

E4441



**Islamic Republic of Afghanistan**

**Kabul Municipality**

**Kabul Municipal Development Program**

**(KMDP)**

**Environment and Social Management Framework**

**(ESMF)**

Date: February 3, 2014

**Acronyms**

AUWSSC Afghanistan Urban Water Sanitation & Sewerage Cooperation

AP Affected Person

ARAP Abbreviated Resettlement Action Plan

CHMP Cultural Heritage Management Plan

CUP Community Upgrading Plan

EIA Environmental Impact Assessment

EMP Environmental Management Plan

SIA Social Impact Assessment

ESIA Environmental & Social Impact Assessment

ESMF Environmental Social Management Framework

ESMP Environmental & Social Management Plan

ESSO Environmental Social Safeguard Officer

FGM Focal Group Meeting

FO Focal Officer

GCO Guzar Cooperating Shura

GRM Grievance Redress Mechanism

ICR Implementation Completion Report

IDA International Development Association

IRA Islamic Republic of Afghanistan

ISR Implementation Support Report

KM Kabul Municipality

KMDP Kabul Municipal Development Project

KURP Kabul Urban Rehabilitation Project

MAPA Mine Action Program for Afghanistan

MACA Mine Action Center for Afghanistan

NGO Non-Government Organizational

NEPA National Environmental Protection Agency

NCS Neighborhood Cooperating Shura

OP/BP Operation Procedures/Bank Policy

O&M Operation and Maintenance

PAP Project Affected Person

PPG Project Preparation Grant

RAP Resettlement Action Plan

RoW Right of Way

TA Technical Assistance

ToR Terms of References

UN United Nations

UXO Unexploded Ordinance

WB World Bank

WHO World Health Organization

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Kabul Municipal Development Program (KMDP)

Environnemental & Social Management Framework

# Executive Summary

1. The Kabul Municipality (KM), with support from the World Bank, is preparing Kabul Municipal Development Project (KMDP). The proposed project builds upon the now closed Kabul Urban Reconstruction Project (KURP) which financed upgrading similar to the works envisaged under the proposed project.
2. The Project Development Objectives are to: (i) Increase access to basic municipal services through investments in critical infrastructure in selected residential areas of Kabul; (ii) redesign KM’s Financial Management system to support better service delivery when reforms are implemented. In the event of an eligible emergency or crisis, this operation will also enable early emergency response through the provision of a quick access to funding. During the project restructuring for the Immediate Response Mechanism (IRM), the results framework will be adjusted to capture the results from the use of the funds for the IRM and reflects any significant changes expected in the original PDO.

# Project Components

1. KMDP has four components:

Component A: Infrastructure Upgrading Program (US$75.5m)

Component B: Redesign KM’s Financial Management System (US$2.5m)

Component C: Studies (US$ 3.0m)

Component D: Project Management, Works Design and Supervision (US$15.8m).

*Physical and Price Contingencies (US$12.2m)*

* *Contingency Emergency Response*[[1]](#footnote-1) (US$0.0m): In the event of an eligible emergency or crisis, this operation will also enable early emergency response through the provision of a quick access to funding.

# Description of Prospective Project under Component A

1. Under Component A, the major portion of the project fund will be provided that can be used by KM for the provision of basic municipal services through rehabilitation or development of basic infrastructure in select neighborhoods in Kabul city. These services could be small scale civil works such as access roads, footpaths, drain improvement, street lighting, water supply network systems, community parks and community solid waste management points. The project will also finance rehabilitation of 24.5 kilometers of trunk roads and drains within the existing rights of way (RoW) of this infrastructure.

# Environmental and Social Issues Relevant to the Project

1. While the location of all sites to be upgraded as well as the location of roads and drains to be rehabilitated by KMDP is known, past experience under the now closed Kabul Urban Reconstruction Project (KURP) highlights that there is potential for minor and reversible negative impacts. KMDP has prepared and Environmental and Social Management Framework (ESMF) to ensure that all investments are adequately screened for their potential environmental and social impacts, and that correct procedures to be followed, for all the types of the investment to be made by KMDP as stated in the ESMF.

# Objectives of the ESMF

1. The Objectives of the ESMF are:
2. Establish the legal framework, procedures, and methods for environmental and social planning, review, approval and implementation investments to be financed;
3. Identify roles and responsibilities, including reporting procedures and monitoring and evaluation;
4. Identify capacity/or training needs for different stakeholders to ensure better implementation of the provisions in the ESMF and also in the sub-project Environment and Social Management Plans (ESMPs) and;
5. Identify funding requirements and resources to ensure effective implementation of the framework.

