



Government of Afghanistan

Ministry of Higher Education

Environmental and Social Management Framework

Second National Higher Education Strategic Plan

and

Higher Education Development Project

FINAL REPORT

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TABLE OF CONTENTS

1. INTRODUCTION	1
1.1 ESMF Approach and Methodology	1
2. PROJECT BACKGROUND AND DESCRIPTION	3
2.1 Overview of Higher Education Strategy	3
2.2 Purpose of the Project	3
2.3 Project Components	4
2.4 Project Beneficiaries	6
2.5 Proposed Investments	6
3. KEY ENVIRONMENTAL ISSUES	8
4. ENVIRONMENTAL MANAGEMENT REQUIREMENTS AND PRACTICES	9
4.1 World Bank Safeguard Policies and Requirements	9
4.2 Afghanistan Policy and Legal Framework for Environmental Management	11
4.3 Environmental Screening of Subprojects under NHESP II	13
5. INSTITUTIONAL ARRANGEMENTS, ROLES AND RESPONSIBILITIES IN THE ESMF IMPLEMENTATION	14
6. PUBLIC CONSULTATIONS	15
6.1 Summary of Consultation Findings	15
7. IMPACT ANALYSIS AND PROPOSED MITIGATION MEASURES	16
7.1 Key Environmental and Social Issues and Impacts Associated with the Project	16
7.2 Positive Environmental and Social Impacts	16
7.3 Potential Negative Environmental and Social impacts	16
7.5 General Environmental and Social Concerns during Construction and Operation	17
7.6 Potential Cumulative Impacts	18
7.7 Proposed Mitigation and Monitoring Measures	19
8. PROCESS FOR SUBPROJECT PREPARATION, IMPLEMENTATION AND MONITORING	
8.1 Screening and Review Process	21
8.2 Appraisal and Approval	22
8.3 Public Consultation and Disclosure	24
8.4 Monitoring and Annual Reports	24
8.5 Annual reviews	25
9. GRIEVANCE REDRESS MECHANISM	27
9.1 Objective of the Grievance Redress Mechanism (GRM)	27
9.2 Types of Grievances	27
9.3 Grievance Handling System	28
9.4 Principles, Procedures & Timelines	30
10. CAPACITY BUILDING AND TRAINING	31
10.1 Appointing Environmental and Social Safeguard Specialists	31
10.2 Training	32
11. ESMF IMPLEMENTATION BUDGET	33
Annex 1: Sectoral Resettlement Policy Framework for NHESP II	35
Annex 2: Consultations held in Kabul and Faizabad (August – October 2014)	76
Annex 3: Technical Guidelines	77
Annex 4: NHESP II Environmental and Social Screening Form	91
Annex 5: Terms of Reference for Sub-Project Requiring an SIA	95
Annex 6: Terms of Reference for an EIA	97

Annex 7: Terms of Reference for an EMP and Template	98
Annex 8: Examples of Contract Clauses for Civil Works	104
Annex 9: Procedures for Land Mine Risk Management	109
Annex 10: Template Notification Form for ESMF Clearance	113
Annex 11: Template for a Public Consultation Plan	114
Annex 12: Template for a Disclosure Notice	115
Annex 13: Format of an Annual Environmental Report for the NHESP II	116
Annex 14: TOR for OMST Environmental Safeguard Specialist	117
Annex 15: TOR for OMST Social Safeguard Specialist	118

Figures and Tables

Table 3.1 Academic Staff of Universities by Qualification and Gender.....	14
Table 5.1 Key Activities and Responsible Agencies.....	23
Table 5.2 Institutional roles and responsibilities for environmental management.....	25
Table 8.1 Roles and responsibilities in subproject E&S planning and implementation.....	34
Figure 8.1 Flow diagram of environmental and social screening of sub-projects.....	34
Figure 9.1 Process model for Grievance Redress Mechanism.....	43
Table 10.1 Proposed training format for ESMF implementation.....	47
Table 11.1 Budget Estimate for the Implementation of the ESMF.....	48

EXECUTIVE SUMMARY

Background

The Ministry of Higher Education (MoHE) has drafted a second National Higher Education Strategic Plan (NHESP II) for 2015-2020. It outlines the government's vision, mission and values, and strategies and interventions, aimed at achieving the long-term higher education development goals of the country. The main aim of the NHESP II is to improve the quality and economic relevance of the higher education sector; and increase participation in higher education, with a special focus on labor market-oriented degree programs. The World Bank is proposing to finance a Higher Education Development Project (HEDP) with financing from the Afghanistan Reconstruction Trust Fund (ARTF) to support the GoA's NHESP II.

Project description

HEDP will have two components: (1) a Higher Education Development Program component; and (2) a Project Management, Capacity Building and Monitoring and Evaluation component. These components and the activities under them were prepared through a process of consultation and collaboration with the Ministry of Higher Education (MoHE); the Ministry of Finance (MoF); the universities and higher education institutions; public and private employers; academics and researchers, and other development partners.

The HEDP will use an Investment Project Financing (IPF) instrument based on a Results-based Financing (RBF) modality. Under Component 1 (the result-based funding component), project funds will be disbursed against selected line items in MoHE's annual budgets (Eligible Expenditure Programs - EEPs) up to capped amounts and conditioned on achievement of the agreed set of Disbursement-Linked Indicators (DLIs). The first component will support the development initiatives of the NHESP-II, and deepen the focus on outcomes and results rather than inputs. Component 2 will strengthen MoHE's implementation, coordination, and M&E capacity, and cover needs for specific expertise to enable MoHE to achieve the agreed outcomes and results, including the DLIs. The second component will disburse as a traditional IPF and complement the activities of component one.

The World Bank, in consultation with the government counterparts, has discussed the full higher education sector program and selected EEPs comprised of non-procurable items from the higher education budget. The EEPs were selected are: (a) salaries and allowances; (b) scholarships; and (c) research grants. Bank financial management (FM) guidelines will apply to the entire Project. Bank procurement guidelines will apply only to component two, as component one does not contain any procurable items. Under Component 1, the Project will support critical development areas of the Government's NHESP II. Although, the HEDP will not finance civil works directly, the Government's NHESP II is expected to undertake construction of public university lecture halls, ICT centers, laboratories, libraries, and water, sanitation, and residential facilities, as well as rehabilitation and renovation of existing facilities, and dormitories particularly for female students in several universities across the country. These will involve simple buildings and civil works that are not complex to design, build and operate.

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. Potential environmental impacts of infrastructure activities to be supported under the Government's program are expected to be modest and localized. Under Component 2, the Project will finance technical assistance activities in support of policy design, project management and monitoring and evaluation.

Most Afghan youth studying at universities and university academics and managerial staff will benefit from the project over its life-cycle. In addition, there will be many indirect beneficiaries of the project, such as: (a) private sector employers who will be able to recruit better qualified university graduates in the future; (b) the government, which will be able to recruit higher quality graduates for the civil services and various public services over time; (c) future generations of university students and staff members who will benefit from the development of the higher education system; and (d) suppliers of goods and services which will be financed under the project.

Objective of the ESMF

Since the final selection and detailed designs of the multiple maintenance and construction activities will be developed only at the beginning of each financial year of the NHESP II, 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 (i) Environment and Social Management Framework and (ii) Resettlement Policy Framework have been prepared in accordance with international good practice as well as the World Bank safeguards and Government of Afghanistan requirements. These instruments will provide practical guidance for management of potential environmental and social issues associated with future sub-projects under the overall GoA NHESP II.

This document provides an Environmental and Social Management Framework (ESMF), which will be used by the Ministry of Higher Education (MoHE) in order 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 through (a) Establish clear procedures and methodologies for the environmental and social assessment, review, approval and implementation of investments to be financed under the project; (b) Specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to project investments; (c) Determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF; and (d) Provide practical information resources for implementing the ESMF.

(a) Provision of a Resettlement Policy Framework

No land acquisition is anticipated under the NHESP II. However, in a rare case, such land acquisition may become necessary. The ESMF also comprises a Resettlement Policy Framework (RPF) as an annex in case land acquisition is unavoidable, and contains guidelines for land and asset acquisition, entitlement and compensation, compliant with the provisions of Afghanistan's current Law on Land Expropriation, enacted in 2009 and Law on Managing Land Affairs 2008, and in compliance with WB Operational Policy 4.12 on Involuntary Resettlement.

Legislative framework

The Environment Law of Afghanistan (2007) is the principal law governing environment management and conservation in Afghanistan. A number of supporting regulations include: Law on Land Expropriation (2009); Land Management Law (2008), Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004); Water Law (2009) and Water Sector Strategy of the government of Afghanistan.

In regards to World Bank safeguard requirements, the following Operational Policies have been triggered by the Project requiring specific safeguard provisions: Environmental Assessment (OP 4.01), and Involuntary Resettlement (OP 4.12).

Institutional roles and responsibilities

The project will be implemented by the MoHE. The ministry will be directly responsible for the implementation of the national level activities, including strategy and program development, monitoring and evaluation, and technical support. Universities, which are under the MoHE will directly implement institution-level activities such as internal quality assurance reviews, human resource development of academic and managerial staff, and the adoption of innovative teaching and learning.

The MoHE will be assisted by the HEDP Operations and Monitoring Support Team (OMST) to provide operational support and to coordinate and monitor project activities including at university level. The project will have a Steering Committee (HEDP SC) to provide policy direction and project oversight. The HEDP SC will be chaired by the Minister of Higher Education and comprise of the Deputy Ministers, Director of Plan and Policy, Director of Administration and Finance, and Project Director, OMST; Project Director, OMST will also serve as Secretary to the HEDP SC. Each university will also establish a university level Steering Committee (University SC), led by the Chancellor, for overall planning, implementation, decision making and monitoring and evaluation of project activities.

Under the ESMF, there are several agencies that will play a key role in ensuring that mechanisms and recommendations outlined in the ESMF are implemented effectively. At the national level, the MoHE is the agency responsible for ensuring that the ESMF is applied towards all investments financed under the NHESP II as well as future projects in the education sector. NEPA is the implementing agency responsible for environmental management and will be involved in the review and approval of Environmental and Social Impact Assessments (ESIAs) prepared for subprojects, if necessary.

At the provincial and district level, environmental officers will be involved in the review and monitoring of Environmental Management Plans (EMPs). At the project level, the OMST will coordinate and monitor the ESMF requirements. This will be achieved through the designation of an Environmental Safeguard Specialist and Social Safeguard Specialist with specific responsibility for overseeing the implementation of the ESMF and RPF respectively and ensuring that EMPs and Resettlement Action Plans (RAPs) are prepared and implemented accordingly. The Environment Safeguards Specialist and Social Safeguards Specialist will report to the Director, Plan and Policy Department of the MoHE.

The Safeguards Officers and relevant staff of the Ministry of Higher Education and implementing agencies/consultants and contractors will receive training in the application of the ESMF and site specific EMPs. The Safeguard Officers, in collaboration with OMST director, will be responsible for monitoring the environment and social performance aspects supported by the NHESP II (2015-2020).

EIA/EMP and 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 NHESP II. The tools and mechanisms provided include:

- Screening of proposed sub-projects;
- Steps to be taken for an ESIA, including an application for environmental approval;
- Preparation of EMPs and RAPs (if needed);
- An annual environmental and social audit of the NHESP II;
- 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 NHESP II is not likely to result in significant adverse environmental or social impacts. The program has a potential of localized, site-specific adverse environmental impacts 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, impact of increase construction traffic, 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 practice embedded in the civil works contracts.

According to the NHESP II all infrastructures will be placed on government land, and no land acquisition is expected for their rehabilitation. The risk of involuntary resettlement or land acquisition is therefore considered to be extremely low. However, prior to start of physical works documentation is required that the land is free of encroachments, squatters or other encumbrances, and that the land has been transferred to the relevant authorities.

Impacts can be divided into environmental and social impacts associated with construction and operation which depends specifically on the size and nature of the subproject and the environmental and social context where the subproject will be situated. The implementation of the proposed NHESP II will result in a number of environmental and social impacts for the program as a whole. Some of these impacts may be negative or adverse while others are positive and beneficial.

There will be no land acquisition under the new civil works activities that may be financed by the Government during implementation of the NHESP II. In the case of new facilities, the expansion of infrastructure will take place on land already owned by the MoHE and public universities. Before any start of such physical works, MoHE will confirm the state ownership of the land in question as well as provide documentation that it is free of squatters, encroachers, or other claims or encumbrances. In rehabilitating existing facilities or constructing new buildings, the MoHE will provide necessary facilities to address the needs of disabled people per international standards.

In general, NHESP II interventions may individually have minimal adverse environmental and social impacts. However, several subprojects in combination, or in combination with other government or private sector activities, could have a larger and more significant cumulative impact. This is likely to be the case in terms of potential vegetation clearing, groundwater depletion, or surface water pollution.

Mitigation plans

As part of the implementation of subprojects, Environmental Management Plans (EMPs) will be prepared, if needed. Effective implementation of EMPs will ensure that the appropriate mitigation measures have been employed to avoid and/or minimize any potential impacts resulting from the proposed activity. The MoHE will agree with local district offices and project Proponent on the supervision of the EMP within the overall plan for the project. Proposed mitigation measures to address anticipated impacts during construction and operation include:

- Re-vegetation of open patches of the site should be carried out to prevent gullies and stabilize the soil.
- Vegetation removal should be done with care and trees that may not affect the construction of the project should be left.
- Leguminous plants that have soil conservation qualities are particularly recommended. There is, therefore, need to create an instant grass cover which offers long term erosion control.
- An efficient drainage is a key role in erosion control and erosion checks or lining have been designed in the architectural designs.
- Erosion control fences, silt traps, bare surface cover (mulching or geotextiles) to control soil erosion.
- In the foundation hard cores should be used to increase the firmness of the structure on the ground.
- Surface trenches should be constructed to help in the onsite water drainage in order to avoid flooding.
- The proper management of the civil works will minimise or eliminate the negative impacts that are likely to be caused by construction activities. The EMP will be implemented during all the phases of project (preparation, construction, operation and closure).

Accordingly, the supervision arrangements for the EMP will summarize key areas on which supervision will focus such as critical risks to implementation of the EMP and how such risks will be monitored during implementation and agreements reached with the Proponent. If identified as a requirement of the subproject through the screening process, a Resettlement Action Plan, and/or a Cultural Resources Management Plan / Chance Finds Procedures or a combination of these, is prepared alongside or as an integrated part of the EMP.

Preparation of Resettlement Action Plans

A RAP will be needed for each subproject that may result in the loss of access to resources as per the RPF in Annex 1. The Provincial offices / Public universities in provinces are responsible for planning and implementing the subprojects and will coordinate with the MoHE in preparing the RAP.

Grievance Redressal Mechanism

In order to ensure transparency and accountability in the implementation of NHESP II and HEDP project, MoHE will establish a grievance redress mechanism (GRM) with a clear set of goals and objectives and a well-defined scope for its interventions and a set of procedures for receiving, recording, and handling complaints. For implementation of the ESMF, the Grievance Redress Committee (GRC) will comprise: MoHE Chair, Director of Policy and Plan Department of the MoHE, the HEDP OMST Director, the Project's Environmental and Social Safeguards Specialists, representatives from relevant community or group, a member of a recognized non-

government organization, and a community leader. The GRC members will be qualified, experienced, and competent personnel who can win the respect and confidence of the affected communities.

Capacity building and Training

The OMST will assist MoHE in putting in place institutional arrangements defined in the ESMF. OMST will recruit an Environmental Safeguards Specialist and a Social Safeguards Specialist who will be responsible for overall implementation of the EMSF and RPF during Project implementation; the two Specialists however will report to the Director, Plan and Policy Department of the MoHE. They will help set up within the MoHE satisfactory arrangements for preparing site specific environmental and social management plans if and when needed for any construction activities during implementation of the Project, and help build capacity of relevant staff within the Policy and Plan Department of MoHE and universities for handling environmental and social safeguards aspects. They will also help the MoHE/ University staff in monitoring of implementation of mitigating measures. They will prepare relevant sections on the project's compliance with satisfactory implementation of the EMSF and EMPs, for inclusion in regular project progress reports prepared by the OMST.

Relevant stakeholders will be invited to attend a workshop on the application and implementation of the ESMF. During supervision of the project, the MoHE in technical assistance by its multi-lateral partners such as the World Bank will assess the implementation of the Framework directly or through third party, and if required, will recommend additional strengthening.

In order to strengthen capacity in the implementation of ESMF, the HEDP project will support training of relevant staff in the MoHE's Policy and Plan Department, public universities, and the Afghan National Environmental Protection Agency (NEPA). This training will be part of the overall training plan for HEDP.

Regional meetings will be organized and facilitated by Ministry of Higher Education, Department of Environmental Affairs, and Department of Lands and Valuation. The workshop provides attendees with the basic approach to implementing the guidelines provided in the ESMF combined with the use of the appropriate tools, such as the screening form, EMP template and ESMF Annual Reporting Form. Refresher courses should be held as needed during the course of the project lifecycle.

This workshop be prepared and undertaken with technical expertise with relevant experience in the proposed topics and highly familiar with E&S related to infrastructure development in order to provide good case studies.

Monitoring

The ESMF outlines a number of indicators as part of the ESMF implementation which will be included in the overall project monitoring. In addition, an Annual Audit on ESMF Implementation will be prepared by the OMST and delivered to MoHE and the World Bank.

Proposed implementation budget

The budget for ESMF implementation at MoHE is expected to be about \$350,000 during the project life, including the cost of two safeguards officers, capacity building trainings to its stakeholders including at universities, and implementation of ESMPs and monitoring. The actual costs may vary depending on when and how the ESMF implementation takes place. The costs will be met from the Technical Assistance component of the HEDP.

Public consultations and Disclosure

The MoHE has discussed the preparation of the ESMF for the Afghanistan NHESP II through a series of consultation meetings with different stakeholders, including representative of MoHEs, NEPA, MAIL, and with the World Bank experts on environmental and social issues. In particular, consultation with the World Bank team focused on sharing their experience on ESMF implementation in other countries, discussed institutional arrangements, monitoring arrangements with respect to the implementation of the Environmental Social Management Plan (ESMP). Findings of the consultations indicated that there are positive impacts associated with the proposed investments and that potential negative environmental and social impacts can be readily addressed through adequate implementation of an EMP and RAP.

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

This ESMF will be disclosed in Pashto, Dari and English languages by the MoHE and will be made available on www.mohe.gov.af. The ESMF will be disclosed at the WB Info-shop in English and local languages prior to appraisal.

