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تاریخ:

Afghanistan: Environment and Social Management Plan (ESMP) for the Economics and Literature Faculty Buildings, Kandahar University (with Financing from the Proposed Project Preparation Grant for a Proposed Higher Education System Improvement Project)
June 12, 2013

Executive Summary

Since the PPG will continue to fund the on-going specific construction of some civil works (i.e., construction of Economics and Literature faculty buildings, Kandahar University), there is a potential that it will have some low environmental impacts. These impacts can be avoided, reduced and mitigated by taking some measures. According to the World Bank OP/BP 4.01 (Environmental Assessment), a very short Environmental Management Plan (ESMP) would be prepared and implemented during the construction stage of the civil works. The ESMP will also take care of some possible operation stage issues, e.g., how appropriate sanitation and hygiene measures are considered properly in construction of the buildings. This ESMP and its tools should be applied by the project team on the site and should be revised according to the site specific situation and should be shared with the World Bank teamThe ESMP will also take care of some possible operation stage issues, e.g., how appropriate sanitation and hygiene measures are considered properly in construction of the buildings. This ESMP and its tools should be applied by the project team on the site and should be revised according to the site specific situation and should be shared with the World Bank team.

During project preparation, the Bank team will also explore ways to support relevant Environmental and Social Management Curricula in relevant Faculties and Departments of selected universities to help the Government fill the important gap in specialized skills in the area of environmental and social safeguards.

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

(a) Generic codes of practices for environmental management at design, construction and operation stages, provided in Appendix 1 ;

(b) The requirement that confirmations are received through the Regional Mine Action center that areas to be accessed during reconstruction and rehabilitation activities have been demined (see guidelines in Appendix 2);

(c) Procedures for the protection of cultural property, including the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Appendix 3;

(d) Ensure that any disabled-friendly construction or rehabilitation is aligned with standard building norms and codes.

General environmental and social concerns during operation facilities

General issues during operation include:

- Availability of functioning and maintained sanitation facilities (often not functioning due to a water shortage);
- Improper disposal of municipal wastewater; (e.g. establishments may dispose their wastewater in percolation pits without conducting as 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 municipal solid waste generated by the subproject (and other potential sources). This usually results in the accumulation of municipal waste on or around the subproject premises/area.

Responsibilities for Safeguard Screening and Mitigation

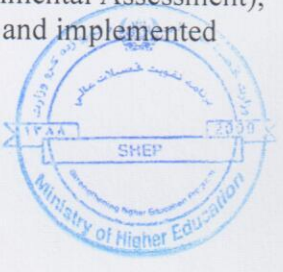
The Ministry of Higher Education (MoHE) is the implementing ministry and will have the overall responsibility for implementation of the ESMP and to ensure proper site specific ESMPs are prepared for all the relevant facilities to be renovated by the PCU and the contracting firms. The ESMP will be included in all works contracts and bidding documents and its proper implementation will be the responsibility of the Contractor(s) with oversight from the MoHE.

The Safeguards Focal Officer would be ensuring proper implementation of the ESMP and will be monitoring the work of the contractors. The Focal Officer will be reporting the progress or the lack of safeguards implementation issues among other progress reports to the PCU management and PCU Management will be reporting to MoHE and the Bank.

The ES of the ESMP shall be translated into the local languages and disclosed in the country relevant places and in English in the WB InfoShop.

Environmental and Social Management Plan (ESMP) for the Proposed Afghanistan Higher Education Systems Improvement Project Preparation Grant

Since the PPG will continue to fund the on-going specific construction of some civil works (i.e., construction of Economics and Literature faculty buildings), there is a potential that it will have some low environmental impacts. These impacts can be avoided, reduced and mitigated by taking some measures. According to the World Bank OP/BP 4.01 (Environmental Assessment), a very short Environmental Management Plan (ESMP) would be prepared and implemented



during the construction stage of the civil works. The ESMP will also take care of some possible operation stage issues, e.g., how appropriate sanitation and hygiene measures are considered properly in construction of the buildings. This ESMP and its tools should be applied by the project team on the site and should be revised according to the site specific situation and should be shared with the World Bank team.