**Project Components**

**Component A. Infrastructure Upgrading Program (US$75.5m)**

1. This component will support the following:

**A (**i) Upgrading of basic municipal infrastructure (US$58.5.m): This subcomponent will finance an estimated US45.4m of works that will deliver basic municipal services to people in un-served settlements[[2]](#footnote-2) on government owned land, thereby integrating such areas with the main fabric of the city. Works could include: neighborhood[[3]](#footnote-3) or community roads and drains, culverts, footpaths, street lighting, community parks, community solid waste collection points, and water supply if feasible[[4]](#footnote-4). It will also finance rehabilitation of trunk roads and drains within the existing rights of way (ROW) of the infrastructure and is estimated to cost US$10.8m – this is essential for integrating unplanned settlements into the fabric of the city.

A (ii) Service Delivery Support for Sanitation and Roads Departments (US$17.0m): This subcomponent will finance critically needed[[5]](#footnote-5) low-energy use Goods for KM’s departments of Sanitation, and Roads: equipment for emptying septic tanks; suction of accumulated rain water; sweeping of roads; emergency equipment for clearing snow off primary arterial roads; and for the maintenance of secondary and community roads that have been rehabilitated over the last few years with donor support. It will also finance GPS trackers on 667 vehicles of the roads and sanitation departments, control room equipment for monitoring usage and fuel consumption, and recurrent costs of the GPS trackers on a declining basis for three years. The subcomponent will also finance the services of an international advisor to support the Departments of Sanitation and Roads to design and implement actions to improve the efficiency of services delivered.

**Component B. Redesign KM’s Financial Management System (US$2.5m)**

To redesign KM’s Financial Management (FM) system to support better service delivery, this component will finance (i) an individual consultant as Financial Management Advisor to the Deputy Mayor of KM for Finance and Administration, and (ii) a consultancy firm to develop a fully costed, time-bound realistically sequenced action plan for the implementation of institutional reforms that integrate IT solutions for revenue management, accounting, and management development in KM. This consultancy will be foundational for additional support by IDA for the sequenced implementation of the recommendations of the study.

**Component C. Studies (US$2.6m)**

1. This component will support the following subcomponents:

C (i) Household Survey (US$0.8m): This subcomponent will finance data collection through geo-referenced household surveys for service delivery that will be outsourced to private firms twice during the project’s life, and the one-time procurement of hardware and software for a paperless survey[[6]](#footnote-6) which will be the property of KM. The data will inform KM’s budget allocation for addressing credibly prioritized service delivery deficiencies and monitoring the impact of expenditures, as comprehensive demand side data will be generated for the first time.

C (ii) Drainage study (US$2.2m): This subcomponent will finance a comprehensive study for the Kanal Wazir Abad catchment area and surroundings and provide options for solving the flooding and surface water accumulation problems that routinely impact the residents and businesses in the basin. The study will be a basis for future donor support for infrastructure development in Kabul, particularly the transport sector.

**Component D. *Project Management, Works Design and Supervision* (US$15.8m)**

1. Project Management, Works Design and Supervision[[7]](#footnote-7): This subcomponent will finance (i) the cost of the KMDP senior consultants (US$2.5m) for the management of the project; incremental operating costs for staff that will undertake detailed design for the community upgrading plans (CUPs) to be financed during the project’s life, preparation of CUPs for future donor support, supervision of the works, office support, and the costs of management, monitoring and reporting of the project (US$11.0m); (ii) short-term individual consultants for specific tasks that may be needed during implementation (US$0.5m); (iii) professional training, workshops, and knowledge sharing events (US$0.8m); and (iv) an office building for KM’s infrastructure improvement program[[8]](#footnote-8) (US$1.00m).
2. Contingency Emergency Response: Following an adverse natural or man-made event that causes a major disaster, this component will allow for a rapid response to the disaster by IDA through the reallocation of project funds to support response and reconstruction[[9]](#footnote-9). It could also be used to channel additional funds for emergency response should they become available.

# Environmental and Social Impacts

1. KMDP has been categorized as Environmental Category B in accordance with World Bank OP 4.01 (Environmental Assessment). OP/PB 4.01 is triggered. The overall environmental impacts of the project are expected to be positive. Significant positive impacts to the natural and socioeconomic environments will be achieved by upgrading the neighborhood that lack basic infrastructure, as well as by enhancing the capacity of KM to handle the similar future projects.