ACRONYMS AND ABBREVIATIONS

AIMS	Afghanistan Information Management System
ARTF	Afghanistan Reconstruction Trust Fund
ANBC	Afghanistan National Building Codes
ANHES	Afghanistan National Higher Education Strategy
ANDMA	Afghanistan National Disaster Management Authority
ANDS	Afghanistan National Development Strategy
ANSA	Afghanistan National Standards Agency
AP	Affected Person
APQAC	Asia Pacific Quality Assurance Council
BPs	Business Plans
CHS	Complaint Handling System
CDC	Community Development Council
EIA	Environmental Impact Assessment
E&S	Environmental & Social
EHS	Environmental Health and Safety
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GoA	Government of Afghanistan
GRC	Grievance Redress Committee
GER	Gross Enrollment Ratio
GLASOD	Global Assessment of Soil Degradation
GRM	Grievance Redress Mechanism
HEDP	Higher Education Development Project
HEDS	Higher Education Development Strategy
HDI	Human Development Index
IDA	International Development Association
IFC	International Finance Corporation
IWRM	Integrated Water Resources Management
MAIL	Ministry of Agriculture, Irrigation and Livestock
MAPA	Mine Action Program of Afghanistan
MoE	Ministry of Education
MoHE	Ministry of Higher Education
NEPA	National Environmental Protection Agency
NES	National Environmental Standards
NIMA	National Institute of Management and Administration
NGOs	Non-Governmental Organizations
NPP1	National Priority Program 1
NESP II	National Education Strategy Plan-II
NOX	Nitrous Oxides
OMST	Operations and Monitoring Support Team
OP/BP	Operational Policy/Bank Procedure
O&M	Operation and Maintenance
PAC	Public Awareness Campaign
OMST	Operations and Management Support Team
PM	Particular Matters
PAP	Project affected people
POP	Persistent organic pollutants (POP)
PCB&	Polychlorinated dibenzo-p-dioxins, dibenzofurans
PPAs	Performance-based Partnership Agreements
PDO	Project Development Objectives

PMIS	Project Management Information System
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SO ₂	Sulphur Dioxide
SoE	State of Environment
USWDP	University Support Workforce Development Project
WHO	World Health Organization
WSS	Water Supply and Sanitation
WB	World Bank
3TI	Technical Teacher Training Institute

1. INTRODUCTION

This document presents an Environmental and Social Management Framework (ESMF) for the Afghanistan second National Higher Education Strategic Plan (NHESP II) and 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 NHESP II. The ESMF will cover and apply to the entire NHESP II.

The framework has been prepared to meet the World Bank safeguard requirements and Government of Afghanistan (GoA) environmental procedures and will be disclosed prior to appraisal of the HEDP. The Ministry of Higher Education (MoHE) is the agency responsible for implementing the provisions and recommendations outlined in the ESMF.

1.1 ESMF APPROACH AND METHODOLOGY

1.1.1 Objective of the ESMF

The proposed Project (HEDP), aimed at supporting the NHESP II, has been classified as Environment Category B in accordance with the World Bank's safeguard policies as the activities to be financed under the Project are not expected to have 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, the MoHE has prepared an Environmental and Social Management Framework in accordance with the World Bank's requirements.

The objective of the ESMF is to provide a framework for effective management of environmental and social issues in the proposed NHESP II. It seeks to both enhance environmental and social development benefits of the NHESP II and mitigate any adverse impacts, in line with GoA and World Bank policies and guidelines on management of environmental and social development issues. The exact site and scale of potential infrastructures to be financed under the NHESP II will be identified and confirmed during its implementation.

1.1.2 Provision of a Resettlement Policy Framework

In addition, in regards to potential land acquisition and in view of the shortcomings of existing land laws, the MoHE has also prepared a sectoral Resettlement Policy Framework (attached as **Annex 1**). The purpose of the Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to specific infrastructure investment activities by MoHE 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 connection with any land acquisition and resultant resettlement which may occur during the implementation of projects such as university or institutes of higher education by or with the co-operation of the Ministry of Higher Education. The RPF is a customized version of an existing RPF, compliant with the provisions of Afghanistan's current Law on Land Expropriation (2009) and Law on Managing Land Affairs (2008), and with WB Operational Policy 4.12 on Involuntary Resettlement. The original RPF was developed by Ministry of Energy and Water and approved in December 2010 by an inter-ministerial committee, and subsequently customized by various ministries and institutions such as DABS, Ministry of Public Works, Ministry of Mines and Petroleum and Kabul Municipality. The current RPF is based on the Central Asia South Asia Electricity Transmission Project (CASA 1000).

1.1.3 Methodology

The ESMF has been developed as a tool to be used in implementing recommendations for addressing environmental and social impacts associated with proposed infrastructure activities to be financed under the NHESP II. Its purpose is to: (a) establish clear procedures and methodologies for the environmental and social assessment, review, approval and implementation of investments to be financed under the Project; (b) specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to project investments; (c) determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF; and (d) provide practical information resources for implementing the ESMF.

1.1.4 Consultations and Field Visits

The MoHE has discussed the preparation of the ESMF for the Afghanistan NHESP II with different stakeholders, and held a series of consultation meetings including with the World Bank experts on environmental and social issues. In particular, consultations with the World Bank team focused on sharing their experience on ESMF implementation in other countries, discussions on institutional arrangements and monitoring arrangements with respect to the implementation of the Environmental Management Plans (EMP). Findings of the consultations indicated that there are positive impacts associated with the proposed investments and that potential negative environmental and social impacts can be readily addressed through adequate implementation of an Environmental Management Plan. A summary of the consultations is provided in Section 6.

1.1.5 Public Disclosure

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

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

The ESMF will be disclosed prior to appraisal in Pashto, Dari and English languages by the Ministry of Higher Education, and will be made available on www.mohe.gov.af.

2. PROJECT BACKGROUND AND DESCRIPTION

2.1 OVERVIEW OF HIGHER EDUCATION STRATEGY

The MoHE is currently in the process of developing its second National Higher Education Strategic Plan (NHESP II) 2015-2020. The main purpose of the NHESP II is to develop access, quality and governance of the higher education system in Afghanistan.

NHESP II aims to strengthen Afghanistan's higher education system by responding to Afghanistan's growth and development needs. The NHESP II also aims to contribute to financial autonomy of the higher education institutions in order to generate qualified and competitive graduates. More specifically, the NHESP II aims to achieve the following goals collectively through its development programs:

- Building the knowledge and experience of Academic Staff
- Strengthening Learning and Teaching Approaches
- ICT infrastructure and Library resources
- Building new facilities and infrastructures
- Quality Assurance and governance of Public Universities
- Create and develop public and private higher education system in Islamic Republic of Afghanistan based on financial and academic autonomy in order to meet the current and future skills related needs of the country.
- Build new and rehabilitate existing buildings in order to improve learning resources and ensure adequate space for study and research.
- Develop the academic capacity of the faculty and infrastructures of higher education universities and institutions.
- To develop educational curriculum, responsive to the national and international economic needs of the country.
- To create new educational and research fields based on the needs of labor market.
- To help develop and facilitate Master's and PhD programs in higher education institutions of the country.
- To enhance teaching and research laboratories in the universities.
- To improve the study environment and living conditions students in dormitories.
- To improve the quality assurance of higher education institutions with international standards as long-term benchmarks.
- Promote the principles of human rights in accordance to the democratic principle and human equality.

2.2 PURPOSE OF THE PROJECT

In support of the second National Higher Education Strategic Plan (NHESP II), the HEDP is organized under two main components: (a) a Higher Education Development Program component; and (b) a Project Coordination, Capacity Building and Monitoring and Evaluation component, which are specifically designed to assist the Ministry of Higher Education to implement the Second National Higher Education Strategic Plan (NHESP II). These components and the activities under them were prepared through a process of consultation and collaboration with the MoHE; the Ministry of Finance (MoF); the universities and higher education institutions; public and private employers; academics and researchers, and other development partners.

2.3 PROJECT COMPONENTS

Component One: Higher Education Development Program

This component is comprehensive and strategic, and will support the implementation of NHESP II. It focuses on six themes: (a) improving the quality and relevance of teaching and learning; (b) upgrading academic staff professional skills; (c) modernizing quality assurance and accreditation; (d) strengthening governance of the higher education sector; (e) promoting equitable participation, especially of female students; and (f) stimulating research and innovation. The second component will support the implementation of the first component through technical assistance (TA), capacity building and monitoring and evaluation. The capacity building is expected to benefit both the MoHE and the individual higher education institutions.

Theme 1.1: Improving the Quality and Relevance of Teaching and Learning

Afghanistan urgently needs to improve the quality of university teaching and learning. Currently, university teaching is mainly based on traditional, teacher-centered methods. The project would assist universities to practice modern outcome-based education (OBE) and student-centered learning (SCL). This sub-component would support training of academic staff in OBE and SCL. Such training would also help the universities to move towards increased use of blended teaching and learning, where face-to-face contact between staff and students are combined with the use of digital resources and e-based content.

Theme 1.2: Upgrading Academic Staff Professional Skills

Well-qualified academic staff members are of central importance for any good quality higher education system. In this context, there is an urgent need to develop the human resources available to the Afghan universities. Currently, less than 40 percent of university academics hold a Master's degree or higher qualification. In addition, a majority of the managerial, administrative and technical staff members of the universities need to upgrade their skills, especially to manage and administer universities with greater substantive and procedural autonomy. The project would support a Human Resource Development (HRD) program for academic staff with an emphasis on scholarships for Master degrees and some Ph.D.s. Special preference will be given to: (a) academic staff from the degree programs identified as priorities for economic development; and (b) female academics. These will be targeted to full-time, regularly employed faculty staff.

Theme 1.3: Modernizing Quality Assurance and Accreditation

HEDP will support public and private universities to develop a comprehensive Internal Quality Assurance System. This would involve setting up Internal Quality Assurance Units (IQAUs) in universities which currently lack such units, developing IQAUs in universities which have embryonic ones, assisting universities to conceptualize, plan and conduct institutional self-assessments, incorporate findings from QA reviews into the design and implementation of university development plans, and institutionalize a process of continuous quality improvement of teaching and learning in universities. The IQAU system will benefit from the support of experienced international and national peer reviewers through HEDP financing.

At the national level, HEPD will support the development of an independent Afghanistan Quality Assurance and Accreditation Agency (QAAA) with support from an international accreditation network (e.g. APQN) for review and technical inputs. The accreditation system for public and private universities will also be developed, through the production of protocols and procedures, and the training of staff in MoHE who can assess and undertake the key stages of registration and licensing, quality assurance, and finally accreditation, of the institutions based on transparent criteria. The establishment of an independent QAAA and interaction and collaboration with international quality assurance and accreditation networks will help ensure that the accreditation process for both public and private higher education institutions in Afghanistan is proceeding in line with international good practices.

Theme 1.4: Strengthening Governance of the Higher Education Sector

The current governance situation of higher education in Afghanistan is characterized both by over-centralization. Transforming the higher education system to a more decentralized governance structure, where universities enjoy greater academic (substantive), procedural and financial autonomy, is an important policy objective of MoHE, as reflected in the NHESP II. The project would support efforts to achieve this objective through several main channels. First, it will support universities in the preparation and implementation of strategic development plans clearly spelling out their vision, missions and activities including a mid-term financial framework, in conformity with the NHESP II. Annual progress reports would allow a regular monitoring of progress achieved and remedial actions needed in case of deviation from initial goals.

Second, institutional development of universities will be strengthened through a Advisors or Mentors Program. Senior academics will act as “mentors” to support institutional development and the achievement of the goals and targets of universities’ strategic development plans. Mentors will be expected to interact closely with the senior management of universities. Substantive and procedural autonomy will be encouraged. Substantive autonomy would contain curriculum diversification among universities, and attendant changes required in assessment methods, teaching and learning activities, as well as education materials.

Third, the Project would assist universities to develop managerial skills needed at the university level, such as planning, budgeting, administration, procurement, financial management and monitoring. This support would help universities achieve greater fiduciary autonomy as well as power to obtain and use funds through research and consulting services and extension courses granted through a by-law recently passed by the Parliament. This would enhance procedural autonomy.

Fourth, in response to the lack of capacity for strategic planning, budgeting preparation and execution, and management and administration to support system-wide higher education reforms, a small Strategic Planning Office (SPO) will be established in MoHE. It will provide advice and support to universities to transition towards greater autonomy, while also retaining adequate levels of accountability.

Theme 1.5: Promoting Equitable Participation

There is substantial pressure on MoHE to increase enrollment in higher education, as current participation levels are very low. The MoHE is seeking to expand enrollment in both public and private institutions, but also aware of the risks associated with uncontrolled expansion at the expense of quality and relevance. Therefore, MoHE’s strategy is to give priority to labor market-relevant university degree programs. The HEDP would assist GoA to implement a well-designed expansion strategy, with support for planning and managing the expansion process. Further measures would target the relaxation of constraints for female participation in university education. Consultations during project preparation suggest that many factors are critical to increase female participation. These include orientation programs for women before entering university, security and transportation, and proper residential and sanitation facilities. Financial assistance for female students from disadvantaged backgrounds to enroll in, and graduate from, priority degree programs would be an efficient intervention towards the same objective. These will be supported by the project. The development of physical facilities and equipment needed, as enrollment increases, would be provided under the overall MoHE NHESP II.

Theme 1.6: Stimulating Research and Innovation

Research has almost disappeared in universities after decades of conflict, and the subsequent depletion of the pool of qualified faculty staff. The MoHE is seeking to revive and develop a research culture and practice. The HEDP would support MoHE’s initiative through several channels. The postgraduate scholarships would provide both research funding for universities and training in research for academic staff. The project would also contribute to the establishment of a Competitive Research Fund. This fund would support innovative research programs involving Master’s degree and Ph.D candidates, research partnerships with overseas universities, and innovative activities to increase university revenues through applied research.

The fund will be open to competition from both public universities and private higher education institutions. Objective and transparent selection and criteria procedures will be described in a manual to be prepared during the first year of project implementation and reflecting international good practice.

Component Two: Project Management, Capacity Building, and Monitoring and Evaluation Component

This component aims to strengthen the capacity of MoHE and the universities to achieve the HEDP objectives. It will provide support in the areas of: project coordination, technical assistance, monitoring and evaluation, research and policy studies, and advocacy and communication. The policy studies could include beneficiary satisfaction surveys among staff and students of institutions and programs supported by the project and tracer studies of graduates to analyze their job search and labor market experience.

The resources for advocacy and communication would enable the higher education authorities to ensure that development initiatives are appropriately disseminated to political authorities, policy makers, academics and researchers, students, and the general public. The component would also help MoHE to design and realize policy reforms, such as piloting and evaluating innovative approaches to promote female enrollment in priority programs. This component will finance incremental operating costs for an Operations and Monitoring Support team (OMST) to be set up in MoHE.

2.4 PROJECT BENEFICIARIES

Most Afghan youth at the public universities and university academics and managerial staff will benefit from the project over its life-span. There will be many indirect beneficiaries of the project, including: (a) private sector employers who will be able to recruit better qualified university graduates for professional, managerial and technocrat jobs; (b) GoA, which will be able to recruit higher quality graduates for the civil service and various public services; (c) future generations of university students and staff members who will benefit from the development of the higher education system; and (d) suppliers of goods and services that will be financed under the project.

2.5 PROPOSED INVESTMENTS

The HEDP will use an Investment Project Financing (IPF) instrument based on a Results-based Financing (RBF) modality. Under Component 1 (the result-based funding component), project funds will be disbursed against selected line items in MoHE's annual budgets (Eligible Expenditure Programs - EEPs) up to capped amounts and conditioned on achievement of the agreed set of Disbursement-Linked Indicators (DLIs). The first component will support the development initiatives of the NHESP-II, and deepen the focus on outcomes and results rather than inputs. The World Bank, in consultation with the government counterparts, has discussed the full higher education sector program and selected EEPs comprised of non-procurable items from the higher education budget. The EEPs were selected are: (a) salaries and allowances; (b) scholarships; and (c) research grants. The second component will disburse as a traditional IPF and complement the activities of component one.

Although, the HEDP will not finance civil works directly, the Government's NHESP II is expected to build university lecture halls, ICT centers, laboratories, libraries, and water, sanitation, and residential facilities, and rehabilitation and renovation of existing facilities, and dormitories particularly for female students in several universities across the country. These will involve simple buildings and civil works that are not complex to design, build and operate.

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. Potential environmental impacts of infrastructure activities to be supported under the Government's program are expected to be

modest and localized. Under Component 2, the Project will finance technical assistance activities in support of policy design, project management and monitoring and evaluation.

There will be no land acquisition under the new civil works activities that may be financed by the Government during implementation of the HEDP. In the case of new facilities, the expansion of infrastructure will take place on land already owned by the MoHE and public universities. Before any start of such physical works, MoHE will confirm the state ownership of the land in question as well as provide documentation that it is free of squatters, encroachers, or other claims or encumbrances. In rehabilitating existing facilities or constructing new buildings, the MoHE will provide necessary facilities to address the needs of disabled people per international standards.

2.5.1 Project Exclusion Activities

Subprojects with any of the attributes listed below will be ineligible for support under the NHESP II (2015-2020).

GENERAL CHARACTERISTICS
<p>Involves the significant conversion or degradation of critical natural habitats. Including, but not limited to, any activity within:</p> <ul style="list-style-type: none"> ▪ 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 Navaii, and the Shah Zadehah mausoleum complex); ▪ monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-i Ghulghula and Shahr-i Zuhak); ▪ archaeological site of Ai Khanum; ▪ site and monuments of Ghazni; ▪ minaret of Jam; ▪ mosque of Haji Piyada/Nu Gunbad, Balkh province; ▪ stupa and monastery of Guldarra; ▪ site and monuments of Lashkar-i Bazar, Bost; ▪ archaeological site of SurkhKotal
<p>Involves the use of unsustainably harvested timber or fuel wood.</p>
<p>Involves the use of hazardous substances.</p>

3. KEY ENVIRONMENTAL ISSUES

Afghanistan, officially the Islamic Republic of Afghanistan, is a landlocked country located in Central Asia and South Asia.. It has a population of around 30-35 million people. About 80% of Afghan population directly relies on the provisioning services of the ecosystem, unfortunately, the phenomena of ecosystem services is barely understood at the management scale in Afghanistan,(GEF-NEPA-UNEP, 2009). The main environmental challenges Afghanistan is facing today are, the depletion and overuse of important resources (forests, biodiversity, water), natural hazards, reduced access to natural resources, pollution with toxic rocket fuel, spilled oil and land mines, and rapid and unsustainable land use changes. Afghanistan's National Development Strategy 2008 (ANDS) has identified the following priority environment issues needing further policy attention and action:

- Water resources
- Rangelands, forests and biodiversity
- Land use, agriculture and soils
- Urban environment
- Natural disasters and climate change

Given the lack of information it is difficult to obtain a clear picture of the current state of the environment in Afghanistan. There is much uncertainty about the sources of environmental pollution, its extent and transfer as well as linkages to public health and diseases. Little is known about the scope of erosion and contamination of land, as well as their economic consequences.

4. ENVIRONMENTAL MANAGEMENT REQUIREMENTS AND PRACTICES

This document complies with both the World Bank safeguard policies and the relevant GoA legislation as summarized below. Where there is a difference between the local regulations and World Bank policies, the World Bank policies prevail...