However, in preparation of the proposed project, the PCU will recruit an Environmental and Social Safeguards Specialist to help prepare an Environmental and Social Management Framework (ESMF) that would include proper tools, e.g., check lists, training and capacity development, monitoring and evaluation and reporting during the design and construction stages, and EHS during the operational stage including water and sanitation and hygiene, collection of waste including medical waste in case of medical facilities, solid waste management, etc. The ESMF would also include a generic Environmental Management Plan (ESMP) with generic impacts, mitigation measures, monitoring and reporting mechanisms, responsible agencies, and budgets. The Environmental Management Specialist will also develop the institutional arrangements for the ESMP's implementation with relevant terms of reference. The World Bank Safeguards team will support the PCU in developing the ToR for the consultant/expert to prepare the ESMF as well as provide other support as needed.

During project preparation, the Bank team will also explore ways to support relevant Environmental and Social Management Curricula in relevant Faculties and Departments of selected universities to help the Government fill the important gap in specialized skills in the area of environmental and social safeguards.

Generic Guidelines for the Construction Stage

1. The selection, design, contracting, monitoring and evaluation of infrastructure activity will be consistent with the following guidelines:

   (e) Generic codes of practices for environmental management at design, construction and operation stages, provided in Appendix 1 ;

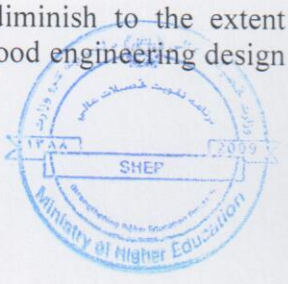
   (f) The requirement that confirmations are received through the Regional Mine Action center that areas to be accessed during reconstruction and rehabilitation activities have been demined (see guidelines in Appendix 2);

   (g) Procedures for the protection of cultural property, including the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Appendix 3;

   (h) Ensure that any disabled-friendly construction or rehabilitation is aligned with standard building norms and codes.

Mitigation Measures – Design Phase

2. *Environmental:* Sound design will, if not eliminate, at least diminish to the extent possible, most of the potential adverse impacts of project activities. Good engineering design



will, in most cases, have a positive impact on the environmental conditions in the project area.

3. The design must ensure provision of adequate attention to minimize dust and noise pollution as well as ESMP has proper waste management during construction.

4. *Social:* No land acquisition will be funded or take place under the project since the project involves rehabilitation of existing buildings within the compound of the university. In the event that any additional land would be needed, such land could only be obtained from available government land. Documentation would be needed that the buildings/land is free of encroachments, squatters or other encumbrances, and that the land in question has been transferred for the project by legal authorities. In case of tenants in existing buildings, documentation is required that due and contractual notice regarding cessation of contract and vacation of building has been received.

5. For all relevant project buildings necessary facilities for the disabled will be provided as per internationally accepted standards, such as through a ramp and user-friendly toilet facilities as well as the fire safety management which should also be considered to ensure possible safety from accidental fire incidences.

Mitigation Measures during Construction Phase

6. This ESMP is prepared for both the construction and operation stages impacts and the impacts can be minimized, mitigated or compensated by managing the rehabilitated infrastructure in line with project design parameters. In order to minimize the potential adverse impacts of construction, standard bidding documents would have the following environmental precautionary clauses:

   (a) The natural landscape should be preserved to the extent possible by conducting operations in a manner that will prevent unnecessary destruction or scarring of natural surroundings. Except where required for permanent works, quarries, borrow pits, staging and processing areas, dumps, and camps, all trees, saplings, and shrubbery should be protected from unnecessary damage by project related activities. After unavoidable damage, to restore quasi-original conditions where appropriate;

   (b) Contractor's operations should be so performed as to prevent accidental spillage of contaminants, debris, or other pollutants, especially into streams or underground water resources. Such pollutants include untreated sewage and sanitary waste, tailings, petroleum products, chemical, and thermal pollution;