# Environmental and Social Management Framework (ESMF)

1. During the implementation of KMDP activities, potential environmental and social impacts must be considered and managed. The impacts must be mitigated, minimized or preferably avoided particularly to meet the Government of Islamic Republic of Afghanistan’s National Environmental requirements and the World Bank safeguards policies requirements. The initial screening of the areas to be financed through Project Preparation Grant (PPG) confirmed that there would be no land acquisition or resettlement, as all project physical activities including civil work under Component A are envisaged to be carried out within the existing ROW. However, although all the gozars and gozar boundaries where sub-projects will be financed are known, as Community Upgrading Plans (CUPs) are prepared annually and field surveys undertaken for them, changes in the field could have occurred. Consequently OP4.12 is triggered as a precautionary measure and the ESMF along with a framework for abbreviated RAP prepared to guide preparation of site-specific abbreviated RAP. There will be no sub-project supported that require involuntary land acquisition or the acquisition of land requiring the resettlement or compensation of more than 200 people. If, in an exceptional cases, a subproject require land acquisition and resettlement of more than 200 PAPs, the RPF prepared by KM for KUTEI, will be applicable to KMDP.
2. The project will be implemented in Kabul in both planned and unplanned settlements by the KMDP team. The upgrading will be targeted in settlements, where paved access to houses is missing or deficient, where narrow streets are not adequately leveled, where basic water and sanitation and street lightings are not in place and where there are deficiencies in the delivery of basic municipal infrastructure and services.
3. The project is not expected to involve relocation and resettlement because the upgrading work will consist of the provision or rehabilitation of infrastructure within the existing ROW of access roads, and footpaths. In the event of any minor land acquisition for a sub-project, e.g. for the realignment of a road, such land should either be available public land, or could only be obtained through compensation payments by the local community, or through private voluntary donations. Voluntary land/asset donation will not be allowed in case that requires physical displacement or have significant impacts on the person / household donating land[[10]](#footnote-10). Private voluntary donations will be documented as required by the ESMF, as well compensation payments made by the community in keeping with the exemplary practices under KURP. The ESMF includes guidelines for compensation in the rare case that negative livelihood impact is suffered by project affected people (PAPs).
4. For each subproject, ESMPs will be prepared & disclosed prior to the award of contracts for works. In case of any sub-project involving Physical Culture Resources, the KM’s KMDP Team through a consultant will conduct an Environmental Impact Assessment and Social Impact Assessment (EIA/SIA), including development of a Cultural Heritage Management Plan (CHMP).
5. The selection, design, contracting, monitoring and evaluation of subprojects will be consistent with the following guidelines, codes of practice and requirements:

Annex 1-Negative List of Subproject Attributes

Annex 2 Guidelines for Land and Asset Acquisition, Entitlements and compensation

Annex 2 (i) Framework for Abbreviated Resettlement Action Plan

Annex 2(ii) -Land Acquisition Assessment Data Sheet

Annex 2(iii) -Format to Document Contribution of Assets

Annex 2(iv) -Compensation of Asset Requisition

Annex 3-Protection of Cultural Property

Annex 4- Codes of Practice for Prevention and Mitigation of Environmental and Social Impacts

Annex 5: Format of Quarterly Environmental Report

Annex 6 – Draft Terms of Reference for Sub-Project Requiring an EIA/SIA

Annex 7-Procedures for Mine Risk Management

Annex 8-Environmental and Social Guidelines for Contractors

Annex 9: Environmental and Social Checklist for Screening of sub-projects under KMDP

Annex 10: Compilation of Environmental Mitigation measures for Projects under KMDP

Annex 11- Complaints Registration Form.

1. The objective of the ESMF is to outline the institutional arrangements relating to: (i) identification of environmental and social impacts arising from activities under the KMDP sub-projects, (ii) the implementation of proposed mitigation measures, (iii) Capacity Building and (iv) Monitoring.
2. The ESMF will be included in KMDP Project Implementation Manual and the Operations Manual that has been reviewed by IDA. The ESMF outlines mechanisms for:
3. Screening of proposed sub-projects, identifying potential environmental and social impacts and management of safeguard policies implications;
4. Institutional arrangements for implementation and capacity building
5. Monitoring Environmental and Social Management Plan (ESMP) measures implementation;
6. Public consultation and Grievance Redresses;
7. The estimated costs related to the ESMP.