4.1 WORLD BANK SAFEGUARD POLICIES AND REQUIREMENTS

The HEDP has been assigned an EA Category B given that significant adverse environmental and social impacts are not expected due to the nature of the proposed activities and those identified can be addressed through adequate environmental and social mitigation and monitoring measures. Two applicable safeguard policies are:

OP. 4.12 on involuntary resettlement is triggered. According to the NHESP II all infrastructures will be placed on government land, and no land acquisition is expected to be financed under the project. The risk of involuntary resettlement or land acquisition is therefore considered to be extremely low. In the case of new facilities, the expansion of infrastructure will take place on land already owned by the MoHE and public universities or other government land. Before any start of such physical works, MoHE will confirm the state ownership of the land in question as well as provide documentation that it is free of squatters, encroachers, or other claims or encumbrances and that the land has been transferred to the relevant authorities.

However, in the rare case, where land acquisition may become necessary, the ESMF comprises a Resettlement Policy Framework, containing guidelines for land and asset acquisition, entitlement and compensation, compliant with the provisions of Afghanistan's current Law on Land Expropriation, enacted in 2009 and Law on Managing Land Affairs 2008 (both under amendment) and in compliance with WB Operational Policy 4.12 on Involuntary Resettlement. In addition, there are weaknesses in the land laws, of which the major weakness is the fact that only 1/3 of land has ever been subject to cadaster, and that most land is under customary title or, in urban areas, subject to informal settlement.

The Resettlement Policy Framework (RPF) has been developed by MoHE based on existing RPF, adopted by various ministries (MRRD, MEW, KM). In view of the shortcomings of existing law (under amendment), the MoHE has prepared a sectoral RPF based on existing RPF (refer to **Annex 1**).

[Physical Cultural Resources \(OP 4.11\)](#) is not triggered, and this ESMF contains a Negative List, listing all major known heritage sites, where project activities will not be permitted. NHESP II civil works may lead to a chance finds of physical cultural resources and Annex 3, Technical Guideline 6 contains procedures for handling Chance Finds in accordance with exiting Afghan law and WB policies.. The ESMF and preparation of site specific EIAs will include assessment of potential impacts on physical cultural resources, and guidelines for handling chance finds.

[Environmental Assessment \(OP/BP/GP 4.01\)](#)

Since the final selection and detailed designs of the multiple maintenance and construction activities will not be developed by appraisal time and the exact locations and features of the civil works are yet to be identified thus a framework approach has been adopted to effectively manage potential environmental and social impacts of the proposed activities. Therefore, certain due diligence environmental instruments, namely (i) Environment and Social Management Framework and (ii) Resettlement Policy Framework have been prepared in accordance with international good practice as well as the World Bank safeguards and Government of Afghanistan requirements. These instruments will provide practical guidance for management of potential environmental and social issues associated with future sub-projects under the overall NHESP II as well as for other projects under MoHE.

The (ESMF) document will be used by the MoHE in order to ensure that all environmental and social safeguards are adequately addressed under the NHESP II. The main purpose of the Environmental and Social Management Framework (ESMF) is to (a) Establish clear procedures and methodologies for the environmental and social assessment, review, approval and implementation of investments to be financed under the NHESP II and its subprojects; (b) Specify appropriate roles and responsibilities, and outline the necessary reporting procedures, for managing and monitoring environmental and social concerns related to NHESP II investments; (c) Determine the training, capacity building and technical assistance needed to successfully implement the provisions of the ESMF; and (d) Provide practical information resources for implementing the ESMF.

4.2 AFGHANISTAN POLICY AND LEGAL FRAMEWORK FOR ENVIRONMENTAL MANAGEMENT

The primary relevant laws and legislations framing social and environmental issues are: the Environment Law of Afghanistan (2007), National Environmental Strategy (2008), National Environmental Impact Assessment (EIA) Regulations, Water Law (2009) and Water Sector Strategy of the government of Afghanistan, Land Expropriation Law (2005), and Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004).

4.2.1 The Environment Law of Afghanistan (2007)

The Environmental Law of Afghanistan promulgated in 2007 is quite comprehensive and covers most of the aspects of natural resources management. The law requires inter alia that planning for sustainable use, rehabilitation and conservation of biological diversity, forests, rangeland and other natural resources, prevention and control of pollution, and conservation and rehabilitation of the environment from adverse effects shall be an obligatory element of all national and local land-use plans and natural resources plans developed by all relevant ministries and national institutions. (art.23). Thus, the Environment Law of Afghanistan provides an overall framework to the environmental safeguards for the NHESP II (2015-2020).

Furthermore, it stipulates local communities should be involved in decision-making processes regarding sustainable natural resource management (art. 23, Para 10), and that affected persons must be given the opportunity to participate in each phase of the project (Art19, 1).

4.2.2 National Environmental Strategy (2008)

The National Environmental Strategy (NES) is part of the Afghanistan National Development Strategy (ANDS), which provide a strategic direction towards policies addressing security, governance, economic growth and poverty reduction related issues.

The NES aims at integration of environmental concern and policies in Afghanistan's development plans. The strategy highlights participatory and sustainable economic development without deterioration on natural environment, and emphasis on mainstreaming environmental issues at strategic level into sector policies, so that environmental considerations are incorporated into the design, implementation and monitoring of the projects. The strategy also advocate for a proactive approach towards addressing environmental issues into developmental project at the early stages of decision-making process so that negative environmental impacts can be avoided or mitigated.

4.2.3 National EIA Regulations

The EIA regulations are issued in accordance with Article 22 of the Environmental Law and apply to activities with significant adverse environmental impacts. The EIA regulations authorize the National Environmental Protection Agency (NEPA) to review Environmental Impact Assessments for projects that has potential adverse environmental impacts, and issue or not a certificate of compliance. NEPA also encourages contractor and implementing agencies to use best international practices while mitigating the negative impacts of the project activities.

NEPA is also authorized to receive all screening report of developmental project and decide within 35 days after receiving the report. The certificate of compliance is issued within 45 days by NEPA after the receipt of final impact assessment report.

The NHESP II of MoHE require minor construction and rehabilitation work, therefore as per the Afghanistan's EIA regulations, NHESP II's activities fall under Category 2, which means 'those activities whose effects on human environments or environmentally sensitive areas are less adverse, are site specific and can be

managed by mitigation and monitoring plans. Besides this, considering the developmental needs, NEPA acknowledges that EIA should not be too onerous a burden on the development agenda. An interim process is designed to avoid undue delays thus preventing complaint that EIA will hinder the implementation of projects (EIA Guidelines, 2008).

4.2.5 Law on Land Expropriation (LLE), 2005

The Law sets out the provisions governing the expropriation or acquisition of land for public interest purposes, such as the establishment/construction of public infrastructure or for acquisition of land with cultural or scientific values, land of higher agricultural productivity and large gardens. It declares, inter alia, that: a) acquisition of a plot or portion of a plot land for public use is decided by the Council of Ministers and is compensated at fair value based on current market rates (Article 2); b) the right of the owner or land user will be terminated three months prior to the start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made. (Article 6); c) the value of land, value of houses and buildings on the land and value of trees and other assets on the land will be considered for compensation (Article 8; and f) compensation is determined by the Council of Ministers. This law is currently under amendment.

The Law, however, is silent on resettlement. It makes no special provision for a resettlement plan or indeed any arrangements for resettlement. A detailed comparison between the provisions of the LLE and World Bank OP 4.12 is provided in section III.6.

4.2.6 Law on Managing Land Affairs (2008)

A combination of civil, customary, and religious laws govern land rights in Afghanistan while only one third of the land has been subject to Cadaster.. Cabinet of Ministers in 2007 adopted Land Policy that provided formalization of rights for informal settlements and tried to address administrative overlap. In 2008, Law on Management of Land Affairs was adopted though currently under amendment. LMLA provides definition of land types and defines which land claims are officially recognized.

4.2.7 Law on the Protection of Historical and Cultural Properties (2004)

Law on the Protection of Historical and Cultural Properties was adopted in 2004. It is adopted pursuant to article 9 of the Constitution. It defines historical and cultural properties as:

“(1) any product of mankind, movable or immovable, which has an outstanding historical, scientific, artistic and cultural value and is at least one hundred years old”

“(2) the objects which are less than one hundred years old, but which because of their scientific, artistic and cultural value, should be recognized as worthy of being protected”

According to the law, the people of Afghanistan are the owners of historical and cultural properties while the State and the people are both responsible to preserve cultural and historical objects. In case of chance find of such objects during the implementation of development work the following guidelines are provided:

- a) Archeological Committee is responsible for maintenance, preservation and assessment of any site, object and property that is of historical and cultural value,
- b) In case Chance Find of historical and cultural objects occurs, it should be reported to the Archeological Committee. In case historical artifacts are endangered due to the project work, project work should be suspended until necessary plans for the preservation of the artifacts is in place,

- c) In case of Chance Find of any artifacts, local and provincial authorities must be informed within two weeks of time, who will then notify the Archeological Committee (11)
- d) Failure to report chance find within the specified timeframe will be punished according to the law.

In case of any Chance Find, the implementing agency is responsible for the protection of the artifact from theft, damage until the Archeological Committee takes over.

4.3 ENVIRONMENTAL SCREENING OF SUBPROJECTS UNDER NHESP II

In line with local environmental regulations, subprojects under the NHESP II will be screened for their environmental and social impacts prior to approval and categorized based on the extent and severity of the impacts. Categories include:

- (i) Category A – subprojects that pose significant environmental and social impacts (due to the scale, type and location of the investment) and will require the preparation of a site specific EIA for approval. Such interventions are ineligible for NHESP II support;
- (ii) Category B – subprojects such as building of new class rooms, facilities, and rehabilitation and renovation of existing facilities, and dormitories that have moderate or limited environmental and social impacts, which can be mitigated and managed through an Environmental Management Plan (EMP) and associated safeguard management plans. For example, construction of a university building may require an EMP during the design and preparation of the subproject in order to ensure that engineering and feasibility options being considered are environmentally sound; and
- (iii) Category C – subprojects such as procurement of technology, furniture, IT equipment, etc. that have minimal or no negative environmental and social impacts and the insertion of environmental clauses in the construction and supervision contracts for subprojects is adequate.

Most subprojects under NHESP II are expected to be Category B and can be managed effectively by an EMP and related safeguard management plans where applicable.

5. INSTITUTIONAL ARRANGEMENTS, ROLES AND RESPONSIBILITIES IN THE ESMF IMPLEMENTATION

The MoHE is responsible for ensuring that the ESMF is applied towards all investments financed under the NHESP II as well as future projects in the education sector. NEPA is the implementing agency responsible for environmental management in Afghanistan and will be involved in the review and approval of EIAs prepared for subprojects, if necessary. At the provincial and district level, the respective environmental officers will be involved in the review and monitoring of EMPs.

OMST will assist MoHE in putting in place institutional arrangements for implementation of the ESMF and RPF. The Policy and Plan Department in MoHE has the overall responsibility for engineering and safeguards aspects of projects undertaken by MoHE and public universities. OMST will recruit an Environmental Safeguards Specialist and a Social Safeguards Specialist who will be responsible for overall implementation of the ESMF and RPF during Project implementation, and they will report to both the Director of Policy and Plan Department, MoHE and the OMST Director. They will help set up within the MoHE satisfactory arrangements for preparing site specific EMPs and RAPs if and when needed for any construction activities during implementation of the Project, and help build capacity of relevant staff within the Policy and Plan Department of MoHE and universities for handling environmental and social safeguards aspects. They will also help the MoHE/ University staff in monitoring of implementation of mitigating measures per the EMPs and RAPs. They will prepare relevant sections on the project's compliance with satisfactory implementation of the ESMF and ESMPs, for inclusion in regular project progress reports prepared by the OMST.

The Safeguards Specialists and relevant staff of the MoHE and implementing agencies/Consultants and contractor will receive trainings in the application of the ESMF and site specific EMPs. The Safeguard Officers, in collaboration with OMST Director, will be responsible for monitoring the environment and social performance aspects supported by the NHESP II.

6. PUBLIC CONSULTATIONS

6.1 SUMMARY OF CONSULTATION FINDINGS

The GoA social and environmental team met with stakeholders representing the Government of Afghanistan, including MoHE senior staff in Kabul, and with the representatives of the university community. Field visits were undertaken to Nangarhar and Badakhshan universities to learn about the landscape and communities living nearby the public universities.

During the consultation meetings, it was observed that the level of awareness about social and environmental impacts is low among university staff and communities living near by the university campus. While meeting with senior staff of MoHE in Kabul, the Consultant was informed that the MoHE has no experience with ESMFs. However, MoHE welcomed the idea of ESMF and were supportive of the work. The key concern from MoHE is about the implementation capacity for ESMP, which will later be developed with support from the HEDP. The MoHE requested that the World Bank should provide both technical and financial support in establishing a social and environmental safeguard unit at MoHE.

Based on consultations, research and assessment of the geographic location of public universities, the team did not find significant potential negative impacts of the locations of public universities. A summary of the consultations is provided as **Annex 2**.

7. IMPACT ANALYSIS AND PROPOSED MITIGATION MEASURES

The NHESP II and the proposed HEDP are not likely to result in significant adverse environmental or social impacts. Subprojects under the NHESP II have the potential of localized, site-specific adverse environmental impacts associated with the proposed construction/renovation including construction waste, dust and noise pollution during construction, impact of increase construction traffic, 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 practice embedded in the civil works contracts.

7.1 KEY ENVIRONMENTAL AND SOCIAL ISSUES AND IMPACTS ASSOCIATED WITH THE PROJECT

The following section describes the key environmental and social issues associated with the proposed project based on a desk review, field visits to Badakhshan University, Nangarhar University and Kabul University and from consultations with stakeholders undertaken between August and October 2014. 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.

Impacts can be divided into negative and social impacts 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).

7.2 POSITIVE ENVIRONMENTAL AND SOCIAL IMPACTS

The proposed project aims to improve the quality and relevance of university education, so that students will be equipped with competent skills that meet labor market demand.

Investment in higher education yields a variety of social and private benefits. Higher education has the highest rate of return than any other human capital investment and returns to education are generally higher among university graduates. Investing in higher education also impacts on the quality of lower tiers of the education sector. Universities play a critical role in producing a pool of qualified teachers in secondary schools. High school teachers with university degree are more likely to offer quality courses and ultimately to improve learning outcomes among high school students. Therefore, accrued benefits of higher education investments trickle down to the entire education sector.

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 (secondary or access roads, rehabilitation of walkways/paths, improved waste management and sanitation facilities), and positive economic impacts on small market suppliers for raw materials needed during construction (ie building materials).

7.3 POTENTIAL NEGATIVE ENVIRONMENTAL AND SOCIAL IMPACTS

As the majority of activities mainly the construction work will be on existing University premises, the potential impacts that are likely to be encountered include:

- **Site clearance:** During site clearing, any vegetation that is not properly disposed of can block drains and waterways, and also spread invasive species.

- **Soil Erosion and Water Contamination:** Gravel/soil brought for any filling purposes if not properly stored and is exposed to the natural elements can be washed off to 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 streams 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 universities may involve new construction of severely damaged faculty buildings, whereby construction debris will be generated and 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 breeding grounds for water borne diseases.
- **Transport:** Transportation of material to and from the site will create disturbances during school hours; can cause injury to children and increase traffic congestion in the area.
- **Labor camps:** As construction work will be conducted in the majority of cases on school premises, if labor camps are required, location of camps and workers interactions with students can create negative social impacts. In addition, the condition and treatment of workers in labour camps can directly impact the communities and the subprojects 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 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 create disturbances to classroom activities and to 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 site will also generate dust. Decommissioning of existing structures can also create dust that is potentially hazardous.

7.5 GENERAL ENVIRONMENTAL AND SOCIAL CONCERNS DURING CONSTRUCTION AND OPERATION

Impacts resulting from construction/renovation of small and medium scale infrastructure do not present significant impacts 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 social impacts can be expected:

- Temporary impacts on houses and business 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 as a result of 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).
- 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).

7.6 POTENTIAL CUMULATIVE IMPACTS

In general, NHESP II interventions may individually have minimal adverse environmental and social impacts. However, several subprojects in combination, or in combination with other government or private sector activities, could have a larger and more significant cumulative impact. This is likely to be the case in terms 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. The NHESP II 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;
- Surface water depletion, for the same reasons as above.

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

7.7 PROPOSED MITIGATION AND MONITORING MEASURES

In order to avoid or minimize impacts associated with activities under the NHESP II, mitigation measures must be implemented as part of the subproject 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 subproject EMP and will be budgeted for in the Technical Specifications of each subproject.

Technical Guidelines (refer to **Annex 3**) 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 Land Slides.
- 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 to apply best practice guidelines for occupational, health and safety as outlined in **IFC's Occupational, Health and Safety Guidelines**

<http://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final+-+General+EHS+Guidelines.pdf?MOD=AJPERES>

These guidelines are considered international best practice and apply to design, construction and operation of all types of infrastructure projects.

A set of monitoring indicators will be used to verify compliance with local and international standards and to identify correction actions for subprojects failing to meet these standards. These indicators will be applied when undertaking annual monitoring reports.

8. PROCESS FOR SUBPROJECT PREPARATION, IMPLEMENTATION AND MONITORING

This section sets out the environmental and social assessment procedures, reporting systems, and responsibilities to be adopted by the implementing agencies for the second NHESP II. The design of this assessment system complies with both the World Bank’s safeguard policies and the GoA EIA regulations and related guidelines.

The section begins with details of issues that will be addressed and the specific next steps to be taken and is supported by tools and guidelines provided as ESMF Operational Tools and Guidelines. It then describes the various elements of this ESMF including:

- Steps to be taken for the screening, review and appraisal of proposed investments / applications;
- Procedures for preparation of EMPs and related management plans (RAPs) for subprojects;
- Guidelines on the environmental and social impact of project investments; and
- Compliance mechanisms.

The following table outlines the key roles and responsibilities for implementing the subproject screening, appraisal, review, and monitoring requirements under the ESMF.

