlement and rehabilitation project.

LAL-2017 focuses on providing not only compensation (land, equivalent to acquired land in terms of its quantity, quality and commercial value) to the landowners, but also on extending rehabilitation and resettlement benefits to the one who has lost his/her livelihood from the land; these benefits will be in addition to the compensation. The compensation paid to the landowners is based on market value and other factors laid down in the law. LAL-2017 also introduced changes into the land acquisition process by mandating that a social-impact study be conducted prior to acquisition.²⁶

After receiving compensation, owners and occupants are entitled to one residential unit in the resettlement and rehabilitation project as an incentive.²⁷ After the identification by the mentioned committee, the project will complete the resettlement project, including the transfer of the residents prior to the implementation of acquisition project.²⁸

Potential impact of LAL-2017 on the current criminal justice system: Chapters four and seven of the LAL-2017 contain the following enhanced punishment provisions:²⁹

- Article 32 (4): After enactment of this law, if a person grabs state land and build a house on it will be punished in accordance to this law.
- Article 51 (1): Individuals who deliberately obstruct the implementation of the project shall be prosecuted in accordance to this law.
- Article 51 (2): Unaffected Individual who include him/herself in the project affected people 's list, such forger person, without considering if he/she received the compensation or not, shall be prosecuted in accordance to this law.
- Article 51 (3): The government employees, who deliberately obstruct the payment of compensations or cause delay exceeding the due time, shall be prosecuted in accordance to this law.

Although, penalties set forth in this law has problems, it is still a great step for implementation of this law. In contrast, LAL-2009 is silent in this regard.

Current demographic changes: Population inflow to both urban and rural areas is placing pressure on land, potentially driving conflict. The capacity of returnees and urban arrivals to successfully access land for occupation and livelihoods will influence whether potential economic contributions of newly settled populations

²⁴ Land Acquisition law 2017 (Art. 38)

²⁵ Land Acquisition law 2017 (Art. 39)

²⁶ Land Acquisition law 2017 (Art. 8)

²⁷ Land Acquisition law 2017 (Art. 40)

²⁸ Land Acquisition law 2017 (Art. 41)

²⁹ Land Acquisition law 2017 (Art. 37 & 51)

can be realized and the extent to which conflict and fragility risks will increase or decrease. Though, LAL-2017 promises no compensation if a person grabs state land and build a house in it and explicitly states that it will prosecute the perpetrator after enactment of this law,³⁰ the government is not yet in a stage where it is able to control population influx.

- **Taxation:** LAL-2009 is silent on taxes like most of the laws of that time. LAL-2017 however took the initiative and stated that, the land acquiring authorities shall notify ARAZI if it is outside the master plan or municipality; if it is within the master plan, with regard to the transfer of ownership, they could deduct, taxes from owner's account.³¹
- **Special budget code:** Proposing a special budget code for acquisition project by the MoF in national budget is another big difference between LAL-2017 and LAL-2009 and a vital step for implementation of acquisition projects.³²

Shortcomings of LAL-2017: The new law does have some serious shortcomings with regards to the provisions for socioeconomic impact assessment in matters of land acquisition. Some of the flaws are listed below:

- **Public-private partnerships:** The LAL-2017 has no norms in place to deal with acquisition of land for use by private companies or in case of public-private partnerships.
- **What if the land is higher in value:** According to LAL-2009 if someone is receiving land higher in value as compensation, the new owner should pay the extra value. But LAL-2017 has nothing to say in this regard.
- **Execution of approved plans:** Article 5 (2) of LAL-2017 states, that a person's land can be acquired for "execution of **approved plans** of authorized authorities." This paragraph can be misused and misinterpreted as what can be approved is not well illustrated.
- **Unused acquired part of Land:** If only a part of a land is acquired, and the non-acquired part cannot be used beneficially by the owner, what is the solution? The LAL-2017 is silent in this regard either. In such a situation, it would be a good move to take the whole land, but the law does not specify any solution.
- **Alternative proposals to land acquisition:** LAL-2017 has no alternatives to acquisition. One of the alternative proposals to land acquisition is to lease land from landowners for a certain period. Many countries use this method while implementing big projects. Leasing land may also support sustainable project development since the land needs to be returned to the landowners at the end of the lease period in a condition similar to its original form without considerable environmental degradation. A lot of disputed lands can be used for projects by leasing the needed land. When the land is leased then anybody who has to otherwise give up land or livelihood will be compensated for its growing valuation over time.

In countries like Afghanistan, there are rapid changes to the ways in which people occupy territory. Courts play an important role in land relations, as they prepare and archive legal deeds, and adjudicate on land claims. A complex system of customary, religious and statutory laws regulates the ownership of real property in Afghanistan. Rural property is acquired, sustained and transferred customarily. There is no written customary law and each tribe and even each community sustains and interprets the rules independently. Islamic laws are locally interpreted in property matters and widely referred to in both informal and formal land dispute resolution.

The LAL-2009 was not working satisfactorily and massive changes were needed in order to implement big projects. However, a painstaking approach of acquisition and payment of compensation has caused the delay or

³⁰ Land Acquisition law 2017 (Art. 32(4))

³¹ Land Acquisition law 2017 (Art. 47)

³² Land Acquisition law 2017 (Art. 48)

forfeiture of vital projects such as the New Kabul city. Though development projects bring economic development and prosperity, they also negatively impact the livelihoods and other activities of local communities, with the greatest impact being borne by weaker sections. Displacement of population also threatens a large crisis. Overall, land acquisition is not an easy task as it involves multiple stakeholders with sometimes-conflicting interests.

However, by taking a comprehensive approach and including every AP involved in land acquisition, the LAL-2017 can minimize resistance and smooth the path towards a win-win situation for all. For this to succeed, it is important to raise awareness of the positive and negative impact of land acquisition among the population and involve them in the decision-making process. The proper implementation of LAL-2017 is imperative to a better rehabilitation and resettlement outcome.