   (c) Wastewater, including those from aggregate processing and concrete batching, must not enter streams without settling ponds or other process, so as not to impair water quality or harm aquatic life;

   (d) The contractor should ensure proper disposal of waste materials and rubbish. If disposal by burial or fire, it should not cause negative impact to either the air, soil or ground water supplies;

(e) The contractor should minimize air and water pollution emissions. Dust from the handling or transporting of aggregates, cement, etc., should be minimized by sprinkling or other methods. Materials, bushes or trees should only be burned when the owner permits, under favourable weather conditions;

(f) Attention needs to be paid to the special needs of disabled students and staff who will be accessing the buildings;

(g) The contractor's facilities, such as warehouse, labour camps, and storage areas, should be planned in advance to decide what the area will look like upon completion of construction. These facilities should be located so as to preserve the natural environment (such as trees and other vegetation) to the maximum extent possible; and

(h) Borrow pits should be landscaped and planted accordingly to an ecological design to provide some substitute area for lost natural landscapes and habitats.

(i) The Contractor should use the generic ESMP tools as well as the provisions given in the below ESMP that might also be to some extent generic for the specific site and prepare a site Environmental and Social Management Plan (ESMP) or an Action Plan for considering all the environmental and social concerns in the construction and operation of the facilities.

(j) The ESMP have two tables, showing Environmental Component, Activities, Impacts, Mitigation measures, Responsibilities and budget.

(k) Also, enclosed are Annex 1, Annex 2, and Annex 3 for proper application of the ESMP.

General environmental and social concerns during operation facilities

General issues during operation include:

- Availability of functioning and maintained sanitation facilities (often not functioning due to a water shortage);
- Improper disposal of municipal wastewater; (e.g. establishments may dispose their wastewater in percolation pits without conducting as 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 municipal solid waste generated by the subproject (and other potential sources). This usually results in the accumulation of municipal waste on or around the subproject premises/area.

Responsibilities for Safeguard Screening and Mitigation

The Ministry of Higher Education (MoHE) is the implementing ministry and will have the overall responsibility for implementation of the ESMP and to ensure proper site specific ESMPs are prepared for all the relevant facilities to be renovated by the PCU and the contracting firm. The safeguards framework will be included in all works contracts and bidding documents and its proper implementation will be the responsibility of the Contractor(s) with oversight from the MoHE.

To implement and manage the Project, a Project Coordination Unit (PCU) will be established within the MoHE. The PCU will have a Project Coordinator who reports to MoHE.

The PCU will be responsible for the planning, implementation and monitoring of the project. The PCU is expected to have some institutional capacity for dealing with safeguards issues. Relevant PCU staff will receive trainings on relevant national regulation and Bank's safeguard policies during the early stages of the Project implementation.

The Safeguards Focal Officer would be ensuring proper implementation of the ESMP and will be monitoring the work of the contractors. The Focal Officer will be reporting the progress or the lack of safeguards implementation issues among other progress reports to the PCU management and PCU Management will be reporting to MoHE and the Bank.

Capacity Building

The Safeguards Focal Officer shall provide relevant training to the site engineers and foremen on the safeguards issues and the Bank safeguards specialists can help in this regard. During supervision of the project, the World Bank will assess the implementation of the ESMP, and if required, will recommend additional strengthening.

Grievance Redress Mechanism

The project will establish an easily accessible system for submission of complaints/grievances, with multiple intake options (verbal/written/electronic submission) and analysis and monitoring of grievance resolution. The project will also establish different options for public information/disclosure of information for communities and relevant stakeholders to be aware of processes to be followed to register complaints.

Consultation and Disclosure

Prior to the project appraisal the draft ESMP was translated in the local Languages Dari and Pashto and disclosed in the GoA's website and other relevant locations accessible to all stakeholders, and the English version was disclosed at the World Bank's Infoshop.