# ESMF Implementation Arrangements

1. KM is the implementing agency for the KMDP. KM’s KMDP Team is the entity designated by KM to manage the project. This Team will also supervise the implementation of the ESMF by the contractors.
2. The KMDP Team includes an Environmental and Social Safeguards Officer (ESSO). The Safeguards Officer’s main task is to ensure that the sub-project comply with the relevant National requirements and the World Bank’s environmental and social safeguard policy requirements, including reviewing screening documents from KMDP. The KMDP will also be responsible for the dissemination of the ESMF/ESMPs in country.

# Capacity Strengthening for ESMF Implementation

1. In order to effectively carry out the environmental and social management responsibilities for subproject implementation, institutional strengthening will be required. Capacity building will encompass KMDP staff and sub-project executing institutions such as contractors.
2. KMDP has prepared a training plan that includes training modules for the project staff, contractors and GCSs as part of the ESMF. The proposed capacity building training needs are as follows:
* Environmental and Social Management Process.
* Use of Screening form and Checklist
* Design of appropriate sub-project mitigation measures.
* Public consultations in the ESMF process.
* Design of appropriate monitoring indicators for the sub-project’s mitigation measures
* Integration of sub-project ESMPs into the KMDP’s project cycles during their project implementation stages.
* Grievance Redress mechanism
* Community mobilization/participation and social inclusion
* Cultural Heritage Management
* Health/ hygienic training (GCS members)
* Training sessions on mitigation of environmental and social impacts and ESMP
* Training on how to generate baseline data

# Community Mobilization and Participation

1. KMDP builds upon the achievements and experiences of the now closed KURP such as the community mobilization approach, and will fine-tune the Community Consultation Manual (CCM), developed under KURP. The KMDP Team will conduct broad consultation with project beneficiaries and stakeholders and will involve them in development of CUPs and project implementation arrangements. Participation of beneficiaries, particularly in planning, budgeting and monitoring is required to ensure community voices are heard and addressed.
2. KMDP will facilitate community participation to ensure that the communities in all selected gozars (neighborhoods) establish elected community councils “Gozar Cooperating Shura (GCSs)” to represent each gozar to be the interlocutor for KMDP, and that these GCSs include women (as was the case under KURP - the same approach will be applied to ensure active role by women in the entire project processes).

# Public Complaints and Grievance Redress

1. The KMDP Team which was the Project Management Unit under the now closed KURP has developed a grievance handling mechanism, which is being applied by KMDP project. KMDP will conduct a separate session at each neighborhood level selected for upgrading to inform the affected communities about the mechanism. During the implementation of KMDP the KM will maintain a complaint record database to enable complaint tracking and review and establish a complaint handling committee and involve GCS members in grievance handling processes. The grievance handling procedures are included in the ESMF.

# Consultation and Disclosure

1. The Government of Afghanistan intends to make all project documentation publicly available to the relevant stakeholders. KMDP has already held a series of public consultations with communities, particularly in connection with the site specific ESMPs for the civil works funded through the Project Preparation Grant (PPG) for KMDP. The site specific ESMP was approved by the Bank and disclosed in English and Dari on the KM’s website on 22/04/2013.
2. Kabul Municipality is committed to apply the same procedures to all sub-projects to be covered under KMDP prior to commencement of works in each of the project site. For each subproject, Environmental and Social Management Plan (ESMP) will be prepared in English and Dari languages prior to the award of contracts for works. Annex 2, a framework for abbreviated RAP, comprises specific requirements for public consultations in case of land issues. The KMDP will consult project-affected people and GCS about the project's safeguards aspects, and will take their views into account. KM will initiate such consultations as early as possible, and for meaningful consultations, will provide relevant material in a timely manner prior to consultation, in a form and language that are understandable and accessible to the groups being consulted.
3. Prior to appraisal of the KMDP, the ESMF is disclosed by the KMDP in Dari as well as English on the KM’s website on 01/30/2014 for information and comments. Public notice in the media should be placed for that purpose. The English version of the ESMF is also disclosed at the World Bank’s InfoShop on 02/03/2014. The Government of Afghanistan intends to make all project documentation publicly available to the relevant stakeholders and through the NEPA.

**Environmental and Social Management Framework (ESMF)**

## I Introduction

## I.1 Project Description

1. The proposed project builds upon the now closed Kabul Urban Reconstruction project (KURP) which financed upgrading similar to the works envisaged under the proposed project.