Table 8.1 Roles and responsibilities in subproject E&S planning and implementation

Activity	Responsible person/authority
Initial screening in the field	OMST Environmental Safeguard Specialist and Social Safeguard Specialist
Assignment of environment category	OMST Environmental Safeguard Specialist
Analysis of screening findings and preparation of EIAs/EMPs, SIAs and RAPs	OMST, MoHE and independent consultants
Issue environment permit that confirms EIA is satisfactory	NEPA
Implementation of EMPs and RAPs	Independent contractor
Environmental monitoring	OMST, MOHE, District Environmental Offices

The selection, design, contracting, monitoring and evaluation of construction projects under the GoA program will be consistent with the following guidelines, codes of practice and requirements:

- An Exclusion List which indicates whether a proposed subproject ineligible for support;
- An Environmental and Social Screening Form;
- EIA and EMP sample templates;
- Public Consultation and Disclosure Plan;
- The requirement that confirmation is received through the Regional Mine Action Center that areas to be accessed during reconstruction and rehabilitation activities have been demined;
- Environmental Guidelines for Contractors;
- Guidelines on Protection of Cultural Property and Change Find Procedures

8.1 SCREENING AND REVIEW PROCESS

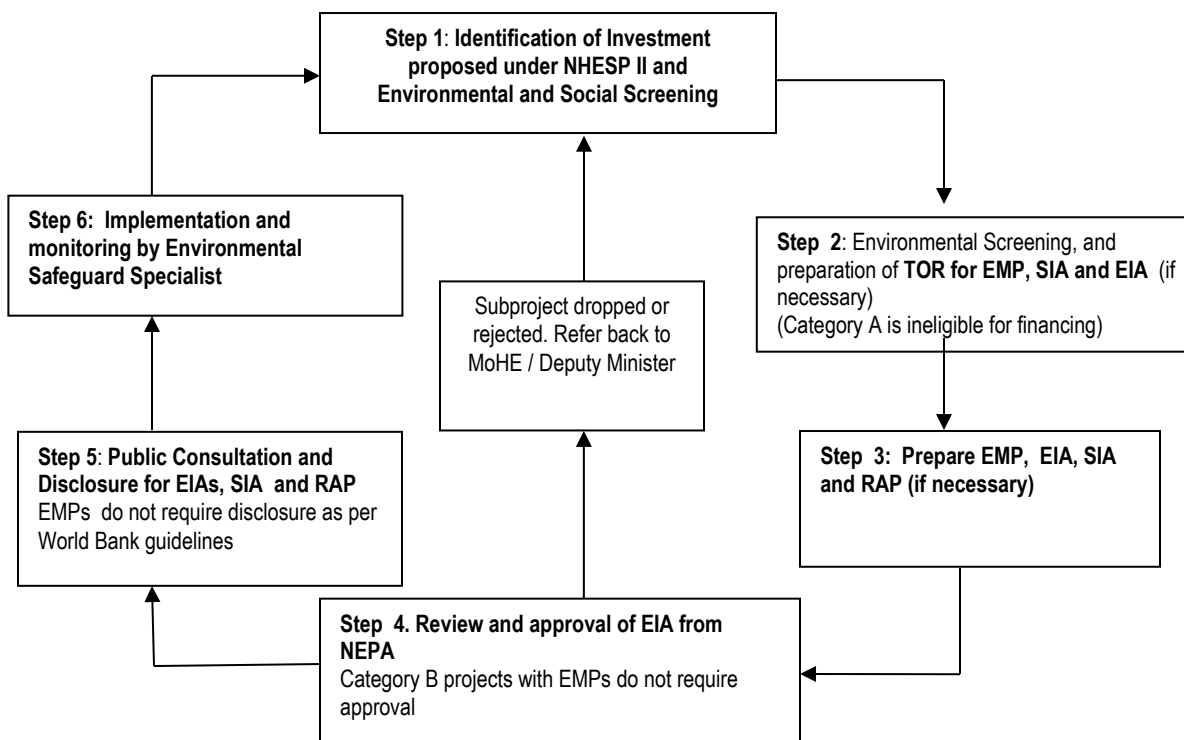
The NHESP II is classified as a category B program. Thus investments under it may be associated with minimal negative impacts and some with moderate environmental and social impacts. Since the specific details and locations of the new construction and rehabilitation works are not known at this time, the environmental and social screening process (the screening process) is necessary for the review and approval of the engineering plans, for the development of new and the rehabilitation of existing facilities. The objectives of the screening process are to:

- Determine the level of environmental work required (i.e. whether an EIA is required or not; the requirement and the scope of EMP to be prepared; whether the application of simple mitigation measures will suffice; or whether no additional environmental work required);
- Determine the level of social impact analysis that is required (i.e. whether a Social Impact Assessment (SIA) is needed);
- Determine appropriate mitigation measures for addressing adverse impacts;
- Determine which construction and rehabilitation activities are likely to have potential negative environmental and social impacts;
- Facilitate the review and approval of the screening results of the sub-projects.
- Provide guidelines for monitoring environmental and social parameters during the construction, rehabilitation, and operation of the sub-projects.

Once a subproject has been submitted for financing, the investment will be screened using the screening form provided as **Annex 4**. The screening form, when completed, will provide information on the assignment of the appropriate environmental category (A, B or C) to a particular activity for construction of new facilities or rehabilitation of existing structures.

During screening, the Safeguard Specialist will also determine whether a Social Impact Assessment is required. TOR for an SIA is provided in **Annex 5**.

Figure 8.1 Flow diagram of environmental and social screening of sub-projects under NHESP II



8.2 APPRAISAL AND APPROVAL

8.2.1 Appraisal

After reviewing the information provided in the environmental and social screening form, and having determined the appropriate environmental category, the Environmental Safeguard Specialist will determine whether (a) the application of simple mitigation measures outlined in the Technical Guidelines will suffice; (b) an EIA will need to be carried out, using the national EIA guidelines or a preparation of an Environmental Management Plan (EMP); or (c) no additional environmental work will be required.

8.2.2 Preparation of an EIA and SIA

For project interventions, such as infrastructure services, that are screened and categorized as a B project, the Proponent will be required to prepare an EMP. If it is a category B that is likely to have some adverse environmental and social impacts, then a limited EIA/SIA is required. The EIA/SIA will identify and assess the potential environmental and social impacts for the planned activities, assess alternative solutions and present the mitigation, management and monitoring measures to be adopted. These measures will be quoted in the EMP and/or RAP for the subproject. The preparation of the EIA/SIA and the EMP and/or RAP will be done in consultation with all relevant stakeholders and project affected people.

An SIA will be undertaken if the subproject is expected to have a significant impact on people losing their land, assets and livelihood, or on the neighbouring communities (ie vulnerable groups that will be affected by labour influx, economic disparities), disruption to local businesses during construction, public health and safety etc. A terms of reference for an EIA is provided in **Annex 6** and an SIA in **Annex 5**.

8.2.3 Preparation of an EMP

The Proponent will undertake the assessments in consultation with the Environmental Safeguard Specialist. An EIA/EMP will be prepared based on findings of the initial environmental and social screening.

The format for the EMPs will follow the requirements under the NEPA guidelines and the OP 4.01 requirements. As part of the EA process, EMPs will need to be prepared and implemented for Category B projects. For those subprojects which trigger the safeguard policy on cultural property, a plan will be required (e.g. a cultural resources management plan). The EMP should be a short and concise document (between 5 – 10 pages) and must contain the necessary sections as 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 for as part of the subproject 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 EMP will ensure that the appropriate mitigation measures have been employed to avoid and/or minimize any potential impacts resulting from the proposed activity.

The EMP 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:

- Costs of ensuring the appropriate dust suppression mechanisms are in place during excavation works must be calculated and included in the tender documents;
- Costs 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
- Costs of monitoring noise during construction should be calculated based on the frequency of monitoring and cost of equipment.

8.2.4 Preparation of Management Plans Related to Resettlement and Physical Cultural Resources

If identified as a requirement of the subproject through the screening process, a Resettlement Action Plan and chance find procedures are prepared alongside or as an integrated part of the subproject's management plan.

(a) Resettlement Action Plan

If the SIA indicates that project will negatively impact people who lose land, assets or livelihood, a RAP will be prepared. **Annex 1** contains the RPF procedures which sets out the guidelines and procedures to be followed in case a RAP is needed for the NHESP II subprojects.

(b) Physical Cultural Resources Management

As the NHESP II investments may encounter possible impacts to cultural property during construction/excavation, it is important that the EIA also identify the process for addressing impacts through chance find procedures. Measures will need to be integrated into the EMP to address the following areas:

- Avoidance or mitigation of identified adverse impacts;
- Provisions for chance finds;

- Measures for strengthening institutional capacity; and
- Monitoring systems to track progress of these activities.

The plan should be consistent with the GoA's overall policy framework and national legislation, the World Bank OP 4.11 for Physical Cultural Resources, and should take into account institutional capabilities relating to the management and preservation of physical cultural resources.

8.2.5 Approval

The Environmental Safeguard Specialist in the OMST will review the EMPs and if necessary EIAs (in consultation with NEPA) to ensure that all environmental and social impacts have been identified and effective mitigation measures have been proposed and incorporated into the sub-projects and an EMP with associated costs prepared. If EIAs are required, these will need to be reviewed and cleared for disclosure by the World Bank and NEPA. A template for Notification of ESMF Clearance is provided in **Annex 10**.

It is important to note that this review and approval process is to be carried out in parallel with the review and approval of the technical, economic, financial and other aspects of the subprojects. Implementation of subprojects cannot commence until the environmental and social aspects have been reviewed and appropriate mitigation measures have been adopted.

As regards social impacts due to land acquisition, the physical construction works cannot start until the resettlement and/or compensation plans have been prepared and implemented and compensation paid to affected people.

8.3 PUBLIC CONSULTATION AND DISCLOSURE

In compliance with World Bank guidelines and in GoA EIA regulations, for subprojects whereby an EIA, SIA or RAP are required, the EIA, SIA and RAP documents must be made available for public review at a place accessible to local people (e.g. at a local government office), and in a form, manner, and language they can understand. A template for a public consultation plan is provided as **Annex 11** and a sample disclosure notice for the EIA/SIA/RAP is provided in **Annex 12**. EMPs do not need to follow the EIA process for consultation and disclosure.

8.4 MONITORING AND ANNUAL REPORTS

The OMST/MoHE in conjunction with the relevant Districts and Directorates will monitor the implementation of environmental mitigation measures based on the Contractor's work plan for subprojects.

8.4.1 Monitoring and Reporting of Subproject Mitigation and Management Plans

The OMST/MoHE will require the implementing agencies (universities) participating in the NHESP II to prepare an appropriate environmental supervision plan and supervise implementation of the EMP within the overall plan for the subproject. Accordingly, the supervision arrangements for the EMP will focus on critical risks to implementation of the EMP, how such risks will be monitored during implementation and agreements reached with the Proponent.

Supervision of the EMP, 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 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 OMST in collaboration with the district offices will monitor the implementation of the environment mitigation measures on a sample of subprojects on quarterly basis, and report these to the World Bank with the same frequency. On annual basis the OMST in collaboration the MoHE will carry out a national assessment of subproject performance on E&S as part of the Project's overall monitoring program.

Monitoring of the compliance of project implementation with the mitigation measures set out in its EMP and associated management plans will be carried out by the OMST in coordination with the Proponent (ie academic facility). The Environmental Safeguard Specialist in the OMST in collaboration with the engineering team will have responsibility for carrying out this monitoring by regularly visiting the projects, and pursuing the following corrective measures as required. Compliance monitoring comprises on-site inspection of construction activities to verify that measures identified in the EMP are included in the clauses for contractors are being implemented. This type of monitoring is similar to the normal tasks of a supervising engineer whose task is to ensure that the Contractor is achieving the required standards and quality of work.

Once implementation of the subproject has started, regular supervision missions will be carried out (preferably by a third party) and an annual monitoring report must be submitted to the MoHE, OMST and World Bank for review.

The cost of implementing and monitoring the EMP for the subproject by the implementing agency (university) will be included in the budget of the subproject.

8.5 ANNUAL REVIEWS

An independently commissioned environmental and social audit will be carried out on an annual basis. The audit team will report to the OMST, MoHE and the World Bank. OMST and MoHE 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 in the ESMF approach that are required to improve its effectiveness.

An annual audit report will include:

- A summary of the environmental performance of the NHESP II based on EIAs and EMPs;
- A presentation of compliance and progress in the implementation of the subproject EMPs;
- Number of written warnings of violation of EIAs/EMPs issued to project proponents;
- A synopsis of the environmental monitoring results from individual subproject monitoring measures (as set out in the subproject EIA/EMPs).

The OMST (through the contractor) will also perform an annual audit of the subprojects using the E&S Audit Form provided in **Annex 13** and submit the audit to the MoHE.

9. GRIEVANCE REDRESS MECHANISM

There has been increasing focus on the informed participation of people who are going to be affected by any subproject such as the one identified in the NHESP II (2015-2020). Civil society is considered as important actors in such situations. Among the tools encouraged by development agencies to address issues of conflict at its earliest is the Grievance Redress Mechanism (GRM) largely to prevent a conflict from erupting thus resolving an issue of contention through dialogues and saving lot of resources that could otherwise be easily consumed by a conflict. It also reduced operation risks, which may result into keeping lot of resources available for operation activities.

9.1 OBJECTIVE OF THE GRIEVANCE REDRESS MECHANISM (GRM)

In order to ensure transparency and accountability in the implementation of NHESP II and the HEDP project, MoHE will establish a GRM with a clear set of goals and objectives and a well-defined scope for its interventions, as well as a set of procedures for receiving, recording, and handling complaints. For ESMF implementation related grievances, the MoHE will establish a Grievance Redress Committee (GRC) consisting of a MoHE Chair, the Director of Policy and Plan Department in MoHE, the Director of OMST for HEDP, the Project's Environmental and Social Safeguards Specialists, representatives of relevant community or group, and a member of a recognized non-government organization. The GRC members should be qualified, experienced, and competent personnel who can win the respect and confidence of the affected communities. The GRM will include procedures for:

- recording, registering, and sorting grievances;
- conducting an initial assessment of grievances;
- referring grievances to appropriate units or persons;
- determining the resolution process;
- making decisions, including parameters and standards for accurate and consistent decision making;
- directing relevant agencies responsible for implementing decisions;
- notifying complainants and other affected parties of eligibility, the resolution process, and outcomes; &
- tracking, monitoring, documentation, and evaluation.

Depending on the nature and the severity of the complaint/s, the GRC in consultation with the Project Affected Persons (PAPs), will identify and decide on an approach for grievance resolution. Where appropriate, APs will be provided opportunity to make an appeal and put their demands in order to be compensated. AP's will also be given the choice of selecting an affordable approach with which they are comfortable and protected in order to be compensated..

In projects with small-scale infrastructure, construction-related complaints can be numerous and managing them is the Contractor's responsibility under its contract with the implementing agency. Usually these kinds of complaints are described as environmental impacts and include issues related to dust, flooding, blasting (noise, vibration, evacuation), lost access, dangers to life, damage caused to public roads from heavy machinery, deteriorating water quality and quantity, damage to property and crops, soil erosion, and others.

9.2 TYPES OF GRIEVANCES

Grievances arising from the implementation of infrastructure projects could be inevitable. As has been the case to date, many grievances may be solved at the neighborhood with the help of local authorities or may be officials of MoHE. Others will need to be referred to GRC and, if not resolved at this level, be subject to an appeals process. While most grievances will arise from residents, issues might also be raised by those outside of a sub-project area or even by service-providers and other institutions. Grievances might include the following:

- a) Inter-community dispute: Implementation of project may have direct impact or indirect on the lives and property of the people.
- b) Procurement issues especially local one: implementation procedures provide for contracting of private construction companies through a process of competitive bidding. This may result in grievances about selection and management of contracts, the quality of materials delivered or the works undertaken on site.
- c) Process delays: There may be some delays in various processes implementation of social development project and they may frustrate the local people.
- d) Grievance due to presence of security forces
- e) Grievance of women in the area
- f) Service delivery grievances
- g) Grievances arising from construction work
- h) Grievance among the more conservative elders who may see a university as a threat to their culture and way of living.
- i) Grievances related to land acquisition and compensation

9.3 GRIEVANCE HANDLING SYSTEM

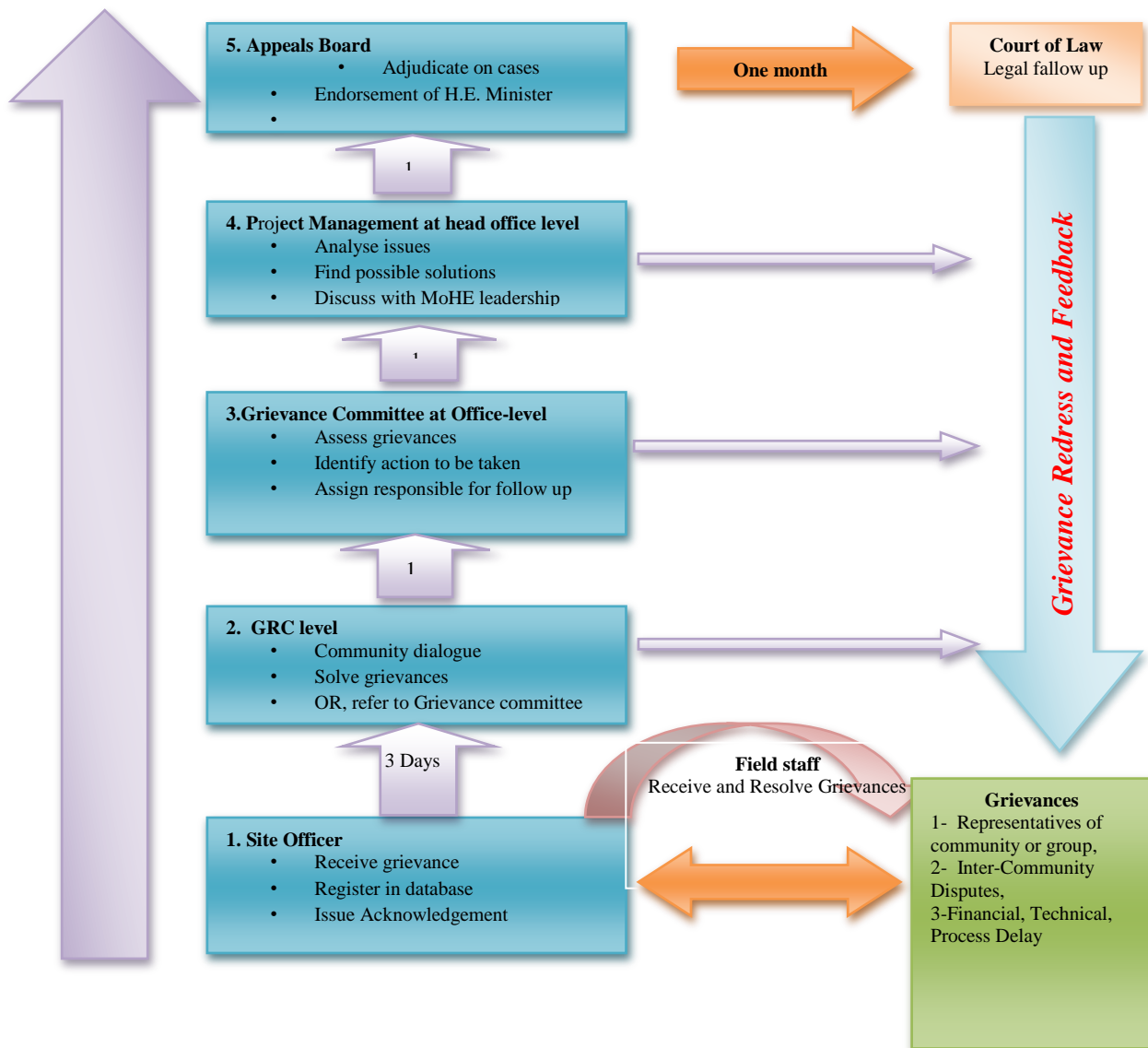
In the context of university construction, a complaint is defined as an oral or written expression of dissatisfaction or concern about facilities or services provided, or about actions or lack of actions taken, and can be made by individuals or groups. Grievances might take the form of enquiries regarding the nature or purpose of services or facilities, or suggestions as to alternative ways in which the purpose of an activity might be achieved (refer to Figure 9.1).