Table 1. Construction Phase Environmental and Social Management Plan (ESMP)

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
Natural Resource (Soil, water, fuel etc.)	Procurement of construction material (E.g. sand, rock, soil etc)	Landscape changes and impact on aesthetics	• Avoid large scale stockpiling of procured construction material; • Utilize as much as the excavated material as possible onsite; and • Procure stone and aggregates for civil work through authorized sub-Contractors and quarries;	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
	Utilization of water for construction activities	Stress on current users	• Minimize fresh water consumption by re-use measures wherever feasible and practical; • Identify opportunities for substitution of fresh water with the river water for construction purposes and dust suppression measures.	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Topography and Landscape	Trenching and stockpiling of excavated spoils	Landscape changes and aesthetic impact	• Conserve the excavated top-soil separately for future use and relay when the construction is over to facilitate the landscaping and plantation; • Avoid large scale stockpiling of excavated soil; • Dispose excess soil at approved municipal landfill sites with prior approval.	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
					the facilities.
Soil and Groundwater	Handling and disposal of wastewater	Infiltration of wastewaters discharged on land	• Prohibit vehicle washing, servicing, repair works etc. onsite; use existing specialized workshop off-site facilities in the area.	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
	Handling, storage and transportation of hazardous material and waste	Infiltration of oil and chemical spills from bulk storage facilities, hazardous waste	• Storage areas and containers to be properly labelled (indicating the material, hazardous nature, quantity, safety measures to be followed, etc.); • Enclosed and secluded storage area (adequately designed to protect from rains and to prevent any run offs) with impervious flooring, bunds, roof and spill collection facilities as appropriate and collection skips to be provided for collection and segregated storage of hazardous wastes; • Periodically inspect storage/lay down areas to identify leak / spills; Any spills/leaks to be immediately remediated to minimize contamination of the receiving environmental media; • Contaminated soil generated due to accidental spills to be stored in a dyke and sheltered area with impervious flooring to minimise blowing away by wind, run off and infiltration; • Hazardous wastes should not be mixed with non-hazardous wastes at any time. Non-hazardous wastes suspected to be contaminated with hazardous wastes are to be treated as hazardous wastes; • Quantities of hazardous wastes generated, stored and transported for recycle/offsite storage to be recorded and monitored;	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
	Handling storage and disposal of construction wastes	Leaching of wastes disposed on land – Land and Groundwater contamination	• Suitable storage area (adequately designed and sized to protect from rains, to prevent any run offs, and to secure from any unauthorized access) and collection skips to be provided for segregated collection of wastes. • Sizing of such areas and skips to be in accordance with the expected waste quantities and the frequency of disposal. The waste skips/containers holding the waste material to be suitably labelled for easy identification of material; • Re-cycle to scrap buyers, if possible or else dispose off non-recyclable waste to municipal landfill sites;	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Air	Dust generation due to construction work and vehicle movement	Increase in concentration in ambient air	• Implement dust suppression methods (e.g. water spraying etc) at dust prone areas; and • Impose restriction on vehicle speed of 20km/hr inside the sub-project boundary;	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
		Degradation of ambient air quality due to increase in CO_2, CO, and NOx concentrations	• Plan periodic maintenance schedules including engine tuning, filter cleaning, etc for construction equipment and vehicle; • Train operators on environmental requirements; and • Minimize idling time of fuel run heavy equipments by adequate planning of construction activity;	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Noise	Operation of diesel operated generators, excavators, drilling equipment, vehicular movement, etc	Increase in ambient noise levels	• Minimize noise level from vehicles by reducing speed limits; • Use well maintained equipments only. Install suitable enclosures for high noise equipments, wherever required and feasible; • Provide personal protection devices (ear plugs or ear muffs) to all workers operating in the vicinity of high noise generating machines; and • Plan periodic maintenance schedules for high noise generating equipments; periodically monitor noise levels in workplace.	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Site Safety	Construction	Risk for onsite workforce or for the people nearby	• Fence the site area and man the entrance to restrict the unauthorized entry; • Clearly mark the working strip using marker poles, hazard tapes, etc., in order to provide indication to vehicles and personnel passing nearby and to prevent unauthorized entry in to the working strip; • Wherever required, provide adequate passage	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
			for the construction machinery such that it is adequate to allow movement of equipment/vehicle; • Install temporary direction signs at appropriate locations and routes to guide drivers towards access road to working strip; • Use Hazard tapes at the excavated areas in order to warn the vehicles / people passing nearby. Display appropriate signboards. After completion of the work, backfill the excavation and restore the site; • No work without using PPEs should be allowed. • Only trained personnel with appropriate PPEs to be used for handling hazardous materials		renovation of the facilities.

Table 2. Operation Phase Environmental and Social Management Plan (ESMP)

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
Water Quality	Operation of facilities	Contamination by seepage from latrines, or leaking pipes	• Carry out proper assessment before construction and find such shortcoming • Priorities and plan leak detection and repair of pipe networks.	PCU and Contractor	Limited budget covered by contracting firm budget.
	Operation of facilities	Contamination by seepage from latrines, or leaking pipes	• Subsequent monitoring of installed or rehabilitated sources. • Maintain and improve in case of damages and shortcomings • 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 nightsoil latrines or septic tanks are built they should be sealed. Outflows should drain either to a soakaway located at least 10m from any water source or be connected to a working drain.	Relevant Dept of MoHE PCU and Contractor	Limited cost covered by the Dept Operating budget.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
		Illness or disease related to poor source water quality or from contaminants entering water supply system	• Ensure that water is fit for drinking (make regular testing a part of the project if possible) • Ensure planning, design, and maintenance of supply, sanitation, and wastewater works is appropriate to local needs, and to soil and water table conditions	PCU/Contractor and Dept. of MoHE	Limited cost covered by the Dept Operating budget.
		Groundwater Contamination	• Ensure adequate design, installation, and maintenance of latrines, holding tanks, septic systems and wastewater soak-aways • Ensure adequate spacing between latrines and soak-aways	PCU/Contractor and Dept. of MoHE	Limited cost covered by the Dept Operating budget.
Access by disabled and elderly	Using Facilities During Operation	Having difficulty for this category of users and possible damage to them if not properly designed	• Proper design of the facilities relevant places after discussion with the relevant department experts of MoHE • For example, Proper passage, e.g., Ramp, and other needed facilities should be provided during renovation for later use by disabled persons. • Privacy for women users in all such places is a must.	PCU and the contractor	Limited budget covered by contracting firm budget.

Appendix 1: Environmental Guidelines for Communities, FPs and Contractors

The following guidelines should be added to the ESMP and included in the contractual agreements:

- Installation of the work site on areas far enough from water points, houses and sensitive areas.
- Sanitary equipments and installations if needed appropriate
- Site regulation (what is allowed and not allowed on work sites)
- Compliance with laws, rules and other permits in vigor.
- Hygiene and security on work sites
- Protect neighboring properties
- Ensure the permanence of the traffic and access of neighboring populations during the works to avoid hindrance to traffic
- Protect staff working on work sites
- Soil, surface and groundwater protection: avoid any wastewater discharge, oil spi1 l and discharge of any type of pollutants on soils, in surface or ground waters, in sewers, drainage ditches.
- Protect the environment against exhaust fuels and oils
- Protect the environment against dust and other solid residues
- Waste management: install containers to collect the wastes generated next to the areas of activity.
- Degradation/demolition of private properties: inform and raise the awareness of the populations before any activity causing degradation of natural vegetation and resources. Compensate beneficiaries before any work.
- Use a quarry of materials according to the mining code requirements
- Compensation planting in case of deforestation or tree felling
- No waste slash and bum on site
- Speed limitation of work site engines and cars
- Allow the access of Public and emergency services
- Organize the storage of materials on the public highway
- Parking and displacements of machines
- Signalling of works
- Respect of cultural sites
- Dispose safely of asbestos
- Consider impacts such as noise, dust, and safety concerns on the surrounding population and schedule construction activities accordingly;
- Protect soil surfaces during construction and revegetate or physically stabilize eligible surfaces;
- Ensure proper drainage;
- Prevent standing water in open construction pits, quarries or fill areas t avoid potential contamination of the water table and the development of a habitat for disease-carrying vectors and insects;
- Select construction materials sustainably, particularly wood;
- Control and clean the construction site daily;
- During construction, control dust by using water or through other means;
- Provide adequate waste disposal and sanitation services at the construction site;
- Dispose of oil and solid waste materials appropriately.
- Preserve natural habitats along streams, steep slopes, and ecologically sensitive areas;
- Develop maintenance and reclamation plans and restore vegetation.

Appendix 2: Procedures for Landmine Risk Management in World Bank-Funded Projects in Afghanistan

Background:

The following procedures are designed to respond to the risks caused by the presence of landmines 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 comments applying to all following procedures: All risk assessment and clearance tasks shall be implemented in coordination with the Mine Action Center for Afghanistan (MACA). These procedures may need to be amended in the future depending on evolving circumstances.

Procedure for Community-Managed Works

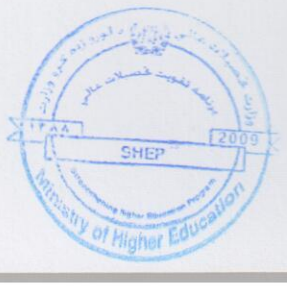
Applicability: This procedure applies to community rehabilitation / construction works to be identified and implemented by the communities themselves (for small projects of up to $100,000 each).

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

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

Procedure:

1. Communities are required to submit a reply to a questionnaire regarding the suspected presence of landmines in the area where Bank-funded community-managed projects will be implemented. This questionnaire should be formally endorsed by the Mine Action Program for Afghanistan (MAPA). It will be a mandatory attachment to the project submission by the communities and should be signed by community representatives and the external project facilitator. External project facilitators will



receive training from MAPA. Financing agreements with the communities should make clear that communities are solely liable in case of a mine-related accident.

2. If the community certifies that there is no *known* mine contamination in the area, the ministry responsible for the selection of projects should check with MACA whether any different observation is reported on MACA's data base.

   If MACA's information is the same, the project can go ahead for selection. The community takes the full responsibility for the assessment, and external organizations cannot be made liable in case of an accident.

   If MACA's information is different, the project should not go ahead for selection as long as MACA's and community's statements have not been reconciled.

3. If the community suspects landmine 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.

   Landmine clearance tasks must be implemented by MACA or by a landmine 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 landmines 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 de-mined by MACA or by a mine action organization accredited by MACA.

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

Procedure:

1. Prior to putting up a project for selection, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) to assess mine-related

risks in the area of the project (this should include checking information available in the MACA data base).

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

3. The contract between the responsible ministry and the contractor will include a clause stating that in case of an accident, legal liability would be fully and solely borne by the contractor.

4. If MACA assesses a potentially high risk in the area (whether due to the presence of landmines or uncertainty),

5. 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 World Bank-funded project or under existing donor agreements with the mine action organization);

6. If the project does not include an assessment/clearance task, it should not go ahead for selection as long as this has not been corrected.

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

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

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

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

Procedure:

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

2. If MACA provides detailed information on mine-related risks which suggest a nil-to-low risk in the proposed area, the work can proceed. The Government would be solely liable in case of a mine-related accident.

3. If information provided by MACA cannot support the assessment of a nil-to-low risk in the proposed area (whether due to the presence of landmines 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 World Bank-funded project or under existing donor agreements with the mine action organization).

Procedure for Large Works Using Contractors

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

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

Procedure:

1. As part of the preparation of the bidding documents, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) on all the areas where contractors may have to work (broadly defined). This survey should provide detailed information on mine-related risks in the various areas allowing for an un-ambiguous identification of areas that have a nil-to-low risk of mine/UXO contamination and areas where the risk is either higher or unknown. The survey should be financed out of the preparation costs of the bidding documents.

2. All survey information should be communicated to the bidders (with sufficient legal caveats so that it does not entail any liability), as information for the planning of their activities (e.g., location of campsites, access roads to quarries).

3. Depending on the nature and location of the project and on the available risk assessment, two different options can be used.

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

a) Based on the general survey results, a specific budget provision for mine action during construction is set aside as a separate provisional sum in the tender documents for the general contract.

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

c) On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to choose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.

d) To avoid an "over-use" of the budget provision, the Contractor is required to inform the Supervision Engineer in writing (with a clear justification of the works to be carried out) well in advance of mobilizing the mine-clearing team. The Supervision Engineer has the capacity to object to such works.

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

a) Specific, separately-awarded contracts are issued for further surveying and/or clearing of areas with a not-nil-to-low risk (under the supervision of the Engineer) by specialized contractors (or a mine action organization accredited by MACA). The definition of the areas to be further surveyed / cleared should be limited to those areas where any contractor would have to work, and should not include areas such as camp sites and quarries/material sites which are to be identified by the Contractor during and after bidding of the works. As a result of these further surveys and possibly clearance works, mine-related risk in the entire contract area is downgraded to nil-to-low.

b) The contract with the general Contractor specifies the extent of the portion of the construction site of which the Contractor is to be given possession from time to time, clearly indicating restrictions of access to areas where the mine risk is not nil-to-low. It also indicates the target dates at which these areas will be accessible. Following receipt of the notice to commence works from the Engineer, the Contractor can start work in all other areas.

c) The general Contractor is invited to include in its bid an amount for mine-security, to cover any additional survey / clearance he may feel necessary to undertake the works.

d) 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.

e) 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).

Appendix 3: Protection of Cultural Property

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

Chance Find Procedures

Chance find procedures are defined in the law on Law on the Preservation of Afghanistan's Historical and Cultural Heritages and Artifacts (Official Gazette, April 16, 2004), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation. This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:

- The Archaeology Institute and the Historical Artifacts Preservation and Repair Department are both responsible to survey, evaluate, determine and record all cultural and historical sites and collect and organize all historical documents related to each specific site. No one can build or perform construction on the recorded historical and cultural site unless approved or granted permission or agreement is issued from the Archaeology Institute.(Art. 7)

- All moveable and Immovable historical and cultural artifacts and heritage items that are discovered or remain buried and not discovered/excavated in Afghanistan are the property of the Islamic Republic of Afghanistan and any kind of trafficking of such items is considered theft and is illegal.(Art. 8)

- Whenever municipalities, construction, irrigation or other companies (whether they are governmental or private) find or discover valuable historical and cultural artifacts during the conduct of their projects, they are responsible to stop their project and report any findings to the Archaeology Institute about the discovery.(Art. 10)

- Any finder or discoverer of historical and cultural sites is obligated to report a find or discovery to the Archeology Institute immediately but not later than one week if it is in the city and not later than 2 weeks if it is in a province. All discovered artifacts are considered public properties and the Government of Afghanistan will pay for all lands and sites which are considered to be of historical or cultural value.(Art. 19, 1)

- Whenever there is an immovable historical and cultural site discovered which includes some movable historical and cultural artifacts, all such movable artifacts are considered public property and the owner of that property will be rewarded according to Article thirteen (13) of this Decree.(Art. 19, 2)
- A person who finds or discovers a movable historical and cultural artifact is obligated to report the discovery to the Archaeology Department no later than seven (7) days if he/she lives in the capital city of Kabul, and in the provinces they should report the discovery to the Historical and Cultural Artifacts Preservation Department or Information and Culture Department or to the nearest governmental Department no later than fourteen (14) days.

- Mentioned Departments in this article are responsible to report the issue to the Archaeology Department as soon as possible and the discoverer of the artifact will be rewarded according to Article 13 of this Decree. (Art. 26)

- Whenever individuals who discover historical and cultural artifacts do not report such discoveries to the related Departments within the specified period according to Articles 19 and 26 of this Decree, they will be incarcerated for a minimum of one (1) month but not more than a maximum of three (3) months.(Art. 75)

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

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