The project will have four components:

Component A: Infrastructure Upgrading Program

Component B: Municipal Strengthening Program

Component C: Studies

Component D: Project Management, Works Design and Supervision

1. The Project Development Objectives are to: (i) Increase access to basic municipal services through investments in critical infrastructure in selected residential areas of Kabul; and (ii) redesign KM’s Financial Management system to support better service delivery when reforms are implemented. In the event of an eligible emergency or crisis, this operation will also enable early emergency response through the provision of a quick access to funding. During the project restructuring for the Immediate Response Mechanism (IRM), the results framework will be adjusted to capture the results from the use of the funds for the IRM and reflects any significant changes expected in the original PDO.

## II Potential Adverse Social and Environmental Impacts

1. The civil works under component 1, will finance upgrading and rehabilitation of the urban infrastructure in both planned and unplanned settlements in Kabul city. The proposed work is not anticipated to cause significant adverse impacts on the environment or community. The identified potential adverse impacts would be localized in spatial extent and short in duration, and would be manageable by implementing proper mitigation measures.
2. The project is not expected to involve relocation and resettlement because the upgrading work will consist of the provision or rehabilitation of infrastructure within the existing right of way of access paths and roads/drains. In the event of any minor land requirements for a sub-project, e.g. for the realignment of a road, such land should either be available government land, or could only be obtained through compensation payments by the local community, or through private voluntary donations. Adverse social impacts of upgrading works are likely to be negligible or ephemeral.

## II.1 Potential Environmental Impacts

1. The proposed upgrading of infrastructure works will have minimal impact on the environment. An assessment of the negative impacts can be classified into construction phase and post-construction phase impacts. The constructional works would present minor negative environmental impacts. The construction phase includes the following operations: site clearing, excavation and grading, upgrading of access roads and drains, installation of utility services (electricity and water supply), greenery landscape, and construction of community solid waste collection points.
2. Some of the potential minor environmental impacts are:
* Soil and land degradation;
* Air quality impacts;
* Vehicular traffic implications;
* Noise level increase and ground vibration;
* Construction waste generation and additional garbage generation by workers during construction;
* Occupational, health and safety issues etc.

## II.1.2 Potential Social Impacts

1. Social impacts may emanate from the various infrastructure services delivery activities under the KMDP. The following are some of the potential social negative impacts:
* Disruption of utility services (e.g. water pipe, power cable, and etc.);
* temporary impacts on houses and businesses from construction noise, flying debris, and other nuisances and dangers;
* Restriction of access to source of livelihood and other assets;
* Minor land/asset acquisition impacts;
* Delays in compensation payment and provision of alternative mean of livelihood;
* Community disputes, etc.

## II.3 Environmental and Social Management Framework (ESMF)

1. The exact location and details of all sub-projects to be financed from the parent project are known at the time of project appraisal – however, there could be variations when ground-truthing surveys are done as CUPs are prepared for the annual works programs. A framework approach has therefore been adopted, should there be changes when ground surveys are done, as the current locations are based on maps derived from high resolution satellite imagery. The framework approach would address potential social and environmental issues and ensure consistent treatment of social and environmental issues during its implementation. The Environmental and Social Management Framework (ESMF) has been developed specifically for the proposed operations to avoid, reduce or mitigate adverse social or environmental impacts. Consistent with existing national legislation and the World Bank Operational Policies on environmental and social safeguard, the objective of the Framework is to help ensure that activities under the project would:
* Protect human health;
* Prevent or compensate any loss of livelihood;
* Prevent environmental degradation as a result of either individual subprojects or their cumulative effects;
* Minimize impacts on cultural property;
* Enhance positive environmental and social outcomes, and
* Comply with the National and World Bank Safeguards policies
1. The project is categorized as environmental category B in accordance with World Bank Operational Policy (OP) 4.01 (Environmental Assessment). OP/BP 4.01 (Environmental Assessment) is triggered because the upgrading works under Component 1 will consist of the provision or rehabilitation of infrastructure within the existing right of way of access paths and roads. The initial screening of the areas to be financed through PPG confirmed that there would be no land acquisition or resettlement, as all project physical activities are envisaged to be carried out within the existing right of way. However, since all sub-projects to be financed under the proposed project are known, but exact changes would be ascertained only when ground surveys are done at the time of preparation of CUPs, OP4.12 is triggered as a precautionary measure and the ESMF along with a framework for abbreviated RAP prepared to guide preparation of site-specific abbreviated RAP. KMDP will not finance any sub-project that requires land acquisition or involuntary resettlement or compensation of more than 200 people. If, in an exceptional cases, a subproject require land acquisition and resettlement of more than 200 PAPs, the RPF prepared by KM for KUTEI, will be applicable to KMDP.
2. The project will apply the ESMF developed for the proposed operation. The ESMF provides guidance on the approach to be taken during implementation for the selection and design of upgrading activities and the planning of mitigation measures, guidelines and codes of practice for the environmental mitigation measures to be incorporated in the design, contracting and monitoring of sub-projects. Guidelines for consultation and disclosure requirements are also included, to ensure due diligence and facilitate consistent treatment of environmental and social issues by all participating development partners.