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

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

The fundamental principles of policy which inform the WB's position on resettlement and land acquisition that will be followed under this RPF for ESMF are:

- (a) Involuntary resettlement should be avoided where feasible or minimized by exploring all viable alternative project designs.
- (b) When 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 standard of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- (e) Lack of title should not bar the affected population from resettlement and compensation benefits.
- (f) Compensation for losses will be delivered at replacement costs.
- (g) Compensation payments must be delivered before taking possession of the required assets.

Step 1: Preliminary issues: is acquisition necessary?

The first step addressed by OP 4.12 is avoidance of land acquisition and resettlement if possible. Land acquisition and resettlement should not be seen as the easy first option; rather it should be seen the 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 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 cutoff date for any ultimate assistance and compensation for APs must be determined and announced. After that date, no one coming into or obtaining land or a house in the potential project area will be entitled to compensation. In the case of this particular RPF, this step will have to be taken many times over with respect to each specific erection of a tower or location of a substation. There will be a risk that there may be some speculative encroaching as word gets out unofficially about likely projects in the future. This will need careful handling.

Step 2: Preparing an acquisition and resettlement plan

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

- (i) Informed about their options and rights pertaining to resettlement;
- (ii) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
- (iii) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to project-related land acquisition.

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

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

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

- a) 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;
- b) provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities; and
- c) provided with retraining or training opportunities so that they can either take up a new form of livelihood or by virtue of being trained to a higher skill standard

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

- the land to be acquired
- the persons who will be suffering any losses of assets, income, sources of livelihoods
- the persons to be required to move
- the place or places to which such persons are to be moved to
- the circumstances of the place to which persons are to be moved to:
 - whether the land is occupied and by whom

- what the land is presently being used for
- the condition of the land and its facilities
- the arrangements to be made to facilitate resettlement and integration
- the manner and form in which compensation is to be assessed and paid
- the heads of compensation payable
- an estimate of the compensation payable and of the resettlement expenses
- the procedures to be followed in executing the plan
- the arrangements for the involvement of APs in plan execution
- what opportunities there will be to challenge plan execution and compensation

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

The second step is to also 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 resettles and any host communities should be preserved and resettles' preferences with respect to relocating in preexisting communities and groups honored.

The preparation of a plan must be preceded by and involve in its development, meetings with potential APs and more general public consultations. There will be informal day-to-day meetings among APs, MoE local staff, and other stakeholders. The more formal consultation process in the sub-project areas will be through: (a) one-on-one meetings with directly affected households/companies; (b) village and community meetings; and (b) public consultations with government officials. Informative materials will have to be prepared and distributed within the sub-project areas before the meetings. This is set out in more detail below.

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

The third step is the execution of the plan, i.e. 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 summarized, a general point about the legal framework must be made. There will need to be in place a set of clear rules for the whole of step three. This code will need to cover –

- the empowerment of institutions to execute, regulate and monitor the process
- which officials are empowered to take actions and give orders?

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

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

Sub-step 1

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

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

Sub-step 2

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

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

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

Compensation will include:

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

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

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

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

Sub-step 3

The third sub-step involves the actual taking of the land – the entering into possession of the land by the acquiring authority – and the departure and resettlement of APs. This will need to be handled sensitively with plenty of notice given to APs. OP 4.12 does not specifically deal with this sub-step but it is a necessary part of the process of acquisition, displacement and resettlement.

Assistance with resettlement and displacement will include:

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

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

It is important to have knowledge of the local context and identify what language PAPs speak. Thus, it will be necessary in developing RAPs on the basis of this RPF to deal with each community as a distinct and separate entity, with its own concerns and its own approaches to resettlement and temporary displacement.

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

Table 2.1: The comparison table between the Law on Land Expropriation (2009), the Law on Land Acquisition (2017) and the OP 4.12.

Note: The section on the new Land Acquisition Law (2017) in comparison with Land Expropriation Law and OP 4.12 will be updated and inserted to the RPF main body, when the technical comparison becomes available.

| Law on Land Expropriation (LLE) | Law on Land Acquisition (2017) | WB 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. | To be added | Principle that involuntary resettlement to be avoided where possible implies discussion of necessity for and alternatives to acquisition and resettlement | The principle behind OP 4.12 is followed in practice in Kabul but the law is silent on the matter. | No reason why practice in Kabul could not be applied in other areas | Potential APs must be able to discuss need for acquisition and alternatives with officials from the PIU and the Ministry |
| 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. | To be added | 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 | To be added | Census conducted of persons in the area to determine eligibility for assistance, and to limit inflow of people ineligible for assistance; encroachers | No real gap here. | Given the practice in Kabul, there would be no problem in adopting OP 4.12 as the practice to be followed in this RPF | A legal framework will require a census of eligible APs to be undertaken at the immediate pre-project stage. |
| 4. By article 6 of LLE, the right to own or use land is terminated three months prior to the actual start of the project. So, information on land to be | To be added | Prepare resettlement plan on how project to be implemented | LLE does not provide for what OP 4.12 requires. Some pre-planning of projects will exist and | 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 | A legal framework within the RPF allowing for a participatory approach to acquisition and resettlement |