The objective of the University grievance/complaint handling system is to ensure that the views and concerns of those affected by the construction and function of University activities are heard and acted upon in a timely, effective and transparent manner.

It will clearly not be possible, through the proposed grievance handling system, to address each and every grievance or dispute that may afflict a group of people whose divisions or disagreements may not only pre-date project activities, but lie beyond their scope or the competence of project staff to resolve. For this reason, the grievance system as proposed will primarily (but not exclusively) handle issues that emerge from the construction of university activities, or can be plausibly described as a consequence of these. The grievance system will continue to function in order to receive grievances with regards to the functioning of the university including regular campus related grievances raised by local communities.

It is important that the grievance redress and registration team would strictly adhere to the mechanism, avoid dealing with extra-project complaints to maintain its neutrality.

Figure 9.1 Process model for Grievance Redress Mechanism



9.4 PRINCIPLES, PROCEDURES & TIMELINES

Three basic 'service standards' shall underpin the proposed systems for handling these, as follows:

- a) All grievances submitted in writing to staff assigned under University Grievance Redress Mechanism will be formally recorded, and a written acknowledgement issued.
- b) Grievances will be dealt with on a referral basis; those that can be locally resolved and those not resolved locally will be referred to the grievance committee for intervention. While the Bank will always be kept informed about the process, results and hurdles.
- c) Every effort will be made to address or resolve grievances within fixed time-lines, which will be an indicator against which the performance of the handling system is evaluated:
 - Acknowledgement of a written submission will be issued to the complainant within **5 working days**.
 - If not resolved earlier by supervisory staff on site, grievances will be tabled for discussion/resolution by the GRC within **4 weeks** of receipt of the written submission.
 - If the GRC does not resolve the issue on time and in satisfactory manners, the grievance will be referred for consideration through the OMST to the MoHE leadership within **2 months**.

10. CAPACITY BUILDING AND TRAINING

Successful implementation of the ESMF will rely on (a) establishing the OMST's capability to ensure that the subprojects are screened and appraised appropriately; and (b) regular monitoring and reporting to track performance of the subprojects. The project staff within the MoHE and the OMST will supervise and coordinate the project. However, the OMST, responsible for coordinating the Project, will not be capable of handling the workload under the ESMF without a Specialist trained to support the Unit in implementing the ESMF and RPF.

To ensure that the provisions of the ESMF are clearly understood within the OMST and MoHE, a workshop describing the procedures and tools of the ESMF will be held for implementing agencies during the first month of the project as part of this capacity building program. This will be supplemented by an ongoing capacity building and training budgeted for under the Project.

10.1 APPOINTING ENVIRONMENTAL AND SOCIAL SAFEGUARD SPECIALISTS

The OMST will assist MoHE in putting in place institutional arrangements defined in the ESMF. OMST will recruit an Environmental Safeguards Specialist and a Social Safeguards Specialist who will be responsible for overall implementation of the EMSF during Project implementation (TORs provided in **Annex 14** and **15** respectively). They will help set up within the MoHE satisfactory arrangements for preparing site specific environmental and social management plans if and when needed for any construction activities under the NHESP II, and help build capacity of relevant staff within the Policy and Plan Department of MoHE and universities for handling environmental and social safeguards aspects. They will also help the MoHE/ University staff in monitoring of implementation of mitigating measures. They will prepare relevant sections on the project's compliance with satisfactory implementation of the ESMF and EMPs, for inclusion in regular project progress reports prepared by the OMST.

In order to start developing long term human capacity in environmental and social safeguards, the Project includes higher education in environmental management, land management and related areas in priority degree programs to be promoted under the Project.

10.2 TRAINING

The Environmental and Social Safeguard Specialists with relevant staff of engineering team of MoHE funded projects will undergo training in the application of the ESMF in the form of a workshop as proposed in Table 10.1. During supervision of the project, the MoHE in technical assistance by its multi-lateral partners such as the World Bank will assess the implementation of the Framework directly or through third party, and if required, will recommend additional strengthening.

In order to strengthen capacity in the implementation of ESMF two institutions will need capacity building: NEPA and MoHE's policy and engineering departments.

The participants to the workshop will include the five local council sector heads from Forestry, Environment, Agriculture, Health and Water. Regional meetings will be organized and facilitated by Ministry of Higher Education, Department of Environmental Affairs, and Department of Lands and Valuation. The workshop provides attendees with the basic approach to implementing the guidelines provided in the ESMF combined with the use of the appropriate tools, such as the screening form, EMP template and ESMF Annual Reporting Form. Refresher courses will be held as needed during the course of the project lifecycle.

The workshop will be prepared and undertaken by a local Consultant with relevant experience in the proposed topics and highly familiar with E&S related to infrastructure development in order to provide good case studies.

Table 10.1 Proposed training format for ESMF implementation

Module	Duration
Day 1	
Introduction	1 DAY
<ul style="list-style-type: none"> • Objective of the ESMF and RPF • Key stakeholders with a role in the ESMF and RPF • Relevant legislative and regulatory acts and World Bank safeguard policies • Structure and role of relevant governmental authorities and NGOs as relates to the provision of academic facilities 	
Day 2	1 DAY
Summary of guidelines for the subprojects	
<ul style="list-style-type: none"> • Screening and categorization • Appraisal and approval (for EIAs/SIAs) • Disclosure • Annual Review • Annual Reporting 	
Capacity building requirements	0.5 DAY
Budgeting for the implementation of EMPs, RAPs and other safeguard management plans	0.5 DAY
Total	3 days

11. ESMF IMPLEMENTATION BUDGET

The cost for ESMF implementation at MoHE is estimated at \$350,000 during the HEDP project, including the cost of two officers, capacity building trainings to its stakeholders, and providing implementation support and monitor implementation of EMPs and RAPs. Topics to be covered at the workshops would include:

- Infrastructural development activities under the Higher Education Strategic Plan (2015-2020)
- Guidelines for Environmental and Social Screening process;
- Preparation of EMPs for construction/rehabilitation works; and
- Gender assessment and mainstreaming within project activities.

Table 11.1 Budget Estimate for the Implementation of the ESMF (2015-2020)¹

1. Recruitment of Environmental Safeguard Specialist and Social Safeguard Specialist at MoHE.	= \$200,000
2. Workshops on ESMF implementation with stakeholders at the university and national/regional level	= \$50,000
3. Implementation and monitoring of the EIA/EMP/SIA for the proposed universities/ visits	= \$100,000
Total	= \$350,000

¹ Implementation period for the HEDP Project.



Government of Afghanistan

Ministry of Higher Education

Environmental and Social Management Framework

Higher Education Development Project

OPERATIONAL TOOLS AND TECHNICAL GUIDELINES

Annex 1: Sectoral Resettlement Policy Framework for NHESP II

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 will occur during the implementation of projects such as university or institutes of higher education by or with the co-operation of the Ministry of Higher Education. The RPF for the MoHE is drawn from the RPF designed for the Central Asia South Asia Electricity Transmission Project (CASA 1000), which was customized on the basis of an RPF cleared by an interministerial committee in December 2010 for Ministry of Energy and Water.

Common standards and approaches to resettlement across government increase efficiency and effectiveness in the administration of such programmes. Officials can more easily grasp what is required; capacity can be enhanced and affected persons (APs) in all projects will have greater confidence that they are being treated fairly, so reducing the likelihood of grievances and legal and other challenges to resettlement which can delay the implementation of projects. Common standards in practice will also make it easier to develop a national law on resettlement as and when the government decides to move in that direction.

Definitions of words and phrases used in the RPF

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. PROJECT BACKGROUND AND RPF OBJECTIVES

1.1 Project Context

The Ministry of Higher Education is mandated to expand higher education across Afghanistan and donor agencies and organization in the light of needs for education has extended aid and technical support to the ministry of carry out its plans in line with international best practices.

Construction of University or institution for higher education may force displacement of people in an area which will automatically trigger certain international and organizational standards to be adhered to. Development of new institution is to bring benefits to the society and country and it therefore the chance of adverse social impact needs to be either prevented or minimized.

1.2 Proposed objective

Census and survey procedures for projects with resettlements differ from those in most other projects in one important respect: because final technical designs often cannot be known until we know the requirements of the project in this case university or institute of higher education The remedy is either to deliberately extend the census and surveys to include the maximum envelope of impact or to estimate the resettlement impact in the areas where the project is to be implemented.

Construction of university may entail displacement. Building or expansion can also affect property use, and restrictions on land use can affect incomes. As with compensation for land acquisition an easement fee, combined with payment for any crop damage, may be appropriate way to compensate for periodic access. Such easement fees range from 5 to 20 percent of the replacement cost of the affected land. In most cases, no compensation is paid for a decrease in property value as a result of construction.

This RPF is designed to tackle the specific issues noted above and set out a clear framework for the , assessment, mitigation and compensation and, where necessary, the settling of disputes arising out of such activities with respect to resettlement, albeit temporary on occasions, and compensation

1.3 Purpose of a Resettlement Policy Framework

Activities to be financed under the NHESP II 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 Affected Persons who are likely to have to be relocated or who are going to suffer adverse impacts from project-related land acquisition. The purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied 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 Ministry of Higher Education in the following ways:

(i) **Provision of technical assistance to the OMST** within the Ministry and its regional offices involved in project implementation, including project management, procurement, contract management, financial management, survey construction supervision and quality control, and environmental and social management.

(ii) **Support for building capacity in MoHE in various technical fields** in procurement, contract management, financial management, internal audit, monitoring and evaluation, and management of environmental and social issues.

(iii) **Support for building capacity of local institutions** including community groups, university faculties, and local construction industry.

(iv) **Support for the continuation and strengthening of monitoring and evaluation activities** including input, output, process, and outcome monitoring. Progress of various components would be monitored as an integral part of NHESP II implementation. The OMST will be responsible for monitoring physical progress and collation of progress reports. Monitoring of Results/Outcomes would be carried out by an M&E Unit independent of the OMST. This Unit will be responsible for collection and analysis of panel data, conducting a limited number of case studies, and for providing continuous feedback to the OMST. The M&E Unit would be strengthened through 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 resettlement policy framework is required to be consistent both with the World Bank's Operational Policy 4.12 which deals with Involuntary Resettlement and with existing 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 Affected Person.

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

The principles of the RPF are:

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

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

2. LEGAL & POLICY FRAMEWORK FOR RESETTLEMENT

2.1 Afghan Law & Policy on Land Acquisition

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

(i) The acquisition of a plot or portion of a plot for public purpose is decided by the Council of Ministers and is compensated at fair value based on current market rates (Section 2);

(ii) The acquisition of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property will be acquired (Section 4);

(iii) The right of the owner or land user will be terminated three months prior to the start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made. The termination of the right of the landlord or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (Section 6);

(iv) In cases of land acquisition, the following factors shall be considered for compensation:

- value of land;
- value of houses and buildings on the land;
- value of trees, orchards and other assets on land (Section 8);

(v) The value of land depends on the category and its geographic location (Section 13) (and see too proposed new clause 45 of the Land Management Law published in December 2012);

(vi) A person whose residential land is subject to acquisition will receive a new plot of land of the same value. He/she has the option to get residential land or a house on government property in exchange, under proper procedures (Section 13);

(vii) If a landowner so wishes his/her affected plot can be swapped with unaffected government land and if this is valued less than the plot lost, the difference will be calculated and reimbursed to the affected plot owner (Section 15);

(viii) The values of orchards, vines and trees on land under acquisition shall be determined by the competent officials of the local body (Section 16); and

(ix) A property is valued at the current rate at the locality concerned. The owner or his/her representative must be present at the time of measuring and valuing of property.

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

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

The Law on Land Acquisition is undergoing a thorough review and amendment process but as of November 2013, no final decisions had been taken on any amendments. It may also be noted that as the law now stands, two difficulties present themselves with respect to this RPF. First, there are no provisions in the law dealing with short-term temporary displacement such as easement from land which will be a feature of the creation of the transmission line with particular reference to the erection of towers (hereafter referred to as temporary displacement). Once the towers are erected, land occupiers and owners will be able to go back on to the land and use it with some restrictions (apart from the land where the tower is located). Second, a relatively minor problem with respect to pastoralists who may temporarily lose grazing land that they have traditionally used for the depasturing of their livestock. These two difficulties will be dealt with below.

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

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

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

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

Step 1: Preliminary issues: is acquisition necessary

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

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

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

Step 2: Preparing an acquisition and resettlement plan

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

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

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

- 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;
- 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 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 separate the issue of whether any land acquisition and resettlement is necessary from the issue of what resettlement will take place and how it will be conducted.

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

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

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

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

The preparation of a plan must be preceded by and involve in its development meetings with potential APs and more general public consultation. There will be informal day-to-day meetings among APs, MoHE 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: that is the acquisition of the land and the resettlement of those persons displaced by the acquisition. This is the central part of the process of acquisition and resettlement and must be broken down into several sub-steps. Not all these sub-steps are set out specifically in OP 4.12; they are however a necessary part of land acquisition and resettlement and must be written into the RPF to take place.

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

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

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

Sub-step 1

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

ELIGIBILITY CRITERIA/OCCUPIERS

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

- (a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan;

(c) those who have no recognizable legal right or claim to the land they are occupying.

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

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

Sub-step 2

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

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

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

Compensation will include

- full replacement cost of land taken at its market value plus transaction costs (e.g. registration fees, selling/buying taxes, etc)
- alternative land of the same quantity and quality so far as possible
- compensation for 'injurious affection'^[1] 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 identify the PAP know what language they speak, have knowledge of the local context. Thus, it will be necessary in developing RAPs on the basis of this RPF to deal with each community as a distinct and separate entity, with its own concerns and its own approaches to resettlement and temporary displacement.

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

Table 2.1: Comparison between the Law on Land Expropriation and OP 4.12 with proposals for reconciliation^[1]

Law on Land Expropriation (LLE)	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.	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.	Land values assessed as at pre-project or pre-displacement value whichever is higher	No real gaps; just different approaches to the same need to limit claims and compensation.	No gaps	A date set prior to the commencement of acquisition should be fixed for land values. This should be the cut-off date
3. As a matter of practice in Kabul efforts are made to determine those entitled to compensation and resettlement	Census conducted of persons in the area to determine eligibility for assistance, and to limit inflow of people ineligible for assistance; encroachers	No real gap here.	Given the practice in Kabul, there would be no problem in adopting OP 4.12 as the practice to be followed in this RPF	A legal framework will require a census of eligible APs to be undertaken at the immediate pre-project stage.
4. By article 6 of LLE, the right to own or use land is terminated three months prior to the actual start of the project. So information on land to be acquired is sent to APs three months before acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation. It is at this point that donations of land may be 'invited'.	Prepare resettlement plan on how project to be implemented and resettlement etc provided for. Emphasis on participation by APs in preparation of process and in project implementation Emphasis on early information to be given to potential APs of possible resettlement	LLE does not provide for what OP 4.12 requires. Some pre-planning of projects will exist and informal discussions with APs involves participation. 3 months notice may be too little where relocation is likely but not rigidly adhered to.	There is nothing in LLE to prevent a more participative approach to acquisition as is called for in OP 4.12. The three month rule could be interpreted to mean "not less than three months" which would allow for discussions on acquisition and its consequences.	A legal framework within the RPF allowing for a participatory approach to acquisition and resettlement planning and implementation would not contradict the LLE and is the best way forward.
5. No special provision in LLE for a	Prepare resettlement plan:	Major gap of substance	1. The LLE is silent on resettlement	2 and 3 the preferred option.

<p>resettlement plan or any special arrangements for resettlement.</p>	<p>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 numbers to be resettled.</p>		<p>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>PART</p>	<p>TWO:</p>	<p>ACQUIRING</p>	<p>THE</p>	<p>LAND</p>
<p>6. The Council of Ministers approves expropriation of land. Unlike the former law, there is no provision for the owner/user and or agent to be present 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.</p> <p>Under article 22, the owner etc is</p>	<p>No specific procedures required by OP 4.12 but content of resettlement plan implies APs will be involved in all stages of acquisition</p>	<p>The spirit of OP 4.12 conflicts with LLE’s non-provision of involvement of the owner apart from that provided for in article 5. It is not clear why that is confined to “the Municipality”. Given many absentee owners ,it may be unavoidable to allow absentee acquisition.</p>	<p>Spirit of OP 4.12 could be met by more protective provisions and or practice on dealing with absentee acquisition. The silence of 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.</p>	<p>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.</p>

obliged to hand over all documentary evidence relating to land to the acquiring authority				
7. Under article 6 LLE after transfer of ownership, owner may enter acquired land and harvest crops except where urgent use of land prevents this	Not mentioned	LLE ahead of OP 4.12 on this:	A good provision. 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	THREE:	COMPENSATION	PAYMENT	PROCEDURES
8. The bulk of LLE deals with compensation but says nothing about who is entitled to compensation. The assumption is that “owners” are entitled to compensation but the law does not define “owners”. The old law drew a clear distinction between those with legal title and those with customary title or no title with respect to the payment of compensation. Practice in rural areas was quite accommodating to those with customary titles. Practice in Kabul is to acquire documentary evidence for a claim for compensation.	Fundamental principle of OP 4.12 is that all those on land are to be entitled to fair compensation and assistance with resettlement irrespective of their title to land.	Major gap of substance in the law but given practice in rural areas, it is not unbridgeable.	Accommodate OP 4.12 by changing practices where necessary. Advantage may be taken of absence of legal definition of “owner” to accommodate those with customary titles which is likely to be the majority in project areas.	Given huge numbers of people not having and not going to get formal legal titles to their land in the foreseeable future, LLE should be interpreted so those living and or working on land at the census date receive fair compensation and resettlement assistance. As with 6 above, the RPF can develop a legal framework for compensating all those on the land and this can be a model for future regulations to be made under LLE. This is the one major area where there is considerable divergence between LLE and OP 4.12. It will be necessary to comply with OP 4.12.
9. The Constitution provides for payment of prior and just compensation. (English translation). The LLE at article 2 provides for the payment of prior and adequate compensation. If there is a distinction between just and adequate, then the constitutional provision of just	OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local markets. Compensation for lost livelihoods required	There does appear to be a gap between the LLE and OP 4.12. The LLE has a lot of gaps in it. Sensible not to insist on market value in the absence of reliable functioning markets. Biggest gap is compensation for squatters and even their best practice does provide some	1. OP 4.12 must be accommodated. Other resettlement plans developed in connection with ADB projects more or less ignore the LLE and provide detailed frameworks for assessment and payment of compensation. 3. The lack of any detail in LLE on how to assess compensation and the	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>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 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>Disturbance compensation required</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>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>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>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</p>	<p>OP 4.12 requires implementation of resettlement plan the contents of which are noted at 4 above</p>	<p>Major gap of substance as noted in 4 above.</p>	<p>If preferred option at 4 above accepted, resettlement plan implementation is issue:.</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>

relocated				
PART	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> <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>OP 4.12 silent on judicial and administrative arrangements.</p> <p>It requires appropriate and accessible grievance mechanisms to be established for 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>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 and allowed an appeal albeit from the judge to a Minister.</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 APs are. RPF to provide for these</p>
<p>12. LLE does not provide for any external monitoring body or process</p>	<p>OP 4.12 states that the borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument.</p>	<p>Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to providing for same.</p>	<p>Provide monitoring for WB projects as required by OP 4.12</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. MoHE will inform local communities regarding this cut-off date through their local offices and through the relevant local government agencies. Those that settle after the cut off date however will be given sufficient advance notice to vacate premises/dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay fines or sanctions.

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 summarise the different types of formal and informal land ownership/possession in Afghanistan. This will be the basis for the land impacts and the more important question of who are entitled for compensation of land affected by the project.

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

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

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

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

Mar'aa Land meaning "dead land". In practice, this term refers to land which is not suitable for cultivation. The concept of *mar'aa* requires three elements: 1) the ownership history of the land is not known; 2) it has not been cultivated and constructed, and 3) currently the land is not owned by any person. Even barren land (*zameen-e-bayer*) that does not have an owner may only be acquired with the permission of the government. The person who acquires and develops barren land with the permission of the government shall own the land. Shari'a generally recognizes *mar'aa* land as property neither owned by a private individual nor by the state and which could be acquired through renovation. Consistent with this, *mar'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 recognised as legitimate users of lands by community development councils, jirgas or local elders. Households or persons who hold customary or traditional deeds for their properties are people who acquired de facto ownership of their land through purchase from customary or traditional owners of land.

The second type of owners/possessors under the informal system entitled to compensation are *de facto* owners of property who have bought land or a house from legal owners but did not fulfil the legal formalities required to formalize ownership. The transaction was legal but the legal formalities required to obtain a legal deed from the competent court were not completed. In many instances, buyers and sellers conclude customary agreements based on good faith and traditional norms and disregard the need to formalize the sales transaction in a competent court. Many persons perceive that a customary deed suffices to prove ownership of their property, especially when the original owner holds a formal document.

The two types of ownership/possession under the informal system of property rights have customary documents called "*orfi*" to prove their ownership/possession. These documents are usually witnessed by their neighbours, and especially local village and/or religious leaders. These documents include bills of sale and purchase, pawn

agreements, wills, subdivision agreements, etc. These two types of informal ownership/possession will receive compensation for land affected by the project.

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

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

3.3 Entitlements to Compensation & Livelihood Restoration

The APs in the project are entitled to various types of compensation and resettlement assistance that will assist in the restoration of their livelihoods, at least, to the pre-project standards. They are entitled to a mixture of compensation measures and resettlement assistance, depending on the nature of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. All APs are equally eligible 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. MoHE will shoulder all transaction costs such as fees, taxes, and other charges, as applicable under relevant laws incurred in the relocation and resource establishment.
- **Severe Agricultural Land Impacts** -- When >10% of an AP's agricultural land is affected, APs (owners, leaseholders and sharecroppers), in addition to the compensation explained above, they will get an additional allowance for *severe impacts equal to the market value of a year's net income crop yield of the land lost.*
- **Residential/commercial land impacts** -- These impacts will be compensated at replacement value in cash at current market rates free of deductions for transaction costs.
- **Houses, buildings, structures (fixed assets) damages** -- These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Compensations will include the cost of lost water supply, electricity or telephone connections.
- **Renters/leaseholders** - will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.

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

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

• **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. These provisions fall some way short of what is required by OP 4.12 but it was suggested in the table that the absence of detail could be used to the advantage of developing rules and principles of compensation. The Law does not forbid the development of detailed rules on compensation and the fact that regulations may be made under the Law suggests that that is where details may ultimately be developed. In the absence of detailed rules, it does not do violence to the Law for details to be developed in the context of this RPF and applied to the project.

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

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

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

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

The rates for land, structures, crops and trees that may be used in the cost estimates prepared in the MoHE 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 an RAP.

The overall budget of resettlement can not 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

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

4.3 Valuation of Structures

In the area affected by projects such as university 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 that 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 (RCC, single/double storey building) will be determined after various consultations with some owners, 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 they use in sowing. Hence, they know that a certain parcel will require one kilogram of seeds and expected to yield a certain amount. Hence, in computing crop losses, a combination of four main crops 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 sqm for CASA 1000, but would be fine tuned at the time of the RAP and Under the MoHE project.

The compensation for productive trees for CASE is based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years investment they have required. However, 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 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. The primary institutions that are involved in the land acquisition and resettlement process are the following: Islamic Republic of Afghanistan (IRA), Ministry of Higher Education; Operations and Monitoring Support team (OMST) at MoHE; Environmental Compliance & Social Safeguards Unit (ECSSU) within the Department of Planning and Policy of MoHE, ; Implementing Non-Governmental Organization (NGO); Provincial level MoHE Authorities; and Local Government Units (LGUs).

The agencies involved in the planning and implementation of a resettlement and rehabilitation programme are MoHE as the executing agency (EA) and the provincial government office together with the appointed NGO referred to above.. MoHE will be acting in the project through the OMST. In the field, it will act and implement through the University Operation Coordinators present in all selected universities. 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 Higher Education (MoHE)

The Ministry of Higher Education 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 departments of the Government of Afghanistan to resolve the following issues:

1. *Land Records and Ownership.* To resolve issues related to land records and ownership, a land management committee will be formed in the central level and will include members from the MoHE , Ministry of Finance, and the Geology and Cartography Department.

2. *Assets Valuation.* Values of land and other assets for compensation is determined by the Council of Ministers under the LLE on the basis of the principles set out in this RPF. The decisions are based on the recommendation of a committee consisting of the following (i) the landlord or person who uses the land or their representatives, (ii) an official representative of the agency that needs to acquire the land (e.g. MoHE), (iii) a representative of the local municipality, (iv) a representative of the Ministry of Finance, and (v) a representative of the Ministry of Justice.

5.3 Project Implementation

5.3.1 Ministry of Higher Education (MoHE)

MoHE ,through the OMST will be responsible for the approval and implementation of a Land Acquisition and Resettlement Plan (LARP). Within the OMST at MoHE, LARP tasks will be handled by two units described below. Local MoHE 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 MoHE, and the

physical delivery of compensation to the APs will be assigned to a committee selected by the MoHE, which will include members such as the local governments but under the supervision of the OMST and of the Supervision consultants.

There will be a unit within the Department of Planning and Policy at MoHE, 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 OMST 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 OMST will coordinate with MAIL, Cadastre Survey Department, local Governorates, NGOs and the community shuras, locally elected councils. The OMST 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.

MoHE will hire two national experts each one assigned for Environmental Compliance Unit and for the Social Safeguards Unit, who 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 would also be responsible for mentoring/building the capacity of MoHE relevant officers 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 MoHE 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 programmes.
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 Grievance Committee.
6. Assist the APs in claims for just compensation including the collection of timely and complete payments.
7. Submit periodic implementation reports on LARP.
8. Conduct and/or undertake any other activities that may be required in the successful implementation of the LARP.

The implementing NGO must be a non-profit organization; be legally registered 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 (LGUs) are vital in LARP implementation. These are the provincial government, district provincial government, villages and local community Shuras (CDCs). Issues relating from land records and ownership and assets valuation originate from this level and will only be taken to the Council of Ministers if these issues are not resolved locally. The provincial government, in cases of disputes on valuation of land will constitute a land valuation committee to determine the disputes on rates.

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

6. 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, MoHE's provincial staff, and other stakeholders, the formal consultation process in the project will be ongoing and will be managed by the OMST through village meetings and public consultations with government officials. All these mechanisms and approaches will also be used during the collection of baseline socio-economic data from the APs; and the preparation of LARP and disclosure of LARP to the APs, as explained below.

6.3 Community Meetings

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

In the socio-economic survey, the project will list the names of the owners/users of assets likely to be acquired, temporarily used or damaged for which compensation will be payable and the MoHE will prepare a land acquisition and resettlement plan (LARP) for each defined section of the project that will ensure that all these affected assets are justly compensated. The approved LARP will be presented and explained to all affected households and persons and other interested parties. The census survey will 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 apprised about the project including the formulation and details on the implementation of the LARP. The OMST will coordinate with the land valuation committees. There will be coordination with the district governors, which have jurisdiction over the sub-project areas as well as village leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

6.5 Preparation of Project Specific Informative Material

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

- LARPs for sub-projects will be made available to the concerned district governments, village leaders and directly affected households and MoHE 's field offices as an official public document. This RPF will also be disclosed on the MoHE 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'. MoHE field staff/consultant will distribute the brochures through the community meetings and will explain the mechanisms and procedures of the consultation programme and how APs will be engaged in resettlement activities and the overall process.
- A cheque disbursement schedule – or preferably transfer of compensation through e-paisa to PAP bank accounts, explaining the date, time and venue for disbursement of compensation cheques of each AP will be prepared in 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 OMST staff.

- Provision of the RPF in local languages and English to OMST, MoHE 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 MoHE 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 OMST 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 MoHE, 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

MoHE /OMST will begin the implementation of the project component after its approval by the World Bank. It will initiate some actions as groundwork and certain preparatory tasks regarding implementation of the LARP as follows:

- Endorsement of the first LARP by OMST and MoHE and its submission to World Bank for approval
- The process for developing the budget for compensation of land, trees, and crops will have already been coordinated with the Ministry of Finance
- Establishment of criteria, requirements and procedure for disbursement of compensation cheques
- Identification of the implementing consultant that will assist MoHE in LARP implementation
- Development of internal monitoring indicators and procedures

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

Payment of compensation of assets other than structures (land, crops, and trees) will be made at least 90 days prior to actual possession of the space being utilized by the APs. However, in case of a dispute regarding the compensation amount, up to 70% of the assessed/allocated amount of compensation will be paid to APs and the rest pledged in an escrow account in the names of the concerned APs, pending the resolution of the dispute. In case of dispute over rightful ownership, the compensation would be deposited in an escrow account awaiting the court resolution of rightful ownership. In such an exceptional case, the MoHE 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. OMST shall obtain the needed money for its counterpart to fund the land acquisition component from the Ministry of Finance.

ii. Verification of the list of qualified APs: OMST 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 arising from the list.

iii. Notification of a detailed compensation package: OMST 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 OMST and the APs still cannot agree, the OMST will file expropriation proceedings in the appropriate court, asking that MoHE be permitted to take possession of the affected asset. The OMST will pay the AP 70% of the contested sum and deposit the remaining amount in an escrow account in a bank.

v. Locate absentee owners: The OMST 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 by OMST/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 MoHE /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 the money for compensation to any bank of its choice. The bank account will be facilitated by OMST to ensure that APs are compensated on time.

ix. Payment: the APs will each receive a cheque for the whole amount of compensation from the Ministry of Finance 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 Higher Education including OMST
- Representative of the Ministry of Finance,
- Representative of the Ministry of Justice, and
- Representative of the local municipality,

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

However, if after this negotiated approach, the issue remains unresolved, the affected person may elevate the matter to a Grievance Redress Committee (GRC) to try to resolve the issue. It should be pointed out however, that this committee does not possess any legal mandate or authority to resolve land issues but rather acts as an advisory body or facilitator to try to resolve issues between the affected household and the MoHE/OMST 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 MoHE – Environment Compliance & Social Safeguard Unit ,
- Representative from the local legal department,
- Representative of the implementing NGO

The grievance redress committee will register the unresolved matter and meet to try to resolve the issue. A recommendation should be made within 7–10 working days. In the case of the absence of any of the members during the decision-making process, an appropriate candidate will be nominated by the original representatives. If no decision has been promulgated after 10 working days from the last meeting of the grievance redress committee, the affected person may take the issue to the next level. The AP always has the final recourse to seek redress through the legal system. However, every effort must be exerted to avoid this alternative because it entails loss of time and expenses of the part of the AP.

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

9. MONITORING & EVALUATION

9.1 General

Project activities will undergo both internal and external monitoring. Internal monitoring will be conducted by the OMST and assisted by the Supervision Consultant. External monitoring can be assigned to an independent third party monitoring agent in consultation with the World Bank and MoHE's leadership, if deemed necessary. It can also be expected that the Ministry of Finance 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 basic, and can always not happen.

9.2 Internal Monitoring

The M&E team within OMST at the Ministry of Higher Education will carry out internal monitoring routinely. The M&E team at OMST will communicate findings and results to the World Bank and the MoHE 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 the OMST 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 in to standard supervision reports and submitted MoHE and the World Bank. Depending on the intensity of the issue, OMST 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.
- Grievance received and status of redress

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

- Socio-economic conditions of the APs in the post-resettlement period;
- Communications and reactions from APs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- Changes in housing and income levels;
- 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 university 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 OMST and the World Bank 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, MOHE in consultation with the World Bank 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 OMST and approved by the MoHE and the World Bank. The monitoring agent will submit a detailed compliance report confirming the findings from the field about the implementation of the LARP to MoHE and the World Bank. 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 OMST, for follow up purpose.

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 OMST 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 OMST for review. The implementing agency will also monitor RAP implementation and submit quarterly reports to MoHE /OMST and the World Bank. In case of having an external monitoring agency (EMA), the monitoring firm / organization will submit bi-annual reviews directly to the World Bank and the MoHE 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
MoHE	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 MoHE they can be utilised 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
MoHE	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
MoHE	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 organised by ECSSU.
MoHE	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 World Bank. This work should start as soon as possible
MoHE	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
MoHE	Appoint the implementing NGO/consultant which is going to carry out the processes of resettlement	Initial work on appointment – terms of reference; basic requirements for an NGO/consultant to be qualified to apply; vetting applicants. Appointment would not be made until RPF approved	The implementing NGO will have an important role to play in all significant resettlement exercises.	Where no or very small-scale resettlement will take place, the ECSSU safeguards officer could be the implementers but anything over that and the implementing NGO would be involved.

MoHE	Where likely resettlement will be involved in a site located for university 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
MoHE	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
MoHE	Begin the processes of publicity and consultation with APs.	Alongside taking the census of APs	An essential first step in the process of planning resettlement and developing a resettlement action plan	Consultation must be genuine. As much information as possible must be given to APs. Utilise village meetings and other community processes
MoHE	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.
MoHE	Undertake the process of inviting APs to submit claims for compensation; assessing discussing and settling claims with APs	Part of the process of consultation and preparing an RAP as an RAP must contain precise details of the compensation and resettlement payments	Compensation and the process of resettlement are at the heart of an 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.
MoHE	Finalise RAP	Preparation of RAP is a continuous process commencing with consultation in connection with census taking	A necessary step to commencing action on the ground	RAP must be approved by World Bank
MoHE	Prepare information pack for each AP	The information pack to be distributed when RAP approved	The pack provides all the basic information which an AP will need to know. What is to occur on resettlement; how much compensation will be provided; how the compensation will be provided and the opportunities for complaints and settling same.	This is a vital component of an RAP. The details of what must be in the information pack are contained in the RPF
MoHE	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,	<i>It is absolutely vital to bear in mind that all APs claims must be settled</i>

			infrastructural activities on the ground may commence	<i>(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 MoHE 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 10 days.	As with the implementing NGO, a GRC is a further guarantee to APs that the process is both substantively (a second and independent opinion on compensation) and procedurally (an AP can have a hearing and put his/her case) fair	Another key element on the RPF. Important that the members of the GRC see themselves as independent and operate accordingly. They are not there 'to save government money'.
MoHE	Internal monitoring conducted by OMST	Throughout the process of the implementation of an RAP with regular reports to the World Bank	The OMST 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

			report on what is happening and will do that via officers of MoHE in the field	
In case of having an independent monitoring through external parties, it must t 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 World Bank and guaranteed access to sites; APs; documents; officials in MoHE and other relevant public and private bodies	An independent overview of the implementation of project	The independence of the external monitoring agency (EMA) must be assured in the contract between it and the MoHE. The World Bank has a substantial interest in the EMA and its outputs so will likely be involved in the selection process.