## II.4 Safeguard Screening and Mitigation

1. Compliance with the safeguard provisions and the negative list will be ensured through an environmental, social and risk screening procedure (checklists). The sites selected for inclusion in the annual works program will be reviewed and cleared by IDA to ensure compliance with the bank safeguard policies.
2. The ESMF is based upon the World Bank Operational Policies (OP/BP 4.01) which provides general policies, guidelines, codes of practice and procedures to be integrated into the implementation of the proposed operation for providing assistance, while at the same time ensuring due diligence in managing potential environmental and social risks. The ESMF is compliant with the national Environmental Act (2007), its EIA regulations and other relevant national laws and regulations, such as Law on Land Management (LLM) and Land Expropriation Law (LEL).
3. The ESMF sets out guidelines and procedures for the following:
* assessment of potential adverse E&S impacts commonly associated with the sub-projects and guidelines for how to avoid, minimize or mitigate them;
* establishment of clear procedures and methodologies for the E&S planning, review, approval and implementation of sub-projects;
* development of an initial Environmental and Social screening system to be used for subprojects; and
* Specification of roles and responsibilities and the necessary reporting procedures for managing and monitoring sub-project E&S concerns.

## II.5 Social Safeguards

1. The components of the project will benefit households in general by providing increased level of services including water supply, community solid waste collection points, sanitation access road and drainage improvement. While women and children are not specifically targeted, they will be the primary beneficiaries of the interventions in water and sanitation in terms of health gains and reduced workload in water collection. The realization of these benefits will be ensured through the provision of health education as part of the water and sanitation interventions.
2. No land acquisition is anticipated since the project mostly involves rehabilitation of infrastructure within existing ROW. Should potential negative impacts be identified within the existing ROW of the infrastructure slated for rehabilitation, such land should either be available public land, or could only be obtained through compensation payments by the local community, or through private voluntary donations. Voluntary land/asset donation will not be allowed in cases that require physical displacement or have significant impacts on the person / household donating land. Private voluntary donations will be documented as required by the ESMF, as well compensation payments made by the community in keeping with the exemplary practices under KURP. For government land, documentation will be required that the land is free of encroachments, squatters or other encumbrances, and has been transferred for the project by the authorities.
3. No activities will be supported that require involuntary land acquisition or the acquisition of land requiring the resettlement or compensation of more than 200 people. The identification of areas for upgrading will be based upon transparent and clearly defined selection criteria based upon technical eligibility and vulnerability of the population to minimize risk of ethnic inequity. Where additional land is required, the project will prepare an Abbreviated Resettlement Action Plan (Annex 2) with documentation requirements as per Annex 2 (i-iv)

## II.6 Safeguard Screening

1. Although no potential significant environmental impacts are expected, some proposed activities will need to be carefully screened for potential impacts, including: (i) construction of community solid waste collection points; (ii) reconstruction of drains; (iii) water supply network; and (iv) access roads;
2. The selection, design, contracting, monitoring and evaluation of subprojects will be consistent with the following guidelines, codes of practice and requirements:
* Annex 1-Negative List of Subproject Attributes
* Annex 2 Guidelines for Land and Asset Acquisition, Entitlements and compensation
	+ Annex 2 (i) Framework for Abbreviated Resettlement Action Plan
	+ Annex 2(ii) -Land Acquisition Assessment Data Sheet
	+ Annex 2(iii) -Format to Document Contribution of Assets
	+ Annex 2(iv) -Compensation of Asset Requisition
* Annex 3-Protection of Cultural Property
* Annex 4- Codes of Practice for Prevention and Mitigation of Environmental and social Impacts
* Annex 5- Format of a Quarterly Environmental Report
* Draft Terms of Reference for Sub-Project Requiring an EIA/SIA
* Annex 7 -Procedures for Mine Risk Management
* Annex 8-Environmental and Social Guidelines for Contractors
* