ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK
&
RESETTLEMENT POLICY FRAMEWORK

For the

Afghanistan

Naghlu Hydropower Rehabilitation Project (NHRP)

Da Afghanistan Breshna Sherkat (DABS)

February, 2014

Updated June, 2021

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List of Acronyms

ANDS	Afghan National Development Strategy
AP	Affected Person
APSDP	Afghan Power System Development Project
ARAZI	Afghan Independent Land Authority
CDC	Community Development Council
CITES	Convention on International Trade of Endangered Species
CoC	Code of Conduct
CMS	Convention on Migratory Species
COO	Chief Operating Officer
DABS	Da Afghanistan Breshna Sherkat
DHPP	Darunta Hydro Power Plant
DSRP	Dam Safety Review Panel
EIA	Environmental Impact Assessment
EMG	Environnemental Management Guidelines
EMP	Environnemental Management Plan
ESAP	Environment and Social Advisory Panel
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environment and Social Management Plan
ESO	Environment Safeguards Officer
ESS	Environmental and Social Specialist
GoIRA	Government of Islamic Republic of Afghanistan
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
LAC	Land Acquisition Committee
LAL	Land Acquisition Law
LML	Land Management Law
MAIL	Ministry of Agriculture, Irrigation and Livestock
MEW	Ministry of Energy and Water
MOJ	Ministry of Justice
NEPA	National Environment Protection Agency
NEPS	North East Power System
NGO	Non-Government Organisation
NHPP	Naghlu Hydropower Plant
NHRP	Naghlu Hydropower Rehabilitation Project
NSP	National Solidarity Program
RAP	Resettlement Action Plan
REA	Rapid Environment Assessment
RPF	Resettlement Policy Framework
SIA	Social Impact Assessment
SSO	Social Safeguards Officer
SSS	Social Safeguards Specialist
TAP	Technical Advisory Panel
UNCBD	UN Convention on Biological Diversity
UNCCD	UN Convention to Combat Desertification
UNFCCC	UN Framework Convention on Climate Change

UXOS	Unexploded Ordnance

Executive Summary

This document includes two parts, Part One is the updated Environmental and Social Management Framework (ESMF) of NHRP and Part Two is the Resettlement Policy Framework (RPF) of NHRP. The Naghlu Hydropower Rehabilitation Project (NHRP) consists of the rehabilitation of the Naghlu Hydropower Plant (NHPP) and the rehabilitation of the Darunta Hydropower Plant (DHPP).

Naghlu Hydropower Plant:

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

Darunta Hydropower Plant:

Darunta Hydropower Rehabilitation Project (DHPP) is a newly added activity under subcomponent 1(c) and 2 c of NHRP. The Darunta Power Plant is located 138 km east of Kabul on the Kabul River near Darunta, approximately 7 km west of Jalalabad, the capital of Nangarhar Province in eastern Afghanistan. The Darunta Dam was constructed by Soviet Union (USSR) companies and commissioned in 1964. The existing hydroelectric power plant houses three turbine units. Each unit has a capacity of 3.8 megawatts (MW), but all units combined now produce only eight MW of power. In the past 30 years, the Soviet era generating equipment has not received any major repair. The dilapidated units are at risk of total failure. The plant is currently in very poor condition and requires major rehabilitation including possible replacement of all three turbines. The power plant is not only the main source of power for the city of Jalalabad and the surrounding villages but is also essential for irrigation water pumping in the agriculture-dependent Jalalabad region. The Darunta HPP was constructed in the early1960s as a key part of a comprehensive development program that included rehabilitation of irrigation systems, roads, collective farms, power generation, and transmission and distribution facilities.

Over three decades of war and internal conflict, the DHPP gradually deteriorated due to limited resources for Operations & Maintenance (O&M), unskilled personnel, lack of routine equipment replacement and occasional war damages. All three units are currently operating, but with low reliability and constant repairs to damaged or failing components.

The Darunta HPP is added as a new Subcomponent (c) to the existing NHRP, therefore additional safeguard staff would be necessary, which is added in the organizational structure in the organogram.

As the Darunta Hydropower Plant is located 76 Km east from the Naghlu Hydropower Plant, the local level GRM for contractor workers and community for Darunta has been established separately from the GRM for the NHPP.

The Darunta hydropower rehabilitation project as component 1c is supplying goods and services for Rehabilitation and renovation of Units 1, 2, and 3, rehabilitation of intake gates for the powerhouse and the irrigation canal and construction of a new administrative and a warehouse building.

Additional rehabilitation works are proposed as subcomponent-c under NHRP that undertake geophysical investigations for diagnosis and determination scope of seepage and repair or replacement of hydro-elector mechanical works.

The proposed rehabilitation of the DHPP is expected to have some minor to medium level environmental and social impacts. Based on the footprints of the proposed rehabilitation works, adjacent to or within primary area of influence, there is not any environmentally and socially sensitive area like protected area, Ramsar site, and cultural heritage site. As the proposed works are to rehabilitate the existing hydropower infrastructure; therefore, relocation or involuntary resettlement of people are not associated with the proposed rehabilitation works on Darunta HPP. However, the foreseeable negative impacts may consist labour management risk, OHS, community exposure to health issues (communicable and non-communicable diseases that could result from project activities, including COVID-19 infection), the potential for community exposure to hazardous materials and substances that may be released by the project, security personnel risk, sexual exploitation and abuse risk, community inconvenience from blockage of road by heavy machinery, access to electricity, and possible dispute or local demand over hiring local residents rather than laborers from outside. A site specific Environmental & Social Management Plan (ESMP) will be prepared and disclosed to outline the types and significance of environmental, social and health and safety impacts and mitigation measures that must be implemented to reduce environmental and social and health and safety risks during the rehabilitation of the project. There are also some dam safety issues, which will be addressed during the rehabilitation.

The Naghlu Hydropower Rehabilitation Project (NHRP) costs a total of USD 83 million, and comprises the following three main components:

Component 1(a, b): Mechanical, Electrical, and Electromechanical Work for the Naghlu and Darunta HPPs.

Component 2: Dam Safety and Power Generation Capacity Improvement for the Naghlu and Darunta HPPs.

Component 3 (a, b): Environmental and Social Sustainability, and Project Management Support.

Project Objective

The Project Development Objective is to improve dam safety for both the Naghlu and the Darunta HPPs and to increase the supply of electricity from the Naghlu and Darunta Hydropower Plants.

Project Components

Component 1 Naghlu Dam: Mechanical, Electrical, and Electromechanical Work (US$35.000 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of three subcomponents as follows:

- **Subcomponent 1(a) Naghlu Dam: Rehabilitation of Unit 1 and Balance of Plant**. This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (i) testing of the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.

- **Subcomponent 1(b) Naghlu Dam: Enhancing Maintenance of the Powerhouse**. Other units of the powerhouse is in need of regular maintenance. This subcomponent will particularly support provision of spare parts and consumables for three to five years to ensure the sustainable operation and normal maintenance of the existing plant.

- **Subcomponent 1(c) Darunta Dam: Rehabilitation of Darunta Hydropower Plant.** This new subcomponent includes the following activities: (i) Rehabilitation of the power house of Darunta power plant, including design, manufacturing, supply, installation, and commission of three new units in the power house, rehabilitation of intake gates for the powerhouse and the irrigation canal, and dismantling of the old units; (ii) Design, supply, installation and rehabilitation of Darunta Switchyard; and (iii) supply and construction of a warehouse and an administrative building on the Darunta Hydropower

plant premises. A Dam Safety Audit has been carried out and identified some safety issues. The Dam Safety issues, such as a stopping a minor leakage through grouting and installation of dam safety equipment, will be addressed during the rehabilitation of the plant. The financing for the Dam Safety Improvement Measures will come from the World Bank financed IRDP project.

Component 2 Naghlu Dam: Dam Safety and Power Generation Capacity Improvement (US$28.50 million). This component aims to ensure the safe operation of the Naghlu dam and Darunta Dam through the three subcomponents as follows:

- **Subcomponent 2(a): Dam Safety Audit and Safety Improvement Measures**. This component will finance technical assistance and studies including (I) audit of the Naghlu dams structural and operational safety; (ii) preparation of plans and bidding documents for works to improve safety to acceptable standards, focused on reactivating the bottom outlet, adequacy of auxiliary power and other systems, improvements to the head gates closing system, installation of instrumentation, and clearance of the UXOS from the dam structure; (iii) studies on structural and operational safety considering updated hydrological and seismic data and following relevant international/national standards/guidelines; and (iv) flood routing through Naghlu Dam to Sarobi Dam, including adequacy of its spilling arrangements.
- **New Subcomponent 2(b): Darunta Dam safety.** A Dam Safety Audit of the Darunta Dam has been carried out and identified some safety issues. Major findings of the Dam Safety audit, such as a stopping a minor leakage through grouting and installation of dam safety equipment, will be addressed during the rehabilitation of the plant. It will include the following two activities:
    - Electro-mechanical work covering rehabilitation of spillways gates and gantry cranes, including site dismantling and disposal of existing equipment; design, supply, transportation to site, installation of new equipment, site clean-up, supply of spare parts and special tools, work area temporary sheltering protection, paint and consumables required for site dismantling, disposal, installation, activities and
    - Geophysical investigation and grouting to control minor seepage in the Darunta dam body. After identification of seepage, dam grouting may be carried out to control seepage.

- **Cancelled Subcomponent 2(b): Optimization of Power Generation**. This subcomponent envisaged a feasibility study for the raising of the Naghlu dam crest as an option to increase power generation from the power plant, as well as other measures to optimize the dam's operation considering additional water storage. The Project Technical Advisory Panel (PTAP) concluded during their first mission to Naghlu in October/November 2015 that the raising of the dam crest is not feasible. Accordingly, the raising of Naghlu' s dam height would have significant dam safety as well as social and environmental risks and would not provide concordant benefits. Therefore, this activity and its related intermediate result indicator is discarded.

Component 3 Naghlu Dam: Environmental and Social Sustainability, and Project Management Support (US$19.5 million). This component includes two subcomponents:

- **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent is included in the project with the aim of ensuring the environmental and social sustainability of the Naghlu dam and Darunta Hydropower rehabilitation. It covers the following activities:
- Local development assistance. Partly in support of benefit sharing with local communities, this subcomponent will provide electrification around Naghlu dam; rehabilitate and extend distribution system in Sorobi and Tagab districts, and improved access to skills and training to help local people gain employment at the plant and elsewhere. Special plans to target women skills development will also be devised. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent, for example, road development. This will ensure

continued community support for the dam and the proposed rehabilitation**.**

- **Subcomponent 3(b): Project Management Support** aims to ensure that DABS receives advice on good international practices. It will include financing training programs, project implementation team, consultancy services to support the implementation of the project, and establishing of technical and environmental and social advisory panel for the project.
- The Project under sub-component 3(b) support technical assistance to DABS for collection of geographic, hydrological, environmental, social, and disaster risk data from Panj River and Afghan portion of Panj River Basin in the framework of Amu Darya River Basin.

Potential Negative Environmental and Social impacts of the Naghlu and Darunta Dam Rehabilitation

Subcomponents 1 (a &b) - Naghlu Dam: These impacts will be associated with the electro-mechanical works taking place in the power house only and will be associated with Health and Safety of the workforce, managing removal, storage, handling and disposal of used oil's and lubricants, petroleum products and the removed parts. Other impacts may be due to loud noises and dust. These impacts are expected to be small, localized, short-lived and thus readily reversed or effectively managed with tangible mitigation measures and are not expected to have lasting effects.

Subcomponent 1(c) - Darunta Dam: The environmental impacts associated with the rehabilitation and electro-mechanical works includes: health & safety, minor impacts on Flora and Fauna, Fish, Fisheries and Aquatic Biology, limited damage to landscape and green cover of the immediate project implementation area of the proposed Darunta HPP due to excavation and construction activities, traffic of heavy machinery, storage of rehabilitation & construction material and equipment in the area, management of labour influx workforce, management of storage, handling and disposal of used oil and lubricants, and petroleum products and other hazardous and non-hazardous waste. All Contractor workers need to sign a Code of Conduct, which prohibits child labour, gender -based violence (GBV), sexual abuse of minors, discrimination based on gender, religion, etc.

The environmental impacts particularly associated with the construction of administrative building and warehouse works includes tree cutting (fruit and non-fruit) around twenty-five medium age citrus trees, five self-grown small mulberry saplings and seven big eucalyptus trees will be chopped. The removal of trees is needed to make space for the newly proposed administrative and warehouse buildings. No impact on the local community is anticipated. These impacts will be low to medium level and thus readily reversed or effectively managed with mitigation measures outlined in the relevant table below. A site specific ESMP is prepared and disclosed for this component.

Limited social safeguards impacts are anticipated under rehabilitation and construction of Darunta HPP in component 1c, because the construction and electro-mechanical work will be implemented in the premises of Darunta power plant area. Hence, there will be no land acquisition impact and any trees cut would belong to the power plant. However, the activities will cause potential impacts resulting from labour influx, labour risk management issue, access to electricity during rehabilitation works and dispute or demand relating to local employment.

Absence of adequate measures considered to reduce impacts during rehabilitation and construction (e.g., noise, vibrations, dust, and wastes) and construction activities may adversely affect the natural environment.

To address grievances and workplace complaints arising during rehabilitation activities, DABS has established a three tier Grievance Redress Management (GRM) system with GRCs in place at all three levels. The GRCs and contractors' staffing will be trained to address grievances (including grievances by workers) in a timely manner. Further, grievance posters will be disseminated in the project areas to inform workers and stakeholders about grievance service. The GRM procedures as outlined in this ESMF will be followed.

Subcomponent 2a – Naghlu Dam: Impacts will be associated with the removal and disposal of sediment material, and from managing public safety concerns during the removal, handling and disposal of unexploded ordinances, both from the reservoir area. Other concerns will include management of large construction equipment and heavier use of the road networks in the area, including on access roads due to the movement of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. These impacts are likely to be of concern, and their intensity and scale will be evaluated by an Environmental and Social Impact Assessment (ESIA) and preparation of a standalone Environmental and Social Management Plan (ESMP).

The process of removing sediment from the reservoir may result in permanent asset loss and temporary land acquisition. A Resettlement Policy Framework (RPF), based on the Afghan legal framework and compliant with the requirements of OP.4.12, has been developed and will be applied to all project components where it is not feasible to avoid land acquisition or economic losses. If needed a RAP will be prepared, disclosed, and implemented.

New Subcomponent 2b -- Darunta Dam Safety: The potential environmental and social impacts anticipated with the proposed rehabilitation of Darunta HPP are the river water contamination due to grouting, the downstream water supply interruption during repair or replacement of the gates, the repair or replacement of spillway gates may cause power outage for a short time, the construction of Cofferdam or dry working area for repair or replacement of Gates have a low risk of impacts on river water quality and disruption of downstream irrigation supply for a short time period, deterioration of water quality due to risk of oil and contaminants spillage, risk of pollution from solid waste and waste effluents release into river water, traffic flow disruption during repair or replacement of gates, occupational health and safety risks associated with the installation of Gantry cranes and gates repair or replacement and disturbance of ambient air and increase in noise level during construction period. In addition, minor impacts on Flora and Fauna, Fish, Fisheries and Aquatic Biology, traffic of heavy machinery, storage of rehabilitation material and equipment in the area, management of labour influx workforce, management of storage, handling and disposal of used oil and lubricants, and petroleum products, store and handling of useless parts disposed from the rehabilitation activities, and other hazardous and non-hazardous waste. Hence the ongoing concerns with severe soil erosion, sediment transportation and deposition in the downstream of the dam, which will continually have to be effectively managed going forward. Therefore, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms of their intensity and scale will be evaluated as part of the feasibility studies and in a standalone Environmental and Social Management Plan (ESMP). These impacts will be low to medium level and thus readily reversed or effectively managed with mitigation measures. Dam Safety Improvement Measures will be implemented. A site specific ESMP will be prepared and disclosed for the dam safety activity.

All Contractor workers need to sign a Code of Conduct, which prohibits child labour, gender-based violence (GBV), sexual abuse of minors, discrimination based on gender, religion, etc.

Limited social safeguards impacts are anticipated under spillways gates repairing or replacement, while the internal erosion and leakage control of Darunta HPP have low to medium level social impacts on both upstream and downstream residents; like, shortage of electricity during the rehabilitation activities, cut or diverting of irrigation water and so on thus readily reversed or effectively managed with mitigation measures.

The planned activities have no land acquisition or resettlement impacts because the rehabilitation of dam safety and repairing of the spillway's gates will be implemented in the premises of Darunta power plant area. However, the proposed activities can cause potential impacts resulting from labour influx, labour

management risks (delayed/unpaid wages and payments to workers and suppliers, lack of adequate facilities for workers), GBV risk, local access to electricity during rehabilitation activities, and disputes over employment, as local people requested employment opportunity for local residents during the ESMF consultation.

Absence of adequate measures considered to reduce impacts during rehabilitation and construction (e.g., noise, vibrations, dust, and wastes) and construction activities may adversely affect the natural environment.

To address any grievances and workplace complaints arising during rehabilitation activities, DABS has established a three tier Grievance Redress Management (GRM) system with GRCs in place at all three levels. The GRCs and contractors' staffing will be trained to address grievances (including grievances by workers) in a timely manner. Further, grievance posters will be disseminated in the project areas to inform workers and stakeholders about grievance service. The GRM procedures as outlined in this ESMF will be followed.

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

This includes provision for the electrification of villages in the immediate project area. This will be a direct, tangible benefit to communities in the Naghlu vicinity. Very small areas of land may be bought outright (willing buyer- willing seller) to facilitate the siting of electricity poles and pylons. An ESMP will be prepared, disclosed, and implemented, as well as need an Abbreviated RAP will be prepared, disclosed, and implemented.

Management of environmental and social risks and impacts is addressed in the present document, where Part I comprises the updated Environmental Social Management Framework (ESMF) of the original project and Part II comprises a Resettlement Policy Framework (RFP).

Environmental and Social Management Framework (ESMF)

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

Resettlement Policy Framework (RPF)

A framework approach is adopted as land acquisition is not expected but cannot be ruled out, before the specific alignment of activities is determined. The RPF clarifies resettlement principles, organizational arrangements, and prescribes guidelines and procedures in case land acquisition and involuntary resettlement are unavoidable. Once that happens, the RPF will form the basis for development of a specific Resettlement Action Plan proportionate to the potential risks and impacts.

The RPF was developed by DABS in 2013, as part of the preparations of the NHRP. It was based on existing RPFs prepared for other WB-funded projects and adjusted for the NHRP. In connection with the amendment of the Law on Land Acquisition, the RPF has been updated to reflect the current law. It is not expected that any land acquisition will be required for the Darunta HPP.

Legislative, Regulatory and Policy Framework

The primary relevant laws and regulations framing social and environmental issues are: (a) The Constitution of Afghanistan (2004); (b) The Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004) (c) The Environment Law of Afghanistan (2007); (d) The Afghan Land Policy (2017); (e)) The land Management Law (2017); (g) The Land Acquisition Law (2017), ESIA regulations (NEPA), labour law (2008).

World Bank Operation Policies triggered by the NHRP and Darunta HPP are: (a) Environmental Assessment (OP/BP 4.01); (b) Natural Habitats (OP/BP 4.04); (c) Physical Cultural Resources (OP/BP 4.11) (d) Involuntary Resettlement (OP/BP 4.12); (e) Safety of Dams (OP/BP 4.37); (f) Projects on International Waterways (OP/BP 7.50)

Stakeholder identification, consultation, and participation

The NHRP and DHPP will identify direct and indirect stakeholders and will prioritize stakeholder consultations to inform the design and decision making of the project, and thus improve the effectiveness, relevance and sustainability of all project components.

A dynamic participatory approach that seeks to involve the various stakeholders in decision-making about environmental management, livelihood and community development programs will be encouraged throughout the course of the project. This approach will inform the implementation of an effective grievance redress mechanism, which would be readily accessible in the project areas.

A preliminary NHRP and DHPP safeguards Consultation and Participation Plan (Table 2, page 25) that sets out a consultative and participatory process and requirements for addressing both environmental and social concerns for each component, has been prepared.

Pre-Feasibility Social Assessment and Environmental and Social Impact Assessments

A pre-feasibility social assessment to collect and analyse socio-economic, cultural, and political information across specified areas in Sarobi and Tagab districts as well as Darunta surrounding area of Nangrahar province will begin during the preparation phase. The study's findings will inform the development of activities across the project, especially for component 3a.

Environmental and Social Impact Assessments will be coordinated by DABS safeguards specialists and carried out by consultant firm(s) as a core element of components 2 and 3 of the NHRP, as summarized in the matrix in Table 1. Findings from these assessments will inform the development of Environment and Social Management Plans (ESMPs) and, where relevant, Resettlement Action Plans (RAPs).

Application of 'Safety of Dams' policy to the Naghlu Dam and the Darunta Dam

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

Capacity Building

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

Implementation Arrangements for the implementation of the ESMPs and H&S Plans for the NHPP and DHPP

Overall responsibility for project implementation will rest with DABS, whose chief executive officer (CEO) will delegate day-to-day management to heads of departments. Implementation will be grounded in the operation departments of DABS. Oversight of technical and safeguards issues (environmental, social and health and safety aspects) will rest with the chief operating officer (COO) and oversight of fiduciary issues will be with the chief financial officer (CFO). The DABS Safeguard Team will have the overall responsibility for the E&S and H&S supervision. They will go to the field on a regular basis.

DABS- Naghlu HPP and Darunta HPP site engineers are responsible for ensuring implementation of the Construction ESMP CESMP) and the Health and Safety Plan H&S Plan) of the Contractor. The Contractor will recruit an E&S and an H&S Specialist who will carry out daily site inspections. DABS will immediately initiate recruitment of an independent E&S and an ISO 45001:2018 certified H&S Specialist or an independent safeguard officer with E&S and H&S experience. The Contractor and the DABS appointed E&S and H&S Specialists will be responsible to ensure that appropriate corrective action is taken by the Contractor for any failure to implement the required mitigation measures, as described in the CESMP and the Contractor prepared and implemented Health & Safety Plan, during the rehabilitation of Naghlu HPP and the Darunta HPP.

The Contractor Project Engineers will also be responsible for the adequate implementation of the CESMPs and Health & Safety Plans in order to anticipate and prevent circumstances that might result in occupational injury or fatalities, ill health, or adverse environmental impacts. They will improve the EHS performance of their staff by providing guidance and training.

Monitoring and Evaluation Framework

Internal Monitoring and Reporting: At local level, DABS safeguards specialists and health and safety specialist, together with DABS local project management team, local government and local communities will be responsible for monitoring the implementation of environmental and social mitigation measures, set out in the Construction Environment and Social Management Plans (CESMPs) and Health and Safety Plans (H&S Plans). The Contractor project engineer shall manage their activities to anticipate and prevent circumstances that might result in occupational injury, fatalities, ill health, or adverse environmental impacts. The day-to-day monitoring of the adequate implementation of the CESMPs and H&S Plans is carried out by the experienced Contractor E&S and H&S Specialists and an experienced DABS appointed independent E&S and H&S Specialists or an experienced DABS appointed E&S Specialist with Health & Safety experience. The Contractor reports monthly to DABS regarding the E&S and the H&S issues.

The DABS safeguard team will also have responsibility for monitoring RAP implementation/entitlements related to Naghlu Dam and the Darunta Dam in case there is land

acquisition and/or resettlement. Monthly progress reports will be submitted to DABS national office using standard reporting forms.

External Monitoring and Evaluation: External assessment of compliance with mitigation measures will also be carried out on a regular basis by an Independent Thirty Party Monitoring Agency to be appointed by DABS and agreed by the World Bank with the results communicated to DABS and the World Bank. This Agency will be responsible for the preparation of the semi-annual compliance report on RAPs and ESIA/ESMPs, as well as on Health and Safety.
An Environmental and Social Advisory Panel (ESAP), comprising internationally and locally recognized environment and social specialists, will provide another layer of oversight and advice DABS on key environment and social issues, as well as Health and Safety. Also, a Dam Safety Panel will be appointed to address the Dam Safety issues of both the Naghlu and Darunta Dams.

Grievance Redress Mechanism (GRM)

The Project has a three tier Grievance Redress Management (GRM) system with GRCs in place at all levels. The client has also developed a comprehensive GRM guidance note for the World Bank-DABS funded projects which will be followed. The ESMF includes GRM procedures which will inform project specific E&S instruments, such as ESMP and RAP (where needed).
The contractors' workers and employees are expected to raise complaints relating to labour management (delayed/unpaid wages and payments, inadequate facilities at workplace and worksite, OHS concerns and E&S incidents etc.). The Project will establish a separate GRC for workers. DABS management, ESS team and the implementing partner will have an important role in ensuring that the Contractor's workers and communities have a full understanding of the GRM system, including grievance uptake channels.
Mandatory and regular trainings will be conducted to train GRCs, the PIU's staffing and contractors on GRM handling. Furthermore, grievance posters will be disseminated in the project areas to inform workers and stakeholders about grievance service.

Employees Code of Conduct and COVID-19 provisions

The ESMF also includes mitigation measures to avoid or minimize the chance of infection and planning what to do if either project workers become infected or the work force includes workers from proximate communities affected by COVID-19 (see Annex, 14 COVID-19 provision). There is also employees' code of conducted included and the Contractors shall ensure that each Contractor's Personnel is provided a copy of this Code of Conduct, written in a language comprehensible to that person, and shall seek to obtain that person's signature.
The subcomponents activities are identified to have some limited Environmental, social, health and safety impacts and risks. The key social impacts are; labour management issues, such as non/late payment of wages, lack of facilities for labour, labour rights issues (working hours, rest, etc), environmental and social incident(e.g. injuries/fatality, forced evictions/resettlement, abuse of community members, human trafficking, child labour, etc.) labour influx risk and SEA/SH (Sexual Exploitation and Abuse/Sexual Harassment) risk. The labour influx and SEA/SH risks are also identified to be low risk, as the sub-projects activities are not expected to involve a large number of labours from outside the project's area of influence. The ESMF include adequate measure for prevention of SEA/SH risk- (see Annex 15 contractor's code of conduct). These negative impacts are predicated to happen during the implementation of the subcomponents.

Communication

An outline communications strategy and plan have been developed to increase the overall effectiveness of the project. In the NHRP context an effective communication strategy has heightened importance as a result of community concerns, many of which date from the 1960s when the dam was built. The communication

plan is already being implemented through consultations on the ESMF. This consultation process helps make affected communities aware of the planned project provides them with an opportunity to comment on it and helps reduce possible misinformation about proposed activities. The communication strategy has been extended to cover DHPP as well.

1. Background and Project Context

1.1. The Afghanistan Power Sector

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

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

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

Responsibility for management and operation of the electricity system rests with Da Afghanistan Breshna Sherkat (DABS), the national electricity utility. Until 2009, DABS was a department of the Ministry of Energy and Water (MEW). DABS's corporatization has been accompanied by a strong program of commercialization supported by the World Bank and more recently by USAID. DABS is responsible for the installed domestic generation capacity, including about 230MW of hydropower and with it Naghlu Hydropower Plant, although only about 138MW is currently in service. The Darunta HPP is located approximately7 km west of Jalalabad. It was constructed in the early1960s by Soviet Union (USSR). Having total installed capacity of 11.5MW. The plant, due to deterioration of the units, currently can produce up to 9.5MW.

I.2 Project Objective

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

I.3 Project Description

Naghlu Hydropower Plant (NHPP) is located on the confluence of the Panjshir and Kabul Rivers in the Sarobi District, Kabul Province, about 80 km east of Kabul. Naghlu was first commissioned in 1967 and financed by the former Soviet Union. The equipment was manufactured by Techno prom export, a Russian engineering company founded in 1955. Its reservoir, approximately 110 meters from foundation to crest, is

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

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

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

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

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

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

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

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

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

The Darunta Hydroelectric Power Plant (Darunta HPP) is located on the Kabul River, approximately7 km west of Jalalabad, the capital of Nangarhar Province in eastern Afghanistan. The Darunta HPP was constructed in the early1960s as a key part of a comprehensive development program that included rehabilitation of irrigation systems, roads, collective farms, power generation, and transmission and distribution facilities. The power plant was planned, designed, and built by company from the Soviet Union (USSR). It houses three vertical Kaplan (6 blade propeller) units with rated output ("faceplate") of 3.85MW each, for total installed capacityof11.5MW. The plant, due to deterioration of the units, currently can produce up to 9.5MW.

It is the only local source of power for the Jalalabad distribution system and surrounding areas in Nangarhar Province. Over three decades of war and internal conflict, the Darunta HPP gradually deteriorated due to limited resources for Operations &Maintenance (O&M), unskilled personnel, lack of routine equipment replacement and occasional war damages. All three units are currently operating, but with low reliability and constant repairs to damaged or failing components.

The bearing sand gaskets are worn and misaligned, which has led to silted water penetration and severe damage. In addition, all three units suffer from heavy vibration (up to 7 mm horizontal oscillation). Batteries, controls, metering, and protection systems are virtually all out of order. Turbine governors and station rans formers are losing large quantities of oil. Lacking retention facilities, oil spillages contaminating the soil and water. Most pumps actuating the hydraulic intake and spill way gates are out of order, endangering both the upstream and downstream river valley, should flooding conditions occur.
USAID and the U.S. Army have funded some emergency parts, supplies and equipment for Darunta HPP over the last several years, assuring the operation of the plant and providing electricity on an emergency basis. USAID also provided comprehensive assistance to support the complete overhaul and upgrade of the plant to provide long-term low-cost electricity.

1.3.1. Project Main Parts Description for the Naghlu Dam and Darunta Dam

Naghlu Dam

1. ELECTRO- mechanical facilities
2. HYDRO- mechanical facilities
3. Hydro-Mechanical Facilities for up gradation
4. Hydro-Mechanical Facilities for rehabilitation

Technical details and rectification required for Turbine-Generator sets at the Darunta Hydropower Rehabilitation Project:

Darunta Dam

1. Hydro Turbines for Units 2 &3
2. Turbine Wicket gates of Units 2&3
3. Turbine Guide Bearings of units 2&3
4. Turbine –generator shaft
5. The Regulating ring, Servomotor and Distributor Drive
6. The Turbine control system: Governor RS-KI Speed regulator
7. The Oil Pressure (Hydraulic) System
8. The Oil Receiver
9. Replace or repair the spillway gates and the gantry cranes for Spillways No.1 and No 2. Conduct geophysical surveys to identify (internal erosion/ leakage in the dam, any Cracks in the dam body).

Civil works

- Administrative Building
- Warehouse
- Rehabilitation and Repair

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

Component 1 Naghlu Dam: Component 1: Mechanical, Electrical, and Electromechanical Work at NHPP (US$35.000 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:

2. **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant of NHPP**. This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (I) testing of

the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.

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

   Subcomponent 1(c) Darunta Dam: This new subcomponent includes the following activities: (i) Rehabilitation of the power house of Darunta power plant, including design, manufacturing, supply, installation, and commission of three new units in the power house, rehabilitation of intake gates for the powerhouse and the irrigation canal, and dismantling of the old units; (ii) Design, supply, installation and rehabilitation of Darunta Switchyard; and (iii) supply and construction of a warehouse and an administrative building on the Darunta Hydropower plant premises.

Component 2 Naghlu and Darunta Dam: Dam Safety for the Naghlu and Darunta Dams and Power Generation Capacity Improvement (US$28 million). This component aims to ensure the safe operation of the dam through the two subcomponents as follows:

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

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

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

- **Cancelled Subcomponent 2(b): Optimization of Power Generation**. This subcomponent envisaged a feasibility study for the raising of the Naghlu dam crest as an option to increase

power generation from the power plant, as well as other measures to optimize the dam's operation considering additional water storage. The Project Technical Advisory Panel (PTAP) concluded during their first mission to Naghlu in October/November 2015 that the raising of the dam crest is not feasible. Accordingly, the raising of Naghlu's dam height would have significant dam safety as well as social and environmental risks and would not provide concordant benefits. **Therefore, this activity and its related intermediate result indicator is discarded**.

New Subcomponent 2b: Darunta Dam Safety: This activity aims to ensure the safe operation of the Darunta Dam. A Dam Safety Audit has been carried out and identified some safety issues. The Dam Safety issues, such as a stopping a minor leakage through grouting and installation of dam safety equipment, will be addressed during the rehabilitation of the plant. The following rehabilitation works are proposed under this activity.

1. **Geophysical Works:** The geophysical works is a two-phase approach rehabilitation activity. The first phase would be geophysical investigation and scope of seepage will be determined. After identification of seepage, dam grouting may be carried out to control seepage. The second phase would be geophysical investigation to ensure effectiveness of the grouting works.
2. **Hydro-elector mechanical Works:** The following hydro-electromechanical rehabilitation works are proposed.
   a. **Gantry cranes;** After detailed inspection of both gantries and the works shall comprise (i) rehabilitation of spillways No.1 and No.2 gantry cranes, (a) including site dismantling and disposal of existing equipment to be replaced;(b) design, supply, shop assembly, shop testing, transportation to site, site unloading to and handling from storage area, installation and connection of new equipment, as further detailed in these specifications; (c) rehabilitation of components or replacement if required; (d) equipment testing and commissioning; (ii) site clean-up, (iii) certification for good standing and fit for operation of the gantry crane by a certification agency such as "Bureau Veritas" or other acceptable organization, (iv) supply of spare parts and special tools, work area temporary sheltering protection, instrumentation, paint and consumables required for site dismantling, disposal, installation, repairs, site testing and commissioning activities hereby included(v) supply of related documentation as detailed further in these specifications; and; (vi) training of owner personnel for the usage and maintenance of the gantry cranes.
   b. **Gates Replacement for Spillway No. 1 and No.2:** The work shall comprise of the followings:
      - Site mobilisation and demobilisation.
      - Seal in close position the left emergency gate.
      - Underwater inspection, measurements and repair of right passage emergency gate including.
      - Design, fabricate and deliver to site one (1) set of stop log to be lowered by the gantry crane lifting beam in the repaired emergency gate slot.
      - Design, fabricate and deliver to site one lifting beam for the stoplog set.
      - Design fabricate and deliver to site a new operating gate complete with embedded parts and hydraulic hoist.
      - Install and test the new set of stoplogs with the rehabilitated gantry crane. Following successful tests, lower the stoplogs in closed position and assure that the left passage emergency gate is in close position.
      - Remove and dispose the existing operating gate and hoist.
      - Chip out the existing embedded parts of the operating gate and install new embedded parts.

- Install the new operating gate and hydraulic hoist

Component 3 Naghlu and Darunta Dams: Environmental and Social Sustainability, Health and Safety, and Project Management Support (US$ 21.00 million). This component includes two subcomponents.

- **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent is included in the project with the aim of ensuring the environmental and social sustainability of the Naghlu dam and Darunta Hydropower rehabilitation. It covers the following activities:
  - Local development assistance. Partly in support of benefit sharing with local communities, this subcomponent will provide electrification around Naghlu dam; rehabilitate and extend distribution system in Sorobi and Tagap districts, and improved access to skills and training to help local people gain employment at the plant and elsewhere. Special plans to target women skills development will also be devised. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent, for example, road development. This will ensure continued community support for the dam and the proposed rehabilitation.
  - **Environmental and social management**. This will support (I) for component one, updating the existing environmental guidelines through environmental and social management plans (ESMP), as well as Health & Safety Plans for NHPP and DHPP, implementation and monitoring of these plans; (ii) the preparation, implementation, and independent monitoring of ESMPs, H&S Plans and Resettlement Action Plans (as required), and Livelihoods Development Plans for components 2a, and 2b. For component 3a, the preparation, implementation, and independent monitoring of an ESMP and H&S Plan.
- **Subcomponent 3(b): Project Management Support and Technical Assistance for Data Collection from Panj River.** This subcomponent aims to ensure that DABS receives advice on good international practices for Naghlu and Darunta Dam. It will consist of:
  - This subcomponent will finance the training programs, development of operational manuals for generation, distribution planning, operation and maintenance, and translation of management and control software and technical documents of Naghlu hydropower plant and Darunta hydropower rehabilitation project into Pashto and Dari to ensure adequate capacity for the safe and sustained operation of the existing plant.
  - Consulting services to support implementation of the project which include technical (hydropower specific), environmental, social, health and safety, technical, procurement, financial management, and monitoring and evaluation aspects.
  - Financing support for an Environmental and Social Advisory Panel (ESAP) and a Project Technical Advisory Panel (PTAP) for Naghlu Dam, which panels will also be used for the Darunta Dam.
  - Supports technical assistance to DABS for collection of geographic, hydrological, environmental, social, and disaster risk data from Panj river and Afghan portion of Panj river Basin in the framework of Amu Darya River Basin.

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

1.4. Implementation Arrangements for the implementation of the ESMPs and H&S Plans for the NHPP and DHPP

Overall responsibility for project implementation will rest with DABS, whose chief executive officer (CEO) will delegate day-to-day management to heads of departments. Implementation will be grounded in the operation departments of DABS. Oversight of technical and safeguards issues (environmental, social and health and safety aspects) will rest with the chief operating officer (COO) and oversight of fiduciary issues will be with the chief financial officer (CFO). The DABS Safeguard Team will have the overall responsibility for the E&S and H&S supervision. They will go to the field on a regular basis.