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 recognised by both official and customary law as giving rise to ownership rights 3. Oral and other evidence with probative value that the claimant and his/her family have been in occupation of the land for at least 35 years. 4. Open, continuous and interrupted 	The aim of OP. 4.12 is to compensate all those who have lost 'their' land. OP 4.12 goes beyond technical rules of law or evidence which in part are designed to bring disputes over land to an end and ensure security to title. OP 4.12 aims at simple and substantive justice: "if you've been on this land for a long time and there is good evidence of that then you should be compensated for losing it"	As the matrix on the comparison of the LLE and OP 4.12 shows, there is nothing in LLE which prevents the approach of 4.12 being adopted here

		possession of persons over a very long time which effectively vests in them legal 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 neighbours on when improvement made; consulting maps and other relevant documents	The objective here is to compensate the squatter for expenditure on the land but not for the value of the land itself	Ditto to above.
Agricultural tenants and tenants of artisanal mines	Loss of income	Cash compensation corresponding to one year's crop yield of land lost.	A fair approximation of loss of income	Ditto
Sharecroppers	Loss of income	Their share of the harvest at market rates plus one additional crop compensation.	Ditto to above	Ditto
House owners/renters	Costs of relocation to other accommodation	relocation allowance of Afs x per months until suitable accommodation established, and assistance in identifying alternative accommodation	This is a very standard element of compensation in all systems	Not specifically provided for in LLE but nothing to stop is being paid
Loss of livelihoods by agriculturalists	Replacement costs for all losses	1. losses will be compensated at replacement value in cash based on current market rates plus an additional . Indemnity for x months as transitional livelihood allowance. 2. When >10% of an AP's agricultural land is affected, APs will get an additional allowance for <i>severe impacts equal to the market value of a year's net income crop yield of the land.</i>	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	See above. The same reasoning applies	Ditto

		transaction costs		
Those who lose or have buildings damaged	Replacement costs	These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Renters/leaseholders will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.	See above.	Ditto
Those who lose income from crop losses	Replacement of lost income	These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.	See above	Ditto
Those who have lost income from loss of trees	Replacement of lost income	Income replacement based on types of trees lost.	See above	Ditto
Those who have suffered business losses	Replacement of lost income	Compensation for business losses will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance.	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	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	Ditto

		allowance for vulnerable APs equivalent to AF x and priority in employment in project-related jobs.	somewhere else.	
Transitional living allowance for APs forced to relocate	Disturbance compensation	APs forced to relocate will receive a livelihood allowance of AF x a month for three months. Transitional livelihood allowance is computed based on the prevailing wage rate of AF x per day times during transition time ..	This is a standard head of compensation in most systems of compensation.	Ditto
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 (RCC, 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	<p>Compensation for productive trees is based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree.</p> <p>Non-productive trees are valued based on the multiple years investment they have required.</p> <p>Compensation for non-productive fruit bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut because of the project.</p>	<p>During interviews with APs on trees, it was pointed out that the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post harvest facilities. Fruit was sold when all other farmers sold their fruit. In the off-season, prices were higher but few farmers could store their crops until then</p>	<p>The compensation rate for a fruit bearing tree is the average yield per tree times the age of the tree.</p>	<p>The same point as above applies here too</p>
Restoration of income 1. Crop losses	<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>
2. Business losses	<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. 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>
3. Income restoration for workers and employees	<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</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</p>

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

Annex 2: Consultations held in Kabul and Faizabad (August – October 2014)

S. No.	Stakeholders	Date of Consultation	Discussion Topic	Issues Emerged/Discussed	Remarks
1	Mr. Wali Modaqiq Deputy DG-NEPA And Mr. Noor Mohammad, Director of Sustainable Development	September 17, 2014	ESMF for MOHE Environmental Law and EIA	Lower capacity for the implementation of the ESMF Low awareness about environmental amenities and long-term benefits Weaker coordination on environmental issues btw institutions	NEPA should be engaged during the implementation of ESMF, Directorate of NEPA at provincial offices should be provided with a copy of ESMF for reference Executive summary of ESMF and guidelines should be translated into local languages
3	Mr. Habib Ullah , Department of Environment, Badakhshan	16 October 2014	Visited the Badakhshan University in Faizabad, and discuss ESMF implementation in Badakhshan	Very low knowledge of ESMF, Less resourced NEPA office, Weaker institutional capacity of NEPA, In-need for office resources and capacity building activities about ESMF, Weaker coordination about environmental issues in Badakhshan.	Engage NEPA staff in capacity building programs under MoHE, Share a copy of the ESMF with targeted provinces where ESMF implementation may be required,

Annex 3: Technical Guidelines

The following Technical Guidelines are intended for use by consultants/contractors involved in the design, construction and operation of NHESP II projects and illustrate the required mitigation measures corresponding to specific environmental and social impacts.

The guidelines should be referred to when preparing the EIAs/EMPs responding 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 Land Slides.

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: Protection of Historic and Cultural Sites and Facilities.

Technical Guideline 7: Management of Lubricants, Oils and Fuels.

Technical Guideline 8: Health and Safety

In addition, it is recommended to apply best practice guidelines for occupational, health and safety as outlined in **IFC's Occupational, Health and Safety Guidelines**

<http://www.ifc.org/wps/wcm/connect/554e8d80488658e4b76af76a6515bb18/Final+-+General+EHS+Guidelines.pdf?MOD=AJPERES>

Technical Guideline 1: Prevention of and Protection from Soil Erosion

Description of Impact

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 minimise 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. 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;

- 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 vase 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="808 1346 1383 1766" style="border: 1px solid black; padding: 5px;"> </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 minimised 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"> - Stabilise 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 - Minimise the use of heavy equipments 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 University 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: 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% slopes), therefore it is advised to determine if modified slopes exist on your property and if they are stable. Ministry of Urban Development together with Afghanistan Information Management System has developed landslide hazard maps; these maps may be useful to avoid being victim of naturally occurring landslides.</p>		
<p>Construction Phase: Water is one of the biggest triggers of landslides, when soils 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: 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 equipments 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 biostablizer - 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 impacts related to sand mining and extraction of gravel from burrow pits/quarries.</p> <p>The contractor shall ensure that all raw material such as sand, rubble, metal, timber etc required for the construction of the building are sources from licensed sources. If the contractor himself plans to operate his own quarry/sand pit, all necessary approvals from the relevant authorities shall be obtained. Contractor will need to submit copies of such approvals to the relevant university 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	- 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

Proper storage and disposal of construction materials and hazardous wastes from the construction site prevents the discharge of pollutants to storm drains and watercourses.

Managing hazardous wastes - 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.

Typical Hazardous Wastes:

Best Management Practices applies to all hazardous wastes except aurally deposited lead soils. The typical hazardous wastes on the construction site include:

- 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

Common Challenges

Typical challenges of managing hazardous wastes on a construction project include:

- 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.

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.

Material Storage Procedures:

A number of common construction materials are considered hazardous wastes 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 clean up 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 material stocks onsite to prevent dust and other particles getting airborne. All vehicles delivering materials shall be covered to avoid spillage and dust emission. 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 wastes, 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 minimised 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. - Hand water or install temporary sprinklers to suppress dust from unstabilised stockpiles.

Technical Guideline 6: Protection of Historic and Cultural Sites and Facilities

Overview	Potential Impacts and Sustainability Issues
<p>The geographical region that is today Afghanistan has had a rich and long history and culture. Having been part of grand empires centered at geographical locations as diverse as Persia, Greece, Mongolia, and what is now India, it has been exposed to different cultures and civilizations and therefore it is rich in cultural and historical heritages.</p> <p>As such there have been numerous discoveries and incidences of chance finds of objects, sites and properties of cultural and historical significance.</p> <p>The cultural heritage may be located in urban or rural settings, and may be above or below ground, or under water. Their cultural interest may be at the local, provincial or national level, or within the international community (WB).</p>	<p>Preservation of Historical and Cultural Properties is critical to preserving history and culture of the nation. However, if proper legislative and technical framework and mechanisms are not in place, the risk of damaging those heritage during the course of development projects can be real. Before and during any construction work, the following must be considered:</p> <ul style="list-style-type: none"> (i) <u>Project Exclusion sites listed at 2.5.1.</u> Ensure that, as far as possible prospecting avoids known cultural heritage sites listed in project exclusion sites listed in section 2.5.1, of which there are several thousand in Afghanistan, and that the presence of cultural heritage sites at or near construction sites be appreciated as early as possible. (ii) <u>Chance finds procedures.</u> In case of chance finds of archaeological sites, The Archaeological Committee will be alerted through the legal procedures for identification, protection from theft, and treatment of chance finds.² The following procedures will apply while handling chance finds including archaeological artefacts.
<h3>Chance Find Procedures</h3>	
<p>Chance find procedures are defined in the Law on Preservation of Afghanistan's Historical and Cultural Heritage (Official Gazette, 828, 2004), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation. This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:</p> <ol style="list-style-type: none"> 1. The responsibility for preservation, maintenance and assessment of historical and cultural monuments rests with the Archaeological Committee under the Ministry of Information and Culture, which has representation at provincial level. 2. Whenever chance finds of cultural or historical artifacts (moveable and immovable) are made the Archaeological Committee should be informed. Should the continuation of work endanger the historical and cultural artifacts, the project work should be suspended until a solution is found for the preservation of these artifacts. 3. If a moveable or immovable historical or cultural artifact is found in the countryside of a province, the provincial governor (wali) or district-in-charge (wuluswal) should be informed within two weeks, and they should inform the Archaeological Committee. In case the immovable historical or cultural artifact is found in a city, the provincial branch of the Department of Maintenance of Historical Values of the Ministry of Information and Culture should be informed within two weeks). If the find is made within the center, the Archaeological Committee must be 	

² These points are adopted from the annex made for Aynak Archeological sites in Logar Province of Afghanistan.

informed directly within one week.

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.
5. If someone intentionally damages a historical or cultural artifact, the culprit shall pay compensation in accordance with the value of the artifact plus be imprisoned for a period of one month to ten years depending on the gravity of the In case of a chance find of moveable or immovable historical or cultural artifact, the implementing agency is responsible for securing the artifact from theft, pilferage and damage until the responsibility has been taken over by the relevant authorities as specified above. These procedures must be referred to as standard provisions in construction contracts, when applicable.

Technical Guideline 7: Management of Lubricants, Oils and Fuels

Description of Impact		
Contaminated lands may involve surficial soils or subsurface soils 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) waterways 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
<p>Injury and death from earthquake;</p> <p>Injury and death from flood;</p> <p>Injury and death from landslides or heavy erosion;</p> <p>Injury and death from fire;</p>	<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. - 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. - 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 built on landslide-prone slopes. A local landslide warning system should be established. - 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.
<p>Disease caused by inadequate provision of water and sanitation:</p>	<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
Injury and death from toxic materials on sites	<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 10m from any water source. The base should be sealed and separated by at least 2m 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 10m 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 ensures for the workers before the construction work start at least 30 meter away from all surface water systems, and at least 5 meter about 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 4: NHESP II Environmental and Social Screening Form

1. Project Information			
Name of reviewer:		Date:	

2. Subproject Details: Attach location map (longitude – latitude coordinates (GPS reading) if available):	
Subproject name:	
Location: (region/district/village)	
Type of activity:	
Estimated Cost:	
Proposed Date of Commencement of Work:	
Technical Drawing/Specifications Reviewed:	Yes/No

3. Physical Data:	Comments
Subproject Site area in ha	
Extension of or changes to existing land use	
Any existing property to transfer to subproject	
Any plans for new construction	
Is there adjacent/nearby critical natural habitat?	

4. Preliminary Environmental and Land Information:	Yes/No	Comments
Is there an EIA required for this subproject? If so, is there a permit?		
Has there been litigation or complaints of any environmental nature directed against the proponent or subproject?		
Will the subproject require the acquisition of land?		
What is the status of the land holding (customary, lease, etc)?		
Is there evidence of land tenure status (affidavit, other documentation)?		
Are there outstanding land disputes?		
What is the plot currently being used for? (e.g. agriculture, gardening, etc)		List the key resources.

Will the proposed activities have any impact on any ecosystem services, biodiversity issues or natural habitats?		
Will the subproject require use of pesticides?		
Does the applicant (company) have in place an established Environmental Management System?		
Does the applicant currently incorporate clean technologies and/or sustainable practices?		

5. Impact identification and classification:

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects. The following table should be used as a reference.

Issues	Site Sensitivity		
	Low	Medium	High
Natural habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present
Water quality and water resource availability and use	Water flows exceed any existing demand; low intensity of water use; potential water use conflicts expected to be low; no potential water quality issues	Medium intensity of water use; multiple water users; water quality issues are important	Intensive water use; multiple water users; potential for conflicts is high; water quality issues are important
Natural hazards vulnerability, floods, soil stability/ erosion	Flat terrain; no potential stability/erosion problems; no known volcanic/seismic/ flood risks	Medium slopes; some erosion potential; medium risks from volcanic/seismic/ flood/ hurricanes	Mountainous terrain; steep slopes; unstable soils; high erosion potential; volcanic, seismic or flood risks
Cultural property	No known or suspected cultural heritage sites	Suspected cultural heritage sites; known heritage sites in broader area of influence	Known heritage sites in project area
Involuntary resettlement	Low population density; dispersed population; legal tenure is well-defined; well-defined water rights	Medium population density; mixed ownership and land tenure; well-defined water rights	High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties; unclear water rights

6. Checklist of environmental and social impacts

Activities (New construction and/or renovation)	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Soil erosion or flooding concerns (eg, due to highly erodable soils or steep gradients)					
Number of stream crossings or disturbances					
Wet season excavation					
Creation of quarry sites or borrow pits					
Significant vegetation removal					
Wildlife habitats or populations disturbed					
Environmentally sensitive areas disturbed					
Cultural or religious sites disturbed					
Economic or physical resettlement required					
New settlement pressures created					
Other (specify):					
New access (road) construction					
Alteration of existing drainage conditions					
Vegetation removal					
Wet season soil disturbance					
Construction materials impact on adjacent forests/lands					
Quarries and borrow pits created					
Cultural or religious sites disturbed					
Water supply development effects in available supply					
Effect of sanitation development on existing disposal sites					
Effects of medical waste on existing disposal system					
Economic or physical resettlement required					
Number of potential Project Affected Persons (PAPs)					
In-migration/settlement induced by facilities development					
Local incapacity/inexperience to manage facilities					
Other (specify):					

7. Identify type of activities and likely environmental and social impacts:

What are the likely environmental and social impacts, risks associated with the subproject?

8. Mitigation and Management Measures to be applied

List actions required for mitigation and management of potential risks and impacts.

9. E & S assessment comments based on site visit:

10. Determination of environmental category based on findings of the screening (A, B or C) ³

- Requires an EIA
- Requires an EMP
- Requires a RAP
- Requires an SIA
- Does not require further environmental or social due diligence

Reviewer: _____
Signature: _____
Date: _____

- ³ **Category A:** Projects which may have adverse and significant environmental impacts, and may, therefore, require full EIA;
- **Category B:** A proposed subproject is classified as Category B if its potential adverse environmental impacts on human populations or environmentally important areas - including wetlands, forests, grasslands, and other natural habitats - are less adverse than those of Category A projects. These impacts are site-specific; few if any of them are irreversible; and in most cases mitigation measures can be designed more readily than for Category A projects. The scope of environmental assessment for a Category B project may vary from project to project, but it is narrower than that of Category A. Like Category A, it examines the project's potential negative and positive environmental impacts and recommends any measures needed to prevent, minimize, mitigate, or compensate for adverse impacts and improve environmental performance. Given that most sub-projects will not have significant adverse environmental and social impacts requiring a separate EIA report, the screening process will recommend the assignment of (i) category B to sub-projects requiring only the application of simple mitigation measures (using the attached environmental and social checklist); and (ii) some other sub-projects may require a separate EIA report due to the severity of their potential adverse environmental and social impacts. All sub-projects which require land acquisition, impacts assets, causes a loss of livelihood, and /or restrict access to natural resources will require the preparation of an (Abbreviated) Resettlement Action Plan, based on the project RPF report.
- **Category C:** A proposed subproject is classified as Category C if it is likely to have minimal or no adverse environmental impacts. In cases where the results of the screening process indicate that the sub-project will not have significant adverse environmental and social impacts, if any, no additional environmental work will be required and sub-project implementation can proceed immediately.

Annex 5: Terms of Reference for Sub-Project Requiring an SIA

Based on the screening and scoping results. SIA terms of reference will be prepared. A Consultant Firm (or individual) will conduct the SIA and the report should have the following format:

Introduction and Context

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

Objectives of the Study

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

Mission/Tasks

The Consultant should realize the following:

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

Public consultations

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

Outline of the SIA Report

- Cover page
- Table of Contents
- List of Acronyms
- Executive Summary
- Introduction
- Description of project activities
- Description of Environment in the project
- Description of policy, legal and Institutional Framework

- Description of the methodology and techniques used in assessment and analysis of the project impacts
- Description of environmental and social impacts for project activities
- Social Management Plan (ESMP) for the project including the proposed mitigation measures;
- Institutional responsibilities for monitoring and implementation; Summarized table for SMP.
- Recommendations
- References
- List of Persons/Institutions met

Qualification of the Consultant

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

Duration of Study

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

Production of final Report

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

Annex 6: Terms of Reference for an EIA

Introduction: State the purpose of the terms of reference.

Background information: Briefly describe the need for, objectives of and major components of the proposal.

Objectives: Summarise the scope of the EIA and timing in relation to project preparation, design, and approval.

EIA requirements: Identify the regulations and guidelines governing the conduct of the EIA and/or specify the content of its report.

Study area: Outline the time, space and jurisdictional boundaries of the study.

Scope of work: Identify the tasks to be carried out, information deficiencies to be addressed, studies to be carried out, methodologies etc.

Task 1. Description of the proposed project: provide a brief description of the relevant parts of the project, using maps (at appropriate scale) where necessary.

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

Task 3. Legislative and regulatory considerations: describe the pertinent regulations and standards governing environmental quality, health and safety, protection of sensitive areas, protection of endangered species, siting, land use control, etc.

Task 4. Determination of the potential impacts of the proposed project: distinguish between significant positive and negative impacts, direct and indirect impacts, and immediate and long-term impacts. Identify impacts that are unavoidable or irreversible. Wherever possible, describe impacts quantitatively, in terms of environmental costs and benefits.

Task 5. Analysis of alternatives to the proposed project: describe alternatives that were examined in the course of developing the proposed project and identify other alternatives which would achieve the same objective.

Task 6. Development of management plan to mitigate negative impacts: recommend feasible and cost-effective measures to prevent or reduce significant negative impacts to acceptable levels and describe the actions necessary to implement them.

Task 7. Identification of institutional needs to implement environmental assessment recommendations: review the authority and capability of institutions at local, provincial/regional, and national levels. Recommend steps to strengthen or expand them so that the management and monitoring plans in the environmental assessment can be implemented.

Task 8. Development of a monitoring plan: prepare a detailed plan to monitor the implementation of mitigation measures and the impacts of the project during construction and operation.

Task 9. Public/NGO participation and inter-agency co-ordination: describe how the arrangements for obtaining the views of local NGOs and affected groups, and in keeping records of meetings and other activities, communications, and comments and their deposition.

EIA report: keep it concise and limited to significant environmental and social issues. The main text should focus on findings, conclusions and recommended actions, supported by summaries of the data collected and citations for any references used.

Annex 7: Terms of Reference for an EMP and Template

The EMP should be formulated in such a way that it is easy to use. References within the plan should be clearly and readily identifiable. Also, the main text of the EMP needs to be kept as clear and concise as possible, with detailed information relegated to annexes. The EMP should identify linkages to other relevant plans relating to the project, such as plans dealing with resettlement issues. The following aspects should typically be addressed within EMPs.

Summary of impacts: The predicted adverse environmental and social impacts for which mitigation is required should be identified and briefly summarized.

Description of mitigation measures: The EMP identifies feasible and cost effective measures to reduce potentially significant adverse environmental and social impacts to acceptable levels. Each mitigation measure should be briefly described with reference to the impact to which it relates and the conditions under which it is required (for example, continuously or in the event of contingencies). These should be accompanied by, or referenced to, designs, equipment descriptions, and operating procedures which elaborate on the technical aspects of implementing the various measures. Where the mitigation measures may result in secondary impacts, their significance should be evaluated.

Description of monitoring program: Environmental performance monitoring should be designed to ensure that mitigation measures are implemented, have the intended result, and that remedial measures are undertaken if mitigation measures are inadequate or the impacts have been underestimated within the EIA report. It should also assess compliance with national standards and World Bank Group requirements or guidelines.

The monitoring program should clearly indicate the linkages between impacts identified in the EIA report, indicators to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions, and so forth. Although not essential to have complete details of monitoring in the EMP, it should describe the means by which final monitoring arrangements will be agreed.

Institutional arrangements: Responsibilities for mitigation and monitoring should be clearly defined. The EMP should identify arrangements for coordination between the various actors responsible for mitigation.

Budget: Outline the estimated costs for implementation of the mitigation and monitoring measures.

Example formats for an EMP are provided overleaf.

A Sample of an EMP for the Renovation/Construction of Buildings is also attached.

**Environmental Management Plan
A. Mitigation**

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					

**Environmental Management Plan
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						

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	Site 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-ground 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%; 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
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 6 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

Impact	Mitigation measures	Monitoring indicator	Responsibility
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 Excavate and rebury trenches quickly Manage quarry slopes to avoid cave-ins	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
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

Impact	Mitigation measures	Monitoring indicator	Responsibility
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. Contractor should comply with ILO convention and national laws for employment and working conditions	Number of workers employed within the project site and neighboring villages/towns Publicly disclosed violations of working conditions and treatment of labor Complaints received from community members	Contractor / Local District Office
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	Ensure proper and timely maintenance of erosion control and drainage measures along the road and at borrow/quarry sites	Quality of soil/productivity Integrity of building structures Accidents due to erosion of road	Contractor / Supervision Consultant

Impact	Mitigation measures	Monitoring indicator	Responsibility
formation from inadequate maintenance of road surface, ditches, borrow/quarry sites, and drainage and erosion control measures	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	Collection of water in drainage system	
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: Examples of Contract Clauses for Civil Works

Proper environmental management of construction projects can be achieved only with adequate site selection and project design. As such, the EIA for projects involving any new construction, or any rehabilitation or reconstruction for existing projects, should provide information as to screening criteria for site selection and design including the following:

Site selection

Sites should be chosen based on community needs for additional projects, with specific lots chosen based on geographic and topographic characteristics. The site selection process involves site visits and studies to analyze: (i) the site's urban, suburban, or rural characteristics; (ii) national, state, or municipal regulations affecting the proposed lot; (iii) accessibility and distance from inhabited areas; (iv) land ownership, including verification of absence of squatters and/or other potential legal problems with land acquisition; (v) determination of site vulnerability to natural hazards, (i.e. intensity and frequency of floods, earthquakes, landslides, hurricanes, volcanic eruptions); (vi) suitability of soils and subsoils for construction; (vii) site contamination by lead or other pollutants; (viii) flora and fauna characteristics; (ix) presence or absence of natural habitats (as defined by OP 4.04) and/or ecologically important habitats on site or in vicinity (e.g. forests, wetlands, coral reefs, rare or endangered species); and (ix) historic and community characteristics.

Project design

Project design criteria include, but are not limited to, the consideration of aspects such as heating, ventilation, natural and artificial light energy efficiency, floor space (ft²), adequate water supply and sanitation systems, historical and cultural considerations, security and handicapped access.

Construction activities and environmental rules for contractors

The following information is intended solely as broad guidance to be used in conjunction with local and national regulations. Based on this information, environmental rules for contractors should be developed for each project, taking into account the project size, site characteristics, and location (rural vs. urban).

After choosing an appropriate site and design, construction activities can proceed. As these construction activities could cause significant impacts on and nuisances to surrounding areas, careful planning of construction activities is critical. Therefore the following rules (including specific prohibitions and construction management measures) should be incorporated into all relevant bidding documents, contracts, and work orders.

Prohibitions

The following activities are prohibited on or near the project site:

- Cutting of trees for any reason outside the approved construction area;
- Hunting, fishing, wildlife capture, or plant collection;
- Use of unapproved toxic materials, including lead-based paints, asbestos, etc.
- Disturbance to anything with architectural or historical value;
- Building of fires;
- Use of firearms (except authorized security guards);
- Use of alcohol by workers.

Construction Management Measures

Waste Management and Erosion:

Solid, sanitation, and, hazardous wastes must be properly controlled, through the implementation of the following measures:

Waste Management:

- Minimize the production of waste that must be treated or eliminated.
- Identify and classify the type of waste generated. If hazardous wastes (including health care wastes) are generated, proper procedures must be taken regarding their storage, collection, transportation and disposal.
- Identify and demarcate disposal areas clearly indicating the specific materials that can be deposited in each.
- Control placement of all construction waste (including earth cuts) to approved disposal sites (>300 m from rivers, streams, lakes, or wetlands). Dispose in authorized areas all of garbage, metals, used oils, and excess material generated during construction, incorporating recycling systems and the separation of materials.

Maintenance:

- Identify and demarcate equipment maintenance areas (>15m from rivers, streams, lakes or wetlands).
- Ensure that all equipment maintenance activities, including oil changes, are conducted within demarcated maintenance areas; never dispose spent oils on the ground, in water courses, drainage canals or in sewer systems.
- Identify, demarcate and enforce the use of within-site access routes to limit impact to site vegetation.
- Install and maintain an adequate drainage system to prevent erosion on the site during and after construction.

Erosion Control

- Erect erosion control barriers around perimeter of cuts, disposal pits, and roadways.
- Spray water on dirt roads, cuts, fill material and stockpiled soil to reduce wind-induced erosion, as needed.
- Maintain vehicle speeds at or below 10mph within work area at all times.

Stockpiles and Borrow Pits

- Identify and demarcate locations for stockpiles and borrow pits, ensuring that they are 15 meters away from critical areas such as steep slopes, erosion-prone soils, and areas that drain directly into sensitive waterbodies.
- Limit extraction of material to approved and demarcated borrow pits.

Site Cleanup

- Establish and enforce daily site clean-up procedures, including maintenance of adequate disposal facilities for construction debris.

Safety during Construction

The Contractor's responsibilities include the protection of every person and nearby property from construction accidents. The Contractor shall be responsible for complying with all national and local safety requirements and any other measures necessary to avoid accidents, including the following:

- Carefully and clearly mark pedestrian-safe access routes.
- If school children are in the vicinity, include traffic safety personnel to direct traffic.
- Maintain supply of supplies for traffic signs (including paint, easel, sign material, etc.), road marking, and guard rails to maintain pedestrian safety during construction.

- Conduct safety training for construction workers prior to beginning work.
- Provide personal protective equipment and clothing (goggles, gloves, respirators, dust masks, hard hats, steel-toed and –shanked boots, etc.) for construction workers and enforce their use.
- Post Material Safety Data Sheets for each chemical present on the worksite.
- Require that all workers read, or are read, all Material Safety Data Sheets. Clearly explain the risks to them and their partners, especially when pregnant or planning to start a family. Encourage workers to share the information with their physicians, when relevant.
- Ensure that the removal of asbestos-containing materials or other toxic substances be performed and disposed of by specially trained workers.
- During heavy rains or emergencies of any kind, suspend all work.
- Brace electrical and mechanical equipment to withstand seismic events during the construction.

Nuisance and dust control

To control nuisance and dust the Contractor should:

- Maintain all construction-related traffic at or below 15 mph on streets within 200 m of the site.
- Maintain all on-site vehicle speeds at or below 10 mph.
- To the extent possible, maintain noise levels associated with all machinery and equipment at or below 90 db.
- In sensitive areas (including residential neighborhoods, hospitals, rest homes, etc.) more strict measures may need to be implemented to prevent undesirable noise levels.
- Minimize production of dust and particulate materials at all times, to avoid impacts on surrounding families and businesses, and especially to vulnerable people (children, elders).
- Phase removal of vegetation to prevent large areas from becoming exposed to wind.
- Place dust screens around construction areas, paying particular attention to areas close to housing, commercial areas, and recreational areas.
- Spray water as needed on dirt roads, cut areas and soil stockpiles or fill material.
- Apply proper measures to minimize disruptions from vibration or noise coming from construction activities.

Community Relations

To enhance adequate community relations the Contractor should:

- Following the national requirements, inform the population about construction and work schedules, interruption of services, traffic detour routes and provisional bus routes, as appropriate.
- Limit construction activities at night. When necessary ensure that night work is carefully scheduled and the community is properly informed so they can take necessary measures.
- At least five days in advance of any service interruption (including water, electricity, telephone, bus routes) the community must be advised through postings at the project site, at bus stops, and in affected homes/businesses.

Chance Find Procedures

Chance find procedures are defined in the law on Preservation of Afghanistan's Historical and Cultural Heritages (Official Gazette, No. 828, 1383/2004), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation.

This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:

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

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

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

Labor and Working Conditions

The Contractor should comply with relevant international conventions and instruments, including those of the United Nations (UN) and the International Labor Organization (ILO)⁴.

Labor and working conditions should cover all aspects related to worker rights, grievance mechanism, working hours, wages, accommodation, worker rights and collective bargaining at minimum.

Clauses to be inserted into the contractual documents should include, but not be limited to, the following:

- The Contractor shall take all reasonable precautions in the performance of works to protect the safety and health of employees and members of the public;
- The Contractor must honor workers rights to belong to trade unions and fully comply with GoA labor laws regarding wages and general terms of employment;

⁴ Convention No. 94, which sets general principles, provides that labor clauses should deal with wages (including allowances), hours of work and other conditions of labor. Recommendation No. 84 provides further guidance on the possible content of the labor clauses to be included in public contracts. Such clauses may, for instance, include provisions concerning (a) the normal and overtime rate of wages for the different categories of workers concerned; (b) the regulation of working time; and (c) holiday and sick leave entitlements.

http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@normes/documents/publication/wcms_099699.pdf

- Observance of fair wages and labor laws including remuneration and general working conditions and labor accommodations as laid down by the law;
- All workers employed on the site – whether direct employees of the Contractor or employees of subcontractors (third party workers) and labor only contractors - shall be employed in accordance with national labor legislation;
- The Contractor shall strive to create a safe, healthy and employee friendly working environment.
- All Employees of the Contractor shall be at all times treated fairly, irrespective of race, gender or ethnic origin.
- Female Employees, who perform the same work as male Employees, shall receive equal Wages.
- The Contractor shall not employ persons under the age of 18 (eighteen) years, as Employees.
- Employees shall not be victimised for exercising any of their rights in terms of Law for raising a grievance, utilising a Contact Centre or refusing to perform work that poses a safety risk.

Labour accommodation

In terms of labour accommodation, the Contractor will adhere to ILO guidelines on worker housing Workers' Housing Recommendation, 1961 (No. 115); full text available at: <http://www.ilo.org/ilolex/english/recdisp1.htm>

Examples from the guidelines include:

- Housing provided to workers as part of the employment contract should meet certain minimum specifications in respect of the nature and standard of the accommodation and facilities to be made available.
- In providing worker housing, the objective should be to ensure “adequate and decent housing accommodation and a suitable living environment for workers”. This includes upkeep, improvement and modernisation of housing and related community facilities.
- If housing is provided by the employer “the fundamental human rights of the workers, in particular freedom of association, should be recognised.” The housing and related community facilities should be of durable construction, taking into account local conditions, such as liability to earthquakes. The location of workers housing should ensure that workers are not affected by air pollution, surface run-off or sewage or other wastes.
- Adequate sanitary facilities should include a minimum of one toilet, one wash basin and one tub or shower for every six persons. They should be provided at a convenient location which prevents nuisances.

Environmental Supervision during Construction

The bidding documents should indicate how compliance with environmental rules and design specifications would be supervised, along with the penalties for non-compliance by contractors or workers. Construction supervision requires oversight of compliance with the manual and environmental specifications by the contractor or his designated environmental supervisor. Contractors are also required to comply with national regulations and best practices governing the environment, public health and safety.

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

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

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 \$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 on MACA's data base.

- 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.

- If the community has included an assessment/clearance task in the project agreed to be implemented by MACA (or by a mine action organization accredited by MACA), the project can go ahead for selection.

- If the community has not included an assessment / clearance task in the project, the project should not go ahead for selection as long as this has not been corrected.
 - Mine clearance tasks must be implemented by MACA or by a mine action organization accredited by MACA. Communities will be penalized (subsequent funding by World-Bank funded projects shall be reduced or cancelled) if they elect to clear mines on their own.
- **Procedure for Small and Medium-size Works Contracted Out**

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

Overall approach: MACA (or a mine action organization accredited by MACA) should provide detailed information on the mine-related risks (either based on previously done and updated general survey or on a new general survey) before projects are considered for selection. Only project sites assessed to have a nil-to-low risk would be eligible for selection, unless they have been demined 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 for 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 Bank-funded project or under existing donor agreements with the mine action organization);
- If the project does not include an assessment / clearance task, it should not go ahead for selection as long as this has not been corrected.

▪ **Procedure for Works to be implemented Directly by Government Departments/Agencies Without 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 demined 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).

▪ **Procedures for Large Works Using Contractors**

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

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

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 on the causes of the accident and determine liabilities. Large penalties should be applied on the Contractor if the Board determines that the accident resulted from a breach of safety rules.

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: Template Notification Form for ESMF Clearance

ESMF CLEARANCE FORM FOR NHESP II SUBPROJECTS

Name of the subproject	
Location	
Reference number	

Date of screening	Day/Month/Year	
Environmental category	A <input type="checkbox"/>	B <input type="checkbox"/> C <input type="checkbox"/>
For B projects, was an EIA deemed necessary? If so, was one prepared?	No	
	Yes	
Has the EIA been reviewed and approved by NEPA? If no, why was the EIA rejected?	No	
	Yes	
Have stakeholders been consulted and was the EIA disclosed to the public in accordance with the World Bank policies and national law?		
Was a Resettlement Action Plan required? If so, has the RAP been approved and all project affected parties compensated accordingly?	No	
	Yes	

Clearance Decision

This subproject has been approved for funding Yes No

Date of clearance: _____

Name of Reviewer: _____

Signature of Reviewer: _____

Name of Director: _____

Signature of Director: _____

Annex 11: Template for a Public Consultation Plan

The following are the main issues to consider while undertaking public consultation and disclosure:

- Written and oral communication in local languages and readily understandable formats;
- Accessibility by relevant stakeholders to both written information and to the consultation process;
- Use of oral or visual methods to explain information to non-literate people;
- Respect for local traditions or discussion, reflection and decision-making;
- Care in assuring groups being consulted are representative, with adequate representation of women, vulnerable groups, ethnic or religious minorities, and separate meetings for various groups, where necessary;
- Clear mechanisms to respond to people's concerns, suggestions and grievances.

A Public Consultation Plan should contain the following sections:

Section 1: Introduction

Section 2: A brief description of the Subproject and the Subproject participants

Section 3: A summary of the regulatory context for public consultation

Section 4: Consultation Plan for EIA and pre-construction phases

Section 5: Consultation Plan during construction, operation and decommissioning

Section 6: A summary timetable of consultation and disclosure activities

Section 7: Resourcing issues relating to the implementation of the plan

Section 8: Grievance mechanism



Government of Afghanistan
Ministry of Higher Education

PUBLIC NOTICE

Date [month/day/year]

Environmental Impact Assessment for [Subproject]

The [Proponent] has prepared an Environmental Impact Assessment for the [Construction/Renovation] of [Subproject] in accordance with the NEPA Environmental Impact Assessment (EIA) requirements and World Bank public disclosure requirements.

Copies of the above mentioned document(s) are available in the offices of the [District/Provinces/etc] and public libraries of the said districts, and on the MoHE website [www.mohe.gov.af] in Pashto, Dari and English languages.

Local leaders, Project Affected Persons, and members of the public are invited to review the documents and submit their comments to the MoHE addressed to Mr/Mrs. (insert appropriate person), Title: (insert position), Tel: (insert number), via email: (insert email), or by writing (insert mailing address).

Annex 13: Format of an Annual Environmental Report for the NHESP II

Relevant environmental authority:							
Reporting dates:							
Region/District/Municipality/Town:							
Subproject approved:							
Subproject title	Activities	Project phase ⁽¹⁾	Env. category	EIA / EMP completed?	Environmental Permit granted?	Effectiveness of EMP	Issues ⁽²⁾
(name, location, title or reference)	(new construction, rehabilitation, maintenance)	See note below	(B or C)	Yes, No or N/A	Yes, No or N/A	Good, poor, or needs improvement	See note below
1							
2							
3							
etc							
Subproject rejected:							
Subproject name		Activities	Reasons for rejection			Remarks ⁽³⁾	
1							
2							
etc							

Notes:

- a) Investment phase will be one of the following: (a) under project preparation or appraisal, (b) appraised, or (c) implementation.
- b) Issues: accidents, litigation, complaints or fines are to be listed.
- c) e.g. if an environmental permit was not granted, explain why.

Annex 14: TOR for OMST Environmental Safeguard Specialist

The main role of the Environmental Specialist is to provide technical advice on environmental and social management and mitigation planning and ensure that the ESMF is fully implemented. The Environmental Specialist will report directly to the OMST responsible for project management activities of the NHESP II and to the Director, Plan and Policy Department of MoHE who has responsibility for the environmental and safeguards work within the MoHE. The Environmental Specialist should hold a degree in environmental science, environmental engineering and/or related discipline, have a minimum of 5 years' experience working with similar projects involving infrastructure development, and be highly familiar with GoA environmental laws and regulations.

Tasks

- Liaise with NEPA on a regular basis;
- Ensure EIAs/EMPs are carried out, as required, to meet GoA and World Bank requirements;
- Commission an independent consulting firm to carry out an environmental performance audit of the NHESP II on an annual basis;
- Provide technical advice to regions and districts on all technical issues related to natural resources and environmental management. These issues will relate to impacts on surface water, groundwater, agricultural resources and vegetation, sourcing of materials used in construction, human health, ecology and protected areas, land and soil degradation;
- Provide specific technical advice on mitigation measures for construction and operational activities related to the project;
- Monitor the implementation of safeguard management plans (EIAs/EMPs) using monitoring indicators provided in the ESMF and prepare quarterly monitoring reports.

Annex 15: TOR for OMST Social Safeguard Specialist

The main role of the Social Safeguard Specialist is to provide technical advice on resettlement and land acquisition issues associated with the Project as outlined in the RPF. The Specialist will report directly to the OMST responsible for project management activities of the NHESP II and to the Director, Plan and Policy Department of MoHE who has responsibility for the environmental and safeguards work within the MoHE. The Social Specialist should have a university degree, preferably in an applied social science, e.g. sociology, anthropology, human geography, development economics, or related fields with a minimum of 10 years of experience. The specialist should have in-depth understanding of GoA and World Bank policy on involuntary resettlement issues. Substantial experience in community mobilization and analysis of resettlement issues is necessary.

Tasks

- Prepare the TOR for the SIAs and RAP if needed and ensure conformity with World Bank requirements;
- Review the performance and impacts of resettlement undertaken under the ongoing project, drawing lessons learned and applying them to the project in subject;
- Be responsible for handling entitlements, implementation arrangements and budget for discussion and awareness raising/capacity building;
- Ensure livelihood restitution measures for relocated households or those losing land are designed as a project activity with associated budget and implementation arrangement. Include activities, outcomes, budget, implementation arrangements, outline terms of reference for implementing agencies and indicators for monitoring and evaluation.
- Identify key stakeholders (poor and vulnerable groups in particular), their project-related interests, identify their likely barriers to participate in and benefit from project resources, and suggest possible strategies for addressing the concerns of these stakeholders.