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|--|--------------------|---|--|---|--|
| <p>acquired is sent to APs three months before acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation.</p> <p>It is at this point that donations of land may be ‘invited’.</p> | | <p>and resettlement etc. provided for. Emphasis on participation by APs in preparation of process and in project implementation</p> <p>Emphasis on early information to be given to potential APs of possible resettlement</p> | <p>informal discussions with APs involves participation. 3 months’ notice may be too little where relocation is likely but not rigidly adhered to.</p> | <p>interpreted to mean “not less than three months” which would allow for discussions on acquisition and its consequences.</p> | <p>planning and implementation would not contradict the LLE and is the best way forward.</p> |
| <p>5. No special provision in LLE for a resettlement plan or any special arrangements for resettlement.</p> | <p>To be added</p> | <p>Prepare resettlement plan: contents to include –</p> <p>Involvement of and ensure APs their rights to</p> <p>(i) compensation</p> <p>(ii) relocation assistance</p> <p>(iii) development assistance</p> <p>in new location. Distinction drawn between short and full plans, depending on</p> | <p>Major gap of substance</p> | <p>1. The LLE is silent on resettlement but there is nothing in the law to suggest that a resettlement plan or action to implement a resettlement plan would be illegal.</p> <p>2. Provide for resettlement plan administratively but</p> <p>3. Backed up by some regulations</p> | <p>2 and 3 the preferred option.</p> |

| | | | | | |
|--|-------------|---|--|---|---|
| | | numbers to be resettled | | | |
| PART | To be added | 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 explained in article 18 LLE. Under article 22, the owner etc. is obliged to hand over all documentary evidence relating to land to the acquiring authority | To be added | 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. |
| 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 | To be added | Not mentioned | LLE ahead of OP 4.12 on this: | A good provision. It does however make plain that the LLE is about taking agricultural land and does not deal with the issues of grazing land or pastoralism. | No change |
| PART | To be added | 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 | To be added | Fundamental principle of OP 4.12 is that all those on land are to be entitled to fair compensation and assistance | 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 | 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 |

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| <p>with legal title and those with customary title or no title with respect to the payment of compensation.</p> <p>Practice in rural areas was quite accommodating to those with customary titles.</p> <p>Practice in Kabul is to acquire documentary evidence for a claim for compensation.</p> | | <p>with resettlement irrespective of their title to land.</p> | | <p>titles which is likely to be the majority in project areas.</p> | <p>on land at the census date receive fair compensation and resettlement assistance. As with 6 above, the RPF can develop a legal framework for compensating all those on the land and this can be a model for future regulations to be made under LLE.</p> <p>This is the one major area where there is considerable divergence between LLE and OP 4.12. It will be necessary to comply with OP 4.12.</p> |
| <p>9. The Constitution provides for payment of prior and just compensation. (English translation). The LLE at article 2 provides for the payment of prior and adequate compensation. If there is a distinction between just and adequate, then the constitutional provision of just compensation prevails.</p> <p>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</p> | To be added | <p>OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local markets.</p> <p>Compensation for lost livelihoods required</p> <p>Disturbance compensation required</p> | <p>There does appear to be a gap between the LLE and OP 4.12. The LLE has a lot of gaps in it. Sensible not to insist on market value in the absence of reliable functioning markets.</p> <p>Biggest gap is compensation for squatters and even their best practice does provide some compensation to those with no legal title.</p> <p>Practice of paying compensation into a bank even when APs not absentee difficult to reconcile with prompt payment of compensation.</p> | <p>1. OP 4.12 must be accommodated. Other resettlement plans developed in connection with ADB projects more or less ignore the LLE and provide detailed frameworks for assessment and payment of compensation.</p> <p>3. The lack of any detail in LLE on how to assess compensation and the content of compensation (apart from article 13) allows for the creation of a clear comprehensive and fair code on compensation applicable to all acquisitions including resettlement and retraining costs which can be a part of the RPF without doing violence to the existing law.</p> | <p>Article 40 of the Constitution suggests that option 3 should be the preferred one. It should be supplemented by guidance on how to apply the code in practice.</p> |

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| <p>acquired; the more land acquired the more residential plots are paid as compensation.</p> <p>Disturbance compensation not provided for.</p> <p>Compensation can be land for land</p> <p>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.</p> <p>Practice on the ground is careful and painstaking.</p> | | <p>Land for land compensation encouraged.</p> <p>Resettlement costs and 'start up' expenses required. All these provisions can be used to provide for compensation to pastoralists and artisanal miners</p> | | | |
| <p>10. No provision in the law on resettlement support.</p> <p>Practice seems a little haphazard and tends to turn on legality of occupation of APs who are to be relocated</p> | To be added | <p>OP 4.12 requires implementation of resettlement plan the contents of which are noted at 4 above</p> | <p>Major gap of substance as noted in 4 above.</p> | <p>If preferred option at 4 above accepted, resettlement plan implementation is issued.</p> <p>Choice is between formal top-down and participative involvement of APs which OP 4.12 requires.</p> | <p>The RPF should provide for the making of a resettlement plan (5 above) which should be based on a guided participative approach to implementation.</p> |
| PART | To be added | FOUR: | ADMINISTRATIVE | & JUDICIAL | PROCEDURES |
| <p>11. LLE provides for administrative agencies to manage acquisition processes and deal with compensation. APs are part of some committees dealing with compensation.</p> <p>No provision for courts to be involved or for appeals.</p> | To be added | <p>OP 4.12 silent on judicial and administrative arrangements.</p> <p>It requires appropriate and accessible grievance mechanisms to be established for</p> | <p>A major gap on grievance mechanisms and current administrative arrangements in LLE difficult to reconcile with the participative approach of OP 4.12.</p> <p>Earlier laws involved payment of compensation in the presence of a judge</p> | <p>Develop grievance handling practices but keep them administrative rather than legal.</p> <p>Make legal provision for appeals from administrative decisions and decisions on compensation to an independent body.</p> | <p>A combination of law and practice guidance would be the best way forward.</p> <p>Grievance mechanisms to provide for co-operation with <i>shuras</i> and community councils in areas where</p> |