DABS- Naghlu HPP and Darunta HPP site engineers are responsible for ensuring implementation of the Construction ESMP CESMP) and the Health and Safety Plan H&S Plan) of the Contractor. The Contractor will recruit an E&S and an H&S Specialist who will carry out daily site inspections. DABS will recruit an independent E&S and H&S Specialist or an independent safeguard officer with E&S and H&S experience who will also be daily onsite for inspections. The Contractor and the DABS appointed E&S and H&S Specialists will be responsible to ensure that appropriate corrective action is taken by the Contractor for any failure to implement the required mitigation measures, as described in the CESMP and the Contractor prepared and implemented Health & Safety Plan, during the rehabilitation of Naghlu HPP and the Darunta HPP.
The Contractor Project Engineers will also be responsible for the adequate implementation of the CESMPs and Health & Safety Plans to anticipate and prevent circumstances that might result in occupational injury or fatalities, ill health, or adverse environmental impacts. They will improve the EHS performance of their staff by providing guidance and training.

DABS will hire qualified consultants to carry out the various studies, environment and social assessments and Resettlement Action Plans required under components 2a, 2b and 3a. DABS has appointed environment and social safeguards specialists who will take day-to-day responsibility for internal monitoring compliance of environment and social safeguards. DABS will also supervise the Health & Safety aspects of the construction and operation of the two dams. The World Bank will support DABS through the provision of technical assistance.

For NHRP, an independent third party, reporting directly to the Chief Operating Officer of DABS and the Bank, would be hired to monitor and report on compliance. The Resettlement Action Plan (s) (RAP's) would have a robust and independent monitoring arrangement. The Naghlu and Daruna Dams capacity building program includes training in social and environmental safeguards and health & safety for project staff, engineers, local communities, NEPA staff and contractors.

1.5. Potential Negative Impacts

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

1.5.1. Potential Negative Environmental, health and safety impacts

Subcomponent 1a & b –Naghlu Dam: Impacts will be associated with the electro-mechanical works taking place in the power house only and will be associated with managing removal, storage, handling and disposal of used oil's and lubricants, petroleum products and the removed parts. Other impacts may be due to loud noises and dust and health and safety impacts. These impacts are expected to be small, localized, short-lived, and thus readily reversed or effectively managed with tangible mitigation measures and are not expected to have lasting effects. The project will not change water flows nor water quality downstream and upstream.

Subcomponent 1(c)- Darunta Dam: The environmental impacts associated with the rehabilitation, construction and electro-mechanical works includes cutting some trees which are standing on the site of the newly proposed administrative and warehouse buildings. The trees (fruit and non-fruit) around 25 years medium age citrus trees, 5 year old small mulberry trees which are wild variety and self-grown and 7 big willow trees are located inside the Darunta HPP site and are owned by the government and Darunta HPP itself, and are not claimed by any of the local people. DABS PIU have planned to plant trees (not less than the lost trees) to compensate for the tress that will be cut down (fruit and non-fruit). For mitigating losses due to cutting the mentioned trees, the relevant contractor in consultation of the Darunta Hydropower plant authorities and DABS PIU, will prepare a compensatory tree planting plan, based on which they will select the adaptable tree verities to be planted at suitable places of the Darunta HPP surrounding area.

The project will not change water flows nor water quality downstream and upstream.

Limited damage to landscape and green cover of the near surroundings of the proposed Darunta HPP is anticipated due to traffic of heavy machinery, storage of rehabilitation & construction material and equipment's in the area and workforce density, managing removal, storage, handling and disposal of used oil's and lubricants, and petroleum products, as well as health and safety aspects. Since this is an old plant PCBs might be present. Other impacts are loud noises and dust. These impacts are low to medium level and can be readily reversed or effectively managed with mitigation measures outlined in the relevant table. DABS will conduct a brief workshop to undertake risk assessment impacts of project activities under component-3 including appropriate mitigation measures.

Subcomponent 2a Naghlu Dam – impacts will most likely be associated with removal and disposal of sediment material, and from managing public safety concerns during the removal, handling, and disposal of unexploded ordinances from the reservoir area. Other concerns will include management of large construction and plant equipment, possible expansion, and heavier use of the road networks in the area, including on access roads due to the movement of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. These impacts are likely to be of concern, and their intensity and scale will be evaluated in a full Environmental and Social Impact Assessment (ESIA), which is presently under preparation. It is expected that adequate management of sedimentation removal and storage will result in almost zero impacts downstream.

New Subcomponent 2b: Darunta Dam safety: The proposed rehabilitation of the DHPP is expected to have some minor to medium level environmental and social impacts. Based on the footprints of the proposed rehabilitation works, adjacent to or within primary area of influence, there is not any environmentally sensitive area like protected area, Ramsar site, and cultural heritage site. As the proposed works are to rehabilitate the existing hydropower infrastructure; therefore, dislocation or involuntary resettlement of people are not associated with the proposed rehabilitation works on Darunta HPP.

The potential environmental and social impacts anticipated with the proposed rehabilitation of Darunta HPP are related to construction stage and are highlighted as follows.

i. If in case large quantities of grout that are washed into the stream below the dam can cause injurious environmental effects. Environmentally and social friendly grouting method would be chosen. The impacts associated with the grouting will be assessed due diligently in the ESMP and mitigation measures will be devised in line with the international best practices.
ii. the downstream water supply interruption during repair or replacement of the gates may impact the entire command area and the crops will not receive the water in time. The risk of over-running of the head regulator gate replacement beyond the scheduled program shall be mitigated by limiting the contractor to replacement of only one gate at one time - i.e. no more than one

third of the gates on any head regulator should be out of commission at any one time. By following this protocol, should the contractor experience a problem during the replacement of the gates which cannot be solved before the end of the closure period the reduction in irrigation flows shall be minimized.

iii. **Replacement of spillway gates** would only be possible in low flow season and may need to be replaced step wise. For instance, diversion of one spillway water to the next spillway, in case one spillway had the capacity to pass maximum flow. If the water flows over the spillway all the time, then a temporary diversion may be required to create a dry zone for replacement of the gates. In addition, DHPP power plant manager, the level of both spillways is higher than the irrigation canals and turbines gates and complete diversion of reservoir water is not required. The works can also be carried out in offseason (January to March).

iv. **Cofferdam or Dry working area for repair or replacement of Gates:** during site screening the DABS safeguard team discussed the replacement or repairing of the spillway's gates with DHPP relevant manager and they were of the opinion that each spillway have spare gate in case of replacement or repairing of the gates, the spare gates would be used and the downstream flow will not be affected except in case of rehabilitating the bottom floor of the spillways which need the reservoir water to be decreased and it is also mentionable that the spillways have existing cofferdam to prevent water access to the bottom of the spillways. In addition, prior to commencement of repair or replacement of gates on Darunta HPP to create a dry working area, the option of sealing individual gate or installation of cellular sheet piles at upstream and downstream ends with temporary bulkhead gates and pumping the area dry can be applied.

v. **Deterioration of water quality**; although the work area shall be dry, any spilt contaminant shall enter the watercourse when the temporary bulkhead gates or spared gates are removed, and the work area flooded. Such pollutants may include spills of oil or grease during the removal, replacement and commissioning of gates on Darunta HPP and spills of paint applied to new gates in place. It is noted that the toxicity of wet paint is high, but once set, its toxicity is low. Depletion of dissolved oxygen is also anticipated during construction stage. Before commencement of physical works and during preparation of the ESMP, the river water will be tested at Darunta HPP. Samples will be collected from upstream and downstream of the Dam.

vi. **Risk of pollution from solid waste and waste effluents**: Repairing of existing structures generates debris. Further construction works also generate some excess materials from construction sites (concrete, discarded material) and wastes from worker's camp and construction yards, including garbage, recyclable waste, and food waste. In addition, small quantities of hazardous waste will be generated from maintenance activities, including oil filters and other waste products. The Contractor will prepare and implement solid waste collection and disposal plan.

vii. **Traffic flow interruption**: the crest of Darunta HPP is located on national highway and performing function of connecting bridge between Kabul and Ningarhar. The road (upper deck) on the Dam is extensively used by local and regional traffic. The traffic flow passing over the route on the dam crest. During gates replacement, there is potential risk for disruption of the traffic flow. The Laghman Dosaraka road or Behsood road can be used for smooth traffic movement during the gate's replacement period and for pedestrians the contractor will build a temporary pedestrian bridge in the downstream. In addition, a traffic management will be prepared including identification of diversion route and adequate placement of traffic signals and traffic control personnel, when the vehicles are passing through the local roads.

viii. **Occupational health and safety risks** are associated with the installation of Gantry cranes. Gantry cranes installed on the dam crest itself used for installing the stop-logs when installed by an experienced contractor and well operated and maintained pose a low health and safety risk. These risks will be addressed in the Occupational Health and Safety Plan. There are no community health and safety risks involved with the operation of the Gantry cranes. The public consultation meeting has conducted successfully and the participant's concerns and recommendations have recorded as shared in the report.;

ix. **Uprooting of trees**; some non-fruit trees owned by DHPP may be uprooted due to the seepage control works at the bottom of the dam. The compensatory tree plantation plan with similar species will be prepared and implemented.

x. Disturbance of ambient air and increase in noise level during construction period.

xi. the other minor impacts on Flora and Fauna, Fish, Fisheries and Aquatic Biology;, traffic of heavy machinery, storage of rehabilitation material and equipment in the area, management of labour influx workforce, management of storage, handling and disposal of used oil and lubricants, and petroleum products, store and handling of useless parts disposed from the rehabilitation activities, and other hazardous and non-hazardous waste. Therefore, like Component 2a, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms of their intensity and scale will be evaluated as part of the feasibility studies, ESMP preparation. All Contractor workers need to sign a Code of Conduct, which prohibits child labor, gender-based violence (GBV), sexual exploitation and abuse of minors, sexual harassment, discrimination based on gender, religion, etc. These impacts will be low to medium level and thus readily reversed or effectively managed with mitigation measures. A site specific ESMP will be prepared and disclosed for this component.

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

1.5.2. Potential Negative Social impacts

Subcomponent 1(c) Darunta Dam: Limited social safeguards impacts are anticipated from the rehabilitation and construction of Darunta HPP in component 1c, because the construction and electro-mechanical work will be implemented within the premises of the Darunta power plant. Likewise, the new administrative and warehouse buildings would be built within the Darunta HPP premises and thus do not require any additional land ***(Photos provided to illustrate the selected locations for the buildings as well the existed access road see figure 1.1).*** The trees to be cut are also inside the Darunta HPP site and thus belong to government and Darunta HPP itself.

Furthermore, no resettlement or asset loss is expected for investments planned under rehabilitation and construction of Darunta HPP, since the available access road has sufficient width and length within the existing alignment to provide easy access to the plant, so there is no need for widening nor paving it. Labour camp would be located within the Darunta HPP premise, where Darunta HPP officials are also based, and therefore, the labour camp will be under close supervision by Darunta HPP officials and not impact negatively on nearby settlements. However, the proposed activities can cause potential impacts resulting from labour influx, labour management risks (delayed/unpaid wages and payments to workers and

suppliers, lack of adequate facilities for workers), GBV risk, local access to electricity during rehabilitation activities, and disputes over employment, as local people requested employment opportunity for local residents during the ESMF consultation.
Absence of adequate measures considered to reduce impacts during rehabilitation and construction (e.g., noise, vibrations, dust, and wastes) and construction activities may adversely affect the natural environment. To address workplace complaints arising during rehabilitation activities, DABS has established a three tier GRM system with Grievance Redress Committees (GRC) in place at all three levels. Since the Project activities will cause complaints relating to labour management (delayed/unpaid wages and payments, inadequate facilities for workers at workplace and worksite, E&S incidents, etc.), the Project will establish a separate GRC for workers.

Mandatory and regular trainings will be conducted to train GRCs, the PIU's staffing and contractors on GRM handling and will be reflected at the subcomponent site specific ESMP. Furthermore, grievance posters will be disseminated in the project areas to inform workers and stakeholders about grievance service. This ESMF outlines GRM procedures which will be followed. The relevant GRM requirements will be incorporated in the ESMP (including contractor's Environmental and Social Management Plan- C-ESMP).

Subcomponent 2 Naghlu Dam: The removal of sediment from the reservoir may result in asset loss and/or temporary land acquisition. A Resettlement Policy Framework (RPF), based on the Afghan legal framework and compliant with the requirements of OP.4.12, has been developed and will be applied where it is not feasible to avoid land acquisition, asset loss and/or resettlement. The RPF clarifies resettlement principles, organizational arrangements, and design criteria to be applied to all components implemented under this project. In this way a consistent approach to resettlement practice will be ensured.

New Subcomponent 2b: Darunta Dam safety: Limited social safeguards impacts are anticipated under spillways gates repairing or replacement, while the internal erosion and leakage control of Darunta HPP have low to medium level social impacts on both upstream and downstream residents; like, shortage of electricity during the rehabilitation activities, interruption of irrigation water supply for a short time and traffic flow interruption during repair or replacement of the spillway gates and Gantry cranes.

The planned activities have no land acquisition or resettlement impacts because the rehabilitation of dam safety and repairing of the spillway's gates will be implemented in the premises of Darunta power plant area. However, there might be community safety issues such as labour influx risk, community inconvenience from blockage of road by heavy machinery, access to electricity and dispute or local demand for hiring local residents rather than labours from outside. There may also be disputes relating to hiring or firing of employees.

To address any grievances and workplace complaints arising during rehabilitation activities, DABS has established a multi-tier Grievance Redress Mechanism with GRC Committee in place both at local levels and at project level and will train contractor workers and local community representatives in grievance redress mechanism, complaint registration method, and grievance services according to project ESMF. The GRM procedures as outlined in this ESMF will be followed

Subcomponent 3a Naghlu and Darunta Dams: includes provision for the electrification of villages in the immediate project area. This will be a direct, tangible benefit to communities in the Naghlu and Darunta vicinity and should help counter a major grievance voiced by communities - that to date the Naghlu immediate surrounding villages have not received any benefit from the project. Very small areas of land may be bought outright (willing buyer- willing seller) to facilitate the siting of electricity poles and pylons. The Darunta dam vicinity communities have shortage of electricity as well as some residents don't have access to electrification which well be electrified by improvement of the Darunta power plant.

The ESMF of the parent Project includes a reflection of the legacy resettlement issue, because this issue was raised during a community meeting in 2014. However, no further claims or grievances have been made in relation to this issue. Consequently, during the early stage of the project preparation, the Project checked the resettlement records at both central Makhzan (the court Achieve) and the Afghanistan Arazi office none of which contain any data relating to this hydro-dam built in 1960, and similarly, there is no available record about land acquisition and resettlement for this site. Since 2014, the client (and the ESIA consultant) have conducted several public meetings with local communities, and this legacy resettlement issue has not been brought up again. While the NHRP cannot tackle all residual or' legacy' issues from the 1960s resettlement, through effective implementation of the RPF provisions the project can, however, seek to ensure that no such issues will arise as part of any resettlement initiative under the project.

The environmental and social safeguards management approach is summarized, component by component in Table1 (below).

Table: 1.1- Safeguards Management Approach Component by Component

Components (with summary description of civil works)	**Activities to be financed by the Project**	**Safeguards Documents**	**Timing for Preparation and Implementation of Safeguards Documents**
Overall Project level	Components 1-3	ESMF and RPF Pre-Feasibility Social Assessment	ESMF and RPF prepared during project preparation, implemented in project. Pre-Feasibility Stage, Social Assessment of entire project area to be prepared during project preparation
Component 1[1] Mechanical, Electrical and Electromechanical Work	TA and Civil Works	ESMP	Detailed Environmental and Social Safeguards Guidelines, as well as Health and Safety applied during the Emergency Power Rehabilitation Project, will be updated during project preparation.
Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant	TA and Civil Works	ESMP	Detailed Environmental and Social Safeguards Guidelines, as well as Health and Safety applied during the Emergency Power Rehabilitation Project, will be updated during project preparation.
Subcomponent 1(b): Enhancing Maintenance of the Powerhouse.	TA and Civil Works	ESMP	Detailed Environmental and Social Safeguards Guidelines, as well as a Health and Safety applied during the Emergency Power Rehabilitation Project, will be updated during project preparation.
Subcomponent 1(c): Rehabilitation of Darunta Hydropower Plant.	TA and Civil Works	UPDATED ESMF, ESMP	Site Specific Environmental and Social Safeguards Management Plans, as well as Health and Safety, applied during the Darunta Hydro Power Plant Rehabilitation Project, will be updated during project preparation.
Component 2a	TA services and Civil works	Dam Safety Audit, ESIA,	Dam Safety Audit, ESIA and ESMP prepared and implemented during the project.

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

Dam Safety Audit and Safety Improvement measures		ESMP, Health & Safety, RAP	RAP will be prepared if Dam Safety Audit and ESIA indicate requirement of land.
New subcomponent 2b Dam Safety Audit, Safety Improvement measures and Spillway gates repairing or replacement.	Mechanical and civil work	Updated ESMF, and site specific ESMP will be prepared.	Site Specific Environmental and Social Management Plan (ESMP), will be prepared for Darunta Hydropower Project Rehabilitation.
Component 3a Environment and Social Sustainability: local development assistance and support to environmental and social management and health and safety	TA services and civil works	ESMP	ESMP, informed by findings from pre-feasibility social assessment
Component 3b Project Management support: Dam Safety Panel, E &S, including Health & Safety, Advisory Panel)	TA Services	None	N/A

Figure 1.1: shows selected places for administrative & warehouse buildings as well as the existed access road

Selected Area for Administrative Building

Selected place for warehouse construction

Front View of Darunta Dam

2. Policy Legal and Regulatory Framework

2.1. World Bank Operation Policies triggered in NHRP

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

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

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

Involuntary Resettlement (OP/BP 4.12): This policy is triggered because the process of removing sediment from the reservoir under component 2a may result in asset loss and temporary land acquisition. The overall objectives of the Bank's policy on involuntary resettlement are to avoid land acquisition and involuntary resettlement where feasible, or minimize, exploring all viable alternatives. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. The ESMF for the Naghlu and Darunta Hydropower Plants rehabilitation is supplemented with a Resettlement Policy Framework (RPF).
Since the rehabilitation activities in Darunta HPP and construction of administrative and warehouse buildings are going to be take place within Darunta HPP premises, therefore, no land acquisition is expected.

Safety of Dams (OP 4.37): This Policy is triggered, as because the project will rehabilitate two existing electromechanical facilities of both Naghlu and Darunta dams where a sub-component will also finance sediment removal of Darunta. The policy entails the arrangement of independent dam safety specialists to (a) inspect and evaluate the safety status of the existing dam, its appurtenances, and its performance history; (b) review and evaluate the owner's operation and maintenance procedures; and (c) provide a written report of findings and recommendations for any remedial work

or safety-related measures necessary to upgrade the existing dams to an acceptable standard of safety" A Technical Advisory Panel has been established under component 2 to carry out these tasks.

Projects on International Waterways (OP/BP 7.50): This policy is triggered since, the Kabul and Panjshir rivers begin in Afghanistan and meet at Naghlu and flow downstream to Darunta/Nangarhar province. The river then flows eastwards, forming the border between Afghanistan and Pakistan for a short distance before entering Pakistan's north-west in Khyber Pakhtunkhwa (KPK) province. There is no existing agreement or treaty between Afghanistan and Pakistan on the Kabul River. In accordance with this policy, the Bank, on behalf of the Government of Afghanistan, issued on April 14, 2015 the required notification to the government of Pakistan. The notification process concluded on October 9, 2015. Additionally, any impact of changed flows regime downstream resulting from any changes in operation of the Naghlu plant as a result of this project (bearing in mind the downstream regulating capacity of Sarobi) will be notified to Pakistan as required under the policy. The works at Darunta Hydropower Plant will not impact the flow and quality of water of the Kabul River. Therefore, an exception to the notification requirements under OP/BP 7.50 was approved by the World Bank South Asia Regional Vice President on September 3, 2020.

Application of 'Safety of Dams' policy to the Naghlu Dam and the Darunta Dam

The design of rehabilitation works shall be guided by and compliant with the World Bank policy on safety of dams (OP4.37). Dam Safety Audits will be carried out by an internationally experienced Dam Safety Panel, consisting of a dam safety engineer, electro-mechanical engineer, and a geo-technical specialist. This Dam Safety Panel will advise DABS on the preparation of the dam safety plans. DABS is responsible for the implementation of the dam safety plans and recommendations and ensuring appropriate measures are taken and sufficient resources provided for the safety of the dam. The dam rehabilitation works shall be designed, and their implementation supervised by experienced and competent professionals. DABS will appoint experts, acceptable to the World Bank, to form an Independent Panel of Experts (Panel), known as the Technical Advisory Panel to review and advise DABS on matters relative to the safety aspects of the rehabilitation works and the overall safety of the two dams. DABS view the Panel as an objective reviewer, whose independence and integrity will be safeguarded. The Panel shall be maintained for the duration of the project, until all facilities are placed into final operation

Darunta Dam Safety

The Darunta dam is a hydroelectric dam with a power generation capacity of 11.2 MW (3 x 3.8 MW). Darunta Dam has been classified as large dam. Originally the dam was generating 40-45 MW, however due to siltation and poor maintenance the dam capacity has been reduced significantly. The current physical condition of the dam requires serious attention, including safety of its operations and sustainability. Conceptual requirements have been suggested for the development of an Operations, Maintenance and Surveillance Manual (OM&S) to encompass all aspects of long-term operation and management of the dam and appurtenant structures. This OM&S needs to be available 6 months prior to full operation. The detail of the dam safety has been described in annex-13.

Emergency planning consists of having in place a process for responding to emergencies at site often during periods of adverse weather, darkness and power outages. Two documents are required, an emergency preparedness plan (EPP) and an Emergency Response Plan (ERP), which need to be available 6 months prior to full operation.

In the meantime, the dam operator and staff will require suitable training to ensure that all aspects of the project are well understood and that provisions in the O&M manual and emergency plans are carried out diligently. Appropriate dam safety measures are suggested to ensure that long-term operation and maintenance programs are in place. Similarly, requirements for Emergency Preparedness Plans (EPP) for both the construction and for the operation are also presented.
The safety of the dam and appurtenant structures initially relies on a well-designed structure that meets international standards for dams of this size and classification. At post rehabilitation, safety relies on monitoring, inspection, reviews, training and a dam operator who understands the workings of the project such that potential deficiencies and defects can be recognized and repaired in a timely manner.

Projects on International Waterways (OP/BP 7.50). Naghlu and Darunta Dams are located at the confluence of the Panjshir and Kabul Rivers. The Kabul River then goes on to flow into Pakistan, where it joins the Indus at Attack. Therefore, as the Kabul rivers flows through Afghanistan and Pakistan, this policy is triggered. Although the two countries have no treaty or official agreement on this, the envisioned ESIA will need to address the potential water quantity and quality impacts this project may have on the Kabul River. Also, this policy requires that Afghanistan notifies Pakistan about the potential impacts this project will have on the Kabul River.

The NHRP is located on the Kabul River, which is an international waterway for the purpose of the Bank's policy for Projects on International Waterways (OP 7.50). Given the investments envisaged under the proposed NHRP project located on the Kabul River, the policy is applicable to the project. On behalf of the GoIRA, the World Bank notified [1] the Government of Pakistan (GoP) on April 14, 2015. The GoP responded requesting additional information and clarifications regarding the scope of the project which were responded by the World Bank in coordination with the GoIRA on September 28, 2015 with a request that any further comments be provided by October 12, 2015. Since no other communication from the GoP was received and in accordance with OP 7.50, on October 28, 2015 the Regional Vice-President approved the Task Team's request to proceed with processing the proposed project for negotiations. In requesting the Regional Vice President's approval, the Task Team confirmed that (a) the rehabilitation nature of the proposed project will not adversely affect the quality or quantity of water flows to other riparian and (b) the project will not be adversely affected by other riparian's water use.

The sub-project of Darunta HPP is located on the same river downstream of Naghlu dam and is component-1 (c) of the NHRP. The subproject is proposed to rehabilitate the existing powerhouse facility and the rehabilitation works are confined to (i) rehabilitate the powerhouse (ii) switchyard, and (iii) warehouse and administrative building. The rehabilitation of the dam structure is not in the proposed work scope. The issue of change in flow regime or flow pattern and water quality as well as quantity is not anticipated after completion of the project. Therefore, the justification given in compliance to the World Bank OP BP 7.50 for NHRP is applicable to Darunta subproject as well.

Indigenous Peoples (OP/BP 4.10): This policy is not triggered since the population around the site, according to existing information and field visits, do not fulfil the criteria of OP 4.10.

Physical Cultural Resources (OP/BP 4.11): This policy is triggered because consultations at local level confirm presence of graves in villages which are likely to be displaced should the decision be made to raise the height of the dam and in the event of 'chance finds during project implementation. Guidelines on protection of cultural property is included as Annex 4.

Implementation of the Environmental Health and Safety Guideline

In line with the World Bank safeguard policy, the contractor is required to comply with the Environmental Health and Safety Guidelines (EHSG) established for the project investment with financial support from the World Bank Group. The EHSG provides general guidance on the pollution prevention and abatement measures and workplace and community health and safety guidelines that are normally acceptable in World Bank-supported projects, particularly in cases where the borrowing country does not have standards, or when its standards fall significantly short of international or industry-wide norms. The EHSG are divided in two parts: general guidelines on health and safety and pollution prevention and abatement, including general standards for air and water quality, and a set of sector-specific guidelines for various types of development projects. The contractor will prepare a Contractor ESMP (CESMP) and a Health & Safety Plan, with an aim to identify the potential impacts and to develop a mechanism for a better management of the environmental, social, health and safety aspects of project activities during construction. The CESMP and H&S Plan will be incorporated into the contractor's own Standard Operating Procedures (SOPs). At a minimum, the following CESMP and H&S rules will be strictly followed:

Some basic site CESMP and H&S Rules:

- ✓ Conduct CESMP and H&S orientation sessions before starting work
- ✓ Wear personal protective equipment (gloves, helmets, safety shoes, dungarees, goggles, and so on)
- ✓ Follow the messages and instructions displayed on CESMP and H&S notice boards installed on site
- ✓
- ✓ Promptly report all accidents to the concerned authority
- ✓ Maintain appropriate barricades as required
- ✓ Drive vehicles at a safe speed, observing speed limits of 30 km per hour and designated routes as mentioned in the contractor's Mobility Map
- ✓ Have a valid driving license for the class of vehicle being operated
- ✓ Park vehicles only in designated parking areas
- ✓ Maintain mine clearance of the project investment area

Health and Hygiene

The measures should include

- ✓ Provision of adequate medical facilities to the staff
- ✓ Provision of hygienic food to the employees
- ✓ Provision of cooling and heating facilities to the staff; and
- ✓ Provision of drainage, sewerage, and septic tanks in camp area.

Security

Security measures should include

- ✓ Regular attendance and a controlled time keeping of all employees
- ✓ Special safety equipment for working at heights
- ✓ Special equipment for working in confined spaces
- ✓ Restriction of unauthorized persons to the residential and work areas
- ✓ Restriction of carrying weapons and control hunting by employees, and
- ✓ Provision of boundary walls/fences with proper exits to the camp.

2.2. LEGAL, REGULATORY, AND POLICY FRAMEWORK ANCHORING THE ESMF

2.2.1. Key National Laws and Regulations

The primary relevant laws and regulations framing social and environmental issues of the Darunta HPP and NHRP are the Environment Law of Afghanistan (2007), National Regulations for Environmental and Social Impact Assessment (2017), the Constitution of Afghanistan (2004), Afghan Land Policy (2017), the Labor Law (2007), the Law on Land Acquisition (2017), the Land Management Law (2017), the Water Law (2009) and Water Sector Strategy (2012), the Law on the Preservation of Afghanistan's Historical and Cultural Heritage (2004), and the National Disaster Management Law (2012). Key provisions of these
Laws/regulations are highlighted as follows:

- The Environment Law of Afghanistan (2007)
- National Regulations for Environmental and Social Impact Assessment (2017).
- The Constitution of Afghanistan (2004)
- Land Expropriation Law (2017)
- Law on Managing Land Affairs (2017)
- The National Disaster Management Law (2012).
- Afghan Land Policy (2017)
- Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004)
- ESIA Regulations (NEPA)

The Environmental Law of Afghanistan (2007).
The law was developed based on international standards considering the environmental conditions in Afghanistan and is considered comprehensive. It stipulates that the active involvement of local community's in decision-making processes is required for the sustainable use, rehabilitation, and conservation of biological diversity, forests, land, and other natural resources as well as for prevention and control of pollution, conservation, and rehabilitation of the environment quality. It also states that the affected persons must be given the opportunity to participate in each phase of the Project. The law requires the proponent of any development project, plan, policy, or activity to apply for an environmental permit called the Certificate of Compliance (CoC) before implementation of the project

by submitting an initial EIA to the NEPA to determine the associated potential adverse effects and possible impacts. The law also establishes a Board of experts that reviews, assesses, and considers the applications and documents before the NEPA could issue or not issue the permit. The EIA Board is appointed by the General Director of the NEPA and is composed of not more than eight members. The EIA Board of Expert's decision can be appealed.
The Environment Law is based on international standards that recognize the current state of Afghanistan's environment while laying a framework for the progress of governance leading to effective environmental management.

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

Consistent with the Articles 13(1) and 22 of the Environment Law of Afghanistan, NEPA, as the sole authorized agency, has promulgated the Environmental Impact Assessment Regulations (Gazette No. 939) on 10 March 2008, governing the process of environmental assessment for development activities. The Environmental Impact Assessment Regulations of 2008 is considered consistent with the World Bank OP.4.01 (Environmental Assessment) in its coverage of the application, screening, consideration, impact assessment, issuing certificate of compliance, and other aspects comprehensively. In addition, the Environmental Impact Assessment Regulations have specific clauses on disclosure, consultation, and public participation as part of the due EA process, as well as the categorization of projects (Schedule 1 Screening of Activities) based on scale and nature of potential impacts, that are consistent with the World Bank and international best practices.

With respect to multilateral environmental agreements and regional cooperation, Afghanistan has primarily concentrated on "green" trans-boundary issues concerning protection and preservation with NEPA and the Ministry of Agriculture and Irrigation dividing duties as the respective focal points. Afghanistan has signed but not ratified the Basel Convention regarding trans-boundary movement and disposal of hazardous waste and is in the process of acceding to the Convention on Migratory Species (CMS) and the Ramsar Convention on Wetlands.

The Ministry of Agriculture and Irrigation is the focal point for the UN Convention on Biological Diversity (UNCBD), the UN Convention to Combat Desertification (UNCCD) and the Convention on International Trade of Endangered Species (CITES). Afghanistan has also ratified the ozone treaties, the Vienna Convention and the Montreal Protocol, and the UN Framework Convention on Climate Change (UNFCCC) with NEPA as the focal point (NEPA Environmental Policy Paper).

National Regulations for Environmental and Social Impact Assessment (2017). These update the EIA Regulations (2008) and grant the NEPA formal oversight responsibility for the SIA in addition to the EIA. There are now merged into a single ESIA process. The updated regulations set out the administrative procedures for conducting ESIAs. The regulations provide examples of projects expected to create adverse impacts (Category 1) and those that may create significant negative impacts (Category 2) before describing specific processes and procedures, as well as the required documents

for each category. After receipt of the application form and other relevant documents, the NEPA will, according to the requirements, (a) issue a CoC, with or without conditions, (b) advice the applicant in writing to review the technical reports and address the concern of the NEPA, or (c) refuse the CoC with written reasons. Once permission is granted, the proponent must implement the project within three years, failing which the permit expires. Implementation constraints include (a) effective application of ESIA procedures by private and public proponents; (b) monitoring of the implementation of the ESMP; (c) the expertise and means for quality analysis necessary to determine compliance reports; (d) the ownership of the EIA process by line ministries; (e) limited knowledge, experience, and capacity of staff; and (f) the coordination, monitoring and harmonization of various requirements by international agencies involved in technical and financial supports.

National Environmental Protection Agency (NEPA)

NEPA was constituted in 2005 and it is the prime environmental regulatory and approval authority in the country. The Act under which NEPA was established specifies that the proponents of any project, plan, policy, or activity must submit to NEPA a preliminary Environmental Assessment, to allow NEPA to determine the associated potential adverse effects and possible impacts. As detailed above in section on Environmental Impact Assessment Regulation, NEPA can either authorize – with or without conditions – the project, plan, policy or activity, provided that the potential adverse effects of the proposed activities on the environment are unlikely to be significant. Otherwise, NEPA may require the proponents to submit a detailed environmental impact statement including a comprehensive mitigation plan for its review and approval.

NEPA EIA Board of Experts review, assess and consider applications and documents of the project submitted by the proponent (including DABS). Acting on the advice of the EIA Board of Experts, NEPA has the option of either granting or refusing permission. Once permission is granted the proponent needs to implement the project within three years of the date of which the permission has been granted, otherwise, it will lapse. EIA Board of Expert decisions can be appealed (Art. 19).

NEPA, as the knowledge centre and approval authority on environmental assessment, has provided training on EIA requirements to over 20 DABS staffs as part of the World Bank capacity building program as of January 2013.

A detailed EIA procedure has been laid out by the NEPA for the proponents to follow for mandatory environmental compliance. (See Annex 6).

2.2.2. Implications of the Environment Law and the ESIA Regulation for NHRP

It is envisaged that component 1 and feasibility study of component 2b of NHRP fall under Environmental Category 2 which comprise activities with limited potential adverse impacts of a reversible nature. The component 2 of project which relates with dam desilting may comprise activities with potentially irreversible adverse impacts.

The Afghan EIA Regulation requirement is same for either Category 1 or Category 2 that the project proponent and the owner should apply form and screening report to NEPA. The documents should meet the agency required technical guidelines for the screening report, e.g. description of the activities, completion of Rapid Environmental Assessment (REA) to identify potential impacts and their sources and the relevant mitigation measures, public participation in the assessment process and etc.

Once the application from and other relevant documents are submitted to NEPA according to the agency EIA regulation NEPA would (i) issue a Certificate of Compliance, with or without conditions, (ii) advise the applicant in writing to review the technical reports and address the concern of NEPA. According to the EIA regulation NEPA would grant Certificate of Compliance or would refuse to do so and provide written reasons for the refusal to the applicant. The EIA regulations are silent on NEPA rules during implementation for the activities and projects.

2.2.3. The Constitution of Afghanistan (2004)

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

2.2.4. The Land Acquisition Law (2017)

Replaces the Law on Land Expropriation (2009) in providing the legal basis for land acquisition and compensation. Article 4 Confirms municipalities in urban areas and Afghan Land Authority (ARAZI) in rural area as the enforcement authorities of the law. Article 5 sets out the range of public interest projects, including a range of infrastructure projects, for which an individual's property and assets maybe expropriated. Article 6 reconfirms the types of properties (cultural and historic) and land (required for environmental protection) where expropriation is either prohibited or limited.
Articles 9–12 set out the various responsibilities of the expropriating authority, affected
Person and evaluation committee. Articles 13–18 describe the different types of expropriation. The arrangements for transfer of government property to enable a project are
Described in Articles 19–21. Articles 22–37 are devoted to a set of issues around the valuation of expropriated properties including the establishment of a Panel of Developing Bill of Valuation of Expropriated Properties in every province (Article 22), appraisal of
Compensation for different assets (Articles 25–33). Articles 36 and 37 deal respectively with expropriation of property of an absent person and timing of compensation payments. Articles 38–41 set out the resettlement procedures and responsibilities of the Resettlement Committee.
Various miscellaneous provisions related to land acquisition including assessment of property related conflicts and enforcement is set out in Articles 42–53.

2.2.5. The Land Management Law (2017)

Replaces the Law on Managing Land Affairs (2008) and aims to create a legislated unified, reliable land management system. This law also aims to provide a standard system for land titling, land segregation, and registration; prevent illegal land acquisition and distribution; provide access to land to people; and provide conditions for appropriation of lands. Under the new law, the judiciary will no longer have a dominant role in land registration, issuance of land documents, and land titling, thus removing any potential conflict of interest with its key role in dispute resolution.

2.2.6. The National Disaster Management Law (2012).

The new law regulates activities related to response, preparedness, and risk reduction for natural and manmade disasters including the institutional arrangement responsible for implementation. The National Disaster Management Commission (NDMC) and the Afghanistan National Disaster Management Authority (ANDMA) are responsible for decision making, regulation, and coordination of disaster preparedness, response, and enforcement. At provincial and district levels, a separate commission is established to implement the decisions made by the NDMC. With assistance from

international communities, several policy and planning documents necessary for guiding directions in disaster risk management have been prepared.

2.2.7. An Afghan Land Policy

Was approved by the Cabinet in 2017. Important relevant provisions of the current policy include the following:

(a) **National land Policy (2017):** (i) Land policy provides that compensation for the Expropriation of ownership or of rights over land as enshrined in the Constitution is strictly enforced by law. Property rights may only be expropriated under defined legal Procedures and for defined legal purposes. (ii) It also provides that no law may permit arbitrary deprivation of property rights. If the government decides to implement development project in the interest of the public, the value that the land had before the announcement of the expropriation will form the basis for the amount of monetary compensation to the owners of the property.
(b) **Protection of Property Rights:** (i) It is a national policy that the national and provincial Governments take measures to protect citizens including residents of informal settlements from arbitrary and forcible eviction. Eviction and relocation of unplanned settlement residents shall be undertaken with community involvement only for necessary spatial rearrangement that should take effect in accordance with the public's interest. (ii)
Compensation for expropriation of rights over land must be provided equitably in accordance with the law.

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

According to The Law on the Preservation of Afghanistan's Historical and Cultural Heritages operations which causes destruction or harm to record historical and cultural sites or artefacts are prohibited (art .11, art. 16). The law provides guidelines for how to deal with chance finds – see Annex 4. This is considered consistent with the World Bank OP 4.11 on physical cultural resources. The ESIA will include screening for existence of physical cultural resources in the potential area of impact.

2.2.9. Mine Risk Management

None of the project components will be implemented without appropriate mine-risk management. Procedures for the mine risk management are in Annex 7.

2.2.10. Labour Law (2007)

The Afghanistan Labour Law (2007) is relevant for NHRP as the project will involve workers for construction activities. Article 30 states that an organization 'can increase or decrease the hours of work during the week provided that the total working hours during a week do not exceed 40 hours. Articles 107–119 in Chapter 10 of the Law set out a range of specific requirements to ensure health and occupational safety conditions in a workplace. For example, Article 112 requires that when working in 'conditions harmful to health', special clothing/footwear should put at the disposal of employees free of cost. Article 114 requires that First Aid Medical kits should be available, and the treatment of an employee's illness should be at the employer's expense.

3. Environmental and Social Management Framework (ESMF)

3.1. ESMF General Guidelines

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

The Environmental and Social Management Framework (ESMF) provides general policies, guidelines, codes of practice and procedures for the management of environmental and social issues to be integrated into the implementation of the project. These are set out in annexes 1-14.

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

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

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

ESMF implementation in other World Bank- funded projects in the country was reviewed and the main lessons learned and incorporated in the present ESMF are:

Trained staff with clear job descriptions and conducting environmental and social audits has given good results. Exposure visits to similar projects inside and outside the country can greatly enhance the understanding and attitude of the staff in terms of safeguards issues. Repeated training in relevant fields is important considering staff turnover.

- Regular and timely engagement of the World Bank team with the senior leadership of the line ministries helps to focus attention on, and compliance with, ESMFs, but equally important, with the compliance with the ESIA's and ESMP's for each component that has one.
- Allocation of budget and resources with clear implementation and monitoring arrangements for the ESMF are essential.
- It is important to ensure availability of ESMF documents, including all guidelines, in local languages at project sites.
- ESMP provisions must be incorporated in bidding/contract documents with accompanying translation in local languages and must be reviewed with contractors by PCU management prior to start of construction work.
- Contractors need training in understanding and complying with ESMP provisions.

During the process of developing the ESMF for the NHPP and Darunta HPP a range of project and other relevant documents were studied and meetings were held with project technical staff to understand fully various aspects of the project and field visits made to collect and check data. Consultations were held with representatives from local communities located upstream and downstream of Naghlu Dam as well as Darunta HPP officials and relevant stakeholders. (see Annex1) as well as other stakeholders, including representatives from local government and NGOs, to inform them about the proposed project, and receive their comments and recommendations on social and environmental issues related to it. The NHRP consultation and participation plan is included as Table 2 (below).

3.3. Stakeholder identification, consultation, and participation

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

It is also a basic requirement of the World Bank OP 4.01 under the Environmental Assessment to have adequate consultation and participation from the stakeholders, records of which will need to be part of the EA documentation.

A dynamic participatory approach that seeks to involve the various stakeholders in decision making about environmental management, livelihood and community development programs will be encouraged throughout the course of the project. Stakeholder representatives will be consulted throughout project implementation (see Table 2 below) and will participate in workshops at the middle and end of the project to review and evaluate progress. The participatory approach will also be kept under continuous review by the NHRP project team and DABS management.

As a first step stakeholders will be identified. These will fall into two categories: (i) Direct stakeholders who will be directly affected by the project, i.e. different groups within communities, especially vulnerable groups and (ii) Indirect stakeholders who have an interest in the project, or who could influence its outcome, e.g. national and local government agencies, donors and NGOs.

Following stakeholder identification, participatory methods such as focus group discussions and semi-structured interviews will be used by DABS' safeguards staff and external specialists to conduct meetings with representatives from each group both to inform the development of safeguards instruments and to consult stakeholders through the lifetime of the project. Meetings with representatives of communities upstream and downstream (including roadside shopkeepers, fishermen and other affected roadside businesses) of the Naghlu and Darunta reservoirs will usually be arranged through village leaders such as the Head of the men's and women's CDCs. Meetings will be arranged at times to ensure the maximum participation of stakeholders. Separate meetings will be held with women and DABS will ensure that a local NGO with female staff is recruited to enable consultation with women. The prevailing security context is likely to determine the location of most meetings.

Consultation with indirect stakeholders will be conducted in parallel to those with communities. These will include meetings with representatives from relevant government departments and agencies including Sarobi District Governor, Kabul Provincial Governor, National Environment Protection Agency (NEPA), the Ministry of Energy and Water (MEW), the National Solidarity Program (NSP), the Ministry of Public Works, Ministry of Transport and Traffic Department (MOI). Meetings will also be held with NGOs working in the locality to keep them informed about the project.

Consultation meetings with male and female were also held with representatives from local communities located upstream and downstream of Naghlu and Darunta HPPs, officials of Darunta HPP, Nangarhar University Teachers Union, Representatives of Darunta local Bazar and etc. the outcome of consultations have provided in (Annex 2).

Table 3.1: NHRP Safeguards Consultation and Participation Plan

Elements	**Scope**				
Community Outreach, External, Media, Information Sharing	Entire Project				
Project Safeguards	Project Component	Safeguards Instruments	Project cycle phase	Actual Date Started	Target Group
	Preparation	ESMF RPF Pre-feasibility Social Assessment	During Preparation	Dec 2012	Direct stakeholders Indirect Stakeholders
	C1	ESMP	During Implementation		Direct and Indirect stakeholders
	C1(c)	ESMF (updated) ESMP	During Preparation/Implementation.	Oct 2018	Direct and Indirect stakeholders
		Consultation for Darunta's Dam Safety Plan	During Preparation/Implementation.	Apr 2019	Direct and Indirect stakeholders
		Consultations re Darunta Dam work and updated ESMF	During preparation/implementation	December 2020	Direct and Indirect Stakeholders

Accompanying notes to Table 2:

	C2a	TOR for (ESIA 1, ESMP 2 and RAP 1)	During preparation		Direct and indirect stakeholders
		ESIA 1	During implementation		Direct and Indirect stakeholders
		ESMP 1	During implementation		Direct and Indirect stakeholders
		RAP 1	During implementation		Direct and Indirect stakeholders
	C2b	Tor for (ESIA 2, ESMP2, RAP 2 and Dam Safety Plan)	During preparation		Direct and indirect stakeholders
		ESIA 2	During implementation		Direct and indirect stakeholders
		ESMP 2	During implementation		Direct and indirect stakeholders
		RAP 2	During implementation		Direct and indirect stakeholders
		Dam Safety Plan	During preparation		Direct and indirect stakeholders
	C2c	ToR forESMP	During preparation		Direct and Indirect Stakeholders.
	C3a	ESMP 3	During implementation		Direct and indirect stakeholders

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

A particular set of public and stakeholder consultations will apply if a decision is made to raise the height of the dam resulting in land acquisition and resettlement of people. The consultation process with affected persons (APs) will include the disclosure of the resettlement policy framework through various meetings and distribution of informative material aimed at creating awareness among APs regarding their potential loss, entitlements and compensation payment procedures and grievances redress mechanisms.

Drafts of environmental assessment studies, carried out under components 2a and 2b of the project, will also be shared with local communities and relevant government entities including NEPA.

Meetings will also be held with provincial and local officials to ensure that they are informed and regularly updated on the implementation of Environment and Social Management Plan and Resettlement Action Plans. With regard to the letter, DABS will coordinate with the land valuation

committee, district governor, who has jurisdiction over the project area, and village leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

3.4. Overview of social studies in the NHRP

Various types of social studies will be carried out during the project.

(i) Pre-feasibility Stage Social Assessment
(ii) Component 2a: ESIA ⟶ household census - RAP

3.4.1. Pre-Feasibility Social Assessment

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

3.5. Environmental and Social Impact Assessments

3.5.1. Environmental impact assessment

As required under the Afghan Environmental impact assessment regulations of 2008 and the World Bank OP/BP 4.01, the Environmental impact assessment will be conducted for Components 2a of the NHRP by independent team of experts and be coordinated by DABS environmental safeguard specialists.

For Component 2a, impacts will most likely be associated with removal and disposal of sediment material, and from managing public safety concerns during the removal, handling and disposal of unexploded ordinances, both from the reservoir area. Other concerns will include management of large construction equipment and plant, possible expansion, and heavier use of the road networks in the area, including on access roads due to the movement of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. These impacts are likely to be of concern, and their intensity and scale will be evaluated in a full Environmental and Social Impact Assessment, and mitigation measure will be formulated based on consultation and scientific assessment, and be included in an integrated Environmental and Social Management Plan (ESMP, also see below on Social impact assessment). Detailed content and required format of the EIA is in annex 10 and the ESMP template is in annex 5. Early environmental scoping based on desk reviews and from field visits do not indicate the presence of endangered fauna or flora species or any significant natural habitat concerns. On the contrary, the evidence points to an already severely degraded landscape in the project area and with little or no vegetative cover at all. Hence the ongoing concerns with severe soil erosion, sediment transportation and deposition in the reservoir and downstream of the dam, which will continually have to be effectively managed going forward. Therefore, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms of their intensity and scale will be evaluated as part of the feasibility studies in a standalone Environmental and Social Impact Assessment.) A comprehensive EIA (see annex 10 for detailed format and contents) will be prepared, draft disclosed, consulted with stakeholders, and reviewed by NEPA and World Bank.

3.5.2. Social Impact Assessment

Social Impact Assessments (SIAs), will form part of ESIAs, and will be coordinated by DABS social safeguards officer across all identified stakeholder groups as a core element of components 2a and 2b 2c of the NHRP. The SIAs will be reviewed by DABS Board, the ESAP and World Bank. Generic TOR for a full Social Impact Assessment attached as Annex 9.

NHRP Component 2a - Improvement of the Safety and Sustainability of the Dam - includes a range of studies to address safety shortfalls of the plant. A Social Assessment, as part of the ESIA, will be required to examine the impact of proposed activities recommended by these studies. Findings will be used to select the most appropriate mitigation measures which will be integrated into an Environment and Social Management Plan (ESMP) (see Annex 5). Where the ESIA and safety studies recommend options where land acquisition (temporary and/or permanent) is unavoidable (e.g. the diversion of the river as part of a process of removing sediment from the reservoir), a Resettlement Action Plan in line with the Resettlement Policy Framework will be prepared. The in-stream dredging may cause some adverse livelihood impacts (e.g. possible adverse effects on fishery and agriculture products), thus the proposed SIA should also include downstream communities in consultations.

The ESIA together with technical and safety assessments will form part of the feasibility study with future investment decisions based on findings and recommendations from all reviews.

Findings from the pre-feasibility social assessment (see Annex 8), to be carried out in the project's preparation phase, will inform the development of the electrification element of component 3a.Very small areas of land may be bought outright (willing buyer- willing seller) to facilitate the siting of electricity poles and pylons. The social survey findings, together with those from a capacity building survey, will inform the development of an ESMP.

For new component 1(c) Darunta dam, impacts will most likely be associated with removal and disposal of old parts of turbines, trees removal, some damage to vegetative cover resulting from excavation for construction of new administrative and warehouse buildings. Other concerns will include management of construction and electric equipment and plant, use of the road networks in the area, including on access roads due to the movement of heavy construction vehicles plying these roads during construction. Furthermore, there may be downstream impacts on aquatic species and on downstream water users, such as sedimentation of irrigation facilities etc. Other anticipated impacts might be labour influx, community health and safety as well as occupational health and safety. These impacts are likely to be of concern, and their intensity and scale will be evaluated in an Environmental and Social Management Plan, and mitigation measure will be formulated based on consultation and assessment, and be included in Environmental and Social Management Plan (ESMP

For new subcomponent 2b Darunta dam safety and spillways gates repairing/replacement; the potential environmental and social impacts anticipated with the proposed rehabilitation of Darunta HPP are the river water contamination due to grouting, the downstream water supply interruption during repair or replacement of the gates, the repair or replacement of spillway gates may cause power outage for a short time, the construction of Cofferdam or Dry working area for repair or replacement of Gates have risk of impacts on river water quality and disruption of downstream irrigation supply for a short time period, deterioration of water quality due to risk of oil and contaminants spillage, risk of pollution from solid waste and waste effluents release into river water, traffic flow disruption during repair or replacement of gates, occupational health and safety risks associated with the installation of Gantry cranes and gates repair or replacement and disturbance of ambient air and increase in noise level during construction period. In addition, minor impacts on Flora and Fauna, Fish, Fisheries and Aquatic Biology, traffic of heavy machinery, storage of rehabilitation material and equipment in the

area, management of labour influx workforce, management of storage, handling and disposal of used oil and lubricants, and petroleum products, store and handling of useless parts disposed from the rehabilitation activities, and other hazardous and non-hazardous waste. Hence the ongoing concerns with severe soil erosion, sediment transportation and deposition in the downstream of the dam, which will continually have to be effectively managed going forward. Therefore, similar to Component 2a, downstream impacts on aquatic species and irrigation facilities may be of some concern. The severity of these potential impacts both in terms of their intensity and scale will be evaluated as part of the feasibility studies and in a standalone Environmental and Social Management Plan (ESMP). All Contractor workers need to sign a Code of Conduct, which prohibits child labour, gender-based violence (GBV), sexual abuse of minors, discrimination based on gender, religion, etc. These impacts will be low to medium level and thus readily reversed or effectively managed with mitigation measures. Dam Safety Improvement Measures will be implemented. A site specific ESMP will be prepared and disclosed for this component.

3.5.3. The Code of Conduct for Contractor Personnel

The contractor will carry out their work, including the risks of sexual exploitation, sexual abuse and sexual harassment as per this code-of conduct.
This Code of Conduct applies to all staff, labourer and other employees at the worksite or other places where the works are being carried out. It also applies to the personnel of each sub-contractor and any other personnel assisting in the execution of each subproject. All such persons are referred to as "Contractor's Personnel" and or subject to this CoC. This code of conduct identifies the behaviour required from all contractor's personnel.

The project workplace must be an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

The Contractor shall ensure that each Contractor's Personnel is provided a copy of this Code of Conduct, written in a language comprehensible to that person, and shall seek to obtain that person's signature/fingerprint acknowledging receipt of the same. The Contractor shall also ensure that the Code of Conduct is visibly displayed in multiple locations on the Site and any other place where the Works will be carried out, as well as in areas outside the Site accessible to the local community and project affected people. The posted Code of Conduct shall be provided in languages comprehensible to Contractor's Personnel, Employer's Personnel and the local community and trainings will be conducted to ensure all the personnel including the laborers and staff do understand and abide by the contents of the Code. The code of conduct is included under annex 15.

3.5.4. COVID-19 consideration and appropriate mitigation measures

All subcomponents' implementers/contractors should incorporate appropriate measures to avoid or minimize the chance of infection and planning what to do if either the project workers become infected or the work force includes workers from proximate communities affected by COVID-19. The planned activities of each subproject will be carried by contractor who will engage a group of workers for implementation of the projects.

The Bank ESF/Safeguards Interim note forms the basis for development of the Occupation, Health and Safety Plan (see Annex-14).

The plan includes measures to avoid or minimize the chance of infection and planning what to do if either project workers become infected or the work force includes workers from proximate communities affected by COVID-19.

The contractor must also exercise appropriate precautions against introducing the infection to local communities

The following points should be considered by contractor of each subcomponent of NHRP

- to take all necessary precautions to maintain the health and safety of the Personnel.
- to appoint a health and safety officer at site, who will have the authority to issue directives for the purpose of maintaining the health and safety of all personnel authorized to enter and or work on the site and to take protective measures to prevent accidents.
- to ensure, in collaboration with local health authorities, that medical staff, first aid facilities, sick bay, ambulance services and any other medical services specified are always available at the site and at any accommodation.
- to ensure suitable arrangements are made for all necessary welfare and hygiene requirements and for the prevention of epidemics.
- to put in place workplace processes for supplier's Personnel to report work situations that are not safe or healthy.
- gives supplier's Personnel the right to report work situations which they believe are not safe or healthy, and to remove themselves from a work situation which they have a reasonable justification to believe presents an imminent and serious danger to their life or health (with no reprisal for reporting or removing themselves).
- requires measures to be in place to avoid or minimize the spread of diseases including measures to avoid or minimize the transmission of communicable diseases that may be associated with the influx of temporary or permanent contract-related labor.
- to provide an easily accessible Grievance Redress Mechanism (GRM) to raise workplace concerns.
- Workers should be encouraged to use the existing project GRM to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.

3.6. Application of 'Safety of Dams' policy to Naghlu Dam

3.6.1. Overview

The dam design shall be guided by the World Bank policy on safety of dams (OP4.37). DABS are responsible for ensuring appropriate measures are taken and sufficient resources provided for the safety of the dam. The dam rehabilitation works shall be designed, and their implementation supervised by experienced and competent professionals.

DABS will appoint experts, acceptable to the World Bank, to form an Independent Panel of Experts (Panel), known as the Technical Advisory Panel (TAP) to review and advise DABS on matters relative to the safety aspects of the rehabilitation works. DABS view the TAP as an objective reviewer, whose independence and integrity will be safeguarded. The TAP shall be maintained for the duration of the project, until all facilities are placed into final operation.

3.6.2. Conditions of the civil works

Naghlu Dam was built in the mid-1960s to supply electricity to Kabul. The dam is a concrete gravity structure founded on sound rock; height of the dam is 100m. The powerhouse is incorporated in the dam body, a typical Russian design solution; it hosts 4*23.5MW units for a total installed capacity of 94MW. Two units have been rehabilitated and the other two are under rehabilitation. Darunta HPP was constructed in the early 1960s by Soviet Union (USSR). Having total installed capacityof11.5MW. The plant, due to deterioration of the units, currently can produce up to 9.5MW.

Given their age (about 60 years), civil works are in generally good conditions. That is probably due to the generous size of the concrete structures, to the good quality of the concrete, and to the very good foundation conditions. There is no evidence of structural cracking resulting from over stresses or differential movements. There are widespread superficial cracks, most likely due to shrinkage and temperature effects, but they are not expected to extend to any significant depth in the concrete mass.

Absence of deposits of rock or concrete debris downstream of the dam toe seems to indicate that any scouring in the plunge pool area should not be significant. However, that should be checked with bathymetric survey.

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

3.6.3. Measures required to comply with OP4.37

Essential elements

Table 3.2- Summary of situation on site and compliance requirements.

Dam safety element	Situation on site	Compliance requirements
As built drawings of civil works	With the exception of a few old design drawings, no as built drawings of the civil works are available on site. DABS confirm that a set of drawings is available at AIEC.	DABs agree that it is very important to create an electronic archive of available drawings and shall ensure that at least one set of hard copies is always available on site.
Instrumentation and monitoring	Not performed since at least 30 years. No records available.	Essential instrumentation shall be re-activated/ installed (see below for more details). An Instrumentation Plan shall be prepared, and staff trained in its use.
Independent dam safety inspections	The last independent dam safety assessment was performed by Fichner in 2006; other than that, no other	An independent panel of experts, known as the Technical Advisory Panel, shall be assembled to review

	independent assessment has been carried out.	design and construction of rehabilitation of civil works.
Operation, Maintenance and Surveillance Manuals	Available manuals refer to electro-mechanical equipment no manuals on O&M of civil works.	OMS manual for civil works shall be prepared. Operation staff need training
Emergency preparedness	There are some rules for warning Kabul in case of large spillway discharge.	Emergency Preparedness Plan (EPP) and Emergency Response Matrix in particular, shall be prepared.
Spillway operation	Surface spillway if controlled by four radial gates which have been recently rehabilitated. Gates are operated every year with electricity from the powerhouse. There is no stand-by generator to operate the gates if turbines are out of service (as normally is the case during very large floods).	Stand-by generator shall be provided. Electricity supply from the generator should be independent from the existing one (redundancy).
Post-earthquake response	Some rules are reported to exist to warn Kabul in case of earthquake. Absence of an operating low-level outlet (currently obstructed by sediments) does not permit post-earthquake drawdown on the reservoir.	Low level outlet shall be re-activated (see below)
Powerhouse safety	The head gates of the power intake are operated by the large gantry crane located on the crest of the dam. Lowering those gates requires several hours to half a day. The Sayano Shushenskaya (Russia) accident of August 2009 showed how important it is to have head gates that will close automatically on receipt of a signal from the station and also in the event of excess velocity in the penstock.	DABs shall introduce the independent operation of the head gates to rapidly stop inflow to the penstocks in case of waterway failures of the latter or in the powerhouse.

3.6.4. Essential instrumentation and monitoring

Table 3.3: Essential monitoring needs:

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

3.6.5. Hydrological safety

Russian dam engineers' approach to flood discharge was to assume full operation of all spillway gates, low level outlets, and turbine units operating at full capacity. This is very different from current international practice (e.g. ICOLD) which assumes at least one gate out of operation and no generation during large floods. Besides, Russian determination of extreme floods, including the safety check flood, was based on pre-established regulations (SNIP) which related the design flood to the size of the dam and its reservoir with little or no consideration of hazard level.

A study shall be carried out to assess the hydrological safety of Naghlu Dam to determine

- Values of design flood and safety check flood, and
- Discharge capacity of existing waterways

3.6.6. Seismic safety

Earthquake intensity is high; maximum recorder event (1967)7.3 RM.
A dynamic stability analysis of Naghlu Dam shall be carried out to determine structural safety under earthquake loading. The study shall:

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

3.6.7. Sediment Management

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

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

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

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

3.7. Institutional Arrangements

The Chief Operating Officer (COO) of DABS will have overall responsibility for ensuring effective compliance with the requirements set out in the ESMF. He will identify an Environmental Safeguards Specialist (ES) and a Social Safeguards Specialist (SSS) who will have specific responsibility for overseeing the implementation of the ESMF provisions during preparation, implementation, monitoring and evaluation of all components of the Naghlu Hydropower Rehabilitation Project (NHRP) and the Darunta HPP. A dedicated HSE/Safeguard Officer who will be dealing with field works at Naghlu and Darunta will also be hired. The Social Safeguards Specialist (SSS) will be supported in their work by World Bank Social and Environmental Specialists, especially during the initial stages of the project. Social Safeguards Specialist (SSS) will liaise closely with DABS management at the Naghlu and Darunta plants and representatives of local communities at each stage of project development.

The two safeguards positions will be located initially within the Generation Department of DABS in Kabul and during the interim period they will report to the COO. It is envisaged that eventually

environmental and social safeguards' responsibilities will be transferred to the Planning Department with the Safeguards officers reporting to the Head of Planning and Design. Responsibilities of Environmental and Social Safeguards will include:

- Ensuring that communities and local government departments have up-to-date information on project activities
- Facilitating environmental and social impact assessments including developing relevant TOR for consultants etc.
- Coordinating implementation of DABs' environmental and social commitments and initiatives with relevant government agencies including the Afghanistan Land Authority and NEPA
- Supervising and monitoring ESMP implementation and producing periodic reports.
- Training local government and communities on environmental and social safeguards issues and implementation of ESMPs
- Facilitating land acquisition and resettlement processes as required
- Coordinating with, and receiving feedback from and recommendations of, the Independent Third-Party Monitoring Agency, ESAP and TAP

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

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

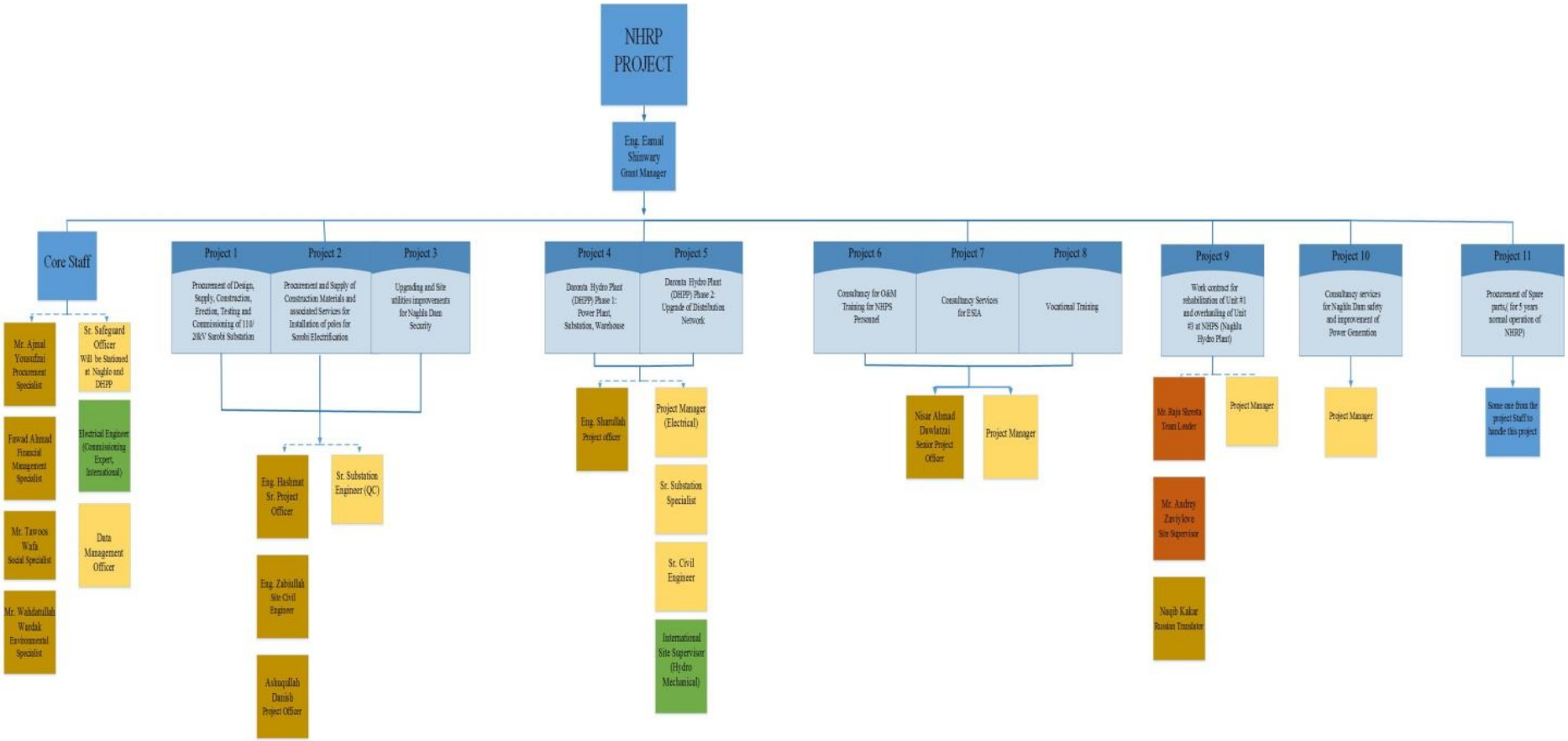


Figure 3.1: NHRP Organizational Chart

3.8. Capacity Building

3.8.1. Institutional Capacity Building

The overall objective is to build and strengthen the institutional capacity of the DABS to better support the development and integration of social and environmental measures into the project. The institutional capacity building strategy will seek to:

- Develop organizational mechanisms to ensure that environmental and social requirements of the World Bank and Afghanistan are followed throughout the project.
- Assist DABS in strengthening its own capacity to deal with social and environmental issues and develop socially and environmentally sound programs
- Ensure effective coordination between implementing agencies such as DABS and a regulating agency like NEPA on environmental issues
- Ensure effective coordination with Afghan Independent Land Authority (ARAZI) on land acquisition and resettlement issues
- Ensure compliance with the ESMF and Resettlement Policy Framework
- Facilitate networking among various government departments at the regional or provincial levels.
- Assure consistency with the National Strategy for the Environment and the Environmental Action Plan as laid out under Environmental Law of Afghanistan.
- Identify and assess overall needs for environmental education, information, awareness building and training

The National Environmental Protection Agency is a relatively new agency and has offices in the provinces. NEPA's institutional capacity is evolving and it has promulgated Environmental Law, EIA regulations, National Environmental Impact Assessment Policy, Administrative Guidelines for the Preparation of Environmental Impact Assessments. DABS need trainings and capacity building efforts from the donor community to help mainstream the mentioned laws, regulations and policies in letter and spirit into its specific power development plans.
At the same time, as per the Environment Law, NEPA has established an EIA Board of Experts to review EIA reports submitted by major national projects proponents, such as DABS, in the country.

3.8.2. Capacity Building of DABS staff

DABS's capacity for safeguards was assessed as weak during project appraisal stage. However, during the lifetime of the project, the DABS' capacity to manage safeguards aspects of the project, and as described further above, has markedly increased. DABS' Environmental and Social Safeguards team (two national experts, two field E&S officers and two international experts) is able to independently draft and update safeguards documents such as the ESMF and the ESMPs prepared under the project that are in full compliance with the Bank's requirements. The implementation and monitoring ability of DABS' team is also good. Site visits are regular and frequently undertaken. During the lifetime of the project DABS has undertaken numerous consultations. There is a working Grievance Redress Mechanism (GRM) in place under which grievances are addressed swiftly.

In 2020, the World Bank under ASAs (P169674 & P169676) offered a range of training courses to the environmental and social focal points in PIUs, including the DABS team. The main objective of the training was to improve the technical capacity of the PIU staff in understanding , development and implementation of the key E&S management instruments such as Environmental and Social

Management Plans (ESMPs), Occupational Health and Safety Management Plans (OHS) Environmental and Social Impact assessments (ESIAs), Environmental and Social Management Framework (ESMFs), Land Acquisition, Resettlement and Rehabilitation (LAR&R), stakeholder engagement, labor and labor influx risks, gender mainstreaming, GRM and social audits. Furthermore, the World Bank is planning a series of capacity building sessions, relating to E&S risk assessment and management, with the aim to enhance line ministries' capacities, including that of the MoMP. This will assist the PIU staff to effectively manage E&S risks and impacts and comply with WB standards.

For the past two years NEPA has also been supported to build its capacity through Bank financed ASA's. As part of that effort, a comprehensive Capacity Building Plan for NEPA staff has been developed and is currently being adopted by NEPA management. Under the DABS Planning and Capacity Support Project (P131228), an international E&S consultant was required in 2019 to deliver training course to training of trainners and field staff. The consultant conducted a training need assessment with development of E&S training materials. The international consultant provided E&S training to the PIU staffing on preparation and implementation of ESMP (including contractor's ESMP), RAP, Stakeholder Engagement Plan (SEP), GRM, OHS plan. About 20 staff (E&S staff at central and field level, including some operational staff in the distribution department) having benefitted from training. DABS safeguard staff will work closely with the relevant NEPA departments to cooperate and coordinate in the implementation of the environmental laws, policies, and regulations as well as the World Bank safeguards policies.

A capacity building strategy is expected to ensure that; (i) all DABS staff are familiar with and can implement the requirements of the ESMF; (ii) DABS staff and government partners are given timely training on the provisions and implementation requirements of the Resettlement Policy Framework. It is also anticipated that the strategy will give priority to ensuring that DABSs safeguards and technical staff are equipped to carry out effective outreach and consultations on project activities with all stakeholders, especially with affected communities.

3.8.3. Capacity Building of local government and communities

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

3.9. Monitoring and Evaluation

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

3.9.1. Internal Monitoring and Reporting

At local level, DABS safeguards team, together with DABS local project management team, local government and local communities will be responsible for monitoring to ensure that all required environmental and social mitigation measures, set out in Environment and Social Management Plans

(ESMPs) (see annex 5) for each project component, are being implemented satisfactorily. Information collected from various stakeholders (e.g. representatives of men and women's CDCs, farmers, shopkeepers, local government officials from Sarobi district, local NGOs and contractors) together with observations of project activities will be reported monthly to DABS national office in Kabul using standard reporting forms. (See Annex 12). Naghlu and Darunta CESMPs and Health & Safety Plans will be prepared and implemented by the dedicated Environmental, Social, Health and Safety Specialist of the Contractor who will be daily onsite and monitored by a dedicated DABS appointed Environmental, Social, Health and Safety Officer who will be daily onsite and DABS central safeguard team in Kabul will provide periodic support to him. Monthly monitoring reports will include will be done by the Contractor to DABS:

- List of consultations held, including locations and dates, name of participants and occupations
- Main points arising from consultations including any agreements reached
- A record of grievance applications and/or grievances redress dealt with
- Monitoring data on environmental and safety parameters listed in ESMP
- Monitoring RAP implementation of entitlement measures
- The various periodic implementation progress reports and other reports from all of DAB's consultants.
- Trainings

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

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

At national level DABS COO will take overall responsibility for overseeing progress in implementing the ESMF and assessing the effectiveness of mitigation measures against agreed indicators and parameters. Where Resettlement Action Plans are in place the Safeguards team will also submit short monitoring reports describing the delivery of the compensation package to each PAP/PAF as per the entitlement matrix. The COO will review monthly reports with safeguards team who, supported by World Bank specialists, will be responsible for developing reporting forms and preparing quarterly reports which will inform the Government, DABS Board and the World Bank on progress. Where appropriate, quarterly project reports will include consolidated information on the status of RAP implementation prepared by the DABS and submitted to World Bank. Similar quarterly reporting with consolidated or summarized data on the EIA/EMP for environmental mitigation measures implementation (including the budget used as committed) and achievement of environmental parameters will be prepared by DABS and submitted to the World Bank and copied to NEPA.

3.9.2. External Monitoring and Evaluation

External assessment of compliance with mitigation measures will also be carried out on a regular basis by an Independent Third-Party Monitoring Agency to be appointed by DABS and agreed to by the World Bank with the results communicated to DABS and the World Bank.

The Independent Third Party Monitoring Agency will be responsible for the preparation of the semi-annual compliance report on NHPP RAPs and ESIA/ESMPs and Health & Safety Plans, which will (i) update the status of PAPs against the socio-economic baseline of the RAP, (ii) review how compensation and related resettlement assistance in cash or kind are being delivered to affected households and (iii) ensure ESIA/ESMP and H&S measures and commitments adequately implemented.

The Independent Third-Party Monitoring Agency will use the compliance report specifically to assess the status of project- affected vulnerable groups such as female-headed households, landless, disabled/elderly and poor families. The Independent Third Party Monitoring Agency's report will be a valuable tool for the Government/DABS to ensure that PAPs receive the compensation due to them under the RAP and that mitigation measures including offsets and other compensation program under the ESIA/ESMPs are implemented with acceptable results/parameters. Based on the findings of the compliance report, the EMA will recommend to DABS and the World Bank if necessary civil works with resettlement impacts – e.g. heightening the dam – can commence and if additional measures are needed to manage the environmental, health and safety impacts related to the dam height raising. The report and any recommendations will be made available to the public. The cost of external Monitoring and Evaluation will be borne by the NHRP.

The compliance report will include a table on baseline socio-economic conditions of PAPs (details to match the type of RAP undertaken) including listing of PAPs, their assets taken as recorded during the preparation of the RAP.

An Environment and Social Advisory Panel (ESAP), comprising internationally and locally recognized environment and social specialists, will provide another layer of oversight and advise DABS on the best international practices in project safeguards management and assist the team in formulating the implementation approach and conducting the safeguard management.

For Darunta HPP the external monitoring is not required due to the nature of project intervention, all the rehabilitation, replacement and construction works well be carried out in the vicinity of Darunta HPP, thus, there is no direct engagement with outsiders and local communities. While a layer of monitoring comprising from an international and two national safeguard specialists of DABS-WB PIU will be looking after project safeguard management and assist the DABS appointed dedicated environmental, social, health and safety safeguard officer who will be stationed at the project site and who will be daily onsite.

3.10. Grievance Redress Mechanism GRM)

The GRM covers grievances related to PAPs and communities. A separate GRC will be established for workers of Contractors. The 3 elements of the project's GRMs conducted or accessed at three different levels are:

(i) Efforts made to resolve issues at community/project level and at the DABS safeguard team
(ii) A Grievance Redress Committee at district/project level
(iii) Appeal mechanism to DABS management

In initial meetings NHRP ESS staff, together with local government representatives, must inform community and workers representatives about the GRMs and explain the various ways of accessing

it. ESS staff should explain that a range of mitigation measures to reduce potential negative environmental and social impacts of project activities on communities will be discussed and agreed with community representatives as an integral part of project development. These will be included within the project's ESMPs and should reduce the number of potential grievances. Since Darunta hydropower plant is separately located from Naghlu hydropower plant, Thus, DABS has already established the Project level GRC for Darunta separately and will establish a separate GRC for contractor workers.

Where an individual has a grievance she or he should, in the first instance, be encouraged to make use of existing local-level structures (e.g. CDCs/shura and village leaders) to try to resolve quickly any concerns or grievances related to project development and implementation. The GRM structure that outlines the grievance handling process is shown below.

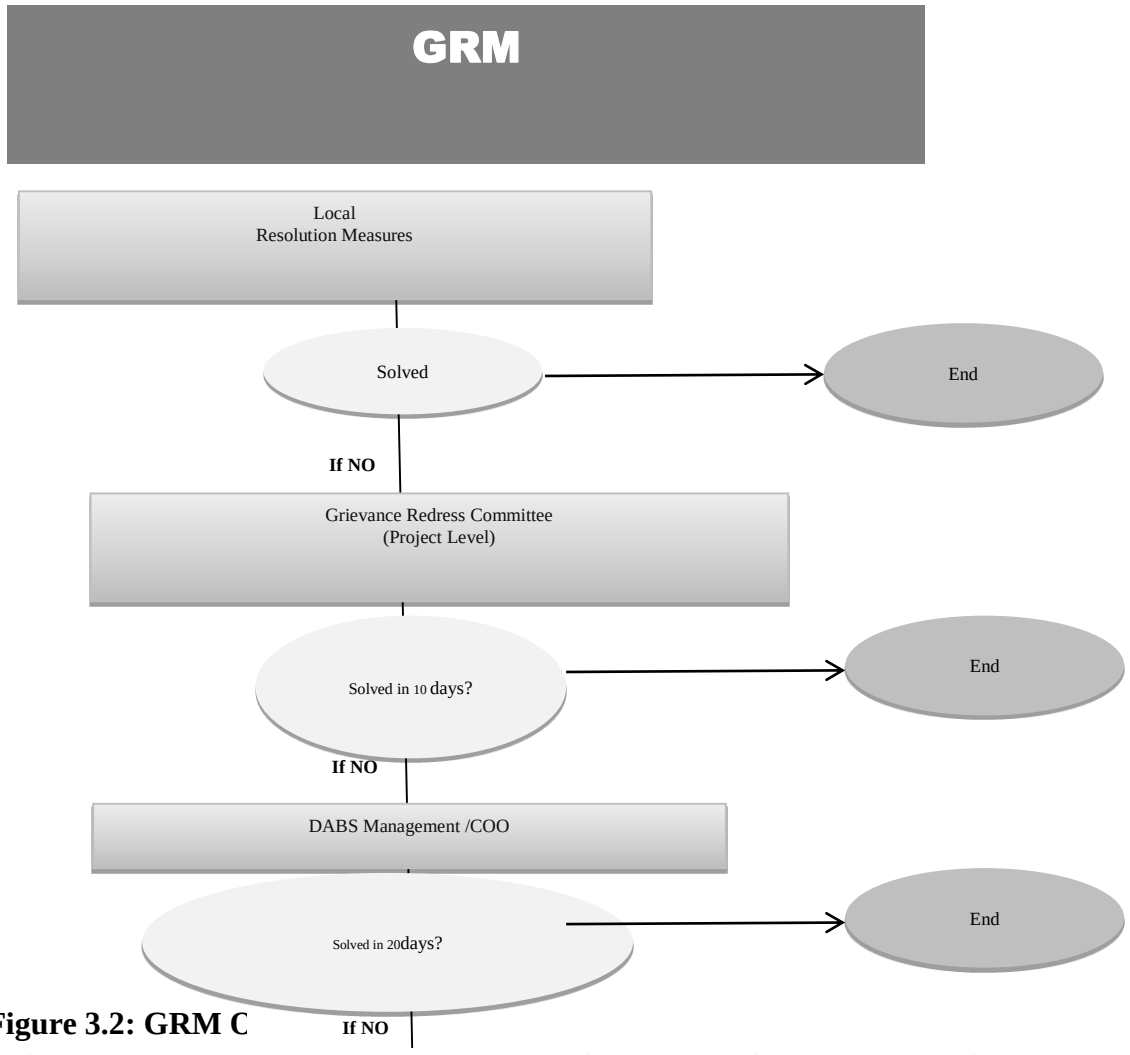


Figure 3.2: GRM C

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

If intermediation at local level is unsuccessful, the individual or Affected Person (AP) can take his or her complaint to a formal Grievance Redress Committee (GRC) at District level which will record the grievance and try and resolve issues relating specifically to the implementation of the NHRP and Darunta HPP. A GRC will consist of the Affected Person (AP) or Contractor worker, *DABS* manager of Naghlu Hydro Power Plant & Darunta HPP, DABS Environment and Social Safeguards staff, a

representative from local government, a representative from the AP's community CDC/shura which may be a representative from a women's CDC, a local NGO representative and the contractor(s).

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

3.10.1. Grievances related specifically to land acquisition and resettlement

The Land Acquisition Committee (LAC), established by the Council of Ministers under the Law on Land Expropriation and Law on Land Management, will also perform the task of a Grievance Redress Committee in relation to the value of land or assets acquired. The five-member LAC consisting of the affected person or CDC representative, representatives from each of the Ministries of Energy and Water, Finance, MAIL and Justice and a local government representative, will seek to reach a consensus on the replacement value of land and assets lost.

If the negotiated approach fails the AP may bring this matter to a Grievance Redress Committee (GRC), established under the NHRP to try and resolve the issue. The GRC does not have any legal mandate or authority but acts as a facilitator to try and resolve issues between the affected household and the NHRP which would implement the valuation based on the decision of the LAC. The GRC will consist of the affected person, a representative from the AP's CDC, a representative from local government, a representative from DABS, a representative from the local legal department and a representative from the implementing NGO. The GRC would meet to try and resolve the matter and make a recommendation within 7-10 working days. If there is no decision after 10 days, the affected person may seek recourse through the legal system as a last resort. However, every effort would be made to avoid this costly alternative for the AP.

DABS management, ESS team and their implementing partner will have an important role in ensuring that affected communities have a full understanding of the GRM and the concept of just compensation for land and/or assets and the procedures to be followed in filing complaints.

Since the Darunta hydropower plant is separately located from Naghlu hydropower plant, the local level GRC for Darunta has been established separately.

3.10.2. Dissemination of grievance information

The NHRP and Darunta HPP GRM procedures will be translated into Pashto and Dari so that they are easily accessible to all stakeholders and made available through DABS, the Naghlu Hydro Power Plant Office and the Governors of Sarobi, Tagab and Surkhrod Districts as well Darunta HPP. Information on the steps to be followed by the GRC in handling grievances will be incorporated into the process of mobilizing and creating awareness of the project by local CDCs.

DABS will ensure that copies of the standard grievance registration form (attached as Annex 11) are available to members of the GRC and are kept in sufficient numbers in different offices in Sarobi District and Naghlu Hydro Power Plant office, Surkhrod District and Darunta Hydro Power Plant office. This should enable local communities to access forms easily. The GRC will ensure that the

grievance database is regularly updated and that information on the status of individual cases is made available to the COO of DABS as required. Summaries of GRM and major complaints and their resolution as contained in the database will be reported to the World Bank and be included in project information update to be disclosed publicly.

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

3.10.3. Recording and processing of grievances

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

3.11. Communication

An outline communications strategy and plan to increase the overall effectiveness of the project has been developed and is being implemented principally by DABS' environmental and social safeguards staff. Consultations on this ESMF are essential and are the first activities to be implemented in the communications plans. In the NHRP context a communications strategy has heightened importance as a result of community concerns which date from the 1960s when the dam was built.

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

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

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

- Preparation and translation into local languages of relevant and clear information on resettlement policy and procedures
- Distribution of easily understood information to all affected communities
- Communication through locally relevant channels. DAB Safeguard Staff will identify trusted ways in which different groups within communities, particularly poor and vulnerable groups, receive and communicate information (e.g. Village meetings, mosque, water users associations, women CDC, markets etc.) and will make use of these channels to convey and receive information, consult and hold dialogues with the different groups through the life of the project

- Involvement of the regional government departments: Naghlu & Darunta Plants Managers and DABS Safeguards staff will meet regularly with the District Governor and other government staff in key regional departments such as the Water Management Department and NEPA staff, Department of Health, Agricultural Extension Services etc to explore possible program linkages
- Communication through NGOs. The implementing/partner NGO or company for resettlement plans will also disseminate project information about the LARP and other aspects of the project through its own communication mechanisms
- Involvement of policy makers: DABS' Chief Operating Officer and Safeguards staff will make presentations to, and hold briefing sessions, with the Ministries on the Board of DABS, as well as other relevant Government ministries, on a regular basis. They will be invited to participate in ongoing consultation processes to ensure transparency and accountability and gain public support
- DABS participation in various regional fora. Where possible, Safeguards staff will participate in regional NGO meetings to inform local NGOs about the work and explore possible areas of synergy with the NHRP for community level work.

3.12. Indicative budget for environmental and social safeguards compliance

2018- 2022

Table: 3.4. Indicative budget for environmental and social compliance

No.	Activities	Cost (US$)
1	Pre-Feasibility Social Assessment	64,000
2	Preparation of ESIAs /ESMPs/RAPs for Components 2a	367,000
3	Independent Third-Party monitoring	720,000
4	Training needs assessment of National and regional DABS and NEPA staff, and subsequent training for DABS & NEPA staff on ESMF /ESMP development/monitoring and evaluation	136,000
5	Training for community and local government representatives on ESMF-related issues	18,000
3	Support to preparation of Land Acquisition and Resettlement Plans	280,000
4	Preparation of Environmental & Social Safeguards Training Manual and Operational Manual	46,000
5	Production and Publication of Safeguards Communication Materials	34,000
6	Miscellaneous	100,000
7	Environmental and Social Safeguard Budget for new component 1-c Darunta dam: Safeguard documents like ESMP and safeguard measures, Training for community and Darunta HPP officials, GRC members and other relevant stakeholders. Regular trainings of	50,000

	GRCs, PIU's staff and contractors on GRM handling	
8	Preparation of ESMP for new subcomponent 2b Darunta dam safety and spillways repairing/ replacement	10,000
	Total	**1,810,000**

3.13. Disclosure

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

Table 3.5 Responsibilities for Environment & Social Assessment Process

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
I. Project Identification						
Component 1: **Mechanical, Electrical and electro-mechanical works**			DABS PIU Safeguards Team & International Consultant	DABS Management	DABS Board	World Bank
Subcomponent 1(c) Darunta Hydro Power Plant Rehabilitation.	Screen and scoping of Darunta HPP (The powerhouse, new administrative building and warehouse) from environmental & social perspective	ESMF updated EMP/SMP		DABS Management	DABS Management	World Bank
Component 2a: **Dam Safety Audit and Safety Improvement Measures** .		Draft ESMF	DABS PIU Safeguards Team & International Consultant	DABS Management	DABS Management	World Bank
New subcomponent 2b: Darunta dam safety and spillways repairing/ replacement	Screening and scoping of Darunta dam (dam safety and Spillway repairing/ replacement) upstream and downstream areas from environmental and social perspective and preparation of site specific ESMP.		DABS PIU Safeguards Team & International Consultant	DABS Management	DABS Board	World Bank
Component 3a: **Environment and Social Sustainability**				DABS Management	DABS Board	
Component 3b:						

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Project Management Support			DABS PIU Safeguards Team & International Consultant	DABS Management	DABS Board	World Bank
II. Project Preparation						
Component 1: **Mechanical, Electrical and electro-mechanical works** **Subcomponent 1(c)** Rehabilitation of Darunta Hydro Power Plant. Component 2a: **Dam Safety Audit and Safety Improvement Measures**	• Screen and scoping of Darunta HPP (The powerhouse, new administrative building and warehouse) from environmental & social perspective • Screen and scope site from an environmental & social perspective • Consultations with community representatives • Consultations with relevant local and national government representatives, NGOs and other indirect stakeholders	ESMF updated EMP/SMP ESMF ESMF	International Consultants DABS PIU Safeguards Team & International Consultant DABS PIU Safeguard Team & International Consultant	DABS Management DABS Management DABS Management DABS Management	DABS board DABS Board DABS Board	World Bank World Bank World Bank

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
New Subcomponent 2b: Darunta Dam safety and spillway repairing/ replacement	• Screening and scoping of the plant site from environmental and social perspective. • Undertaking consultation with all relevant stakeholders	ESMF updating ESMP preparation	International Consultants DABS ESS staff	DABS Management DABS Management	DABS Board	WB WB
Component 3a **Environment and Social Sustainability**	• Development of TOR for Pre-feasibility Social Survey Assessment • Select and award appropriate agencies/specialists to conduct pre-feasibility social assessment • Pre-feasibility social assessment carried out • Consultations with relevant local and national government representatives, NGOs and other indirect stakeholders. • Development of TOR for both Technical Advisory	TOR for Pre-feasibility Social Assessment Pre-feasibility Social Assessment report TOR for both panels	DABS safeguard team International Consultants DABS Safeguards staff,	DABS Management	DABS Board	WB WB

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Component 3b: **Project Management Support**	Panel and Environment and Social Advisory Panels		International Consultants DABS safeguards staff		DABS Board	WB
III. Project Approval						
Component 1: Mechanical, Electrical and electro-mechanical works	Project proposal with ESMF submitted for approval	project proposal with EMG (already approved)	DABS safeguards team	DABS	DABS' Board	World Bank
Subcomponent 1(c) Darunta Hydro Power Rehabilitation Project.	Screen and scoping of Darunta HPP (The powerhouse, new administrative building and warehouse) from environmental & social perspective	Updated ESMF, EMP/SMP	DABS safeguards team	DABS	DABS' Board	World Bank
		Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS Management	DABS Board/ARAZI	• World Bank appraisal and concurrence
	• Submit project proposal with ESMF for approval	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board/ARAZI	

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Component 2a: : Dam Safety Audit and safety Improvement measures	• Submit project proposal with ESMF for approval	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board	• World Bank appraisal and concurrence
New Subcomponent 2b: Darunta Dam safety and spillway repairing/ replacement	Submit updated ESMF	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board	
Component 2c:	• Submit project proposal with ESMF for approval	Project proposal with ESMF approved by DABS Board	Consultants and DABS safeguard staff	DABS management	DABS Board	• World Bank appraisal and concurrence
Component3a: Environment and Social Sustainability	• Submit project proposal with ESMF for approval					• World Bank appraisal and concurrence
Component 3b: Project Management Support						
IV. Detailed Design & Award						
V. Project Implementation						
Component 1: Mechanical, Electrical and electro-mechanical works **Subcomponent 1(c)**	ESMP to be developed and implemented	• ESMP activity reports	TPE (contractor)	DABS	DABS	Technical Advisory Panel, ESAP and WB World Bank review World Bank NoL

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Darunta Hydro Power Rehabilitation Project.	Screen and scoping of Darunta HPP (The powerhouse, new administrative building and warehouse) from environmental & social perspective	ESMF updated EMP/SMP	DABS' safeguards staff	DABS Management	DABS board	
Component 2a: Dam Safety Audit and Safety Improvement Measures • Preparation and implementation of ESIA and ESMP • Preparation of dam safety audit • Preparation of RAP if required by ESIA		• ESIA • ESMP • Dam safety audit • RAP	International Consultants/DABS safeguards staff/ DABS Naghlu Manager/NGO	DABSCOO /management, ESAP and TAP	DABS Board	Direct and Indirect stakeholder Technical Advisory Panel and ESAP, WB
New Subcomponent 2b: Darunta Dam safety and spillway repairing/ replacement • Preparation and implementation of ESMP		• ESMF updated • ESMP	International Consultants/DABS safeguards staff	DABS management,	DABS Board	Direct and Indirect stakeholder s, Technical Advisory Panel and WB
Component 3a: Environment and Social Sustainability • Preparation of ESMP		ESMP	Consultants/DAB Safeguards staff/ DABS Naghlu Manager/ NGO	DABS management	DABS Board	Direct and Indirect stakeholder s Technical Advisory Panel and ESAP External agency,WB ESAP and WB

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
VI. Operation & Maintenance						
Subcomponent 1(c) Darunta Hydro Power Rehabilitation Project.	• Monitor environmental and social management plan measures	Periodic monitoring reports	DABS NHRP manager and safeguards staff	DABS	DABS Board	DABS-WB-PIU International Safeguard Consultant
Component 1: Mechanical, Electrical and electro-mechanical works	• Monitor environmental and social assessment management plan measures	Periodic monitoring reports	DABS NHRP manager and safeguards staff	DABS	DABS Board	Independent Third-Party Monitoring ESAP
Component2a:: Dam Safety Audit and Safety Improvement Measures	• Monitor preparation of ESIA and RAP • Monitor implementation of ESMP and RAP	Periodic monitoring reports	DABS NHRP Manager, ESS staff	DABS Management	DABS Board	Independent Third-Party Monitoring ESAP
New Subcomponent 2b: Darunta Dam safety and spillway repairing/ replacement	• preparation of ESMP • Monitor implementation of ESMP	Periodic monitoring reports	DABS NHRP Manager, ESS staff	DABS Management	DABS Board	Independent Third-Party monitoring ESAP
Component 3a: Environment and Social Sustainability	• Monitor preparation and implementation of ESMP	Periodic monitoring reports	DABS NHRP manager and ESS staff	DABS Management	DABS Board	Independent Third-Party monitoring ESAP

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
VII. Project Review						
Component 1: Mechanical, Electrical and electro-mechanical works	• Review and report on implementation of ESMP.	Included in quarterly progress reports 6 monthly ESMP compliance reports	DABS NHRP Project Manager	DABS	DABS Board	Independent Third-Party monitoring/ TAP/ESAP
Subcomponent 1(c) Darunta Hydro Power Rehabilitation Project.	• Review and report on implementation of EMP/SMP.	6 monthly EMP/SMP compliance reports	DABS NHRP Project Manager	DABS	DABS Board	DABS-WB-PIU International Safeguard Consultant
		Monthly internal progress reports	DABS NHRP Project Manager and ESS staff	DABS Management	DABS Board	Independent Third-Party monitoring agency/TAP/ESAP
Component 2a: Dam Safety Audit and Safety Improvement Measures	• Review and report development and consultations on the ESIA • Review and report on implementation of ESMP and RAP	6 monthly ESMP/RAP compliance reports				
		Monthly internal progress reports	DABS NHRP Project Manager and ESS staff	DABS Management	DABS Board	Independent Third-Party monitoring agency TAP/ESAP
New Subcomponent 2b: Darunta Dam safety and spillway repairing/ replacement	• Review and report on implementation of the ESMP	6 monthly ESMP compliance reports				
	• Review and report development and consultations on the ESMP	Monthly internal progress reports		DABS COO	DABS Board DABS Board	Independent Third-Party monitoring agency/ ESAP

PROJECT CYCLE	ACTIVITIES / PROCESS	OUTPUT / INDICATORS	RESPONSIBILITY			
			INTERNAL			EXTERNAL
			PREPARATION /EXECUTION	REVIEW	APPROVAL	REVIEW
Component 3a: Environment and Social Sustainability		6 monthly ESMP/RAP compliance reports	DABS NHRP Project Manager and ESS staff	/Management		

Annex 1: Summary of Community Consultations-NHRP

1.1 MEETING WITH COMMUNITY REPRESENTATIVES AND DISTRICT GOVERNOR SAROBI

DISTRICT GOVERNOR'S OFFICE, SAROBI DISTRICT TOWN

04/02/13

PARTICIPANTS

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

KEY POINTS FROM DISCUSSIONS

Initial discussion with Mr Haqbin, District Governor.

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

Representatives from several villages had travelled to attend the meeting with WB/DABS staff last week and were very disappointed that the meeting did not take place.

Sarobi District appreciates the assistance it has received from international donors in recent years. Understands that the dam is an important national asset – but local people must also benefit from it.

The increased power capacity will benefit Jalalabad. Power will be transmitted through Uzbin area, which belongs to Sarobi located to the East of Naghlu dam. The Governor requested that people living in this area should also receive electricity as the new transmission line from Naghlu dam will reportedly pass through this area.

Significant development assistance has been directed towards Sarobi over the last three years including an 8 million Euro grant from the French Ambassador. Funds remitted to MRRD but managed by CDCs.

Funds have been used to support 172 projects in wide ranging areas. Of particular interest is the growth in the number of CDCs from 48 three years ago to 155 now. As well as improving health, education and irrigation services, the construction projects have provided job opportunities for local communities.

There is a very strong link between the local governor and local communities. Local communities felt they had not received any direct benefit from the dam as the vast majority of people do not receive electricity from the plant. Some communities have access to electricity but there are many technical problems resulting in interruption to supply e.g. old transformers not working properly and old cables/distribution lines that need to be replaced. Communities believe that they had been disadvantaged by the building of the dam as they had lost agricultural land near the dam - although they did receive some agricultural plots in Jalalabad.

A number of families who resettled in Jalalabad have now moved back to the dam building new houses further up the hill sides. Approximately 400 people from Sarobi District are working at the three Plants. The governor requested that a reliable electricity supply be extended to all communities upstream and downstream of the dam.

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

Stated that his village had not received any benefits from the dam. (This statement was disputed by others in the meeting who felt that some people from the Naghlu community had jobs at the plant.).

Emphasized that his village would be directly and negatively affected by the clearing of sediment from the dam (component 2) and urged that measures are put in place to prevent negative impacts. He suggested that a retaining wall is put in place to ensure that agricultural land is not inundated.

The participants estimated that approximately 18 villages between Naghlu and Sarobi would be affected by component 2 of the project.

Confirmed that the population in the village continues to grow due to more job opportunities locally (both a t the plant and local roadside trading.
The representatives from Shir-han Kas (150hhsaprox) and Dawlet Zai (500hhs aprox) villages (upstream)

Confirmed that they had lost land when the dam was built. They said that due to a tax of 5 Afs per jerib at the time of resettlement, most farmers had underreported the size of their landholdings. Compensation was paid according to the land-size they had reported which was much less than their original landholding. One participant reported that for 20 jeribs of land near the dam, he received 1 jerib in Jalalabad.

Reported no compensation was paid for loss of houses. The malik for the two villages confirmed that the villagers had lost out under resettlement. He said that:

Their cemeteries and shrines had been submerged. There were no job opportunities at the plant for upstream villagers. Villagers had not received timely nor just compensation for their losses. Raising the height of the dam (component- 2b) would have a huge impact on upstream villages. He estimated a total of 7 villages would be affected if the dam is raised.

Like the Governor, he understood that the project was in the national interest, but it was essential that people directly affected were properly compensated, with payments being correctly calculated and replacement land should be close to the site and not far away. The dam had not spoilt the natural habitat with more birds and animals in evidence now than before the dam was built. The upstream communities have no access to electricity.

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

Team members:
Hameed Quraishi (HQ) – World Bank Operations Officer, Energy;
Elizabeth McCall (EM), Social Development Specialist (World Bank consultant).

Community representatives:

No.	Name	Village	Occupation
1	Haji Abdul Jabbar Khan	ShirkhanKas	Landowner
2	Haji Khanzada	Shirkhankas	Landowner
3	Mohammadullah	Shirkhankas	Landowner
4	Mohammad Arif	Shirkhankas	Landowner
5	Abdullmanaf	Shirkhankas	Landowner
6	Haji Arab	Dawlatzayekas	Landowner
7	Taleb	Dawlatzayekas	Landowner
8	Payanda Khan	Dawlatzayekas	Landowner
9	Ibrahim	Dawlatzayekas	Landowner
10	Sayed Mohammad	Shirkhankas	Landowner
11	Shah Mohammad	Shirkhankas	Farmer
12	Omar Gul	Dawlatzayekas	Landowner

13	Abdullah Khan	Dawlatzayekas	Landowner
14	Sayed Rahim	Shirkhankas	Landowner
15	Mirza Mohammad	Shirkhankas	Landowner
16	Mohammad Yusuf	Dawlatzayekas	Landowner
17	Astana Gul	Shirkhankas	Farmer
18	JomaGul	Dawlatzayekas	Landowner
19	Sattar	Shirkhankas	Landowner/Farmer
20	Jan Aqha	Dawlatzayekas	Landowner/Farmer

EM outlined the proposed components of a second rehabilitation phase of Naghlu and the importance placed on seeking the views of local communities on these. (A list of community participants is provided at the end of this note.). Key points related to the dam raised by participants included:

- 6 villages were resettled when the dam was built in 1966.
- The perceived failure of government to honor its commitments to affected villages when the dam was built. At that time the Government made a number of promises to villagers regarding replacement of their homes, land and other assets. According to the participants, these promises were largely unfulfilled. As a result, affected villagers are scattered in several places including Jalalabad, Kabul and some new sites close to the dam. Land, schools and mosques and burial sites were not replaced.
- Families who moved away from the area (e.g. to Kabul and Jalalabad) now have great difficulty in burying family members as they are seen as newcomers by the host communities and are denied access to local burial grounds/cemeteries.
- As a result, the participants said they would be reluctant to support any increase to the size of the dam if it meant losing their homes, land or other assets.
- None of those present in the meeting felt they had benefited directly from the dam. They do not have electricity (although pylons are adjacent to their land) and their land is irrigated from the Kabul River.
- Some participants cited additional problems such as limited access to land/roads within the area as a result of increased security provided by the police/military to the dam headwork's.
- A major irritation was that none of the local people have been able to secure employment at the dam.

Other points raised in the meeting included:

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

1.3 Summary of proceedings from Kabul (National) Consultations on ESMF

Venue: Kabul Star Hotel

18/11/13

Background

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

Pre- consultation process- Dissemination of information

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

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

Summary of proceedings

Sheekeeb Nessar (SN), DABS' Chief Operating Officer, opened the meeting by explaining that its principal purpose was to make people aware of the project and its ESMF and invite their comments on both. SN stressed the importance of the project in helping Afghanistan achieve self-sufficiency in energy supply which in turn would facilitate growth in all areas including agriculture and industry. He outlined the main components of the project which include feasibility studies to assess the viability of raising the height of the dam as a way of increasing the water supply in the reservoir and electrification of villages around the dam. SN said that consultations with representatives of local communities had taken place at Naghlu and in Sarobi town earlier in the year.

Richard Spencer (RS), the World Bank's Lead Energy Specialist, confirmed the World Bank's support for Afghanistan and for the Energy sector within the country. He reiterated the importance of Naghlu in meeting Afghanistan's energy requirements and stressed the need for the plant to be maintained in good condition. RS said that the Bank placed a high priority on consultations with different stakeholder groups and regarded these as vital for enhancing project effectiveness and sustainability.

Rahmatullah Safi presented a chronology of the Naghlu project before outlining the six components of the project. He pointed out that among the three rehabilitated turbines one is temporary damage and shortly it will also start to operate only two of the four turbines were currently functioning thus the plant was operating at only 50% of its potential capacity. Safi explained that a number of feasibility studies would be carried out to find the most appropriate way of cleaning the dam and increasing the water in the reservoir. He also mentioned that the project included electrification of local villages in the vicinity of the dam and skills enhancements for local people as part of the project's emphasis on/ commitment to benefit sharing.

Abdul Jabar Taqwa, the Governor of Kabul, said that the benefits of the project outweighed any potential harm and that environmental issues had been taken into account during the construction of the dam in the 1960s. He indicated that the Naghlu plant owned 52 jeribs of land and the government owned a further 720 jeribs in the locality of the dam. Governor Taqwa, confirmed that (name of the District governor to be inserted) the Sarobi District Governor, present in the meeting, would cooperate fully with the project.

Main points/questions raised by participants

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

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

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

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

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

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

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

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

Why were consultations not carried out in Tagab District?
Response: Some consultations have already taken place with Tagab District Governor and more are planned. The French Government has indicated its intention to finance a third phase of electrification in Tagab District.

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

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

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

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

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

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

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

Response: Heightening the dam is one of a number of options to optimize power generation at Naghlu. Other options might include improved management of the dam operation as well as a regulating reservoir/dam upstream to provide additional storage capacity and control sediment.

Increasing the height of the dam would increase the volume of water within the reservoir allowing an extended period over which power can be produced. When deciding on whether to increase the height of the dam, the turbine-working head tolerances will be taken into account. This will be examined in the technical feasibility studies.

Is the rehabilitation plan included within the Government's Master Plan?
Response: Naghlu rehabilitation is included in the Government's Master Plan.

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

Downstream Naghlu villages concern about the compensation in the construction of Naghlu dam downstream villages did not receive the compensation (e.g. land loses…) this time Naghlu villages should proper compensate?

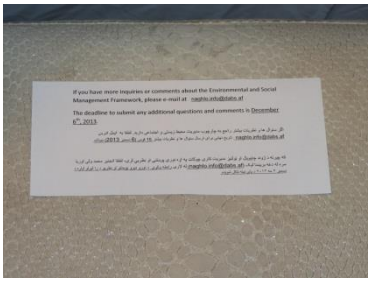
Response: as you know during the consultation, we invite the representative from Naghlu villages to know about their concerns to be proper consult and compensate according to afghan laws.

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

Who will be the beneficiaries of the power generated by Naghlu? What are Kabul's power requirements?

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

Time window to provide more comments and questions



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

Note announcing time window to provide more comments

20.11.13

Images from the consultation

Participants collecting material

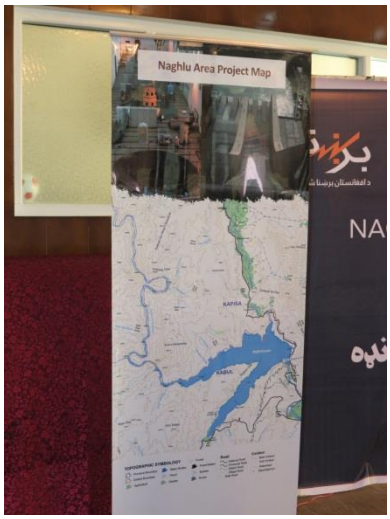
Participants making comments/questions

General view of attendance

Representatives from villages expressing their views

List of material available

ESMF Exec. Summary English
ESMF Exec. Summary Dari
ESMF Exec. Summary Pashto
Project Brief English
Project Brief Dari
Project Brief Pashto
Frequently Asked Questions- English
Frequently Asked Questions- Dari
Frequently Asked Questions- Pashto
Power point presentation in English, Dari, Pashto
Naghlu area map poster
Stakeholders poster
Grievance Resolution Mechanism posters (2)
Project Components poster



- **Naghlu area map**

Consultation Annexes:

(i)Note delivered to Kabul consultation from representatives of downstream Community villages.
(ii)List of participants/invitees

Translation of Request Letter from people of Naghlu village, Sarobi District, delivered at Kabul consultations

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

I, Shir Aqha as the representative of Naghlu village people, am happy to attend in this conference to discuss on development and rehabilitation of Naghlu Dam. I hope I could share people's problems and comments with the responsible parties, within the considered and specified time.
I should remind all, with the starting of Sarobi dam construction works by that time, the government, as per conducted survey, the compensation for all affected lands in Naghlu downstream villages have been given to those people and all were compensated. But there was no compensation to the people in Naghlu upstream villages whose lands and properties were under threats by floods and Naghlu reservoir water flow, and also there was no consideration for compensation.

Also after completion of Naghlu dam construction works, starting of operation and planting and greening the Pine forests , the government destroyed agriculture lands of Naghlu

upstream villages in order to stabilize roads as well as the pathways of Naghlu water flow areas for the turbines' 24 hours operation. By that time people sent and shared their grievance to authorities but again no attention was paid to them and no action for compensation was taken.

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

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

List of participants in Kabul consultation:

Da AfghanistanBreshnaSherkat (DABS)

Naghlu Hydropower Rehabilitation Project (NHRP)

ESMF Consultation Workshop (Kabul Consultation)

List of the participants

Kabul, November 2013

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Annex-2: Summary of Community Consultations-Darunta HPP and updates to NHRP ESMF

A. DABS WB-PIU Team Meeting with Nangarhar Breshna Director

On Dec 29, 2020, the DABS WB-PIU Team representatives Mr. Eamal Shinwary (NHRP Grant Manager), Mr. Mohammad Tawoos Wafa (WB-PIU Social Specialist), Mr. Faizullah Mohammadi (WB-PIU Environmental Specialist), and Mr. Istiqlal Safi (WB-PIU M&E Specialist) convened a meeting with Mr. Alhaj Ghulam Haidar Faqirzai (Nangarhar Breshna Director) in his office. In beginning, Mr. Faqirzai welcomed the WB-PIU team and thanked the WB for their involvement and support to the DABS.

On behalf of the DABS WB-PIU team, Mr. Eamal Shinwary introduced the DABS WB-PIU Team and provided information about the Darunta Hydropower Plant Rehabilitation Project. Mr. Shinwary added that the WB had a commitment with DABS with respect to rehabilitation of Darunta HPP to update the project ESMF and include the new component of Darunta dam safety relevant activities

Mr. Mohammad Tawoos Wafa provided the information about the National and World Bank's environmental and social safeguard policies applicable to the project and Government of Islamic Republic of Afghanistan committed with the WB to consider the applicable polices in the project planning, design and construction stages.. Mr. Wafa stated that the aim of the WB safeguard policies is to avoid or minimize the environmental and social negative impacts of the projects on communities.

Moreover, Mr. Faizullah Mohammadi explained his role in projects. Mr. Mohammadi added that each project may have some environmental and social impacts on the communities. These impacts may be positive or negative. The Environmental Specialist's role is to mitigate the negative impacts of the projects on the environment to zero or to minimize it to the possible level.

The DABS WB-PIU Specialist, Mr. Istiqlal Safi provided the information regarding the role of Monitoring and Evaluation during the project life. Mr. Safi stated that M&E is an embedded concept and constitutive part of every project or program design. At the program level, the purpose of monitoring and evaluation is to track implementation and outputs systematically and measure the effectiveness of the program. It helps determine exactly when a program is on track and when changes may be needed. Furthermore, Mr. Safi added that as part of my job I will have close monitoring of the Darunta HPP Rehabilitation project and all other projects funded by WB.

At the end of the Meeting, the Nangarhar Breshna Director (Alhaj Ghulam Haidar Faqirzai) committed full support from his side in the implementation of the proposed rehabilitation activities on Darunta HPP projects funded by the World Bank.

Table-1: Agenda for the Stakeholders' Consultation Meetings

Time وخت	Activity کړنې	Remarks څرګندونې
9:30- 9:45	Registration نوم لیکنه	Participants register and can grab information material as well as take a look at posters/maps in the room. د ګډونوالو نوم لیکنه، د مالوماتو تر لاسه کول او له اړونده انځورونو، نخچو او لیکنو څخه لیدنه کتنه.
9:45 – 10:00	Participants Introduction	د ګډونوالو پېژندګلوي
10:00 – 10: 15	Opening remarks – Director of Nangrahar Breshna د غونډې پرانیسته د ننګرهار برېښنا ښاغلی رئیس لخوا	Welcoming notes (talking points): (thank you, welcome, importance of consultation and participants' role (encourage). مېلمنو ته ښه راغلاست ویل، دغه راز د اړینو او اړوندو مالوماتو شریکول او د ګډونوالو پام دې ته را اړول تر څو په نوموړې غونډه کې رغنده ونډه واخلی.
10:15-10:30	Technical Remarks from deputy chief operating officer of Nangarhar Breshna, NHRP & DHHP projects managers. د ننګرهار برېښنا عملیاتی معاوین، د نغلو او درونټي پروژو مدیر لخوا اړونده څرګندوني، او پریزنټشن.	A short technical narrative of NHRP & Darunta HPP projects- Reinforce with the purpose of Consultation. د نغلو او درونټي پروژو د بیا رغوني په اړه لنډې عمومی او تخنیکی څرګندوني، او ګډونوال دې ته هڅول تر څو په غونډه کې رغنده برخه واخلی.
10:30- 11:00	Remarks from the Environmental and Social specialists of DABS-PIU د چاپېریال ساتنې او ټولنیزو چارو متخصصینو څرګندوني، او پریزنټشن.	Safeguard presentation with the most important features. (PPT needed and talking points) د نړیوال بانک پالیسو اړوند د چاپېریال ساتنې او ټولنیزو کړنو اړوند مالومات د اړونده ادارو همکاری غوښتل د پریزینټشن له لارې.
11:00 – 11:15	Tea break د چای دمه	
11:15-11:50	Feedback and Questions from Participants. د ګډونوالو پوښتنې او نظرونه	General Discussion ټولیزې څرګندونې
11:50 -12:00	Closing remarks by DABS	د غونډې پایله او غوړچان د افغانستان برېښنا شرکت د کارمندانو لخوا
12:00-1:00PM	Lunch د غرمې ډوډۍ	

B. **Minutes of the Stakeholders' Consultation Meetings**

Venue: Nangarhar Breshna-Conference hall, Jalalabad, Afghanistan

Date and Time: Dec 30, 2020 at 9:30 to 1:30PM (local time)

On 30th December 2020 the WB DABS PIU representatives convened a meeting with relevant stakeholders, GRC members, community elders and discussed the following points of the above agendas:

- Mr. Ghulam Haider Faqirzai, the Director of Nangarhar Breshna welcomed the participants, both from the WB-PIU/DABS main office, and all other participants. Each participant was introduced. Generally, Mr. Ghulam Haider Faqirzai shared information about the Darunta hydropower plant and showed their commitment and support for the rehabilitation of the Darunta Hydropower plant project. He also requested the participants to support the project with their feedbacks.
- Mr. Israrullah Murad, a member of the provincial council, talked about the new positive changes of Nangarhar Breshna management, he also asked about the monitoring procedure of the DHPP rehabilitation.
- Mr. Emal Shinwari NHRP grant manager briefly talked about the NHRP & DHPP, including project components. He added that Darunta dam rehabilitation is a sub-component of NHRP grant 83 million USD. Specifically, Mr. Emal Shinwari talked about spillways rehabilitation, Darunta dam safety, seepage control and as well as geophysical investigation, he added that the powerhouse machines will be changed from analog to automatic system. Additionally, he showed the maps and drawings through a projector to the participants. Meanwhile, the Canal representative asked about the project implementation period and added, would be there any reserve gate or you are going to flash out all the water during rehabilitation? In reply, Mr. Emal Shinwari said that there will be a reserved gate and will not stop water flow into the canal for irrigation purposes.
- Mr. Osman Safi, a representative from the Darunta village and member of GRC asked, whether there will be electricity or not during rehabilitation? Mr. Emal Shinwari replied that there are three turbines, the project will work on a single turbine at a time and the remaining two others will be operating, and thus supply of electricity will be uninterrupted for the people.
- Mr. Tawoos Wafa Social safeguard specialist presented his power point presentation on the Environmental and Social Management Framework, its objectives, applicable National and World Bank regulations and policies. Furthermore, he also talked about the anticipated negative environmental and social impacts of the proposed rehabilitation activities on Darunta hydropower projects.
- Mr. Faizullah Mohammadi Environmental Specialist and Mr. Istiqlal Safi Monitoring and Evaluation specialist facilitated groups works, all the participants have been divided into two groups A & B.

- Moreover, Mr. Istiqlal Safi observed the Consultation Meeting qualitatively and quantitatively and will draft an M&E Observation Report and will share it with DABS WB-PIU Management.

E&S Impacts Scoping Group Activities: As discussed earlier, the participants were divided into two groups to work on the following two components of the proposed rehabilitant activities and scope the potential E&S impacts. The group exercise is given in the following tables.

Table-2: Group A: worked on spillway rehabilitation's negative environmental and social impacts and, its mitigation measures, and on behalf of group A Mr. M. Osman Safi presented their group inputs and feedback as following:

Negative Environmental and Social Impacts of spillway gates rehabilitation and purposed mitigation measures			
No.	Negative Environmental and Social Impacts	Purposed mitigation measures by Stakeholders	DABS proposed Measure to mitigate the Anticipated Impacts
1	Decrease in reservoir water level consequently the water would not be accessible for livestock and farmland.	Whenever starting the spillway repairing, spare gates should be replaced and should be repaired at each gate respectively. And it's better to work from August till December months because, in March, April and May's water gets peak level.	The DABS will plan repair or replacement of gates when the downstream water demand is low (suppose November to March)
2	Downstream irrigation flow interruption	The rehabilitation works shall be planned in a way during the design and construction stage that the downstream irrigation flow will not be interrupted.	The DABS will plan repair or replacement of gates when the downstream water demand is low (suppose November to March).

			The Engineer will plan gates repair or replacement in a way that downstream flow is not interrupted.
3	Power outage	It's better to work on a single turbine, the rest of the turbines should operate for smooth power generation	The step wise repair or replacement of gates will be planned that will not affect operation of turbines to avoid power outage or loss of the electrical power network supply to the end users will strictly be avoided.
4	Impacts on surface water	During repairing and rehabilitation activities, fuel and other oil should not be released into the water.	Mitigation measures will be devised in the ESMP.
5	Occupational Health and Safety risks	WB and IFC OHS guidelines shall be followed.	

Table -3: Group B- worked on geophysical investigation/ dam safety improvement negative Environmental and social impacts, and its mitigation measures, and on behalf of group B Mr. Sarbeland Maqssodyar presented their group inputs and feedback as following:

Negative Environmental and Social Impacts of geophysical investigation/ dam safety improvement and proposed mitigation measures			
No.	Negative Environmental and Social Impacts	proposed mitigation measures	DABS proposed Measure to mitigate the Anticipated Impacts

1	Power outage	We suggest to work on a single turbine, the rest of the turbines should operate for electricity. Once repaired the rest of the turbines should be repaired respectively.	Turbines are not under scope of this subcomponent.
2	Downstream water supply interruption	Water must have a regular flow to avoid possible negative impacts	Uninterrupted flow will be maintained throughout the construction period.
3	Dam and turbines possible negative impacts	repairing of gallery gate, replacement of 35 kV distribution network repairing, and reactivation of central, Zaitoon, and Ghochak substations	Distribution network and the mentioned substations rehabilitation are not under scope of this component
4	Security treatments to the dam safety	Security measures should be strengthened	An army security base is already in place.
5	Skilled and unskilled labors recruitments	First, skilled and unskilled laborers should be hired from the local area, in case of unavailability need to hire from other areas.	Agreed and this would be project priority.
6	Turbines and other equipment reparation	Turbines and other equipment should be purchased from trusted companies with the best quality	Agreed.

A total of 60 people participated in the stakeholders' consultation meeting, three of them were female. The meeting attendance sheets are attached as annex 1

The consultation meeting ended at 1:30 PM.

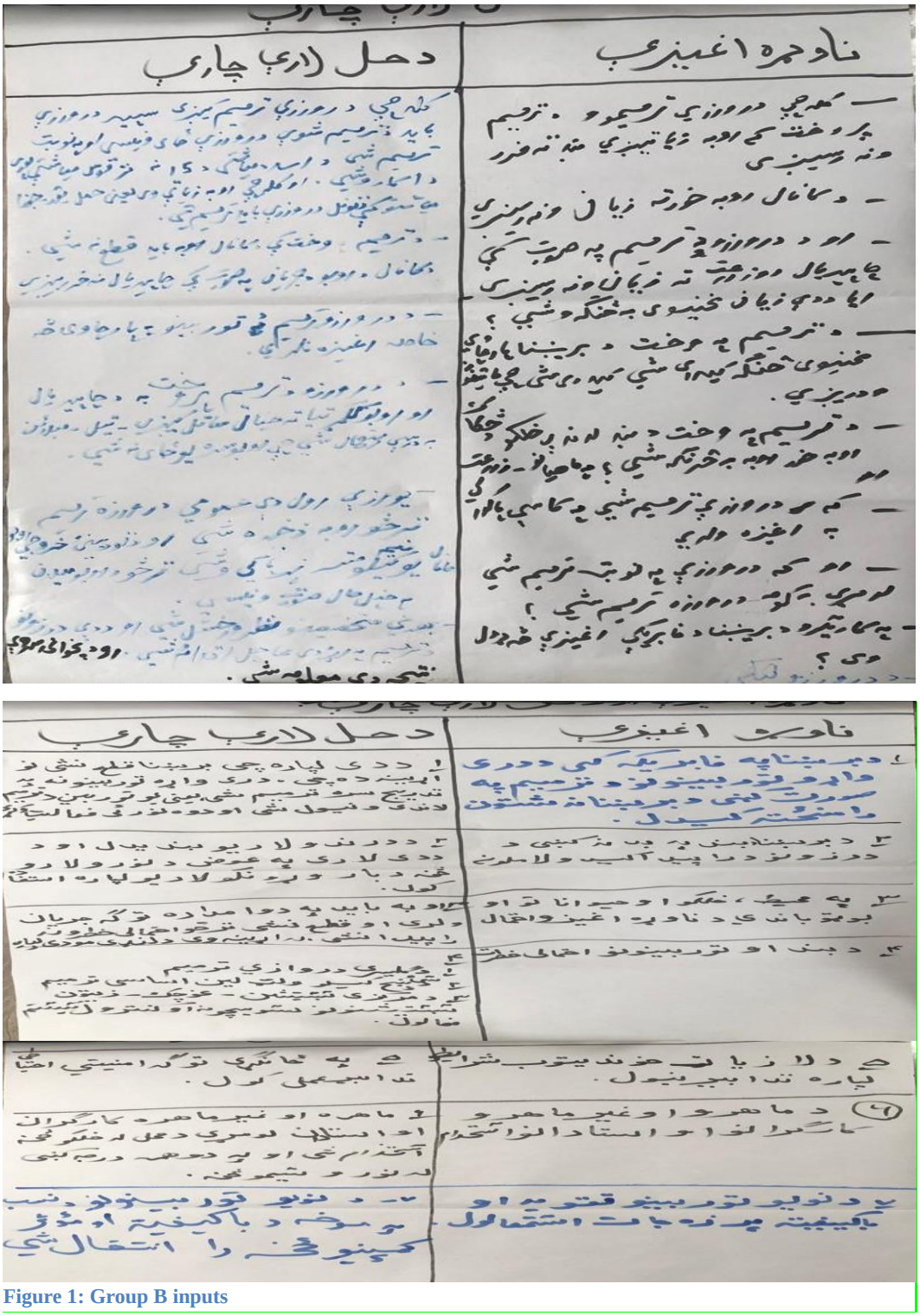


Figure 1: Group B inputs

C. **Site Visit**

On December 29th, 2020 DABS/WB-PIU team visited the Darunta dam together with Ghulam Haider the manager of Darunta Hydropower Plant and observation is following:

D. **Observation of the site visit**

The team visited the proposed project site and screened the spillway No-1 and No-2 along the Darunta Hydropower plant dam embankment and the points with having seepages, the following anticipated safeguard impacts are identified.

- Shortage of electricity for a while
- Road blockage/ interruption in the pathway of Darunta reservoir's left side residents.
- Minor impacts on the non-fruit trees planted at the bottom of the dam embankment during seepage control
- Occupational health and safety of labor during the project implementation.
- Community health and safety during the project implementation
- Labor influx risk
- Downstream water contamination by realizing the waste fuel, lubricant, and negative impacts on the residents as well as flora, fauna, and aquatic wildlife
- Improper waste management and disposal

Figure 3: Spillway gate & crane view of Darunta dam

Figure 2: View of the downstream area

E. **Observation of the consultation meeting**

As per M&E perspective the consultation Meeting was very well organized and below points were observed during the Consultation Meeting by M&E Specialist:

- The Nangarhar Breshna team was very supportive and provided their full support in successful completion of the consultation meeting.
- Members from almost all the involved entities were present and took active participation and shared their ideas, suggestions, and objections, impacts of the project, and solutions for the challenges and negative impacts of the project.
- The Nangarhar Breshna Director (Alhaj Ghulam Haidar Faqirzai) welcomed the participants and WB-PIU team and promised for the full support from his side in implementation of the projects funded by the World Bank.
- COVID 19 prevention measures were taken seriously, except the spacing which was due to the lack of space in Conference Room.
- The time specified for the Consultation Meeting was not enough, I suggest allocating at least one-hour extra time for such meetings in the future.
- All the questions asked by the participants were answered by Mr. Eamal Shinwary and Mr. M. Tawoos Wafa during the tea break.

د افغانستان برښنا شرکت

Da Afghanistan Breshna Sherkat (DABS)

NAGHLU HYDROPOWER REHABILITATION PROJECT (NHRP)

د افغانستان اسلامی جمهوری دولت

د افغانستان برښنا شرکت

د ګډونوالو لست

موضوع: د درونټې برښنا بند د بیا رغوني پروژې په اړه له اړونده ادارو سره مشورتي غونډه

وخت: د ۱۳۹۹ کال، د مرغومي میاشتي لسمه نېټه - December 30, 2020

خای ناستی: د ننګرهار ولایت د برښنا حوزوی ریاست د غونډو تالار

۱۳۹۹/۱۰/۱۰

Signature امضاء	Email Address برښنالیک	Contact Number د اړیکي شمېره	Organization اړونده اداره	Position دنــــده	Name نــــوم	No. ګڼه
[illegible]	faizullah.mohammadi@dabs.af	0781414200	د افغانستان برښنا شرکت	د چاپیریال ساتني کارپوه	فیض الله "محمدی"	۱
[illegible]	Zekrullah.farhad@dabs.af	0786423803	ریاست حوزه تولید	مدیر عمومی حوزه تولید برق سروبی	ذکرالله	۲
[illegible]		0780-122053	〃	[illegible]	[illegible]	۳
[illegible]		0787842692			انجنیر حنیف الحق	۴
[illegible]	mohiburahman.euv@gmail.com	0777730298	[illegible]	د برښنا مسوول آمر	محب الرحمن	۵
[illegible]		0772430947	د درونټې د شورا [illegible]	د درونټې [illegible]	محمد عمر صافی	۶
[illegible]		0782705555	زراعت ریاست	[illegible]	[illegible] مقصودیار	۷
[illegible]		0729002062	ریاست برق	[illegible]	ذکرالله	۸
[illegible]		0799083864	محیط زیست	مدیر ارزیابی	عبدالرزاق	۹
[illegible]	Ikramsherzad32@gmail.com	0782552815	جلال آباد [illegible]	انجنیر برق	انجنیر اکرام الحق	۱۰
[illegible]		0729644868	برښنا شرکت [illegible]	[illegible]	انجنیر محمد هاشم	۱۱
[illegible]	ghulam.haider.s@dabs.af	0777722842	د ننګرهار برښنا شرکت	مدیر عمومی تولید برق [illegible]	انجنیر غلام حیدر	۱۲
[illegible]		0784108060	CWSA	انجنیر	خوشحال	۱۳
[illegible]	msabir majboor[illegible]	0786800509	[illegible]	[illegible]	[illegible] صابر	۱۴
[illegible]		0729002142	مخابرات	[illegible]	امان الله	۱۵
[illegible]	tawoos.wafa@dabs.af	0780535379	د افغانستان برښنا شرکت	د لوی لښتو چارو کارپوه	محمد طاووس وفا	

د افغانستان اسلامی جمهوری دولت

د افغانستان برېښنا شرکت

۱۳۹۹/۱۰/۱۰

No. گڼه	Name نـــــوم	Position دنـــده	Organization اړونده اداره	Contact Number د اړیکې شمېره	Email Address برېښنالیک	Signature امضاء
۱۶	[illegible]	[illegible]	[illegible]	0788842563		
۱۷	[illegible]	[illegible]	[illegible]	0783787091		
۱۸	[illegible]	[illegible]	[illegible]	0703134176		
۱۹	[illegible]	[illegible]	[illegible]	077158291[illegible]	[illegible]	
۲۰	[illegible]	[illegible]	[illegible]	0785009056		
۲۱	[illegible]	[illegible]	[illegible]	0731599507		
۲۲	[illegible]	[illegible]	[illegible]	0780998027		
۲۳	[illegible]	[illegible]	[illegible]	0700596485		
۲۴	[illegible]	[illegible]	[illegible]	0789254232	-	
۲۵	[illegible]	[illegible]	[illegible]	0729007069	-	
۲۶	[illegible]	[illegible]	[illegible]	0731533697	-	
۲۷	[illegible]	[illegible]	[illegible]			
۲۸	[illegible]	[illegible]	[illegible]	0780495742	-	
۲۹	[illegible]	[illegible]	[illegible]			
۳۰	[illegible]	[illegible]	[illegible]			
۳۱	[illegible]	[illegible]	[illegible]	0777900724		

د افغانستان اسلامی جمهوری دولت

د افغانستان برښنا شرکت

د ګډونوالو لست

موضوع: د درونټي برښنا بند د بیا رغوني پروژې په اړه له اړونده ادارو سره مشورتي غونډه

وخت: د ۱۳۹۹ کال، د مرغومي میاشتي لسمه نېټه - December 30, 2020

ځای ناستی: د ننګرهار ولایت د برښنا حوزوی ریاست د غونډو تالار

Signature امضاء	Email Address برېښنالیک	Contact Number د اړیکي شمېره	Organization اړونده اداره	Position دنــــــده	Name نــــــوم	No. ګڼه
		0789254232	[illegible]	[illegible]	عبدالحق حقانی	۱
			د زده کړو او [illegible]	[illegible] ښوونځی	شفیع الله	۲
			[illegible]	مدیر [illegible]	[illegible]	۳
			دروټي ناحیه	د دروټي د سولې کمیسیون غړی	حاجی شیرزاد	۴
			د دروټي ناحیه	د دروټي د سولې کمیسیون غړی	جودت خان	۵
			ښاروالي	د ښاروالۍ کارمند	وکیل نعمت الله	۶
		0772631700	[illegible]	[illegible]	محمد حنیف	۷
			د هډې فارم فواید عامه [illegible]	د هډې فارم	زیارمل	۸
		0788663777	جلال آباد ښاروالي	د ښاروالۍ کارمند	[illegible] خان	۹
			فواید عامه ریاست	فواید عامه [illegible] غړی	میرویس خان	۱۰
				ټولنیز فعال مدني	خیبر حیات	۱۱
				فعال مدني	عبدالرزاق	۱۲
			جلال آباد ښاروالي	فعال مدني	محمد گل جبارخیل	۱۳
				فعال مدني	[illegible] صادق	۱۴
					احمدالله	۱۵

د افغانستان اسلامی جمهوری دولت

د افغانستان برښنا شرکت

Signature امضاء	Email Address برېښناليک	Contact Number د اړيکي شمېره	Organization اړونده اداره	Position دنـــــــده	Name نـــــــوم	No. ګڼه
		0728647799	ننګرهار	مدیر د سکټ	عبدالرحمن	۱۶
		0729002140	ننګرهار	عضو د سکټ	شمس د	۱۷
		0795703618	ننګرهار	عضو د سکټ	خوشحال	۱۸
		0729770592	ننګرهار	عضو د سکټ	شمس الرحمن	۱۹
		0795241041	ننګرهار	عضو [illegible]	ذوالفقار	۲۰
		0799426115	ننګرهار	عضو [illegible]	رحمن [illegible]	۲۱
		0764270043	ښروهامیر [illegible]	عضو [illegible]	[illegible]	۲۲
		0785801674	ننګرهار	[illegible]	[illegible]	۲۳
		0777313145	ننګرهار	[illegible]	حامد [illegible]	۲۴
		0729904853	ننګرهار	[illegible]	محمد [illegible]	۲۵
		783287690	ننګرهار	[illegible]	خالد [illegible]	۲۶
		0702124300	ننګرهار	[illegible]	بشیر [illegible]	۲۷
		0728437414	ننګرهار	عضو [illegible]	[illegible] خالد	۲۸
		0777222098	ننګرهار	عضو [illegible]	[illegible]	۲۹
		0729002126	ننګرهار	مدیر [illegible]	[illegible]	۳۰
		0729002504	DABS/WB PIU	NHRP-PM	ایمل	۳۱

Annex- 2 pictures of the mission

Stakeholders consultation meeting at Nangarhar Breshna Conference hall

Nangarhar Breshna Director Ghulam Haider Faqirzai general and welcome messages

Mr. Emal Shinwari providing general information about the DHPP

Mr. Tawoos Wafa during presentation about environmental and social aspects

Participant's overview including female participants

Mr. Hamid Qurishi talking on technical aspect of the project

Mr. Istiqlal Safi M&E specialist participation in the meeting

Mr. Faizullah Mohammadi Environmental specialist participation in the meeting

Mr. Israrullah Murad provincial council member asking about monitoring aspect of the project

Mr. Ghulam Hazrat Darunta manager providing technical information to the participants

Mr. Safi representative from local governor office asking his question about the budget and period of the project

Group photo of the participants at Nangarhar Breshna

Darunta HPP Community Consultation Meeting Project Introduction & ESMP preparation

MEETING WITH COMMUNITY REPRESENTATIVES AND DARUNTA HYDRO POWER PLANT OFFICIALS

DARUNTA HPP MANAGER'S OFFICE, SORKHRUD DISTRICT, DARUNTA.

13/12/17

PARTICIPANTS:

Mr. Omed Saba, Directore Nangarhar DABS
Mr.Ghulam Haider, Darunta HPP Manager
Mr.Shah Mahmood, Darunta HPP area representative
Mr. Haji Amanullah, Chapa Dara Representative
Mr.Eng. Mohammad Qasam, Darunta Plant official
Mr.Jalat khan, Tapa Darunta
Mr.Ustad Mostali, Darunta
Mr.Malim Sadagha, Darunta
Mr.Mohammad Dawod, Darunta
Mr.Haji Amanullah, Chapa Daria
Mr.Hafizullah, Darunta
Mr.Haji Obaidullah, Tapa Darunta
Mr.Shir Gul, Chapa Darya
Mr.Dad Mohammad, Darunta
Mr.Sayed Agha,Nangarhar University, Darunta
Mr.Hayatullah, Nangarhar University, Darunta
Mr.Mohammad Asrar, Darunta
Mr. Sayed Hurmat Shah, Darunta
Mr. Ahmad Yar, Darunta
Mr. Haji Hazratullah, Darunta
Mr. Munawar, Darunta
Engineer Eamal Shinwari, DABS NHRP Manager
Mohammad Tawoos Wafa, DABS Social Specialist
Wahdatullah Wardak, DABS Environmental Specialist
Naqibullah Zaki, DABS Civil Engineer
Sharullah Wali, DABS Darunta Project officer

Consultations were conducted with CDCs in Darunta Power Plant area /Sorkhrod district (7) of Nangrahar province and the following table summarizes key concerns and points:

Table 1-: summary of PAFs consultation.

S.No.	participants	Key points discussed	Participants suggestion and commitments
1	Director and other officials of Nangarhar Breshna Darunta Power Plant authorities Affected families member, community representatives, University teachers and manufacturing factory representatives.	1. Explained update information about Rehabilitation of Darunta Hydro Power Plant project: Darunta HPP rehabilitation two packages like rehabilitation of Turbines as first package and rehabilitation of Switchyard, Transformers, transmission line and distribution network as second package. 2. Description of World Bank and national safeguard policies and relevant safeguard instruments. 3. Focus Group Discussion questionnaire described and filed among the meeting participants. 4. Discussion on current challenges existed in term of electrification at Darunta Power Plant area: During the consultation meeting the participants shared their concern about shortage of electricity, disturbance from transmission and distribution network, unavailability of electricity to all of the residents	Very good meeting was held with Nangrahar Breshna directorate the project scope of work presented by NHRP team. The project was welcomed by Omid Sabah Nangrahar Breshna Director he declared his full support, in the meanwhile he made few suggestions 1- Requested for construction of administration building in vicinity of Darunta power plant. 2- Construction of warehouse and workshop in the vicinity of Darunta power plant. 3- Requested to make a solar system as additional electricity to overcome the need of people to electricity in Darunta surrounding area. Few more suggestions were made by Darunta hydro power plant official as well as representatives of Darunta University teachers union, community representatives and PAPs. 1- Electrification of Nangarhar University

		in the nearby areas of Darunta HPP. 5. Discussion about potential and anticipated Social and Environmental impacts of Power plant rehabilitation and proposed mitigation measures. 6. Explanation of World Bank GRM procedures. 7. Establishment of GRC committees. 8. Discussed about Work force/contractors related issues.	teacher's residential compound (Qeiamodin Khadem Shahrak) by either Darunta Plant or Solar panel. 2- Rectification of Nangrahar University transformer. 3- Improvement of transmission and distribution network because it passes over and beside the residential houses with less height and distance and some cases of Animals death is reported. 4- Fully electrification of Gulghundi village located in Chapa Dara because previously there were 100 households now there are 300 households. 5- Full access of Nangrahar University to electricity because 24000 students from deferent part of the country studying in this university and them strongly need to reliable electricity. - Upon completion of Darunta rehabilitation works the load should be decreased from Darunta and increased on Naghlu Power plant in this case the electricity of Darunta can solve the problem of electricity shortage at the

			surrounding of Darunta HPP (This suggestion was made by Darunta HPP manger Mr. Ghulam Haider).

Darunta Women GRC Meeting Minutes

On Sunday 07 Oct, 2018 we had a visit from Darunta area in order to set up a women consultation meeting as well as GRC establishment according to NHRP project plan and also communicate with the local females about the implementation of project.

The session took place at the house of one of the Darunta Breshna managers, and started sharply at 10:30 am with 35 participants.

After welcoming and getting known to each other, the key points that were discussed can be listed as below:

Introduction

The senior gender officer for World Bank projects in DABS explained to the ladies that why they have arranged this meeting session and what will be done at the end, she oriented the present ladies about the importance of women inclusion in implementation of projects. She ensured them that World Bank seriously pays attention on them and appreciates taking share in projects in order to achieve the targets better.

NHRP Project

The gender officer also talked about NHRP project briefly that what is this project for, why this project is running and what benefits does it has, also she talked about the need of having Women GRC, which World Bank is working jointly with people so it is needed to stay connected.

GRC set up

Women GRC of 5 members was sat up there for handling for probable situation and problems of local women, the formation is as below:

1. Firoza Abdurahimzai- Head
2. Khadija- Assistant
3. Naqeeba- Clerk
4. Shabana Lima

Challenges

The ladies were interested to talk about the problems and challenges that they are facing as a lady both in social and in energy area.

They were complaining about disordered electricity system, power outage can occur any time and it does effect on our house works, there hasn't been any consultation with us as household ladies in order to arrange a schedule and prevent wastage of energy and delay of housework's. The ladies also mentioned that here they are facing a bigger challenge and that is existence of long unsafe electricity lines that are laid on the roof of houses and it makes a big threat to children and their own self especially when it is raining.

One of weird and interesting points that I heard from that ladies was lack or absence of job opportunities, as most of them were educated and expected that if World Bank project or Brishna Sherkat could open job vacancies for them.

Suggestions

At the end of session, the suggestion of present ladies were heard plus conclusion.
They suggested that if World Bank considers Literacy coursed for them along the time that project is running.

They also suggest that if Tailor and sewing courses or any other social programs could be lunched it will help them find their self as an active part of their local society.

And also they are expecting from World Bank that assign some administrative positions for female in their projects and help them work.

Annex 3 – Public Announcements

(Prior to the transect Walk)

Province: ……. Project ID: ……

District/Village: ……

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

Responsible Agency/Person: DABS Safeguard Team
Contact number, address

Alignment Details for Disclosure

(Prior to finalization of alignment/transect walk)

Province: ……. Project ID: ……

District/Village: ……

Name of alignment:

Total Length (km):

Connected Settlements:

Starting Node/km:

Ending Node/km:

Population Benefited Total

Implementing Agency:

Name of Contact Person and Address:

Project alignment marked on schematic diagram with socio-environmental features

Socio-environmental Features	Schematic diagram

Outputs of Transect Walk

(After finalization of transect walk)

Province: ……. Project ID: …….

District/Village: ……
Participants: .....

Identification of Environmental & Social sensitive location

Likely location for additional land requirement

Issues identified

PAPs Identified

Suggestion from community

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

……..……

……..……

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

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

Annex 4– Protection of Cultural Property

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

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

No damage to cultural property is expected under Darunta HPP due to the nature of the interventions.

Chance Find Procedures

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

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

- All moveable and 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.

Annex 5 – Template for Generic Environmental and Social Management Plan (ESMP)

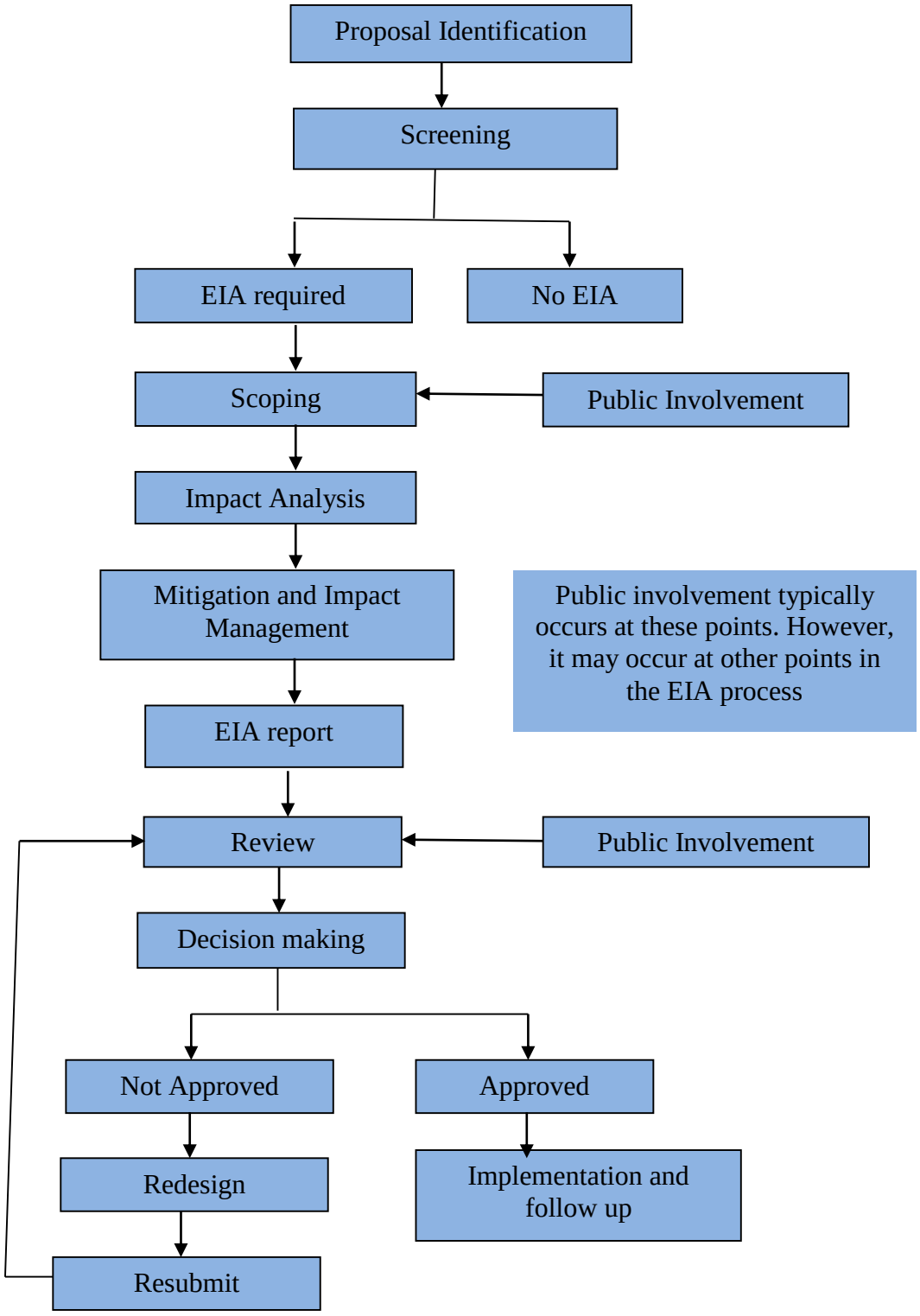
The generic ESMP template below contains key components with potential E&S risk and impacts with mitigation measures, including institutional responsibilities and cost for implementation. This generic ESMP would form the basis to guide the preparation of site specific ESMPs during project implementation.

Naghlu project components	**Concerns/Issues**	**Potential Environmental and Social Impacts includes of cumulative impacts**	**Proposed Mitigation Measure(s)**	**Institutional Responsibilities**	**Cost Estimates**
Sub-components 1a (Naghlu Dam: Rehabilitation of Unit 1 and Balance of Plant)& 1b (Naghlu Dam: Enhancing Maintenance of the Powerhouse	OHS, water contamination, impacts on aquatic wildlife, labour management risk, including sexual harassment	Health and safety of workers, Injuries& fatalities, surface water contamination, shortage of electricity, limited facility for workers at worksite with delayed wages and payments and GBV risk.	The site specific ESMP will include adequate OHS measures, including labour management risk mitigation, including prevention measures and actions on sexual harassment. The site specific ESMP shall also include procedures for safety incident reporting with corrective action plan. Additionally, the bidding documents to include E&S obligations on OHS, labour risk mitigation with effective non-compliance remedies which can be applied where there is a breach. The site specific ESMP shall include monitoring and reporting requirements on implementation of mitigation measures.	DABS PIU, power plant authorities, contractor	10,000 USD
Sub-component 1c (Darunta Dam:	OHS, electricity shortage, irrigation	Health and safety of workers, Injuries&	The site specific ESMP will include adequate OHS measures, including labour management risk mitigation,	DABS PIU, power plant	20,000USD

Rehabilitation of Darunta Hydropower Plant)	water interruption, water contamination, dust generation, noise pollution, labour management risk, sexual exploitation and abuse risk, damage to green cover and landscape	fatalities, surface water contamination, shortage of electricity. This activity can also cause some labor management risks, such as delayed payment workers.	including prevention measures and actions on sexual harassment. The site specific ESMP shall also include procedures for safety incident reporting with corrective action plan. Additionally, the bidding documents to include E&S obligations on OHS, labour risk mitigation with effective non-compliance remedies which can be applied where there is a breach. The site specific ESMP shall include monitoring and reporting requirements on implementation of mitigation measures.	authorities, contractor	
Component 2a (Dam Safety Audit and Safety Improvement Measures)	OHS and UXO, removal of sediment, public safety	Health and safety of workers, Injuries& fatalities, surface water contamination, interruption of electricity supply, losses of crops at the downstream	The site specific ESMP will include mitigation measures on occupational, health and safety (PPE, safety measures) based on the WB safeguard policies and national regulations. The bidding documents will also include requirements for E&S risk management.	DABS PIU, power plant authorities, contractor	25,000 USD
Component 2b (Darunta Dam safety)	OHS, water contamination, adverse impacts on aquatic wildlife, irrigation	Health and safety of workers, Injuries& fatalities, surface water contamination, interruption	The site-specific ESMP will include requirement for mitigating risks and impacts linked to occupational, health, and safety in accordance with the WB safeguard policies and national regulations.	DABS PIU, power plant authorities, contractor	10,000 USD

	interruption	of electricity supply, waste generation			
Component 3a (Environmental and Social Sustainability)	Community conflict, GBV risk, waste disposal, excluding of some villages, delay at the project implementation	Noise, and dust generation, social dispute due to the project implementation, labor hiring and firing issues, improper waste disposal	The site-specific ESMP will include mitigation measures for labour management risk, prevention measures and actions on sexual exploitation and abuse/sexual harassment (SEA/SH), and provisions for local employment. The ESMP will also include contractor's code of conduct (CoC). The requisite E&S requirements (including E&S monitoring and reporting) will also be incorporated in the bidding documents.	DABS PIU, power plant authorities, contractor	10,000 USD

Annex 6 – Environmental Impact Assessment Procedure at NEPA



Annex 7 – Procedures for Mine Risk Management in World Bank-Funded and Supported Projects in Afghanistan

Background:

The following procedures are designed to respond to the risks caused by the presence of mines in Afghanistan, in the context of:

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

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

Procedure for Community-Managed Works

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

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

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

Procedure:

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

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

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

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

3. If the community suspects mine contamination in the area,

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

    - If the community has not included an assessment / clearance task in the project, the project should not go ahead for selection as long as this has not been corrected.

    - Mine clearance tasks must be implemented by MACA or by a mine action organization accredited by MACA. Communities will be penalized (subsequent funding by World-Bank funded projects shall be reduced or cancelled) if they elect to clear mines on their own.

Procedure for Small and Medium-size Works Contracted Out

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

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

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

Procedure:

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

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

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

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

   - If the project includes an assessment / clearance task agreed to be implemented by MACA (or by a mine action organization accredited by MACA), it can go ahead for selection based on agreed funding modalities (clearance may be funded either under a contract with a Bank-funded project or under existing donor agreements with the mine action organization);

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

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

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

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

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

Procedure:

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

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

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

Procedure for Large Works Using Contractors

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

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

Procedure:

1. As part of the preparation of the bidding documents, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) on all the areas where contractors may have to work (broadly defined). This survey should provide detailed information on mine-related risks in the various areas allowing for an 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.

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

5. All parties involved in this process are required to closely coordinate with MACA and to provide the Government, local communities, MACA, as well as any interested party

the full available information on mine-related risks that may reasonably be required (e.g., maps of identified minefields, assessments for specific areas).

Annex 8: TOR for NHRP Pre-feasibility Social Assessment

1. INTRODUCTION

1.1 Project Background

The Naghlu Dam is a gravity dam on the Kabul River in Sarobi District, Kabul province, Afghanistan. It is located 40 km east of the Afghan capital Kabul. The primary purpose of the dam is hydroelectric power generation and it supports a power station with a design capacity of approximately 100 MW. It is the largest hydropower plant in Afghanistan and generate/provide most of Kabul's electricity. It is currently being rehabilitated and currently only two out of the four generators are operational. The dam height is 110 m and is 280 m long and its reservoir has a storage capacity of 550,000,000 m^3.

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

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

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

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

1.2 Project Components

Component 1: Mechanical, Electrical, and Electromechanical Work (US$40.0 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:

- **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant**. This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (I) testing of

the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.

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

Component 2: Dam Safety and Power Generation Capacity Improvement (US$16 million). This component aims to ensure the safe operation of the dam through the two subcomponents as follows:

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

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

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

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

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

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

Component 3: Environmental and Social Sustainability, Project Management Support (US$27.0 million). This component includes two subcomponents.

- **Subcomponent 3(a): Environmental and Social Sustainability.** This subcomponent aims to ensure the environmental and social sustainability of the dam through:
  i. **Local development assistance**. Partly in support of benefit sharing with local communities, this subcomponent will support (I) electrification in the project area and (ii) improved access to skills and training to enable local people gain employment at the plant and elsewhere. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent such as road development. This will insure continued community support for the dam and the proposed rehabilitation.
  ii. **Supporting environmental and social management**. This will support (I) for component one, updating the existing environmental guidelines through an environmental management plan (EMP), implementation and monitoring of that plan; (ii) the preparation, implementation, and independent monitoring of ESMPs, Resettlement Action Plans (as required), and Livelihoods Development Plans for components 2a, and 2b. For component 3a, the preparation , implementation and independent monitoring of an ESMP

- **Subcomponent 3(b): Project Management Support.** This subcomponent aims to ensure that DABS receives advice on good international practices. It will consist of:
  i. This subcomponent will finance the training programs, development of operational manuals for generation, distribution planning, operation and maintenance, and translation of management and control software and technical documents into Pashto and Dari to ensure adequate capacity for the safe and sustained operation of the existing plant.
  ii. Consulting services to support implementation of the project which include technical (hydropower specific), environmental, social, technical, procurement, financial management, and monitoring and evaluation aspects.
  iii. Financing support for an Environmental and Social Advisory Panel (ESAP) and a Project Technical Advisory Panel (PTAP).
  iv. Technical assistance to DABS for collection of geographic, hydrological, environmental, social, and disaster risk data from Panj river.

2. THE SOCIAL SURVEY

2.1 Objective of the Social Survey

The main objective of the social survey is to collect, and provide an analysis of, socio-economic, cultural, political and institutional information in the project area - up to 2 kilometers from the edge of the dam in Sarobi and Tagab districts – in order to inform the subsequent project activities of the NHRP. The study area will include the following villages within 2-3 km of the dam that include: Kam Shenkay, China, Shin Khwar, Loy Khwar, Warakay Khwar, Dawlat Zai Kalay, Tor Nassar, Kace Sherkhan, Malekhel, Mela Halim and Ragheh Ghar villages. In addition, the survey will cover the

villages earmarked for electrification that include: Momen Khan, Enzarai, Shinwari, Tezin, Gogamanda, Gando khat sarai, Mundo Kelai, Torkani (Dorkanay), Sherkhan Kas, Parman bik, Dawlat zai, Jegdalak, Mirza, Malora, Torkha china, Katagay, Mazghondai, Dubilai (Debalay), Nagoman, Sapar villages, and Khojasi baba.

2.2 Scope of the Survey

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

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

2.3 Specific Tasks

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

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

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

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

Task 2: **Vulnerability Issues**

Under this task, the survey will cover the following**:**

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

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

2.4 Approach/Methodology

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

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

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

3. TIME SCHEDULE and Deliverables

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

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

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

Report Content

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

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

process for consulting with the communities at each stage of the project preparation and implementation:

(g) Recommendations on measures for effective management and enhancement of the project's positive social development outcomes

(h) Details of issues raised during all consultations including the following:

- Details of those consulted (institutions where they work or associated with, names, contacts, designations, and signatures)
- Venues, dates, and time of the consultations
- Issues or concerns discussed during consultations
- Major outcomes of such consultations; and
- Information on how such concerns should be addressed based on stakeholder's perceptions.

SURVEY TEAM MEMBERS AND QUALIFICATIONS:

The Team leader has to meet the following minimum requirements:

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

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

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

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

Team Roles and Responsibilities

Position	Input (Man-Days)	Responsibilities
Team Leader	30	• Overall coordination and provide leadership to the entire Team leader • Report writing • Development of the survey tools • Team orientation and training

		• Quality assurance of survey tools and report
Field Coordinator	30	• Pretesting of survey tools • Oversee the data collection exercise in the field. • Participate in the discussions with different stakeholders. • Participate in the development of the research tools.
Data Entry Officer or Statistician	20	• Creation of databank • Data entry and Analysis
Survey Staff (4)	30 (120 total)	• Interview respondents • Fill in the questionnaires • Preliminary data refinement and submission to Statistician.

Annex 9: Generic Terms of Reference for a full Social Impact Assessment (SIA)

1. Introduction

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

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

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

2. Project Background

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

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

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

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

3. Overall SIA Objectives

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

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

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

4. Specific SIA Objectives

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

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

- To assess the current capacity for management of social impacts, develop institutional arrangements for this and subsequent (like) projects and formulate a training and capacity building plan

5. Scope of Work

5.1. Stage 1 - Feasibility Stage:

Social screening and preliminary assessment will be carried out to:

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

5.1.1. SIA Methods and Tools:

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

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

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

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

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

5.1.2. Outputs:

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

- Findings of analysis and consultation framework for project

- Outline of social risk management instruments as required
- Recommendation for adjustments in designs during feasibility and detailed design stage
- Scope of social impact assessment to define the universe of social issues for detailed analysis for Detailed Project Report
- Guidelines for resettlement and rehabilitation measures

5.2. Stage II - Detailed Project Report:

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

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

Resettlement Action Plan (RAP) is intended to be action-oriented and time-bound document. As such it should be as precise and affirmative as possible, to facilitate approval by project authorities and the WB. Clarifying the parameters of the RAPs during the early stages will ensure that the RAP is a document focused on practical steps for implementation of Resettlement &Rehabilitation (R& R) measures

k) Prepare the draft R & R framework in close coordination with the borrower and the project affected people, based on type of losses expected, which describes entitlements and mitigation measures needed to assist affected people, especially for the vulnerable in accordance with World Bank guidelines
l) Assess institutional capacity and propose the institutional arrangement for implementation of RAP, addressing grievances, and ensuring gender equity, and identify the roles and responsibilities of each agency and develop a training program on Resettlement& Rehabilitation (R &R) , based on the assessment of the capacity of the implementing agency.
m) To develop a time schedule to implement the action plan that synchronizes with civil works.
n) Conduct risk assessment for proposed mitigation measures and develop a risk assessment framework
o) Develop user friendly software package for database on Project Affected Households and families to enable monitoring

5.2.1. Methods & Tools:

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

5.2.2. Outputs:

The following shall be the outputs:

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

6. Reporting Requirements

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

b) Social Screening Report: The expected output will be a Social Screening report and findings integrated in the feasibility report, including findings of analysis and consultation framework for project; outline of safeguard instruments as required; recommendation for adjustments in designs during feasibility and detailed design stage; scope of social impact assessment to

define the universe of social issues for detailed analysis for Detailed Project Report (DPR); and guidelines for resettlement and rehabilitation measures.

c) Resettlement Action Plan: Project description; method of study; analysis of alternatives; minimization of adverse impacts; analyses of land tenure systems, land acquisition or transfer mechanism and R&R polices; project area profile, profile of the affected people and Impact analyses of the project on affected and displaced people with disaggregated data analyses of men and women; impact on land and other assets vis-à-vis the total asset including impact on occupation (formal and informal) and income (formal and informal sources) with disaggregated data analyses of both men and women; cut-of date, relocation plan with alternate sites, selection of preferred sites in consultation with the affected people, and planning for development of alternative sites; livelihood restoration plan with training plan for skill up gradation, employment and credit; community participation and integration with host population; restoration and relocation plan for cultural/common properties; institutional arrangement specified with roles and responsibilities, and training plan for capacity building; implementation schedule; monitoring, and evaluation plan, including indicators and reporting formats; risk assessment; cost estimates including rate analysis, quantities for civil work items and detailed budget (entitlement matrix).

7. Reporting Schedule

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

8. Consulting Team

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

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

Annex 10: Generic Terms of Reference for a full Environment Impact Assessment (EIA)

Introduction

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

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

Project Background

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

Objectives

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

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

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

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

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

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

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

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

Environmental Assessment Requirements

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

Scope of Work

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Monitoring: Prepare detailed arrangements for monitoring implementation of mitigating measures and the impacts of the project during construction and operation. Include in the plan an estimate of

capital and operating costs and a description of other inputs (such as training and institutional strengthening) needed to carry it out.

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

Reporting Requirements

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

Environmental Impact Assessment report:

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

(a) Executive summary. Concisely discusses significant findings and recommended actions.

(b) Policy, legal, and administrative framework. Discusses the policy, legal, and administrative framework within which the EA is carried out. Also explains the environmental requirements of any co-financiers. Identifies relevant international environmental agreements to which the country is a party.

(c) Project description. Concisely describes the proposed project and its geographic, ecological, social, and temporal context, including any offsite investments that may be required (e.g., dedicated pipelines, access roads, power plants, water supply, housing, and raw material and product storage facilities). Indicates the need for any resettlement plan or indigenous people's development plan {see also sub-paragraph. (h) (v) Below. Normally includes a map showing the project site and the project's area of influence.

(d) Baseline data. Assesses the dimensions of the study area and describes relevant physical, biological, and socioeconomic conditions, including any changes anticipated before the project commences. Also takes into account current and proposed development activities within the project area but not directly connected to the project. Data should be relevant to decisions about project location, design, operation, or migratory measures. The section indicates the accuracy, reliability, and sources of the data.

(e) Environmental impacts. Predicts and assesses the project's likely positive and negative impacts, in quantitative terms to the extent possible. Identifies mitigation measures and any residual negative impacts that cannot be mitigated. Explores opportunities for environmental enhancement. Identifies and estimates the extent and quality of available data, key data gaps, and uncertainties associated with predictions, and specifies topics that do not require further attention.

(f) Analysis of alternatives. Systematically compares feasible alternatives to the proposed project site, technology, design, and operation-including the "without project" situation in terms of their potential environmental impacts; the feasibility of mitigating these impacts; their capital and recurrent costs;

their suitability under local conditions; and their institutional, training, and monitoring requirements. For each of the alternatives, quantifies the environmental impacts to the extent possible, and attaches economic values where feasible. States the basis for selecting the particular project design proposed and justifies recommended emission levels and approaches to pollution prevention and abatement.

(g) Environnemental Management Plan (EMP). Covers mitigation measures, monitoring, and institutional strengthening; see outline (in III) below.

(h) Appendixes:

(i) List of EA report preparers-individuals and organizations.

(ii) References-written materials both published and unpublished, used in study preparation.

(iii) Record of interagency and consultation meetings, including consultations for obtaining the informed views of the affected people and local nongovernmental organizations (NGOs). The record specifies any means other than consultations (e.g., surveys) that were used to obtain the views of affected groups and local NGOs.

(iv) Tables: presenting the relevant data referred to or summarized in the main text.

(v) List of associated reports (e.g., resettlement plan or indigenous people's development plan).

(vi) Environmental Management Plan: The consultant will submit an environmental management plan (in line with Annex C of OP4.01) which will include the following components.

(a) Mitigation the EMP identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient.

(b) Monitoring Environmental monitoring during project implementation provides information about key environmental aspects of the project, particularly the environmental impacts of the project and the effectiveness of mitigation measures. Such information enables the borrower and the Bank to evaluate the success of mitigation as part of project supervision and allows corrective action to be taken when needed. Therefore, the EMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the EA report and the mitigation measures described in the EMP.

(c) Capacity Development and Training to support timely and effective implementation of environmental project components and mitigation measures, the EMP draws on the EA's assessment of the existence, role, and capability of environmental units on site or at the agency and ministry level. If necessary, the EMP recommends the establishment or expansion of such units, and the training of staff, to allow implementation of EA recommendations. Specifically, the EMP provides a specific description of institutional arrangements-which is responsible for carrying out the mitigatory and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). To strengthen environmental management capability in the agencies responsible for implementation, most EMPs cover one or more of the following additional topics: (a) technical assistance programs, (b) procurement of equipment and supplies, and (c) organizational changes.

(d) Implementation Schedule and Cost Estimates For all three aspects (mitigation, monitoring, and capacity development), the EMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans with staffing requirements; and (b) the capital and recurrent cost estimates and sources of funds for implementing the EMP. These figures are also integrated into the total project cost tables.

(e) Integration of EMP with Project the borrower's decision to proceed with a project, and the Bank's decision to support it, are predicated in part on the expectation that the EMP will be executed effectively. Consequently, the Bank expects the plan to be specific in its description of the individual mitigation and monitoring measures and its assignment of institutional responsibilities, and it must be integrated into the project's overall planning, design, budget, and implementation. Such integration is achieved by establishing the EMP within the project/contract documents so that the plan will receive funding and supervision along with the other components.

Reporting Schedule

a) No.
b) Title of Report
c) Due within date from beginning of assignment
d) No. of copies
e) Time for comment from M&E Unit of DABS/WB
f) Inception Report 15 days
g) Interim Report (including screening of alternatives) 15 days
h) Environmental Impact Assessment 3 months
i) Environmental Management Plan15 days
j) **Consulting Team**
k) The consulting team shall include the following key experts in addition to any support staff that the consultant may decide.
l) Qualification/ Minimum Experience/ Duration of Service Required/ Continuous / Intermittent Inputs
m) 1 Post graduate Degree in Environmental Planning/Engineering 10 years - Continuous
n) 2 Post graduate Degree in Sociology/Anthropology 10 years - Continuous
o) 3 Undergraduate Degree in Agronomy 8 years - Intermittent
p) 4 Undergraduate Degree in Civil Engineering / Hydrology 8 years - Intermittent
q) 5 Undergraduate Degree in Terrestrial / Aquatic Ecology 8 years - Intermittent
r) 6 Undergraduate Degree in Social Science 8 years - Intermittent

Annex 11: NHRP & Darunta HPP Sample Grievance Registration Form

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

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

Annex 12. Scheduling and Reporting by DABS Environmental and Social Safeguards Staff

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

Environmental and Social Progress Report Format

Sl. No	NHRP	Key environmental and social issues	Mitigation measures taken	Implementation and monitoring of ESMP	Training & capacity-building programs implemented	Convergence	Lessons learnt	Remarks

Annex 13- Dam Safety Darunta Dam

The Darunta dam is a hydroelectric dam with a power generation capacity of 11.2 MW (3 x 3.8 MW). Originally the dam was generative 40-45 MW, however due to siltation and poor maintenance the dam capacity has been reduce significantly. The current physical condition of the dam requires serious attention, including safety in its operations and sustainability. In the meantime, the dam operator and staff will require suitable training to ensure that all aspects of the project are well understood and that provisions in the O&M manual and emergency plans are carried out diligently. Appropriate dam safety measures are suggested to ensure that long-term operation and maintenance programs are in place. Similarly, requirements for Emergency Preparedness Plans (EPP) for both the construction and for the operation are also presented.

The safety of the dam and appurtenant structures initially relies on a well-designed structure that meets international standards for dams of this size and classification. At post rehabilitation, safety relies on monitoring, inspection, reviews, training and a dam operator who understands the workings of the project such that potential deficiencies and defects can be recognized and repaired in a timely manner. The present safety of the Darunta dam is not known and will be assessed during project implementation with the assistance of a Dam Safety Panel.

Dam Classification
The dam is classified as a large dam. The downstream area is inhabited by a limited number of people living in a small town and has few minor infrastructures present. No inundation mapping is available to assess the direct impact which would be caused by a dam failure. An inundation map will be prepared during project implementation and an early warning system will be installed with the assistance of the Dam Safety Panel.

Dam General Safety Operation and Management
Conceptual requirements have been suggested for the development of an Operations, Maintenance and Surveillance Manual (OM&S) to encompass all aspects of long-term operation and management of the dam and appurtenant structures. Suggestions for staff training requirements have been presented.

As well, requirements for emergency planning are also discussed. The OM&S manual should provide suggested frequencies for performing all operation and maintenance activities, including recording and reporting of results, material and spare part ordering and surveillance activities needed to
Ensure that the dam remains safe. Dam safety inspection will need to be carried out every 5 years.
The long-term success and safety of the dam will depend on the dam owners' management providing leadership in ensuring that the dam is operated and maintained at the highest level consistent with its high consequence classification as a high dam.

Dam Operator
A dam operator should be appointed and trained to operate and maintain the dam and reservoir in the long term. This will require the selection and training of a technical person with an adequate level of skill in civil structures and/or water resources structures.

This dam operator should be in place prior to the start of full operation. This will allow the individual to become familiar with the project from the start and gain an appreciation for the layout, instrumentation, and the general site.

Weekly and Monthly Inspections

An inspection schedule should be established so that a field inspection is conducted on a weekly and monthly basis by the site operator. Inspection reports should be completed on forms developed specifically for the Bui Dam and adapted to the Darunta Dam.

Monthly reports should be prepared. Deficiencies identified during the inspections should be promptly dealt with. Copies of monthly reports should be forwarded to the DABS for review and approval.

Annual Inspections

Annual inspection should be carried out by the dam operator and engineering staff from the relevant Authority of MEW (Ministry of Energy and Water), or by consultants. The results of each inspection should be compiled into a report. Copies should be available at site and at the DABS head office.

Dam Safety Reviews

The detailed dam safety review should be carried out every 5 years by international independent Dam safety specialist and safety review report should be prepared by the reviewer and recommendations addressed promptly by the dam owner. Copies should be available at site and at the DABS head office.

OM&S Manual

An Operations, Maintenance and Surveillance Manual (OM&S) should be developed by the designer for the dam and powerhouse. The OM&S manual should encompass all aspects of long-term operation and management of the dam and appurtenant structures.

The OM&S manual should detail the requirements for ongoing operation of the facilities including gates, low level outlet, powerhouse, and all mechanical/electrical components. Maintenance requirements should be established for all items requiring long-term maintenance to function Correctly. Surveillance requirements, including reading of instrumentation, reporting of results and a schedule of visual site inspections, and independent dam safety reviews should be established.
Rates for permitted reservoir draw-down, downstream compensation flow requirements, reservoir operating rule curves and flood operations will need to be developed during the final design phase and included in the OM&S manual.
Appropriate staff training requirements should be developed and implemented. Copies should be available at site and at the DABS head office.

Inundation Studies

An inundation study is required to confirm the effect of potential dam failure and for use in the emergency preparedness plans. Existing mapping is likely to be adequate for this work initially, with more accurate surveys required near villages/town and other significant infrastructure.

Inundation maps should be produced for a range of floods for operational purposes and for discharge of floods up to the PMF (Probable Max. Flood) and for a ‘sunny day failure’. A sunny day failure is the case where a dam fails during a non-flood event such that little warning time is available; an example could be an earthquake induced failure.

Emergency Planning (EPP/ERP)

Emergency planning consists of having in place a process for responding to emergencies at site often during periods of adverse weather, darkness and power outages. Two documents are required, an emergency preparedness plan (EPP) and an Emergency Response Plan (ERP).

The emergency preparedness plan details the effects on the downstream areas of a dam failure and allows downstream areas to formulate plans to manage this type of event. Inundation maps are included.
An emergency response plan details what actions are to be taken by site staff in an emergency. These events range from emergencies arising from, for example, geotechnical failures, i.e. slope failure, reservoir slides to operational difficulties with gates and the passage of large floods up to and including dam failure scenarios.
The ERP should cover:

- Identification of hazardous conditions, remedial actions and repairs
- Responsibility for dam operation decision-making and related emergency communications
- Inundation maps outlining inundation levels for various situations
- Flood warning system details
- Evacuation procedures; and
- Procedures for mobilizing emergency equipment

Emergency plans usually follow an incident-command system for managing emergencies. Serious emergencies would require a site command post appropriately staffed and an emergency operations center (EOC). The ERP should be coordinated with the OM&S manual to ensure that all scenarios are covered in one or the other.

The emergency plan for construction should be completed at least six months prior to the start of construction and the EPP for operation should be completed at least six months prior to first-filling of the reservoir. Each of the plans should be tested prior to be put in place. Training of site staff and management is required to ensure that all concerned understand their roles in an emergency.

ANNEX 14: COVID-19 CONSIDERATIONS IN CONSTRUCTION/CIVIL WORKS PROJECTS

This note was issued on April 7, 2020 and includes links to the latest guidance as of this date (e.g. from WHO). Given the COVID-19 situation is rapidly evolving, when using this note it is important to check whether any updates to these external resources have been issued.

INTRODUCTION

The COVID-19 pandemic presents Governments with unprecedented challenges. Addressing COVID-19 related issues in both existing and new operations starts with recognizing that this is not business as usual and that circumstances require a highly adaptive responsive management design to avoid, minimize and manage what may be a rapidly evolving situation. In many cases, donor include of WB will ask Borrowers to use reasonable efforts in the circumstances, recognizing that what may be possible today may be different next week (both positively, because more supplies and guidance may be available, and negatively, because the spread of the virus may have accelerated).

This interim note is intended to provide guidance to teams on how to support contractor in addressing key issues associated with COVID-19 and consolidates the advice that has already been provided over the past month. As such, it should be used in place of other guidance that has been provided to date. This note will be developed as the global situation and the Bank's learning (and that of others) develops. This is not a time when 'one size fits all'. More than ever, teams will need to work with Borrowers and projects to understand the activities being carried out and the risks that these activities may entail. Support will be needed in designing mitigation measures that are implementable in the

context of the project. These measures will need to consider capacity of the Government agencies, availability of supplies and the practical challenges of operations on-the-ground, including stakeholder engagement, supervision and monitoring. In many circumstances, communication itself may be challenging, where face-to-face meetings are restricted or prohibited, and where IT solutions are limited or unreliable.

This note emphasizes the importance of careful scenario planning, clear procedures and protocols, management systems, effective communication and coordination, and the need for high levels of responsiveness in a changing environment. It recommends assessing the current situation of the project, putting in place mitigation measures to avoid or minimize the chance of infection, and planning what to do if either project workers become infected or the work force includes workers from proximate communities affected by COVID-19. In many projects, measures to avoid or minimize will need to be implemented at the same time as dealing with sick workers and relations with the community, some of whom may also be ill or concerned about infection. Borrowers should understand the obligations that contractors have under their existing contracts (see Section 3), require contractors to put in place appropriate organizational structures (see Section 4) and develop procedures to address different aspects of COVID-19 (see Section 5).

CHALLENGES WITH CONSTRUCTION/CIVIL WORKS

Projects involving construction/civil works frequently involve a large work force, together with suppliers and supporting functions and services. The work force may comprise workers from international, national, regional, and local labor markets. They may need to live in on-site accommodation, lodge within communities close to work sites or return to their homes after work. There may be different contractors permanently present on site, carrying out different activities, each with their own dedicated workers. Supply chains may involve international, regional and national suppliers facilitating the regular flow of goods and services to the project (including supplies essential to the project such as fuel, food, and water). As such there will also be regular flow of parties entering and exiting the site; support services, such as catering, cleaning services, equipment, material and supply deliveries, and specialist sub-contractors, brought in to deliver specific elements of the works.

Given the complexity and the concentrated number of workers, the potential for the spread of infectious disease in projects involving construction is extremely serious, as are the implications of such a spread. Projects may experience large numbers of the work force becoming ill, which will strain the project's health facilities, have implications for local emergency and health services and may jeopardize the progress of the construction work and the schedule of the project. Such impacts will be exacerbated where a work force is large and/or the project is in remote or under-serviced areas. In such circumstances, relationships with the community can be strained or difficult and conflict can arise, particularly if people feel they are being exposed to disease by the project or are having to compete for scarce resources. The project must also exercise appropriate precautions against introducing the infection to local communities.

DOES THE CONSTRUCTION CONTRACT COVER THIS SITUATION?

Given the unprecedented nature of the COVID-19 pandemic, it is unlikely that the existing construction/civil works contracts will cover all the things that a prudent contractor will need to do. Nevertheless, the first place for a Borrower to start is with the contract, determining what a contractor's existing obligations are, and how these relate to the current situation.

The obligations on health and safety will depend on what kind of contract exists (between the Borrower and the main contractor; between the main contractors and the sub-contractors). It will differ if the Borrower used the World Bank's standard procurement documents (SPDs) or used national bidding documents. If a FIDIC document has been used, there will be general provisions relating to health and safety. For example, the standard FIDIC, Conditions of Contract for Construction (Second Edition 2017), which contains no 'ESF enhancements', states (in the General Conditions, clause 6.7) that the Contractor will be required:

- to take all necessary precautions to maintain the health and safety of the Contractor's Personnel
- to appoint a health and safety officer at site, who will have the authority to issue directives for the purpose of maintaining the health and safety of all personnel authorized to enter and or work on the site and to take protective measures to prevent accidents
- to ensure, in collaboration with local health authorities, that medical staff, first aid facilities, sick bay, ambulance services and any other medical services specified are always available at the site and at any accommodation
- to ensure suitable arrangements are made for all necessary welfare and hygiene requirements and for the prevention of epidemics

These requirements have been enhanced through the introduction of the ESF into the SPDs (edition dated July 2019). The general FIDIC clause referred to above has been strengthened to reflect the requirements of the ESF. Beyond FIDIC's general requirements discussed above, the Bank's Particular Conditions include several relevant requirements on the Contractor, including:

- to provide health and safety training for Contractor's Personnel (which include project workers and all personnel that the Contractor uses on site, including staff and other employees of the Contractor and Subcontractors and any other personnel assisting the Contractor in carrying out project activities)
- to put in place workplace processes for Contractor's Personnel to report work situations that are not safe or healthy
- gives Contractor's Personnel the right to report work situations which they believe are not safe or healthy, and to remove themselves from a work situation which they have a reasonable justification to believe presents an imminent and serious danger to their life or health (with no reprisal for reporting or removing themselves)
- requires measures to be in place to avoid or minimize the spread of diseases including measures to avoid or minimize the transmission of communicable diseases that may be associated with the influx of temporary or permanent contract-related labor
- to provide an easily accessible grievance mechanism to raise workplace concerns

Where the contract form used is FIDIC, the Borrower (as the Employer) will be represented by the Engineer (also referred to in this note as the Supervising Engineer). The Engineer will be authorized to exercise authority specified in or necessarily implied from the construction contract. In such cases, the Engineer (through its staff on site) will be the interface between the PIU and the Contractor. It is important therefore to understand the scope of the Engineer's responsibilities. It is also important to recognize that in the case of infectious diseases such as COVID-19, project management – through the Contractor/subcontractor hierarchy – is only as effective as the weakest link. A thorough review of management procedures/plans as they will be implemented through the entire contractor hierarchy is important. Existing contracts provide the outline of this structure; they form the basis for the Borrower to understand how proposed mitigation measures will be designed and how adaptive management will be implemented, and to start a conversation with the Contractor on measures to address COVID-19 in the project.

WHAT PLANNING SHOULD THE BORROWER BE DOING?

Task teams should work with Borrowers (PIUs) to confirm that projects (i) are taking adequate precautions to prevent or minimize an outbreak of COVID-19, and (ii) have identified what to do in the event of an outbreak. Suggestions on how to do this are set out below:

- The PIU, either directly or through the Supervising Engineer, should request details in writing from the main Contractor of the measures being taken to address the risks. As stated in Section 3, the construction contract should include health and safety requirements, and these can be used as the basis for identification of, and requirements to implement, COVID-19 specific measures. The measures may be presented as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures. The measures may be reflected in revisions to the project's health and safety manual. This request should be made in writing (following any relevant procedure set out in the contract between the Borrower and the contractor).
- In making the request, it may be helpful for the PIU to specify the areas that should be covered. This should include the items set out in Section 5 below and take into account current and relevant guidance provided by national authorities, WHO and other organizations.
- The PIU should require the Contractor to convene regular meetings with the project health and safety specialists and medical staff (and where appropriate the local health authorities), and to take their advice in designing and implementing the agreed measures.
- Where possible, a senior person should be identified as a focal point to deal with COVID-19 issues. This can be a work supervisor or a health and safety specialist. This person can be responsible for coordinating preparation of the site and making sure that the measures taken are communicated to the workers, those entering the site and the local community. It is also advisable to designate at least one back-up person, in case the focal point becomes ill; that person should be aware of the arrangements that are in place.
- On sites where there are a number of contractors and therefore (in effect) different work forces, the request should emphasize the importance of coordination and communication between the different parties. Where necessary, the PIU should request the main contractor to put in place a protocol for regular meetings of the different contractors, requiring each to appoint a designated staff member (with back up) to attend such meetings. If meetings cannot be held in person, they should be conducted using whatever IT is available. The effectiveness of mitigation measures will depend on the weakest implementation, and therefore it is important that all contractors and sub-contractors understand the risks and the procedure to be followed.
- The PIU, either directly or through the Supervising Engineer, may provide support to projects in identifying appropriate mitigation measures, particularly where these will involve interface with local services, in particular health and emergency services. In many cases, the PIU can play a valuable role in connecting project representatives with local Government agencies, and helping coordinate a strategic response, which takes into account the availability of resources. To be most effective, projects should consult and coordinate with relevant Government agencies and other projects in the vicinity.
- Workers should be encouraged to use the existing project grievance mechanism to report concerns relating to COVID-19, preparations being made by the project to address COVID-19 related issues, how procedures are being implemented, and concerns about the health of their co-workers and other staff.

WHAT SHOULD THE CONTRACTOR COVER?

The Contractor should identify measures to address the COVID-19 situation. What will be possible will depend on the context of the project: the location, existing project resources, availability of supplies, capacity of local emergency/health services, the extent to which the virus already exist in the area. A systematic approach to planning, recognizing the challenges associated with rapidly changing circumstances, will help the project put in place the best measures possible to address the situation. As discussed above, measures to address COVID-19 may be presented in different ways (as a contingency plan, as an extension of the existing project emergency and preparedness plan or as standalone procedures). PIUs and contractors should refer to guidance issued by relevant authorities, both national and international (e.g. WHO), which is regularly updated (see sample References and links provided in the Annex).

Addressing COVID-19 at a project site goes beyond occupational health and safety and is a broader project issue which will require the involvement of different members of a project management team. In many cases, the most effective approach will be to establish procedures to address the issues, and then to ensure that these procedures are implemented systematically. Where appropriate given the project context, a designated team should be established to address COVID-19 issues, including PIU representatives, the Supervising Engineer, management (e.g. the project manager) of the contractor and sub-contractors, security, and medical and OHS professionals. Procedures should be clear and straightforward, improved as necessary, and supervised and monitored by the COVID-19 focal point(s). Procedures should be documented, distributed to all contractors, and discussed at regular meetings to facilitate adaptive management. The issues set out below include a number that represent expected good workplace management but are especially pertinent in preparing the project response to COVID-19.

a. ASSESSING WORKFORCE CHARACTERISTICS

Many construction sites will have a mix of workers e.g. workers from the local communities; workers from a different part of the country; workers from another country. Workers will be employed under different terms and conditions and be accommodated in different ways. Assessing these different aspects of the workforce will help in identifying appropriate mitigation measures:

- The Contractor should prepare a detailed profile of the project work force, key work activities, schedule for carrying out such activities, different durations of contract and rotations (e.g. 4 weeks on, 4 weeks off).
- This should include a breakdown of workers who reside at home (i.e. workers from the community), workers who lodge within the local community and workers in on-site accommodation. Where possible, it should also identify workers that may be more at risk from COVID-19, those with underlying health issues or who may be otherwise at risk.
- Consideration should be given to ways in which to minimize movement in and out of site. This could include lengthening the term of existing contracts, to avoid workers returning home to affected areas, or returning to site from affected areas.
- Workers accommodated on site should be required to minimize contact with people near the site, and in certain cases be prohibited from leaving the site for the duration of their contract, so that contact with local communities is avoided.
- Consideration should be given to requiring workers lodging in the local community to move to site accommodation (subject to availability) where they would be subject to the same restrictions.

- Workers from local communities, who return home daily, weekly or monthly, will be more difficult to manage. They should be subject to health checks at entry to the site (as set out above) and at some point, circumstances may make it necessary to require them to either use accommodation on site or not to come to work.

b. ENTRY/EXIT TO THE WORK SITE AND CHECKS COMMENCEMENT OF WORK

Entry/exit to the work site should be controlled and documented for both workers and other parties, including support staff and suppliers. Possible measures may include:

- Establishing a system for controlling entry/exit to the site, securing the boundaries of the site, and establishing designating entry/exit points (if they do not already exist). Entry/exit to the site should be documented.
- Training security staff on the (enhanced) system that has been put in place for securing the site and controlling entry and exit, the behaviors required of them in enforcing such system and any COVID - 19 specific considerations.
- Training staff who will be monitoring entry to the site, providing them with the resources they need to document entry of workers, conducting temperature checks and recording details of any worker that is denied entry.
- Confirming that workers are fit for work before they enter the site or start work. While procedures should already be in place for this, special attention should be paid to workers with underlying health issues or who may be otherwise at risk. Consideration should be given to demobilization of staff with underlying health issues.
- Checking and recording temperatures of workers and other people entering the site or requiring self- reporting prior to or on entering the site.
- Providing daily briefings to workers prior to commencing work, focusing on COVID-19 specific considerations including cough etiquette, hand hygiene and distancing measures, using demonstrations and participatory methods.
- During the daily briefings, reminding workers to self-monitor for possible symptoms (fever, cough) and to report to their supervisor or the COVID-19 focal point if they have symptoms or are feeling unwell.
- Preventing a worker from an affected area or who has been in contact with an infected person from returning to the site for 14 days or (if that is not possible) isolating such worker for 14 days.
- Preventing a sick worker from entering the site, referring them to local health facilities if necessary or requiring them to isolate at home for 14 days.

c. GENERAL HYGIENE

Requirements on general hygiene should be communicated and monitored, to include:

- Training workers and staff on site on the signs and symptoms of COVID-19, how it is spread, how to protect themselves (including regular hand washing and social distancing) and what to do if they or other people have symptoms (for further information see WHO COVID-19 advice for the public).
- Placing posters and signs around the site, with images and text in local languages.
- Ensuring hand washing facilities supplied with soap, disposable paper towels and closed waste bins exist at key places throughout site, including at entrances/exits to work areas; where there is a toilet, canteen or food distribution, or provision of drinking water; in worker accommodation; at waste stations; at stores; and in common spaces. Where hand washing facilities do not exist or

are not adequate, arrangements should be made to set them up. Alcohol based sanitizer (if available, 60-95% alcohol) can also be used.

- Review worker accommodations and assess them in light of the requirements set out in IFC/EBRD guidance on Workers' Accommodation: processes and standards, which provides valuable guidance as to good practice for accommodation.
- Setting aside part of worker accommodation for precautionary self-quarantine as well as more formal isolation of staff who may be infected (see paragraph (f)).

d. CLEANING AND WASTE DISPOSAL

Conduct regular and thorough cleaning of all site facilities, including offices, accommodation, canteens, common spaces. Review cleaning protocols for key construction equipment (particularly if it is being operated by different workers). This should include:

- Providing cleaning staff with adequate cleaning equipment, materials, and disinfectant.
- Review general cleaning systems, training cleaning staff on appropriate cleaning procedures and appropriate frequency in high use or high-risk areas.
- Where it is anticipated that cleaners will be required to clean areas that have been or are suspected to have been contaminated with COVID-19, providing them with appropriate PPE: gowns or aprons, gloves, eye protection (masks, goggles or face screens) and boots or closed work shoes. If appropriate PPE is not available, cleaners should be provided with best available alternatives.
- Training cleaners in proper hygiene (including hand washing) prior to, during and after conducting cleaning activities; how to safely use PPE (where required); in waste control (including for used PPE and cleaning materials).
- Any medical waste produced during the care of ill workers should be collected safely in designated containers or bags and treated and disposed of following relevant requirements (e.g., national, WHO). If open burning and incineration of medical wastes is necessary, this should be for as limited a duration as possible. Waste should be reduced and segregated, so that only the smallest amount of waste is incinerated (for further information see WHO interim guidance on water, sanitation and waste management for COVID-19).

e. ADJUSTING WORK PRACTICES

Consider changes to work processes and timings to reduce or minimize contact between workers, recognizing that this is likely to impact the project schedule. Such measures could include:

- Decreasing the size of work teams.
- Limiting the number of workers on site at any one time.
- Changing to a 24-hour work rotation.
- Adapting or redesigning work processes for specific work activities and tasks to enable social distancing, and training workers on these processes.
- Continuing with the usual safety trainings, adding COVID-19 specific considerations. Training should include proper use of normal PPE. While as of the date of this note, general advice is that construction workers do not require COVID-19 specific PPE, this should be kept under review (for further information see WHO interim guidance on rational use of personal protective equipment (PPE) for COVID-19).
- Reviewing work methods to reduce use of construction PPE, in case supplies become scarce or the PPE is needed for medical workers or cleaners. This could include, e.g. trying to reduce the need for dust masks by checking that water sprinkling systems are in good working order and are maintained or reducing the speed limit for haul trucks.
- Arranging (where possible) for work breaks to be taken in outdoor areas within the site.

- Consider changing canteen layouts and phasing mealtimes to allow for social distancing and phasing access to and/or temporarily restricting access to leisure facilities that may exist on site, including gyms.
- At some point, it may be necessary to review the overall project schedule, to assess the extent to which it needs to be adjusted (or work stopped completely) to reflect prudent work practices, potential exposure of both workers and the community and availability of supplies, taking into account Government advice and instructions.

f. PROJECT MEDICAL SERVICES

Consider whether existing project medical services are adequate, taking into account existing infrastructure (size of clinic/medical post, number of beds, isolation facilities), medical staff, equipment and supplies, procedures and training. Where these are not adequate, consider upgrading services where possible, including:

- Expanding medical infrastructure and preparing areas where patients can be isolated. Guidance on setting up isolation facilities is set out in WHO interim guidance on considerations for quarantine of individuals in the context of containment for COVID-19). Isolation facilities should be located away from worker accommodation and ongoing work activities. Where possible, workers should be provided with a single well-ventilated room (open windows and door). Where this is not possible, isolation facilities should allow at least 1 meter between workers in the same room, separating workers with curtains, if possible. Sick workers should limit their movements, avoiding common areas and facilities and not be allowed visitors until they have been clear of symptoms for 14 days. If they need to use common areas and facilities (e.g. kitchens or canteens), they should only do so when unaffected workers are not present, and the area/facilities should be cleaned prior to and after such use.
- Training medical staff, which should include current WHO advice on COVID-19 and recommendations on the specifics of COVID-19. Where COVID-19 infection is suspected, medical providers on site should follow WHO interim guidance on infection prevention and control during health care when novel coronavirus (nCoV) infection is suspected.
- Training medical staff in testing, if testing is available.
- Assessing the current stock of equipment, supplies and medicines on site, and obtaining additional stock, where required and possible. This could include medical PPE, such as gowns, aprons, medical masks, gloves, and eye protection. Refer to WHO guidance as to what is advised (for further information see WHO interim guidance on rational use of personal protective equipment (PPE) for COVID-19).
- If PPE items are unavailable due to world-wide shortages, medical staff on the project should agree on alternatives and try to procure them. Alternatives that may commonly be found on constructions sites include dust masks, construction gloves and eye goggles. While these items are not recommended, they should be used as a last resort if no medical PPE is available.
- Ventilators will not normally be available on work sites, and in any event, intubation should only be conducted by experienced medical staff. If a worker is extremely ill and unable to breathe properly on his or her own, they should be referred immediately to the local hospital (see (g) below).
- Review existing methods for dealing with medical waste, including systems for storage and disposal (for further information see WHO interim guidance on water, sanitation and waste management for COVID-19, and WHO guidance on safe management of wastes from health-care activities).

g. LOCAL MEDICAL AND OTHER SERVICES

Given the limited scope of project medical services, the project may need to refer sick workers to local medical services. Preparation for this includes:

- Obtaining information as to the resources and capacity of local medical services (e.g. number of beds, availability of trained staff and essential supplies).
- Conducting preliminary discussions with specific medical facilities, to agree what should be done in the event of ill workers needing to be referred.
- Considering ways in which the project may be able to support local medical services in preparing for members of the community becoming ill, recognizing that the elderly or those with pre-existing medical conditions require additional support to access appropriate treatment if they become ill.
- Clarifying the way in which an ill worker will be transported to the medical facility and checking availability of such transportation.
- Establishing an agreed protocol for communications with local emergency/medical services.
- Agreeing with the local medical services/specific medical facilities the scope of services to be provided, the procedure for in-take of patients and (where relevant) any costs or payments that may be involved.
- A procedure should also be prepared so that project management knows what to do in the unfortunate event that a worker ill with COVID-19 dies. While normal project procedures will continue to apply, COVID-19 may raise other issues because of the infectious nature of the disease. The project should liaise with the relevant local authorities to coordinate what should be done, including any reporting or other requirements under national law.

h. INSTANCES OR SPREAD OF THE VIRUS

WHO provides detailed advice on what should be done to treat a person who becomes sick or displays symptoms that could be associated with the COVID-19 virus (for further information see WHO interim guidance on infection prevention and control during health care when novel coronavirus infection is suspected). The project should set out risk-based procedures to be followed, with differentiated approaches based on case severity (mild, moderate, severe, critical) and risk factors (such as age, hypertension, diabetes) (for further information see WHO interim guidance on operational considerations for case management of COVID-19 in health facility and community). These may include the following:

- If a worker has symptoms of COVID-19 (e.g. fever, dry cough, fatigue) the worker should be removed immediately from work activities and isolated on site.
- If testing is available on site, the worker should be tested on site. If a test is not available at site, the worker should be transported to the local health facilities to be tested (if testing is available).
- If the test is positive for COVID-19 or no testing is available, the worker should continue to be isolated. This will either be at the work site or at home. If at home, the worker should be transported to their home in transportation provided by the project.
- Extensive cleaning procedures with high-alcohol content disinfectant should be undertaken in the area where the worker was present, prior to any further work being undertaken in that area. Tools used by the worker should be cleaned using disinfectant and PPE disposed of.
- Co-workers (i.e. workers with whom the sick worker was in close contact) should be required to stop work, and be required to quarantine themselves for 14 days, even if they have no symptoms.
- Family and other close contacts of the worker should be required to quarantine themselves for 14 days, even if they have no symptoms.

- If a case of COVID-19 is confirmed in a worker on the site, visitors should be restricted from entering the site and worker groups should be isolated from each other as much as possible.
- If workers live at home and has a family member who has a confirmed or suspected case of COVID-19, the worker should quarantine themselves and not be allowed on the project site for 14 days, even if they have no symptoms.
- Workers should continue to be paid throughout periods of illness, isolation or quarantine, or if they are required to stop work, in accordance with national law.
- Medical care (whether on site or in a local hospital or clinic) required by a worker should be paid for by the employer.

i. CONTINUITY OF SUPPLIES AND PROJECT ACTIVITIES

Where COVID-19 occurs, either in the project site or the community, access to the project site may be restricted, and movement of supplies may be affected.

- Identify back-up individuals, in case key people within the project management team (PIU, Supervising Engineer, Contractor, sub-contractors) become ill, and communicate who these are so that people are aware of the arrangements that have been put in place.
- Document procedures, so that people know what they are, and are not reliant on one person's knowledge.
- Understand the supply chain for necessary supplies of energy, water, food, medical supplies and cleaning equipment, consider how it could be impacted, and what alternatives are available. Early pro-active review of international, regional and national supply chains, especially for those supplies that are critical for the project, is important (e.g. fuel, food, medical, cleaning and other essential supplies). Planning for a 1-2-month interruption of critical goods may be appropriate for projects in more remote areas.
- Place orders for/procure critical supplies. If not available, consider alternatives (where feasible).
- Consider existing security arrangements, and whether these will be adequate in the event of interruption to normal project operations.
- Consider at what point it may become necessary for the project to significantly reduce activities or to stop work completely, and what should be done to prepare for this, and to re-start work when it becomes possible or feasible.

j. TRAINING AND COMMUNICATION WITH WORKERS

Workers need to be provided with regular opportunities to understand their situation, and how they can best protect themselves, their families and the community. They should be made aware of the procedures that have been put in place by the project, and their own responsibilities in implementing them.

- It is important to be aware that in communities close to the site and amongst workers without access to project management, social media is likely to be a major source of information. This raises the importance of regular information and engagement with workers (e.g. through training, town halls, toolboxes) that emphasizes what management is doing to deal with the risks of COVID-19. Allaying fear is an important aspect of work force peace of mind and business continuity. Workers should be given an opportunity to ask questions, express their concerns, and make suggestions.
- Training of workers should be conducted regularly, as discussed in the sections above, providing workers with a clear understanding of how they are expected to behave and carry out their work duties.

- Training should address issues of discrimination or prejudice if a worker becomes ill and provide an understanding of the trajectory of the virus, where workers return to work.
- Training should cover all issues that would normally be required on the work site, including use of safety procedures, use of construction PPE, occupational health and safety issues, and code of conduct, taking into account that work practices may have been adjusted.
- Communications should be clear, based on fact and designed to be easily understood by workers, for example by displaying posters on hand washing and social distancing, and what to do if a worker displays symptoms.

k. COMMUNICATION AND CONTACT WITH THE COMMUNITY

Relations with the community should be carefully managed, with a focus on measures that are being implemented to safeguard both workers and the community. The community may be concerned about the presence of non-local workers, or the risks posed to the community by local workers presence on the project site. The project should set out risk-based procedures to be followed, which may reflect WHO guidance (for further information see WHO Risk Communication and Community Engagement (RCCE) Action Plan Guidance COVID-19 Preparedness and Response). The following good practice should be considered:

- Communications should be clear, regular, based on fact and designed to be easily understood by community members.
- Communications should utilize available means. In most cases, face-to-face meetings with the community or community representatives will not be possible. Other forms of communication should be used, posters, pamphlets, radio, text message, electronic meetings. The means used should take into account the ability of different members of the community to access them, to make sure that communication reaches these groups.
- The community should be made aware of procedures put in place at site to address issues related to COVID-19. This should include all measures being implemented to limit or prohibit contact between workers and the community. These need to be communicated clearly, as some measures will have financial implications for the community (e.g. if workers are paying for lodging or using local facilities). The community should be made aware of the procedure for entry/exit to the site, the training being given to workers and the procedure that will be followed by the project if a worker becomes sick.
- If project representatives, contractors or workers are interacting with the community, they should practice social distancing and follow other COVID-19 guidance issued by relevant authorities, both national and international (e.g. WHO).

Annex 15: Contractor's CODE OF CONDUCT

The contractor will carry out their work, including the risks of sexual exploitation, sexual abuse and sexual harassment as per this code-of conduct.
This Code of Conduct applies to all staff, labourer and other employees at the worksite or other places where the works are being carried out. It also applies to the personnel of each sub-contractor and any other personnel assisting in the execution of the project. All such persons are referred to as "Contractor's Personnel" and or subject to this CoC. This code of conduct identifies the behaviour required from all contractor's personnel.

The project workplace must be an environment where unsafe, offensive, abusive or violent behaviour will not be tolerated and where all persons should feel comfortable raising issues or concerns without fear of retaliation.

Required Conduct

Contractor's personnel shall;

1. Carry out his/her duties competently and diligently
2. Comply with this code of conduct and all applicable laws, regulations and other requirements, including requirements to protect the health, safety and well-being of other contractor's personnel and any other person.
3. Maintain a safe working environment including by.
   a) Ensuring that workplaces, machinery, equipment, and process under each person's control are safe and without risk to health
   b) Wearing required personal protective equipment
   c) Using appropriate measures relating to chemical, physical, and biological substances and agents; and
   d) Following applicable emergency operating procedures.
4. Report work situations that he/she believes are not safe or healthy and remove himself/herself from a work situation which he/she reasonably believes presents an imminent and serious danger to his/her life or health.
5. Treat other people with respect, and not discriminate against specific groups such as women, people with disabilities, migrant workers, or children.
6. Not engage in Sexual Harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature with other Contractors or Employers Personnel.
7. Not engage in Sexual Exploitation, which means any actual or attempted abuse of position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. In bank financed operations/projects, sexual exploitation occurs when access to or benefit from bank financed goods, works, consulting or non-consulting services is used to extract sexual gain.
8. Not engage in sexual abuse, which means that actual or threatened physical intrusion of a sexual nature, whether by forced or under unequal or coercive conditions.
9. Not engage in any form of sexual activity with individuals under the age of 18, except in case of pre-existing marriage.
10. Complete relevant training courses that will be provided related to the environmental and social aspects of the contract, including on health and safety matter, sexual exploitation and abuse and sexual harassment.
11. Report violations of this code of conduct; and
12. Not retaliate against any person who reports violations of this code of conduct, whether to bank or the ministry, or who makes use of grievance mechanism for contractor's personnel or the project's Grievance Redress Mechanism.

Contractor will be responsible to provide orientation to employees and labours on the project workplace code of conduct. DABS will make sure that all members of the project are well informed about the project workplace CoC.

Forced Labor: There shall be no use of forced labor, including prison labor, indentured labor, bonded labor or other forms of forced labor.

Child Labor: No person shall be employed under the age of 15 or under the age for completion of compulsory education, whichever is higher-the minimum age for hazardous work shall be 18.

Freedom of Association and Collective Bargaining: Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

Hours of Work: Employers shall not require workers to work more than the regular and overtime hours allowed by the law of the country where the workers are employed. The regular work week shall not exceed 48 hours per week. Employers shall allow workers at least 24 consecutive hours of rest in every seven-day period. All overtime work shall be consensual. Employers shall not request overtime on a regular basis and shall compensate all overtime work at a premium rate. Other than in exceptional circumstances, the sum of regular and overtime hours in a week shall not exceed 60 hours?

Gender Based Violence (GBV): The Contractor shall prohibit gender-based violence (GBV) and discrimination based on gender etc. DABS /PIU will maintain outreach to law enforcement and legal services for women, children and teenagers, to facilitate prompt and effective responses when needed. The Grievance Redress Mechanism includes a specific mandate to address any kinds of gender-based violence.

Compensation: Every worker has a right to compensation for a regular work week that is sufficient to meet the worker's basic needs and provide some discretionary income. Employers shall pay at least the minimum wage or the appropriate prevailing wage, whichever is higher, comply with all legal requirements on wages, and provide any fringe benefits required by law or contract. Where compensation does not meet workers' basic needs and provide some discretionary income, each employer shall work with the PROJECT to take appropriate actions that seek to progressively realize a level of compensation that does.

Impacts on Host Communities from temporary Project Induced Labor Influx: The construction of subcomponents of the NHRP project does not require a large influx of labour from outside of the project area. Most of the unskilled workers will be recruited locally in the project area- only specialized staff are expected to be recruited from outside. The specialized staff from outside will make about less than 20 percent and will be residing in labour camps in the selected areas. The distance of the project and contractor's camp sites should be away from the community settlements. Therefore, there will be no risk associated with the contractor's work forces on the host communities like social conflicts, influx of additional population, increase in traffic and related accidents. In addition, the mitigation measures should be included in ESMP of each subproject and some additional mitigation measures would be recommended for the contractors as part of the contractor's CESMP.

- the contractor is bound to give preference to the local people for skilled and unskilled labors. In urban and peri-urban settings, it is usually less difficult to find qualified local workers, in this kind of circumstances; the contractor will be allowed to outsource the skilled labour. The contractor will make efforts to train the local force for enhancement of their skill level.
- A grievance redress mechanism (GRM) for workers and host community is an integral part of the ESMP, the contractor and the project management staff will follow the procedural mechanism of GRM during construction period.

Raising Concerns

If any person observes behaviour that he/she believes may represent a violation of this code of conduct, or that otherwise concerns him/her, he/she raise the issue promptly. This can be

done in either way; (a) through phone call via number provided in the GRM (b) through email to the DABS GRM focal point (c) or in person to DABS focal point.

The person's identity will be kept confidential, unless reporting of allegations is mandated by the country law. Anonymous complaints or allegations may also be submitted and will be given all due and appropriate consideration. All reports of possible misconducts are serious ly taken and will investigate and take appropriate action. There will be no retaliation against any person who raises a concern in good faith about any behaviour by this Code of Conduct. Such retaliation would be a violation of this code of conduct.

Consequences of violating the code of conduct

Any violation of this code of conduct by the contractor's personnel may result in serious consequences, up to and including termination and possible referral to legal authorities.

The Contractor shall have a Code of Conduct for the Contractor's Personnel. The Contractor shall ensure that each Contractor's Personnel is provided a copy of this Code of Conduct, written in a language comprehensible to that person, and shall seek to obtain that person's signature acknowledging receipt of the same. The Contractor shall also ensure that the Code of Conduct is visibly displayed in multiple locations on the Site and any other place where the Works will be carried out, as well as in areas outside the Site accessible to the local community and project affected people. The posted Code of Conduct shall be provided in languages comprehensible to Contractor's Personnel, Employer's Personnel and the local community.

PART TWO RPF

Naghlu and Darunta Hydropower Rehabilitation Project (NHRP)

Resettlement Policy Framework

Prepared by: The Board of Da Afghanistan Breshna Sherkat (DABS)

Islamic Republic of Afghanistan

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

Abbreviations

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

Definitions of words and phrases used in the RPF

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

Census means the pre-appraisal population record of potentially affected people, which is prepared through a count based on village or other local population data or census.
Compensation means payment in cash or kind for an asset to be acquired or affected by a project at replacement costs.
Cut-off-date means the date after which people will not be considered eligible for compensation that is, they are not included in the list of APs as defined by the census. The cut-off date for the titleholders is the date of the beginning of the detailed measurement survey.
Displacement means either physical relocation or economic displacement directly caused by project-related land acquisition.
Detailed Measurement Survey means the detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground.
Encroachers mean those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.
Entitlement means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to APs, depending on the type and degree Nature of their losses, to restore their social and economic base.
Income Livelihood Restoration means the measures required to ensure that APs have the resources to *at least* restore, if not improve, their livelihoods. Restoration of livelihood incomes of all affected persons is one of the key objectives of the World Bank's resettlement policy. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions.
Inventory of Losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

Jerib means the traditional unit of measurement of Afghanistan. One Jerib is equivalent to 2,000 square meters of land. One hectare is equivalent to 5 jeribs.
Land Acquisition means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns, possesses or uses, to the ownership and possession of that agency, for public purposes, in return for prompt and fair compensation. This includes direct acquisition and easement.
Non-titled means those who have no recognizable rights or claims to the land that they are occupying and includes people using private, public or state land without permission, permit or grant.
Poor Those falling below the UN poverty line of 1 dollar per person per day or equivalent to 78 Afghanis (June 2021). Also, those families who are lacking sufficient money to live at a standard considered comfortable or normal in a society.

Relocation means the physical shifting of APs from his/her pre-project place or residence, place for work or business premises.
Rehabilitation means the assistance provided to severely affected APs to supplement payment of compensation for acquired assets in order to improve, or at least achieve full restoration of, their pre-project living standards and quality of life to pre-project level.
Replacement Cost means the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.
Resettlement means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land as a result of the project.
Resettlement Plan means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.
Severely Affected APs means APs that are affected by significant impacts within the meaning of the definition below.
Significant Impact means PAPs are (i) being physically displaced from housing, or (ii) losing ten per cent or more of their productive assets (income generating).
Sharecropper and/or Tenant cultivator is a person who cultivates land they do not own for an agreed proportion of the crop or harvest.
Structures mean all structures affected, or to be acquired, by the project – living quarters, wells, hand pumps, agricultural structures such as rice bins, animal pens, stores/warehouses, commercial enterprises including roadside shops and businesses.
Squatters and encroachers mean the same as non-titled person i.e. those people without legal title to land and/or structures occupied or used by them. World Bank policy explicitly states that such people cannot be denied assistance to restore livelihoods and living conditions on based on the lack of title.

Temporary 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.

Temporary Loss means those losses incurred by landowners and businesses for a defined period as a result of project activities.
Vulnerable means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.; (i) single household heads with dependents; (ii) disabled household heads; (iii) poor households; (iv) elderly households with no means of support; (v) the landless or households without security of tenure; (vi) women-headed households; (vii) ethnic minorities; and (viii) pastoral nomads who are one of the most vulnerable group in Afghanistan.

Preface

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

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

It should however be emphasised that this RPF is designed solely for the NHRP and also applicable to Darunta HPP as well. It may have wider used, but these are a bye-product of and not the main purpose of this framework.

Darunta hydropower rehabilitation has some activities that might have potential impacts on tree cutting and damage to green cover and land scape. This also includes impacts from construction of new administrative building and warehouse, It is to be mentioned that the new administrative and warehouse buildings are going to be constructed in the premises of Darunta HPP and is the property of Darunta dam itself, therefore no land acquisition is needed.

Access roads are available and there is no need for paving new access road, possibility for setting up of labour camp is also available in the premises of Darunta HPP upon agreement of both parties, the plant officials and the contractor. No major impact on upstream and downstream on livelihood (fishery or irrigation associated with construction work is expected because the construction works has no direct linkage with the river or canal water, though, there could be some disruption in irrigation water associated with the rehabilitation of turbines but proper mitigation measures will be taken into consideration and the turbine rehabilitation work will be implemented step by step so that sufficient irrigation water as well as ecological water flow at the downstream will be maintained.

1. Land Acquisition & Resettlement Policy Framework

1.1. Outline of the NHRP project

The Afghanistan Power Sector

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

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

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

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

1.2. Project Objective

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

1.3. Project Description

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

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

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

Analysis undertaken in 2014/2015 concluded that dam safety management of Naghlu Dam is unsatisfactory and requires immediate attention. Issues include:
Sediment management: the extent of sedimentation in the reservoir has never been measured. DABS estimates that sediment has accumulated 7 m above the low-level outlet, rendering it inoperable. This has serious ramifications on the hydrological safety and flood discharge.

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

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

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

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

The proposed Naghlu and Darunta Hydropower Rehabilitation Project are estimated to cost a total of USD 83 million, and comprise the following three main components:

Component 1: Mechanical, Electrical, and Electromechanical Work (US$45.000 million). This component complements the rehabilitation of the electrical and electromechanical parts of the plant previously undertaken and ensures their sustainable operation. It consists of two subcomponents as follows:

- **Subcomponent 1(a): Rehabilitation of Unit 1 and Balance of Plant**. This includes the completion of electromechanical rehabilitation work focused on Unit 1, particularly (I) testing of the existing bent rotor shaft followed by repair if possible or replacement if not; and (ii) completion of rehabilitation of the existing plant.

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

- **Subcomponent 1(c): Rehabilitation of Darunta Hydro Power Plant.** This new subcomponent includes the following activities: (I) Rehabilitation of power house of Darunta power plant including design, manufacturing, supply, installation, and commission of three new units in the power house, rehabilitation of intake gates and dismantling of old units (ii) Design, supply, installation and rehabilitation of Darunta Switchyard, and (iii) supply and construction of warehouse and administrative building in Darunta Hydropower plant.

Component 2: Dam Safety and Power Generation Capacity Improvement (US$28.50 million). This component aims to ensure the safe operation of the dam through the two subcomponents as follows:

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

  The dam safety audit will identify quick measures to improve dam safety to be implemented before the completion of the dam safety audit. Specifically, this will focus on supporting DABS in introducing modern dam safety measures that do not require

major structural changes, particularly (I) setting up a procedure and staffing for independent dam safety inspections; (ii) preparation of dam safety plans including operations, maintenance, and surveillance manuals for civil works, emergency preparedness plans, and post-earthquake response plans; (iii) revision of operating manuals for the electrical and electromechanical works; (iv) detailed maintenance planning for equipment; (v) training of dam staff; (vi) reactivation of the low-level outlet; (vii) introduction of independent operation of the power intake gates; (viii) installation of standby generator for emergency opening of the spillway gates and closing of the power intake gates; and (ix) installation of other essential instrumentation for dam safety monitoring.

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

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

Component 3: Environmental and Social Sustainability, Project Management Support (US$19.50 million). This component includes two subcomponents.

- **Subcomponent 3(a): Environmental and Social Sustainability.**
- This subcomponent is included in the project with the aim of ensuring the environmental and social sustainability of the Naghlu dam and Darunta Hydropower rehabilitation. It covers the following activities:
- Local development assistance. Partly in support of benefit sharing with local communities, this subcomponent will provide electrification around Naghlu dam; rehabilitate distribution system in Nangarhar province, and improved access to skills and training to help local people gain employment at the plant and elsewhere. Special plans to target women skills development will also be devised. Other activities identified by local development communities that aim to improve the communities' livelihood surrounding the dam will also be financed under this subcomponent, for example, road development. This will ensure continued community support for the dam and the proposed rehabilitation.
- **Supporting environmental and social management**. This will support (I) the monitoring of the existing environmental and social management plan (ESMP) for Component 1; (ii) the preparation, implementation, and independent monitoring of an

ESMP, Resettlement Action Plan, and Livelihoods Development Plan for Subcomponent 2(c) of Component 2.

- **Subcomponent 3(b): Project Management Support.** This subcomponent aims to ensure that DABS receives advice on good international practices. It will consist of:
    i. This subcomponent will finance the training programs, development of operational manuals for generation, distribution planning, operation and maintenance, and translation of management and control software and technical documents into Pashto and Dari to ensure adequate capacity for the safe and sustained operation of the existing plant.
    ii. Consulting services to support implementation of the project which include technical (hydropower specific), environmental, social, technical, procurement, financial management, and monitoring and evaluation aspects.
    iii. Financing support for an Environmental and Social Advisory Panel (ESAP) and a Project Technical Advisory Panel (PTAP).
    iv. Technical assistance to DABS for collection of geographic, hydrological, environmental, social, and disaster risk data from Panj River.

1.4. Why a Resettlement Policy Framework?

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

Though, the rehabilitation activities under Subcomponent 1(c) Rehabilitation of Darunta Hydro Power Plant and construction of administrative and warehouse buildings are going to be take place within Darunta HPP land, and no land acquisition and assets lost is expected but the RPF of NHRP is applicable to Darunta Dam as well.

The purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied if decisions to divert the river and raise the height of the dam are made. The RPF sets out a clear framework for the assessment, mitigation and compensation and, where necessary, the settling of disputes arising out of resettlement, land acquisition, loss of assets/access to assets.
There are several interlinked issues that must be addressed by way of introduction to the policy. First, the resettlement policy framework is required to be consistent both with the World Bank's Operating Policies 4.12 which deal with Involuntary Resettlement and with existing national laws and policies. Where there is inconsistency between the two, the WB policy prevails, unless the local requirement sets a higher standard or benefit for the Affected Person.

Second, before the details of the RPF can be outlined and explained, the basic principles and objectives of the RPF must be set out. But whereas OP 4.12 contains such principles and objectives, no laws or policies in Afghanistan deal with resettlement. There are relevant laws that will be discussed later – principally a Law on Managing Land Affairs of 2018 and a Law on Land Acquisition

of 2017 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 RPF clarifies resettlement principles, eligibility criteria, entitlement matrix, livelihood restoration and organizational arrangements for land acquisition, land and asset loss, compensation, rehabilitation and resettlement of people that may be necessary while supporting extractive industry investments.

The RPF was developed by DABS in 2013, as part of the preparations of the NHRP. It was based on existing RPFs prepared for other WB-funded projects and adjusted for the NHRP. In connection with the amendment of the Law on Land Acquisition, the RPF has been updated to reflect the current law. It is not expected that any land acquisition will be required for the Darunta HPP.

The key principles of an RPF are to:

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

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

2. Legal & Policy Framework for Resettlement

2.1. Afghan Law & Policy on Land Acquisition

There is no country specific resettlement policy in Afghanistan, however Law on Land Acquisition approved in 2017 which provides the legal basis for land acquisition and compensation. The Law entitle the Government of Afghanistan to acquire private property for public purposes upon payment of fair market value. According to these laws, compensation is based on rates determined by the legally constituted resettlement committee. If a land and property are acquired by the government for public purposes, the owner is entitled to receive (i) the value of land; (ii) the value of residential houses and buildings; and (iii) the value of trees and orchards and other assets on the land.

The Constitution of Afghanistan (ratified in 2004) has three articles that closely relate to compensation and resettlement. In accordance with the Constitution of Afghanistan, acquisition of a person's property, in return for a prior and just compensation within the bounds of law, is permitted only for securing public interests in accordance with provisions of law (Article 19 of the Constitution)

The Land Acquisition Law (2017)

The Law on Land Acquisition (2017) replaced the Law on Land Expropriation (2009) that provided the legal basis for land acquisition and compensation particularly 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.

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

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

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

(iv) In cases of land acquisition, the following factors shall be considered for compensation:
(a) Value of land
(b) Value of houses and buildings on the land
(c) Value of trees, orchards and other assets on land (Article 8)

(v) The value of land depends on the category and its geographic location (Article 11)

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

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

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

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

Compensation is determined by the Council of Ministers. The decision is based on the recommendation of a "committee" consisting of the following:
(i) The landlord or person who uses the land or their representatives
(ii) Official representative of agency who needs to acquire the land (i.e. DABS)
(iii) Representative of local municipality
(iv) Representative of Ministry of Finance, and
(v) Representative of Ministry of Justice

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

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

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs
(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by

the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs
(c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher
(d) Lack of title would not bar the affected population from resettlement and compensation benefits
(e) Compensation for losses will be delivered at replacement cost
(f) Compensation payments must be delivered from taking possession of the required assets

Step 1: Preliminary issues: is acquisition necessary?

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

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

- A preliminary investigation and assessment of the land that may be acquired must be undertaken
- Persons likely to be affected by the project (APs) and other interested parties should be given an opportunity to contribute to or comment on the location of the proposed project and the necessity of acquiring the proposed land for the project. This involvement is separate and distinct from APs participating in the planning of any resettlement that has to take place
- A cut-off date for any ultimate assistance and compensation for APs must be determined and announced at the start of the household census. After that date, no one coming into or obtaining land or a house in the potential project area will be entitled to compensation. There will be a risk that there may be some speculative encroaching as word gets out unofficially about the likelihood of raising the height of the reservoir and or new bypass canal in case of in stream dredging. This will need careful handling

Step 2: Preparing an acquisition and resettlement plan

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

(I) informed about their options and rights pertaining to resettlement

(ii) Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives, and
(iii) Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to project-related acquisition

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

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

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

(i) offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living, and
(ii) Provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

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

(i) the land to be acquired
(ii) the persons who will be suffering any temporary or permanent losses of assets, income, sources of livelihoods
(iii) the persons to be required to move
(iv) the place or places to which such persons are to be moved to
(v) the circumstances of the place to which persons are to be moved to:
  (a) whether the land is occupied and by whom
  (b) what the land is presently being used for
  (c) the condition of the land and its facilities
(vi) the arrangements to be made to facilitate resettlement and integration
(vii) the manner and form in which compensation is to be assessed and paid
(viii) the heads of compensation payable
(ix) an estimate of the compensation payable and of the resettlement expenses
(x) the procedures to be followed in executing the plan
(xi) the arrangements for the involvement of APs in plan execution
(xii) what opportunities there will be to challenge plan execution and compensation

In practice, the preparation of this plan should commence as part of the exercise of preparing the feasibility study and SIA for raising the height of the reservoir but in terms of process, it is sensible to keep separate the issue of whether any land acquisition and resettlement is necessary from the issue of what resettlement will take place and how it will be conducted.

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

(a) Displaced persons and their communities, and any host communities receiving them, are to be provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are to be established for these groups.
(b) In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are to be provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, or fodder).
(c) Patterns of community organization appropriate to the new circumstances must be based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of resettlers and any host communities should be preserved and resettlers' preferences with respect to relocating in pre-existing communities and groups honoured.

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

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

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

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

(a) Institutional Arrangements

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

(b) Consultations with Affected Persons

- the processes and institutions of participation and consultation
  - to which APs and others will these actions and orders apply
  - what must APs do to comply with orders and take required actions
  - what must APs do to gain benefits and assert rights under the law
  - with respect to compensation
- the scope and form of compensation
- the manner of assessment of compensation
- the manner and timing of claiming and paying compensation
- the process of decision-making and appeals on compensation
  - with respect to resettlement
- process and procedures on resettlement
- financial and other assistance with resettlement
- Processes and institutions relating to challenging and contesting decisions.

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

Sub-step 1

The first sub-step is **the process of acquiring the land**; informing all the qualified owners and occupiers of the land of the intention to acquire the land and pay compensation for any land so acquired. This will involve intensive personal contact with owners and occupiers of land and oral explanations of what is happening and what owners and occupiers should do in order to ensure that they obtain recognition for their occupation of land and compensation for same. Acquisition of land will also necessitate full and clear documentation of what is happening.

Land Donation

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

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

special treatment outside the plan; in other words, a donor will be treated as if he or she had had their land acquired compulsorily.

Wherever land is donated there must be documented evidence that:

- the person donating the land was not subject to pressure to donate and that he/she could have opted not to donate
- That the donor has clear title over the land and such land is not being used by a third party who could be affected.
- That livelihood impact of land donation does not exceed 10% livelihood impact and is below100 sqm.
- The use of donated land does not disrupt productivity of remaining land

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

3. 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 compensation for any loss of income and transitional or resettlement assistance only, while those who claim title ownership (formal or informal) are entitled to compensation for land and relocation/livelihood assistance. However, this provision must be read in the light of the requirement in OP 4.12 that at the time of the identification of the project area, a census must be carried out within the area of those who will be affected by the project and will be eligible for assistance. Persons who encroach on the project area **after** the cut-off date, which will be the completion of the census, will not be entitled to any compensation or other assistance.

OP 4.12 thus makes clear that squatters, PAPs without recognised (legal or customary) title, must receive some compensation and assistance with resettlement. The rationale for this is that such persons are usually the poorest members of the community and those most likely to be the hardest hit by having to move. While this group does not have legal rights over the land, as part of the efforts to restore their livelihoods and living conditions, it is good practice,

in relevant cases, to provide solutions that help ensure that those affected have security of tenure at their new relocation site, in the case of those being physically displaced or being offered land for land.

Sub-step 2

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

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

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

Compensation will include

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

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

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

The details of how to calculate various heads of compensation are dealt with below (pp128-130)

Sub-step 3

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

Assistance with resettlement will include

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

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

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

A table of comparison between the Land Acquisition Law and OP 4.12 with proposals for reconciliation[2]

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

[2] Gap Analysis of OP 4.12 and Afghan Legal Framework, Prof. McAuslan (2007) – updated in view of amendments to Land Acquisition Law (2017)

5. No special provision in LAL for a resettlement plan or any special arrangements for resettlement	Prepare resettlement plan: contents to include - -Involvement of and ensure APs' rights to (i)compensation (ii)relocation assistance (iii)development assistance in new location. Distinction drawn between short and full plans, depending on numbers to be resettled.	Major gap of substance	1. The LAL is silent on resettlement but there is nothing in the law to suggest that a resettlement plan or action to implement a resettlement plan would be illegal. 2. Provide for resettlement plan administratively but 3. Backed up by some regulations	2 and 3 the preferred option.
PART TWO: ACQUIRING THELAND				
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 LAL, 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 LAL. Under article 22, the owner etc. obliged to hand over all documentary evidence relating to land to the acquiring authority	No specific procedures required by OP 4.12 but content of resettlement plan implies APs will be involved in all stages of acquisition	The spirit of OP 4.12 conflicts with LAL's non-provision of involvement of the owner apart from that provided for in article 5. It is not clear why that is confined to "the Municipality". Given many absentee owners, it may be unavoidable to allow absentee acquisition.	Spirit of OP 4.12 could be met by more protective provisions and or practice on dealing with absentee acquisition. The silence of LAL 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.	Consultation with project affected persons, 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 law.

7. Under article 6 LAL after transfer of ownership, owner may enter acquired land and harvest crops except where urgent use of land prevents this	Not mentioned	LAL ahead of OP 4.12 on this:	A good provision	No change
PART THREE: COMPENSATION PAYMENT PROCEDURES				
9. The Constitution provides for payment of prior and just compensation. (English translation).The LAL at article 2 provides for the payment of prior and adequate compensation. If there is a distinction between just and adequate, then the constitutional provision of just compensation prevails. Article 8 provides that compensation shall be "the price" of land or houses or trees etc. and article 10 provides that the Council of Ministers shall determine the price. But article 15 provides that the municipality and the administration for agriculture determine the compensation for trees etc. Article 13 sets out detailed provisions for obtaining residential plots where a person has had land acquired; the more land acquired the more residential plots are paid as compensation. Disturbance compensation not provided for. Compensation can be land for land Unlike the former law which provided for compensation may be paid into a bank, LAL is silent on the mechanics of paying	OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local markets. Compensation for lost livelihoods required Disturbance compensation required Land for land compensation encouraged. Resettlement costs and 'start up' expenses required.	There does appear to be a gap between the LAL and OP 4.12. The LAL has a lot of gaps in it. Sensible not to insist on market value in the absence of reliable functioning markets. Biggest gap is compensation for squatters and even their best practice does provide some compensation to those with no legal title. Practice of paying compensation into a bank even when APs not absentee difficult to reconcile with prompt payment of compensation.	1. OP 4.12 must be accommodated. Other resettlement plans developed in connection with ADB projects more or less ignore the LAL and provide detailed frameworks for assessment and payment of compensation. 3. The ADB models should be adapted for use in the project. The lack of any detail in LAL on how to assess compensation and the content of compensation (apart from article 13) allows for the creation of a clear comprehensive and fair code on compensation applicable to all acquisitions including resettlement costs which can be a part of the RPF without doing violence to the existing law.	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.

compensation. No assistance for APs to access bank for their compensation. Practice on the ground is careful and painstaking.				
10. No provision in the law on resettlement support. Practice seems a little haphazard and tends to turn on legality of occupation of APs who are to be relocated.	OP 4.12 requires implementation of resettlement plan the contents of which are noted at 4 above	Major gap of substance as noted in 4 above.	If preferred option at 4 above accepted, resettlement plan implementation is issue: Choice is between formal top-down and participative involvement of APs which OP 4.12 requires.	The RPF should provide for the making of a resettlement plan (5 above) which should be based on a guided participative approach to implementation.
PART FOUR: ADMINISTRATIVE& JUDICIAL PROCEDURES				
11. LAL provides for administrative agencies to manage acquisition processes and deal with compensation. APs are part of some committees dealing with compensation. No provision for courts to be involved or for appeals. In practice, committees may act to solve grievances No provisions for e.g. legal aid to assist APs to make claims. Practice at least in Kabul does appear to try and help PAPs.	OP 4.12 silent on judicial and administrative arrangements. It requires appropriate and accessible grievance mechanisms to be established for those being resettled. Logic of OP 4.12's references to 'meaningful consultation' with APs and making use of CBOs and NGOs suggests preference for decision-making process which is not just part of the administration.	A major gap on grievance mechanisms and current administrative arrangements in LAL difficult to reconcile with the participative approach of OP 4.12. Earlier laws involved payment of compensation in the presence of a judge and allowed an appeal albeit from the judge to a Minister.	Develop grievance handling practices but keep them administrative rather than legal. Make legal provision for appeals from administrative decisions and decisions on compensation to an independent body.	A combination of law and practice guidance would be the best way forward. Grievance mechanisms to provide for co-operation with *shuras* and community councils in areas where APs are. RPF to provide for these
12. LAL does not provide for any external monitoring body or process	OP 4.12 states that the borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument.	Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to providing for same.	Provide monitoring for WB projects as required by OP 4.12 Establish specialist monitoring agency for all projects involving acquisition and resettlement Empower provincial and local institutions to monitor projects.	Meaningful monitoring is required by OP 4.12. New institutions should be kept to a minimum. Consideration should be given to use provincial authorities and NGOs. Regular reports should be made and published

3.1. Eligibility for compensation

3.2. General eligibility

General eligibility is defined as, "people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project as of the formally recognized cut-off date will be considered as project affected persons (APs)".

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

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

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

3.3. Land Tenure and Compensation Entitlements

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

The system of Afghan property rights is broadly divided into two categories: formal and informal. Under the *formal system*, the land law defines ownership of immovable property as *private, public and Mawat land*s. Written evidences of land ownership under the formal system of property rights are different kinds of deeds or legal documents with copies in the Court Registries. Other formal written documentation may also be utilised for this purpose. Details are to be found in article 5 of the Law on Land Management.

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

In the new Law on Managing Land Affairs land is classified as (i) government land, (ii) private land, (iii) public land and (iv) community land. In addition to the above, cultivable land which has no owner is deemed to be public land. The law prohibits acquisition of such land without the permission of the government. The state has recently strengthened its grip over land based on a statute of limitation which states that all individual claims to land that has been held by the state for a period exceeding 37 years shall be barred and the state shall be considered the owner of the property. The decree provides that all land in which the ownership of individuals is not established legally shall be considered the property of the state. This classification does not entitle an occupant to compensation for the affected land, but such a person is entitled to compensation for all immovable assets which are permanently fixed on the land.

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

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

The other occupants of lands outside of the classifications of legal and legalizable 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.

3.4. Entitlements to Compensation & Livelihood Restoration

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

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

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

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

• ***Houses, buildings, (fixed assets), structures damages*** -- These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Compensations will include the cost of lost water supply, electricity, or telephone connections. Renters/leaseholders will receive an allowance of geared to the rent they are paying for 3 months to cover emergency rent costs.

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

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

• ***Businesses*** **losses**—Compensation for business losses, including fishing, will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance computed as xx Afghanis per month. Permanent business losses will be based on actual income loss or in cash for the period deemed necessary to re-establish the business (6 months). Compensation for temporary business losses will be cash covering the income of the interruption period up to 6 months based on a monthly allowance of xx Afghanis. Business loss is computed at xx Afghani per day as average net income of typical road businesses such as small stores, repair and vulcanizing shops and small food establishments. The details should be part of the RAP.

• ***Income losses for agricultural workers and employees*** -- Indemnity for lost wages for the period of business interruption.

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

• ***House owners/renters*** -- House owners/renters who have to relocate their houses will be provided with relocation allowance equivalent to xx Afghanis per month for the time necessary. And will be assisted in identifying alternative accommodation.

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

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

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

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

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

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

. **Gender Inclusion:** Documentation of ownership or occupancy and compensation payments should be issued in the names of both spouses or single heads of households as relevant, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs

3.5. Unit Compensation Rates and Budget

3.5.1. Establishing Rates for Land Acquisition & Resettlement

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

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

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

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

A further point must be made about the rates. In a project, there would have been, as part of the process of putting a project document together, at the very least a preliminary survey of the land to be affected by the project and the numbers of APs likely to be affected and the way in which they would be affected; e.g. loss of land, loss or diminution of assets, loss of

livelihood etc. Discussions would have taken place with such persons so a reasonable estimate could be made of what they would be likely to claim as compensation. So alongside an explanation of the rates that are to be applied to the determination of compensation, a budget would be developed showing the amount of money that would be needed at the proposed rates to satisfy the requirements of compensation for the APs in the project area.

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

The rates for land, structures, crops and trees that have been used in the cost estimates prepared in the MPW plan were derived through rapid appraisal and consultation with affected parties through the census and inventory of loss survey and relevant local authorities. The affected households were asked about their personal valuation of the affected lands and other assets. This would be an essential preliminary aspect of a RAP.
The overall budget of resettlement cannot with any certainty bet determined as this stage. However, the budgeting agency needs to ensure that funds are available for the resettlement costs, including not only compensation to the PAPs, but also cost of consultations throughout the process, sustaining a grievance redress mechanism, M&E and independent consultants as required (e.g. for final review of RAP implementation).

3.5.2. Valuation of Land

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

3.5.3. Valuation of Structures

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

3.5.4. Valuation of Crops and Trees

This was quite problematic because of lack of reliable data in terms of yield. The results of the socio-economic survey were not reliable because the majority of the respondents were not aware of size of their land holdings. Their measurements of farm lots are determined on the basis on the amount of seeds they use in sowing. Hence, they know that a certain parcel will require one kilogram of seeds and expected to yield a certain amount. Hence, in computing crop losses, a combination of four main crops was used to get the average yield and price. The unit price for crop losses for a square meter of land devoted to the four main crops will be estimated at x AF per sqm but would be fine-tuned at the time of the RAP.

The compensation for productive trees is based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years' investment they have required. However, during interviews on trees, the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post-harvest facilities. Farmers are forced to sell tree crops when everyone one else is doing so during off-season months, the prices of tree crops quadrupled. The compensation rate for a fruit bearing tree is the average yield per tree (xx Afghanis) 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.

3.6. Income Restoration Allowances

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

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

Income Restoration Allowance for Business Losses -- compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business (6 months). Permanent business will receive xx Afghanis each month for 6 months. Compensation for temporary business losses will be cash covering the income of the interruption period based on a monthly allowance of xxx Afghanis. The duration to be determined in the RAP.

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

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

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

Transitional Livelihood Allowance -- APs losing land or losing a house and have to relocation will receive a livelihood allowance of XX Afghanis per month until relocation and livelihood restoration is completed.

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

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

4. Institutional Arrangements

4.1. General

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

1. Islamic Republic of Afghanistan (IRA)
2. Da Afghanistan BreshnaSherkat (DABS)
    - Office of Chief Operating Officer
    - Safeguards Staff
    - Management of Naghlu Plant
    - Environment and Social Consultants

3. Implementing Non-Government Organization (NGO)
4. Local Government Units (LGUs)

The agencies involved in the planning and implementation of resettlement and rehabilitation program are DABS as the EA and the Provincial and District governments together with the appointed NGO. DABS will be acting in the project through the Office of the Chief Operating Officer. In the field, DABS will act and implement through the Management of the Hydropower Plant and Safeguards Officers with the support of a consulting engineer and the implementation consultant who will co-ordinate all activities related to resettlement implementation. All activities will be coordinated with the relevant local government agencies and community *shura (CDC)* in which the package will be implemented.

4.2. Overall Organization – Da Afghanistan Breshna Sherkat (DABS)

Da Afghanistan Breshna Sherkat (DABS) will be the executing agency (EA). The Director of DABS will have overall responsibility for policy level decisions, planning, implementation and coordination of project activities. The EA will have proper coordination with other departments of the Government of Afghanistan to resolve the following issues:

1. *Land Records and Ownership*. To resolve issues related to land records and ownership, a land management committee will be formed in the central level and will include representatives from DABS, MEW, Ministry of Finance, Afghan Independent Land Authority (ARAZI.

2. *Assets Valuation.* Values of land and other assets for compensation are determined by the Council of Ministers under the LAL on the basis of the principles set out in this RPF. The decisions are based on the recommendation of a committee consisting of the following (i) the landlord or person who uses the land or their representatives, (ii) an official representative of

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

4.3. Project Implementation

4.3.1. DABS

DABS, under the direction of its Board comprising representatives from the Ministry of Finance, Ministry of Energy and Water, Ministry of Justice, and ARAZI will be responsible for the implementation of the LARP.

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

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

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

4.3.2. Implementing NGO

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

1. Work under close coordination with the ESS/Naghlu Plant management, local government units to implement the LARP.
2. Assist the DABS' ESS staff and Naghlu Management in dissemination of the LARP and other resettlement related information.
3. Generate awareness about livelihood restoration activities and assist the APs to make
4. Informed choices including participating in government development programs.
5. Identify training needs of APs for income generation activities and ensure that these are properly funded.
6. Provide counselling and awareness generation to resolve LARP related grievances and assist in seeking redress to unresolved grievances from land acquisition and resettlement disputes with the Grievance Committee.
7. Assist the APs in claims for just compensation including the collection of timely and
8. Complete payments.
9. Submit periodic implementation reports on LARP.
10. Conduct and/or undertake any other activities that may be required in the successful
11. Implementation of the LARP.

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

4.3.3. Local Government

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

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

4.3.4. Gender

It is appropriate to draw special attention to gender issues within the context of project implementation.

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

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

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

5. Public Consultation and Participation

5.1. General Public Consultations

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

5.2. Public Consultation

In addition to informal day-to-day meetings among APs, DABS safeguards staff, and other stakeholders, the formal consultation process in the project area will be ongoing and will be managed by DABS and implementing NGOs through village meetings, and public consultations with government officials. All these mechanisms and approaches will also be

used during the collection of baseline socio-economic data from the APs; and the preparation of LARP and disclosure of LARP to the APs, as explained below.

5.3. Village Meetings

In so far as security considerations permit, a series of village meetings will be held, where the census and socio-economic surveys will be explained and later carried out. The aims and objectives of the NHRP will be explained as will the necessity for, processes and outcomes of any resettlement. The village elders and stakeholders' meetings will be scheduled based on the availability of the participants. The ESS staff will be responsible for conducting village consultations.

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

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

5.4. Consultations with Government Officials and Other Stakeholders

DABS' staff will meet with provincial and local officials to ensure that they are fully appraised about the project including the formulation and details on the implementation of the LARP. The Office of the Chief Operating Officer within DABS will coordinate with land valuation committees. There will be coordination with the district governors which have jurisdiction over the sub-project areas as well as village leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

5.5. Preparation of Project Specific Informative Material

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

- After approval of this RPF by the World Bank and relevant government agencies, it will be translated into local languages and disclosed to the stakeholders, especially affected persons, by DABS through safeguards staff, consultants and at village meetings. LARPs for sub-projects will be made available to the concerned district governments and village

leaders, directly affected households and DABS' Plant Manager as an official public document. This RPF will also be disclosed on the DABS website.

- A summary of this RPF will be prepared specifically for this purpose and will be translated into local languages and presented to all APs in the form of a pamphlet/ brochure, to enable the APs and local communities to read it by themselves and be aware of NHRP's benefits/compensations to be made to available for various types of APs, as given in the 'entitlement matrix'. DABS' safeguards staff/consultant will distribute the brochures through the village meetings and will explain the mechanisms and procedures of the consultation program and how APs will be engaged in resettlement activities and the overall process.
- A cheque disbursement schedule, or preferably transfer of compensation to PAP bank accounts, explaining the date, time and venue for disbursement of compensation cheques of each AP will be prepared in local languages and distributed to all APs. This will also be disclosed in the village meetings.
- A package containing following information material will be prepared for each AP.
    - Inventory of AP's losses
    - Schedule for compensation cheque disbursement explaining the date, time and venue for receiving cheque, vacating land and demolition of structures
    - Pamphlet/ brochure in local languages
    - Any other relevant information for the AP

5.6. Summary of consultations conducted during preparation of the updated RPF/ESMF

During the updating of the ESMF and RPF, key information on the new components to be included at the NHRP project was collected and reviewed. A long list of the potential environmental as well as social issues likely to arise as a result of the project was developed, two phases of public consultations with all direct and indirect stakeholders were conducted, first consultation at December 2017 for including Darunta Hydropower plant rehabilitation like turbines' replacements, switchyard rehabilitation, administrative building and warehouse construction. Second public consultation at December 2020 and the Darunta dam safety like spillways gates repairing/ replacement and dam seepage control.
Based over these components and proposed activities The DABS PIU safeguard and technical team visited the project site and consulted the key stakeholders. The following organizations participated in the consultation:

- Nangahar Breshna Officials.
- Darunta HPP authorities
- Nangahar NEPA representatives.
- Nangahar ARAZI representatives.
- Surkh Rod District community elders.
- DABS PIU representatives.
- Provincial development council representatives.
- Nangahar governor office representatives.
- Darunta Irrigation Canal representatives.
- Nangahar university teacher's representatives.

Key points and feedbacks discussed with stakeholders are:

- The need to conduct public consultation meeting with stakeholders.
- Explained update information about Rehabilitation of Darunta Hydro Power Plant project (both phases).
- Engagement of adjacent communities into rehabilitation of the project is a key to succeed in smooth implementation of the project.
- Explanation of the WB safeguard policies, GRM mechanism and national relevant regulations.
- Discussion on current challenges existed in term of electrification at Darunta Power Plant area.
- Discussion about potential and anticipated Social and Environmental impacts of the project.
- Plant rehabilitation and proposed mitigation measures.

During consultation meetings the participants declared their full support and shared their recommendations and concerns as follow.

1) Electrification of Nangarhar University teacher's residential compound (Qeiamodin Khadem Shahrak) by either Darunta Plant or Solar panel.
2) Improvement of transmission and distribution network because it passes over and beside the residential houses with less height and distance and some cases of animal death is reported.
3) Fully electrification of Gulghundi village located in Chapa Dara because previously there were 100 households now there are 300 households.
4) Full access of Nangahar University to electricity because 24000 students from deferent part of the country are studying in this university and they strongly need to reliable electricity.
5) Whenever starting the spillway repairing, spare gates should be replaced and should be repaired at each gate respectively.
6) The rehabilitation works shall be planned in a way during the design and construction stage that the downstream irrigation flow will not be interrupted.
7) It's better to work on a single turbine at a time, the rest of the turbines should operate for smooth power generation.
8) During repairing and rehabilitation activities, fuel and other oil should not be released into the water.
9) WB and IFC OHS guidelines shall be followed.
10) Skilled and unskilled laborers should be hired from the local area, in case of unavailability need to hire from other areas.

5.7. Disclosure

Key features of this RPF will be disclosed to the APs through the village meetings, and informal interaction between the APs, DABS safeguards staff and consultants. After its

finalization by DABS and approval by the World Bank, the following disclosure plan will be followed:

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

DABS safeguards officers will again conduct meetings with DABS staff in the Kabul office, local government units and other government agencies as part of the disclosure process to acquaint them of the substance and mechanics of the RPF. They together with the implementing NGO will be responsible to return to the affected villages and communities once this RPF is approved by DABS and the World Bank and conduct disclosure activities through village meetings to ensure that affected households will be familiar with this plan before the actual implementation commences.

6. Preparatory Actions and Implementation Schedule

6.1. Preparation Actions

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

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

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

Payment of compensation of assets other than structures (land, crops, and trees) will be made at least 90 days prior to actual possession of the space being utilized by the APs.

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

However, in case of a dispute regarding the amount of compensation, up to 70% of the assessed/allocated amount of compensation will be paid to APs and the rest pledged in an escrow account in the names of the concerned APs, pending the resolution of the dispute. In case of dispute over rightful ownership the compensation would be deposited in an escrow account awaiting the court resolution of rightful ownership In such an exceptional case, an agreed member of the DABS Board e.g. the Ministry of Finance, may possess the land without full payment of compensation Grievances or objections (if any) will be redressed as per grievance redress procedure adopted in this RPF. However, all activities related to land acquisition and resettlement will be completed prior to initiation of civil works. In case of absentee owners (e.g. conflict-displaced persons), the compensation amount would be deposited in an escrow account and issued to the rightful PAP upon verification of identity and claim. The government will take all appropriate means (through electronic and written media, words of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts.

6.2. Process of LARP Implementation

The following paragraphs explain in detail how compensation will be delivered to APs and the prerequisites needed in triggering the release of financial resources to the ultimate beneficiaries. These steps are formulated in the light of the assumed availability of finance, the security situation in the Naghlu area and travelling time.

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

i. Obtain financial resources based on the final budget of the LARP. DABS shall obtain the needed money to fund the land/asset acquisition component from the Ministry of Finance.
ii. Verification of the list of qualified APs: DABS, through the implementing NGO, will verify the list of APs provided in the LARP to ensure that all eligible APs will be properly compensated, and non-eligible APs will be excluded. To ensure that identification and

qualifications are guaranteed, village elders and community Shuras will be consulted to resolve issues rising from the list.

iii. Notification of a detailed compensation package: DABS through the implementing NGO will prepare and provide each AP with a detailed breakdown of affected assets, and the unit cost of each asset affected and the total compensation that they will receive.

iv. Final conciliation/expropriation: APs who disagree with the amount of the detailed compensation package and how it was arrived at will be provided with a last or final chance to settle these issues with the implementing NGO facilitating this meeting. In the event that DABS, and the APs still cannot agree, DABS' Board will file expropriation proceedings in the appropriate court, asking that DABS be permitted to take possession of the affected asset. DABS will pay the AP 70% of the contested sum and deposit the remaining amount in an escrow account in a bank.

v. Locate absentee owners: DABS, through the implementing NGO and village leaders, shall try to locate absentee owners of affected assets. There are some cases where owners are residing or working in other places and every effort must be undertaken to locate these absentee owners.

vi. Notification to the public: available media and community bulletin boards will be utilized to inform the public that lands with the corresponding owners will be affected by the project. These will provide sufficient time for any adverse claimants on lands that will be affected to raise their opposition or claims over the affected lands.

vii. vii. Preparation of invoices: Invoices for each of the eligible APs will be prepared by DABS/Implementing NGO. This document entitles each of the APs to receive the amount indicated in the invoice.

viii. Delivery of the money to local bank: the money from DABS/MoF will be remitted to a local bank in the nearest town (Sarobi) to the Naghlu plant. However, DABS may remit the money for compensation to any bank of its choice. The bank account will be opened by DABS which will receive from Kabul the compensation on behalf of the APs.

ix. Payment: the APs will each receive a cheque for the whole amount of compensation from DABS. The AP will sign a document acknowledging the receipt of the whole compensation and a waiver attesting that he/she has no longer any pending claim over the affected property. A photograph shall be taken with the AP receiving the cheque as part of project documentation.

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

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

6.3. Complaints and Grievance Redress

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

- Affected person who uses the land or his/her representative,
- Representative of Ministry of Energy and Water,
- Representative of the Ministry of Finance,
- Representative of the Ministry of Justice, and
- Representative of the local municipality,
- Local community
- Local NGO that currently responsible for the implementation of NSP.

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

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

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

The grievance redress committee will register the unresolved matter and meet to try to resolve the issue. A recommendation should be made within 7–10 working days. In the case of the absence of any of the members during the decision-making process, an appropriate candidate will be nominated by the original representative. If no decision has been promulgated after 10 working days from the last meeting of the grievance redress committee, the affected person may take the issue to the next level. The AP always has the final recourse to seek redress

through the legal system. However, every effort must be exerted to avoid this alternative because it entails loss of time and expenses of the part of the AP.
As the concept of just compensation for affected assets for public works such as dams is new to Afghanistan, the ESSOs and the implementing consultant (NGO) will assist in disseminating this concept to APs, its procedures and prerequisites in filing the proper complaints. The process of grievance redress has been made simple to hasten the process of decision-making and facilitate getting on with the works. The grievance redress committee includes a representative from the local administration and the affected individual. Grievances are expected to be redressed locally within the existing framework.

6.4. Monitoring & Evaluation

6.4.1. General

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

6.4.2. Internal Monitoring

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

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

6.4.3. External Monitoring

The implementation of the NHRP will take place over a number of years. It will therefore be necessary that external Third-Party monitoring is carried out on a regular basis with the results communicated to DABS and the World Bank through a bi-annual compliance report. (The TOR for the External Monitoring Agency (EMA) will be part of the LARP) The EMA will be responsible for the preparation of the compliance report confirming that all compensation and related resettlement assistance in cash or kind are being delivered to the affected

households. Based on the results of the compliance report, the EMA will recommend to DABS/the World Bank if the necessary civil works on rehabilitation, especially raising the height of the Naghlu reservoir, with resettlement impacts can commence. A copy of the compliance report and its recommendations will be submitted to the DABS, supervising consultant and the World Bank simultaneously. The EMA will also review the impact on upstream and downstream communities as well as host communities at resettlement sites.

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

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

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

6.4.4. Management Information Systems

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

6.4.5. Reporting Requirements

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

1. Matrix of Actions under the RPF

ACTIONS, MEASURES, COMPENSATION ENTITLEMENTS AND CATEGORIES IN THE RPF

ACTIONS	TO	IMPLEMENT	THE	NHRP
Who	**What**	**When**	**Why (Objective)**	**Comments**
DABS	Establish liaison arrangements with Ministries which will necessarily be involved in NHRP: MEW; MOF; MOJ, MAIL and AGCHO/	Assuming these arrangements already exist (DABS Board members) , they can be utilised as soon as possible to bring these Ministries up to date on NHRP	To facilitate the smooth implementation of the beginning and operation of the NHRP	The vital first step in the process of developing the NHRP
DABS	Establish institutional arrangements for ensuring safeguards compliance.	On approval of RPF by World Bank	Creation of the internal DABS arrangements to implement RPF	Preparatory work to be done before approval of RPF
DABS	Appoint national safeguards officers	Desirable to appoint these officers well before the commencement of NHRP	Creation of internal DABS arrangements to implement RPF	Early appointment will facilitate training of these officers. Training organised by WB
DABS	Commence the preparation of materials on the RPF for distribution to probable APs	At commencement of 2014	To give as much advance publicity to NHRP as possible and to alert probable APs of resettlement	No need to wait for approval of RPF by World Bank. This work should start as soon as possible
DABS	Prepare terms of reference for international social safeguards consultant	At commencement of 2014 Advertisements can go out before RPF approved but appointment would be dependent on RPF approval	To ensure rapid recruitment processes once RPF approved	There will need to be considerable consultation on this post, so action needs to start early on
DABS	Appoint the implementing NGO/consultant who is going to carry out the processes of resettlement	Initial work on appointment – terms of reference; basic requirements for an NGO/consultant to be qualified to apply; vetting applicants – can start in 2013. Appointment would not be made until RPF approved	The implementing NGO will have an important role to play in all significant resettlement exercises.	Where only very small-scale resettlement will take place, the ESSOs and the Naghlu Plant Manger could be the implementers but anything over that and the implementing NGO would be involved.

DABS	Continue with process of locating sites and preparing technical plans etc. for sub-projects under the NHRP	ongoing	To ensure no delay in beginning implementation of NHRP	No comment needed. Self-evident action.
DABS	Where likely resettlement will be involved in a site located for action under NHRP begin preparation of RAP under the RPF	This action should begin to be incorporated into plans developing the sites for action under NHRP	To ensure no delay in beginning of implementation of NHRP	Processes for preparing RAP set out in the text of RPF
DABS	Census of residents and probable APs within project area	As early as possible after studies completed.	An essential first step in the process of resettlement	Explanation of the importance of this in the RPF
DABS	Begin the processes of publicity and consultation with APs.	Alongside taking the census of APs	An essential first step in the process of planning resettlement and developing a resettlement action plan	Consultation must be genuine. As much information as possible must be given to APs. Utilise village and other meetings
DABS	Consult and liaise with local governments and regional offices of associated Ministries on above actions.	Alongside consultation with APs	Essential to ensure that Ministries and local governments know of what is happening	These bodies will be needed to assist with village meetings and consultation with APs.
DABS	Undertake the process of inviting APs to submit claims for compensation, assessing discussing and settling claims with APs	Part of the process of consultation and preparing an RAP as an RAP must contain precise details of the compensation and resettlement payments	Compensation and the process of resettlement are at the heart of an RAP and its implementation.	ESSSs and NGO will be involved here
GRC	The GRC will be involved in attempting to settle any grievances which APs may have over the compensation that they are being offered	The GRC should be ready to be involved from the commencement of the process of assessing and determining the compensation payable to APs	To assist in the process of settling claims to compensation	The GRC must be prepared to work speedily and flexibly so as to ensure that a sub-project does not get bogged down in never-ending disputes about compensation.
DABS	Finalise RAP	Preparation of RAP is a continuous process commencing with consultation	A necessary step to commencing action on the ground	RAP must be approved by World Bank

		in connection with census taking		
DABS	Prepare information pack for each AP	The information pack to be distributed when RAP approved	The pack provides all the basic information which an AP will need to know. What is to occur on resettlement; how much compensation will be provided; how the compensation will be provided and the opportunities for complaints and settling same	This is a vital component of an RAP. The details of what must be in the information pack are contained in the RPF
DABS	Implement the compensation and resettlement processes of the RAP	Everything should be ready to be rolled out once the RAP is approved	Once the APs have been paid their compensation and been resettled, infrastructural activities on the ground may commence	*It is absolutely vital to bear in mind that all APs claims must be settled (subject to the limited exception of payment of only part of compensation if a dispute is going to court as set out in the RPF) before entry may be made on to land from which APs have been moved and infrastructural activities may commence.*
Implementing NGO	1. Work closely with ESSOs in generating awareness of all aspects of resettlement and compensation 2. Work closely with APs in assisting in making, negotiating and if necessary, taking to the GRC claims for compensation 3. Submit regular reports on the process to DABS and the monitors	Throughout the execution of the RAP	The presence of an independent agency whose prime function is to act on behalf of and support APs in their claims for compensation is designed as a guarantee that the process complies with principles of substantive and procedural (administrative) justice	This is a key element in the RPF. It will be important that a reputable and effective NGO is appointed and that the external monitoring body has terms of reference that embrace the monitoring on the NGO
GRC	Handle AP grievances overcompensation	During the process of determining compensation.	As with the implementing NGO, a GRC is a further guarantee to APs that the	Another key element on the RPF. Important that the members of the GRC see

		Meet regularly and settle disputes within 10 days.	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	themselves as independent and operate accordingly. They are not there 'to save government money'.
DABS	Internal monitoring conducted by ESSSs	Throughout the process of the implementation of an RAP with regular reports to the World Bank	The Planning and Design Department is responsible for managing the NHRP. It will not have the major hands-on role which will be that of the implementing NGO. So, it is in a good position to monitor and report on what is happening and will do that via ESSSs	An essential aspect of the RPF as it provides an element of project assurance to the World Bank with respect to the implementation of the IDRP
The External Monitoring Agency (EMA must be independent of all bodies involved in the implementation of the NHRP and with independent standing in its own right. Could be a University department or a consortium of departments.	External monitoring conducted by the EMA.	Throughout the process of the implementation of the NHRP with regular reports to the World Bank and guaranteed access to the project site.; APs; documents; officials in DABS and other relevant public and private bodies	An independent overview of the implementation of the NHRP	The independence of the EMA must be assured in the contract between it and the MEW. The World Bank has a substantial interest in the EMA, and its outputs so will likely be involved in the selection process.

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	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	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	As the matrix on the comparison of the LAL and OP 4.12 shows, there is nothing in LAL which prevents the approach of 4.12 being adopted here

		3. Oral and other evidence with probative value that the claimant and his/her family have been in occupation of the land for at least 35 years. 4. Open, continuous and interrupted possession of persons over a very long time which effectively vests in them legal rights over the lands they occupy through acquisitive prescription.	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"	
Squatters	Permanent improvements they have made to the land they have occupied	Observance of permanent improvements; questioning the squatter and neighbours on when improvement made; consulting maps and other relevant documents	The objective here is to compensate the squatter for expenditure on the land but not for the value of the land itself	Ditto to above.
Agricultural tenants	Loss of income	Cash compensation corresponding to one year's crop yield of land lost.	A fair approximation of loss of income	Ditto
Sharecroppers	Loss of income	Their share of the harvest at market rates plus one additional crop compensation.	Ditto to above	Ditto
House owners/renters	Costs of relocation to other accommodation	Relocation allowance equivalent to xx Afghanis per month until suitable accommodation established.	This is a very standard element of compensation in all systems	Not specifically provided for in LAL 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,	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	This is already an approach which has been accepted in Afghanistan

		APs will get an additional allowance for *severe impacts equal to* the market value of a year's net income crop yield of the land.	amount which invites future indolence	
Residential/commercial land impacts	Replacement costs for all losses	Replacement value in cash at current market rates free of deductions for transaction costs	See above. The same reasoning applies	Ditto

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

		pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance. Duration to be determined in RAP		
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 re-established.	See above	Ditto
Vulnerable households	Additional compensation over and above strict loss of income	Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to xx Afghanis0 and priority in employment in project-related jobs.	This is a recognition that those classified as vulnerable households will likely suffer losses over and above income loss and will find it especially hard to get started again somewhere else.	Ditto
Transitional living allowance for APs having to relocate	Disturbance compensation	APs having to relocate will receive a livelihood allowance of xx Afghanis per month for x months. Transitional livelihood allowance is computed based on the prevailing wage rate of x Afghanis per day times during transition time.	This is a standard head of compensation in most systems of compensation.	Ditto
ESTABLISHING	**VALUATION**	**RATES**	**FOR**	**ACQUISITION**
What is being valued	**How is valuation conducted**	**Input of Aps**	**Indicative figures**	**Comments**
Matters common to all specific types of valuation	Rapid appraisal; consultation with APs; information derived from census and from local authorities	Yes, but not necessarily decisive	Where figures are given are indicative only being based on a 2009 valuation exercise. They will almost certainly be changed when budgets for RAPs are developed under the IDRP	None

Land	Valuation of the land is pegged on an average, the actual value depending on the nearness to a build-up area. Land prices are based on the district land prices in the district government	Land values are so far as possible determined on the basis of 'objective' factors, but it is not possible to ignore the assumptions of APs about land values which do play a part in valuation	None	Land values are dealt with after a fashion in the LAL. 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 storey building)	In the project from which these classifications are based, they were arrived at after various consultations with some owners who recently build their houses, local contractors and some local civil engineers.	None	This approach to structures seems a good one to adopt. Some APs considered that the length of time a structure had been standing should affect value, but this was not a factor used in valuation
Crops	In computing crop losses, a combination of four main crops was used to get the average yield and price.		The unit price for crop losses for a square meter of land devoted to the four main crops was estimated at xx Afghanis per sqm.	Valuation was problematic because of lack of reliable data in terms of yield. The results of the socio-economic survey were not reliable because the majority of the respondents were not aware of size of their land holdings.
Trees	Compensation for productive trees is based on the gross market value of 1year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees are valued based on the multiple years' investment they have required.	During interviews with APs on trees, it was pointed out that the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post-harvest facilities. Fruit was sold when all other farmers sold their fruit. In the off-season, prices were higher, but few farmers could store their crops until then	The compensation rate for a fruit bearing tree is the average yield per tree (xx Afghanis) times the age of the tree.	The same point as above applies here too

	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.			

Restoration of income 1. Crop losses	Cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.	No apparent input from APs. But there may be disputes between owners and sharecroppers which officers from the implementing NGO and possibly from ESS might become involved in	No figures can be given	As noted in column 3 this may not be as straightforward as it seems. Inter-AP disputes may erupt and the GRC called into action.
2. Business losses	compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business (Compensation for temporary business losses will be cash	The figures in the next column do not seem to admit of negotiation but there will be an issue of whether a business is permanent or temporary on which APs will wish to be consulted and have their views taken on board	Permanent business will receive xx Afghanis a month for x months. Temporary business losses will be paid for a limited time period at xx Afghanis per month. Duration to be determined in RAP	This is another area where disputes could arise but between those offering and those receiving compensation.
3. Income restoration for workers and employees	Indemnity for lost wages for the period of business interruption up to a maximum of 3 months	This does not admit of much negotiation although there may be differences of opinion of what count as wages	No figures because wages differ depending on the work being done	Ditto but in addition, there could be disputes between employer and employee on wages which the project will have to arbitrate on.
Income Restoration Allowance for Severe Agricultural Land Impacts	When >10% of the agricultural land of a AP is affected, APs will get an additional allowance for *severe impacts equal to* the market value of a year's net	Given the problems of measurement of APs' holdings – see above column 5 on crop losses – this may be difficult to compute and careful	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.

	income crop yield of the land lost.	negotiations with the APs will be necessary		
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 xx Afghanis 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 having 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 xx Afghanis per 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 having to relocate will receive a rental allowance and will be assisted in identifying alternative accommodation	Negotiations with APs central to the operation of this head of compensation	Xx months' rent at the prevailing market rate in the project area.	What the prevailing market rent is must differ from place to place. It is probably not worth while trying to create a 'shadow' market. As with other heads of 'allowances' some flexibility must be built into the outcome.

Annex 1: RESETTLEMENT ACTION PLAN CONTENT

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

1. Description of the Project Area

General description of the project and description of the project area

2. Potential Impacts

Identification of:

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

3. Objectives

The main objectives of the resettlement program

4. Socio-economic studies:

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

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

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

5. Legal Framework

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

6. Institutional Framework

The findings of an analysis of the institutional framework covering:

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

7. Eligibility

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

8. Valuation of and compensation for losses

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

9. Resettlement Measures

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

10. Site Selection, Site Preparation and Relocation

Alternative relocation sites considered and explanation of those selected covering:

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

11. Housing, infrastructure and social services

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

12. Environmental protection and management

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

13. Community participation, involvement of resettlers and host communities

- A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities.
- A summary of the views expressed and how these views were taken into account in preparing the resettlement plan.
- A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related

to forms of compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries)

- Institutionalized arrangements by which displaced persons can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

14. Integration with host populations

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

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

15. Grievance Procedures

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

16. Organizational responsibilities

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

transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. Implementation schedule

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

18. Costs and budget

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

19. Monitoring and Evaluation

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

ABBREVIATED RESETTLEMENT ACTION PLAN

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

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

ANNEX 2: Generic TOR for Independent Third-Party Monitoring

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

In case the project has undertaken any resettlement activities, these will also be subject of the external third-party monitoring periodically assessing resettlement implementation and impacts, verifying internal reporting and monitoring, evaluating qualitative aspects of the resettlement program, and suggest adjustments to the delivery mechanisms and procedures.

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

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

Specific Responsibilities re resettlement monitoring

Integral components of this monitoring activity include a social and economic assessment of the results of entitlements and a measurement of the income and standards of living of the Displaced Persons (DP) before and after resettlement. The following activities are the standard functions of the external monitors:

- Verifying internal reports by field-checking delivery of compensation to intended recipients, including the levels and timing of the compensation; readjustment of land; preparation and adequacy of resettlement sites; construction of houses; provision of employment, the adequacy of the employment, and income levels; training; special assistance for vulnerable groups; repair, relocation, or replacement of infrastructure; relocation of enterprises, compensation, and adequacy of the compensation; and transition allowances

- Interviewing a random sample of DPs in open-ended discussions, to assess their knowledge and concerns about the resettlement process, their entitlements, and the rehabilitation measures
- Observing the functioning of the resettlement operation at all levels, to assess its effectiveness and compliance with the RPF/RAP
- Checking the type of grievance issues and the functioning of grievance redress mechanisms by reviewing the processing of appeals at all levels and interviewing aggrieved DPs and members from the host community
- Surveying standards of living of DPs (and people in an unaffected control group, where feasible) before and after implementation of resettlement, to assess the effects of the resettlement on their standards of living
- Interviewing a random sample of people from the host communities to assess their level of satisfaction with/ grievances as a result of the resettlement process; and
- Advising project management regarding possible improvements in the implementation of the RP

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

Monitoring Indicators

The monitoring indicators for the ESMF/ESMP monitoring follow those laid out in the Pad of the project

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

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

Reporting

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

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

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

Auditor Consulting Team

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

No.	Qualification	Minimum Experience	Continuous / Intermittent Inputs
1	Post graduate Degree in Social Sciences	10 years	Continuous
2	Post graduate Degree in Environmental Planning/Engineering	10 years	Continuous
3	Specialist in Community Participation/Gender specialist.	10 years	Continuous
5	Degree in Civil Engineering/ Hydrology	5 years	Continuous
6	Gender/Social Inclusion Specialist	10 years	Continuous
7	Degree in law/specialist in land issues	5 years	Intermittent