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| <p>In practice, committees may act to solve grievances</p> <p>No provisions for e.g. legal aid to assist APs to make claims.</p> <p>Practice at least in Kabul does appear to try and help PAPs.</p> | | <p>those being resettled.</p> <p>Logic of OP 4.12's references to 'meaningful consultation' with APs and making use of CBOs and NGOs suggests preference for decision-making process which is not just part of the administration.</p> | <p>and allowed an appeal albeit from the judge to a Minister.</p> | | <p>APs are. RPF to provide for these</p> |
| <p>12. LLE does not provide for any external monitoring body or process</p> | <p>To be added</p> | <p>OP 4.12 states that the borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument.</p> | <p>Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to providing for same.</p> | <p>Provide monitoring for WB projects as required by OP 4.12</p> <p>Establish specialist monitoring agency for all projects involving acquisition and resettlement</p> <p>Empower provincial and local institutions to monitor projects.</p> | <p>Meaningful monitoring is required by OP 4.12. New institutions should be kept to a minimum. Consideration should be given to use provincial authorities and NGOs. Regular reports should be made and published</p> |

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).” For purposes of this RPF, the concepts of ‘general eligibility’ for compensation and who is an AP will be extended to include persons who may be temporarily displaced but who may be entitled to some compensation through loss of land by the erection of a tower or substation.

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

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

Compensation eligibility will be limited by the cut-off date. MoE will inform local communities regarding this cut-off date through their local offices and relevant local government agencies. Those who settle after the cutoff 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 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 summarize 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 recent amendments to the Land Management Law define ownership of land as *State-owned land*; *private land*; *special land of village or villages*, and *public land*. Public land includes Mar’aa land which is divided into special Mar’aa land and General Mar’aa land. A fifth category of land is endowed land (Waqf land). Written evidences of land ownership under the formal system of property rights are different kinds of deeds or legal documents with copies in the Court Registries. Other formal written documentation may also be utilized for this purpose. Details are to be found in Chapter 3 of the Law on Land Management.

Land owned by an individual is considered as private property. According to Shari’a, private property can be owned individually or collectively. Private ownership may be acquired through (a) purchase, (b),

allocation from a municipality, (c) transfer of ownership of which the most common form is inheritance. In addition, private land can be acquired through the principle of “dead land” or “*zameen-e-Bayer*.” This classification entitles all legal owners to compensation for affected land.

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

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

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

Informal System of Property Rights – There are two types of owners/possessors under the informal system that will be entitled for compensation over land affected by the project. The first group entitled for compensation is the customary or traditional owners of land and their heirs. These are individuals who inherited land that their ascendants occupied for more than fifty years. The original owners were either individuals who received royal land grants (*Farman*) in the form of decrees or legal letters, etc from the ruler of the time, or the original settlers of the land or their survivors who peacefully occupied the land for many generations. In the rural areas, these occupants may have (1) tax receipts or are included in the tax records, (2) unofficial land deeds and (3) been declared or recognized 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 neighbors, 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 eligible 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 for cash compensation and rehabilitation assistance (albeit with differences in entitlements), irrespective of their land ownership status, to ensure that those affected by the project shall be at least as well off, if not better off than they would have been without the project. The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, mining activities incomes, etc.) as detailed below:

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

- ***Severe Agricultural Land Impacts*** -- When >10% of an AP's agricultural land is affected, APs (owners, leaseholders and sharecroppers), in addition to the compensation explained above, they will get an additional allowance for *severe impacts equal to* the market value of a year's net income crop yield of the land lost.

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

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

• **Renters/leaseholders** - will receive an allowance geared to the rent they are paying for three 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 one 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 year's investment they have required. Non-fruit trees will be valued at dry wood volume basis output and its current market rates.

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

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

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

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

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

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

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

• **Transitional Livelihood allowance** -- APs forced to relocate will receive a livelihood allowance of AF x for the duration of the livelihood interruption time. Transitional livelihood allowance is computed based

on the prevailing wage rate of AF x per day times for the duration needed This is also the basis for cash compensation on lost wages. Where there is temporary displacement which lasts for less than three months, a livelihood allowance will be paid only for the period of temporary displacement.

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

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

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

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, however under the new Law on Land Acquisition 2017, the term fair is used for compensation, but these provisions still 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 WB’s OP. 4.12, rates used to compensate for lost land and assets must be *replacement cost at current market value*, in order to meet the policy objective of “at least” restoring people’s livelihoods and ensuring that people affected by a project are not left worse off. According to OP 4.12, “replacement cost” is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas or mining assets), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

A further point must be made about the rates. In a specific project, there would have been, as part of the process of putting a project document together, at the very least a preliminary survey of the land to be

affected by the project and the numbers of APs likely to be affected and the way in which they would be affected; e.g. loss of land, loss or diminution of assets, loss of livelihood etc. Discussions would have taken place with such persons so that a reasonable estimate could be made of what they would be likely to claim as compensation. Therefore, alongside an explanation of the rates that are to be applied to the determination of compensation, a budget would be developed showing the amount of money that would be needed at the proposed rates to satisfy the requirements of compensation for the APs in the project area.

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

The rates for land, structures, crops and trees that may be used in the cost estimates prepared in the MoE plan may derived through rapid appraisal and consultation with affected parties through the census and inventory of loss survey and relevant local authorities. The affected households may be 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. It will depend on the size and design of each project.

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

4.2 Valuation of Land

Valuation of land is considered the second step in land acquisition. 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 buildup 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 center, the higher the price of the land.

4.3 Valuation of Structures

In the area affected by projects such as school and institute of higher education the valuation will depend on the kind of structure. A structure may be made of mud or mud and bricks except for some government-owned structures made of straw and lime (it could also be made of cement). 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 (reinforced cement concrete, single/double story building) will be determined after various consultations with some owner's local contractors and some local civil engineers.

4.4 Valuation of Crops and Trees

The measurements of farm lots are determined on the basis on the amount of seeds used 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 may be 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 AF 5.00 per square meters for the Central Asia-South-Asia power project but would be fine-tuned at the time of the RAP and under the MoE project.

The compensation for productive trees for the Central Asia-South Asia project 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 year's investment they have required. However, trees, the fluctuation of the value of tree products may be influenced largely by the supply and demand and the absence of post-harvest facilities. Farmers may be forced to sell tree crops when everyone one else is doing so during off-season months; the prices of tree crops may increase. The compensation rate for a fruit bearing tree is the average yield per tree times the age of the tree.

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

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 (x months). Permanent business will receive AF x a month for x months. Compensation for temporary business losses will be cash covering the income of the interruption period based on a monthly allowance of AF x.

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

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

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

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

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

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

5. INSTITUTIONAL ARRANGEMENTS

5.1 General

This section deals with the roles and responsibilities of different institutions for the successful implementation of the project. There are two distinct phases for transferring land for infrastructure projects. This involves land clearance (Tasfiya) to be followed with Land acquisition and resettlement and rehabilitation. The government institutions involved include ARAZI (Land clearance and Cadastral team), Ministries of Agriculture and Energy and Water, Council of Ministers and the requiring agency which in this case is clearly defined as the MoE. The land clearance team representing the Ministry of Energy and Water, MAIL, MoF, Cadastral and Tasfiya team is in accordance with Clause 40 of LAL-2017.

The agencies involved in the planning and implementation of a resettlement and rehabilitation program are MoE as the executing agency (EA) and the provincial government office together with the appointed NGO referred to above. In the field, MoE will act and implement through the provincial engineers' present in all selected schools. With the support of a consulting engineer and the implementation consultant who will co-ordinate all activities related to resettlement implementation. All activities will be coordinated with the relevant local government agencies and community *shura* in which the package will be implemented.

5.2 Overall Organization – Ministry of Education (MoE)

The MoE will be the executing agency (EA). The minister and deputy minister for Finance and Administration will be responsible for the overall policy level decision, planning, implementation and coordination of project activities. The EA will have proper coordination with other institutions 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 at the central level comprising of members from the MoE, MoF, MAIL, Ministry of Energy and Water and ARAZI (geology and cartography departments).

2. *Asset Valuation.* Value 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 comprising 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. MoE), (iii) a representative of the local municipality, (iv) a representative of the MoF, and (v) a representative of the Ministry of Justice and representative of Energy and Water.

5.3 Project Implementation

5.3.1 Ministry of Education (MoE)

MoE will be responsible for the approval and implementation of a Land Acquisition and Resettlement Plan (LARP). Within MoE, LARP tasks will be handled by two units described below. Local MoE office and local governments will be responsible for coordinating 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 MoE, and the physical delivery of compensation to the APs will be assigned to a committee selected by the MoE, which will include members such as the local governments but under the supervision of the MoE and of the supervision consultants.

There will be a unit within the Department of Planning and Policy at MoE, that will be involved in the implementation of the LARP, namely the Environmental Compliance & Social Safeguards Unit (ECSSU). The ECSSU will be primarily responsible for the environmental and social safeguard issues. The MoE will be responsible for the daily field level activities, getting all the necessary clearances required to initiate and implement all resettlement works. It will coordinate with the ECSSU in the implementation of the project. As necessary, the MoE will coordinate with MAIL, Ministry of Energy and Water, ARAZI (Cadaster Survey Department), local Governorates, NGOs and the community shuras, locally elected councils. The MoE 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.

The current process will require MoE to submit request to ARAZI to initiate the process of acquisition, once the land clearance report is approved by the Council of Ministers. The land clearance report is submitted to the provincial government that constitutes a land valuation team. A report on valuation of the property is prepared after which the provincial government submits the report to ARAZI for approval by the Council of Ministers. Following the approval, it is sent to the MoF to facilitate the budget release and to the requiring body to disburse the compensation and issue notice to people for evacuation three months prior to initiation of civil works.

MoE will hire two national experts with one each assigned to the Environmental Compliance Unit and the Social Safeguards Unit; these experts will be responsible for environmental and social issues. These two national advisors will be responsible for the implementation of ESMF guidelines and ensuring/monitoring compliance with social and environmental safeguards throughout the project sites.

The national experts will also be responsible for mentoring/building the capacity of relevant officers within the MoE to: (i) work with regional technical teams to ensure adherence to safeguard requirements at each stage of sub-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 in close coordination with the ECSSU at the Department of Planning and Policy, local government units and MoE local staff to implement the LARP.
2. Assist the ECSSU at the Department of Planning and Policy 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 programmers.
4. Identify training needs of APs for income generation activities and ensure that these are properly funded.
5. Provide counseling and awareness raising to resolve LARP related grievances and assist in seeking redress to unresolved grievances from land acquisition and resettlement disputes with the GRC.
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 as an NGO in Afghanistan; have operated for at least 3 years; have a minimum of five paid staff; be committed to the principles of gender equality in terms of its own staffing; have a management or advisory board; maintain a proper accounting and financial system; have a long term presence and credibility in districts relevant to the 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 are vital in LARP implementation. These are the provincial government, district provincial government, villages and local community shuras (CDCs) and school 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 go through three offices at district level, (1) District administrator, (2) Revenue collector (Mustowfiet) and (3) the District Court. These offices have the jurisdiction on any matters related with land acquisition and verification of land entitlements. Staff of the Revenue Department (Mustowfiet), with the local municipality will carry out the tasks of identifying the titles and verification of ownership. The Office of Woluswal (the appointed District head) is expected to play a coordinating role.

6. PUBLIC CONSULTATION AND PARTICIPATION

6.1 General Public Consultation

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

6.2 Public Consultation

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

6.3 Community Meetings

A series of village meetings will be held, where the census and socioeconomic surveys will be explained and later carried out. The aims and objectives of a project will be explained as will the necessity for, processes and outcomes of any resettlement or temporary displacement. The community elders and stakeholder's meetings will be scheduled based on the availability of the participants. The ECSSU will be responsible for conducting community level consultations.

In the socioeconomic survey, the project will list the names of the owners/users of assets likely to be acquired, temporarily used or damaged for which compensation will be payable and the MoE will prepare a LARP for each defined section of the project that will ensure that all these affected assets are justly compensated. The approved LARP will be presented and explained to all affected households and persons and other interested parties. The census survey will 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 share 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

The supervising consultants will meet with provincial and local officials to ensure that they are fully appraised about the project including the formulation and details on the implementation of the LARP. The MoE will coordinate with the land valuation committees. There will be coordination with the district governors, who 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:

- LARPs for sub-projects will be made available to the concerned district governments, village leaders and directly affected households and MoE's field offices as an official public document. This RPF will also be disclosed on the MoE website.
- A summary of this RPF will be prepared specifically for this purpose and will be translated into local languages and presented to all APs in the form of a pamphlet/ brochure, to enable the APs and local communities to read it by themselves and be aware of the benefits/compensations to be made to available for various types of APs, as given in the 'entitlement matrix'. MoE field staff/consultant will distribute the brochures through the community 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 check disbursement schedule – or preferably transfer of compensation through e-paisa to PAP bank accounts, explaining the date, time and venue for disbursement of compensation cheque of each AP will be prepared in applicable 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, consultants and MoE staff.

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

The local safeguards officers will again conduct meetings with the MoE staff, 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 will be responsible to return to the affected villages and communities once this RPF is approved by MoE, and by the World Bank and conduct disclosure activities through village meetings and meetings with affected peoples before the actual implementation commences.

7. PREPARATORY ACTIONS AND IMPLEMENTATION SCHEDULE

7.1 Preparation Actions

MoE will begin the implementation of the project component after its approval by the WB. It will initiate some actions as groundwork and certain preparatory task regarding implementation of the LARP as follows:

- Endorsement of the first LARP by MoE and its submission to WB 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 MoE in LARP implementation
- Development of internal monitoring indicators and procedures

MoE is also committed to provide adequate advance notice to the APs and pay their due compensation based on the eligibility criteria defined in this RPF for resettlement including relocation and income restoration/assistance prior to start of construction work. The APs of affected structures/assets (houses, shops, etc.) will be paid their due compensations at least three months (90 days) prior to demolition of

any structures. This time will allow them to dismantle and remove all salvageable material for rebuilding of houses and reestablishment of businesses.

Payment of compensation of assets other than structures (land, crops, and trees) will be made at least 90 days prior to actual possession of the space being utilized by the APs. However, in case of a dispute regarding the compensation amount, up to 70 percent of the assessed/allocated amount of compensation will be paid to APs and the rest pledged in an escrow account in the names of the concerned APs, pending the resolution of the dispute. In case of dispute over rightful ownership, the compensation would be deposited in an escrow account awaiting the court resolution of rightful ownership. In such an exceptional case, the MoE may possess the land without full payment of compensation. Grievances or objections (if any) will be redressed as per grievance redress procedure adopted in this RPF. However, all activities related to land acquisition and resettlement will be completed prior to initiation of civil works in connection with the transmission line, the erection of towers and substations with resettlement and temporary displacement impacts. In case of absentee owners (e.g. conflict displaced persons), the compensation amount would be deposited in an escrow account and issued to the rightful PAP upon verification of identity and claim. The government will take all appropriate means (through electronic and written media, words of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts.

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, and travelling time. No account is taken of the likely situation in any province or district where sub-projects might take place.

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

- i. Obtain financial resources based on the final budget of each LARP. MoE shall obtain the needed money for its counterpart to fund the land acquisition component from the MoF.
- ii. Verification of the list of qualified APs: MoE through the implementing consultant 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: MoE through the implementing consultant 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 consultant facilitating this meeting. In the event that MoE and the APs still cannot agree, the MoE will file expropriation proceedings in the appropriate court, asking that MoE be permitted to take possession of the affected asset. The MoE will pay the AP 70 percent of the contested sum and deposit the remaining amount in an escrow account in a bank.
- v. Locate absentee owners: The MoE through the implementing consultant 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 MoE/Implementing consultant. 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 MoE/MoF will be remitted while using the applicable public financial system to a local bank in the nearest town to the sub-project site. In the public financial system of Afghanistan, the money is transferred by the treasury department of the ministry of finance, where MoF may remit the money for compensation to any bank of its choice. The bank account will be facilitated by MOE to ensure that APs are compensated on time.

xi. Payment: The APs will each receive a cheque for the whole amount of compensation from the MoF using the available money transfer system in the country such as bank account or cash cheques. 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 in case not having a bank account in the desire bank, will cash the cheque by presenting their national identification card (NIC) 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.

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

8. COMPLAINTS AND GRIEVANCE REDRESS

Based on the LLE when private landholdings are acquired for public purposes, 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,
- Representatives of Ministry of Education,
- Representative of the Ministry of Finance,
- Representative of the Ministry of Justice, and
- Representative of the local municipality,

The land acquisition process is initiated with the constitution of the land acquisition committee. As land and other assets are acquired for a public purpose, the law does not permit any objection to the acquisition of an individual's property by the state. Usually, there are dissatisfactions that arise with these acquisitions, mostly relating to the value of compensation. The LAC inquiries 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 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 MoE/ 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),
- Representatives from MoE– Environment Compliance & Social Safeguard Unit,
- Representative from the local legal department,
- Representative of the implementing NGO

The GRC 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 representatives. If no decision has been promulgated after ten 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 or for major commercial or infrastructural is new to Afghanistan, the environment and social specialists 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 GRC 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 the MoE and assisted by the Supervision Consultant. External monitoring can be assigned to an independent third-party monitoring agent in consultation with the WB and MoE's leadership, if deemed necessary. It can also be expected that the MoF may also conduct/ carry independent monitoring of the project to learn about the progress in the implementation of the project. But, this can be on ad-hoc basis, and can always not happen.

9.2 Internal Monitoring

The M&E team within the MoE will carry out internal monitoring routinely. The M&E team at MoE will communicate findings and results to the World Bank and the MoE 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 visits and reported on monthly basis to MoE in order to assess the progress and results of LARP implementation. The monitoring reports will also help to address concerns and adjust those issues / concerns in the work plan, if necessary. The monthly monitoring reports will be consolidated into standard supervision reports and submitted to the MoE and the WB. Depending on the intensity of the issue, MoE is authorized to increase or reduce the frequency of the monitoring visits to the project site. Specific monitoring benchmarks will be:

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

The M&E unit within MoE 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:

- Socioeconomic 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;
- Effectiveness of arrangements for temporary displacements;
- 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.

9.3 External Monitoring

The implementation of a school project may take more than a year. Therefore, external third-party monitoring will be carried out on once or twice depending on the size and the time a project takes with the results communicated to the MoE and the WB through a bi-annual compliance report. (The TOR for the third-party monitoring will be part of the LARP). Depending on the level of satisfaction about the status of the project implementation, MoE in consultation with the WB may consider hiring an independent monitoring agency to carry out an independent monitoring of the implementation of the LARP. The scope of the monitoring work of the firm / NGO will be detailed in the terms of the references prepared by MoE and approved by the MoE and the WB. The monitoring agent will submit a detailed compliance report confirming the findings from the field about the implementation of the LARP to MoE and the WB. The frequency of reporting on the compliance of the LARP implementation will be detailed out in the terms of reference.

A copy of the compliance report and its recommendations will also be submitted to the MoE, for follow up purposes.

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 MoE in coordination with the local authorities and implementing organization, if any. 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 agency will be responsible for supervision and implementation of LARP and prepare monthly progress reports on resettlement activities and submit to the MoE for review. The implementing agency will also monitor RAP implementation and submit quarterly reports to MoE and the WB. In case there is an external monitoring agency, the monitoring firm / organization will submit bi-annual reviews directly to the WB and the MoE leadership 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.

Table 9.1 Matrix of Actions under the RPF

ACTIONS, MEASURES, COMPENSATION ENTITLEMENTS AND CATEGORIES IN THE RPF

| ACTIONS | TO | IMPLEMENT | THE | PROJECTS |
|----------------|---|--|--|--|
| Who | What | When | Why (Objective) | Comments |
| MoE | Establish liaison arrangements with other Ministries which will necessarily be involved in the implementation of project; | Assuming these arrangements already exist with respect to earlier or existing projects involving MoE, they can be utilized as soon as possible to bring Ministries up to date on future projects | To facilitate the smooth implementation of the beginning and operation of the project | The vital first step in the process of developing the project |
| MoE | Establish the following Environmental Compliance & Social Safeguards Unit within the Department of Planning and Policy. | On approval of RPF by World Bank | Creation of the internal Ministry arrangements to implement RPF | Preparatory work to be done before approval of RPF |
| MoE | Hire two national safeguards specialists for the ECSSU | Desirable to appoint these officers well before the commencement of the project | Creation of internal Ministry arrangement to implement RPF | Early appointment will facilitate training of these officers. Training organized by ECSSU. |
| MoE | Commence the preparation of materials on the RPF for distribution to probable APs | As soon as possible | To give as much advance publicity to any project as possible and to alert probable APs of resettlement | No need to wait for approval of RPF by WB. This work should start as soon as possible |
| MoE | Prepare terms of reference for national social safeguards specialists | As soon as possible. Advertisements can go out before RPF approved but appointment would be dependent on RPF approval | To ensure rapid recruitment processes once RPF approved | There will need to be considerable consultation on this post so action needs to start early on |
| MoE and MRRD | Appoint the implementing NGO/consultant which is going | Initial work on appointment – terms of reference; basic | The implementing NGO will have an important role to play in | Where no or very small-scale resettlement will take place, the |

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| | to carry out the processes of resettlement | requirements for an NGO/consultant to be qualified to apply; vetting applicants. Appointment would not be made until RPF approved | all significant resettlement exercises. | ECSSU safeguards officer could be the implementers but anything over that and the implementing NGO would be involved. |
| MoE | Where likely resettlement will be involved in a site located for school begin preparation of RAP under the RPF | This action should begin to be incorporated into plans developing the sites for action. | To ensure no delay in beginning of implementation | Processes for preparing RAP set out in the text of RPF |
| MoE | Census of residents and probable APs within sub-project area | As early as possible once project site identified | An essential first step in the process of resettlement | Explanation of the importance of this in the RPF |
| MoE | 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. Utilize village meetings and other community processes |
| MoE | 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. |
| MoE | 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 a RAP as it must contain precise details of the compensation and resettlement payments | Compensation and the process of resettlement are at the heart of a RAP and its implementation. | ECSSU 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 the project does not get bogged down in never-ending disputes about compensation. |
| MoE | Finalize RAP | Preparation of RAP is a continuous process commencing with consultation in connection with census taking | A necessary step to commencing action on the ground | RAP must be approved by World Bank |
| MoE | 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; | This is a vital component of an RAP. The details of what must be in the information pack are contained in the RPF |

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| | | | how the compensation will be provided and the opportunities for complaints and settling same | |
| MoE | 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/consultant | <p>1. Work closely with ECSSU in generating awareness of all aspects of resettlement and compensation</p> <p>2. Work closely with APs in assisting in making, negotiating and if necessary taking to the GRC claims for compensation</p> <p>3. Submit regular reports on the process to MoE and the monitors</p> | Throughout the execution of the RAP | The presence of an independent agency whose prime function is to act on behalf of and support APs in their claims for compensation is designed as a guarantee that the process complies with principles of substantive and procedural (administrative) justice | This is a key element in the RPF. It will be important that a reputable and effective NGO is appointed and that the external monitoring body has terms of reference that embrace the monitoring on the NGO |
| GRC | Handle AP grievances over compensation | During the process of determining compensation. Meet regularly and aim to settle disputes within ten days. | As with the implementing NGO, a GRC is a further guarantee to APs that the process is both substantively (a second and independent opinion on compensation) and procedurally (an AP can have a hearing and put his/her case) fair | Another key element on the RPF. Important that the members of the GRC see themselves as independent and operate accordingly. They are not there 'to save government money'. |
| MoE | Internal monitoring conducted by MoE | Throughout the process of the implementation of a RAP with regular reports to the World Bank | The MOE is responsible for managing projects. 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 | An essential aspect of the RPF as it provides an element of project assurance to the World Bank with respect to the implementation of A project |

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| | | | report on what is happening and will do that via officers of MoE in the field | |
| In case of having an independent monitoring through external parties, it must be independent of all bodies involved in the implementation of a project and with independent standing in its own right. | External monitoring conducted by external monitoring agent | Throughout the process of the implementation of project with regular reports to the WB and guaranteed access to sites; APs; documents; officials in MoE and other relevant public and private bodies | An independent overview of the implementation of project | The independence of the external monitoring agency must be assured in the contract between it and the MoE. The WB has a substantial interest in the external monitoring agency and its outputs so will likely be involved in the selection process. |

Table 9.2 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 government 2. Customary documents, i.e. documents recognized 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 | <p>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"</p> | 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 |

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

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| | | 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. | | |
| Those who lose income from crop losses | Replacement of lost income | These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements. | See above | Ditto |
| Those who have lost income from loss of trees | Replacement of lost income | Income replacement based on types of trees lost. | See above | Ditto |
| Those who have suffered business losses | Replacement of lost income | Compensation for business losses will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance. | See above | Ditto |
| Those who have suffered loss of wages | Replacement of lost wages for a limited period | Compensation, based on actual income loss for time duration until income source. | 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 challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to AF x and priority in employment in project-related jobs. | This is a recognition that those classified as vulnerable households will likely suffer losses over and above income loss and will find it especially hard to get started again somewhere else. | Ditto |
| Transitional living allowance for APs forced to relocate | Disturbance compensation | APs forced to relocate will receive a livelihood allowance of AF x a month for three months. | This is a standard head of compensation in most systems of compensation. | Ditto |

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| | | Transitional livelihood allowance is computed based on the prevailing wage rate of AF x per day times during transition time. | | |
| 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 | The figures provided here are subjected to changes | none |
| Land including easements (rights of way) over land | Valuation of the land is pegged on an average, the actual value depending on the nearness to a built-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, mud/tin roof), 2 (tiled roof and normal cement floor) and 3 (reinforced cement concrete, single/double story building) | In the project from which these classifications are based, they were arrived at after various consultations with some owners who recently build their houses, local contractors and some local civil engineers. | None | This approach to structures seems a good one to adopt. Some APs considered that the length of time a structure had been standing should affect value but this was not a factor used in valuation |
| Crops | In computing crop losses, a combination of four main crops was used to get the average yield and price. | | The unit price for crop losses for a square meter of land devoted to the four main crops | Valuation was problematic because of lack of reliable data in terms of yield. The results of the socio-economic survey were not reliable because the majority of the respondents were not aware of size of their land holdings. |
| Trees | Compensation for productive trees is based on the gross market value of 1-year income | During interviews with APs on trees, it was pointed out that the fluctuation of the value of tree | The compensation rate for a fruit bearing tree is the average | The same point as above applies here too |

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| | <p>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 year's 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> | <p>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</p> | <p>yield per tree times the age of the tree.</p> | |
| <p>Restoration of income</p> <p>1. Crop losses</p> | <p>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.</p> | <p>No apparent input from APs. But there may be disputes between owners and sharecroppers which officers from the implementing NGO and possibly from ECSSU might become involved in</p> | <p>No figures can be given</p> | <p>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.</p> |
| <p>2. Business losses</p> | <p>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</p> | <p>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</p> | <p>Permanent business will receive AF x a month for 6 months.</p> <p>Temporary business losses will be paid for a limited number of months at AF x a month</p> | <p>This is another area where disputes could arise but between those offering and those receiving compensation.</p> |
| <p>3. Income restoration for workers and employees</p> | <p>Indemnity for lost wages for the period of business interruption</p> | <p>This does not admit of much negotiation although there may be differences of opinion of what count as wages</p> | <p>No figures because wages differ depending on the work being done</p> | <p>Ditto but in addition, there could be disputes between employer and employee on wages which the project will have to arbitrate on.</p> |
| <p>Income Restoration Allowance for Severe Agricultural Land Impacts.</p> | <p>When >10% of the agricultural land of an AP is affected, APs will get an additional allowance for <i>severe impacts equal to the</i></p> | <p>Given the problems of measurement of APs' holdings – see above column 5 on crop losses – this may be difficult to</p> | <p>No figures because the exact sums of money involved will depend on the use to which the land is being put</p> | <p>Although this has the appearance of objectivity for reasons noted in column 3 there may be disputes which will</p> |

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| | market value of a year's net income crop yield of the land lost. | compute and careful negotiations with the APs will be necessary | | need to be handled sympathetically. |
| Vulnerable group allowance | Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance. | There will need to be careful and sympathetic consultation and negotiation with these APs | A one-time allowance for vulnerable APs equivalent to at least AF x and priority in employment in project-related jobs. | Whether this will be seen as adequate will depend on the income forgone. It might be advisable to build in some flexibility here hence the 'at least'. |
| Transitional livelihood allowance | APs losing land or losing a house and forced to relocate will receive a livelihood allowance. | Disturbance is a standard head of compensation but it will need a willingness to be flexible on rates as disturbance is not an objective matter. | At least AF x a 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 | x months' rent at the prevailing market rate in the project area | What the prevailing market rent is must differ from place to place. It is probably not worth while trying to create a 'shadow' market. As with other heads of 'allowances' some flexibility must be built into the outcome. |

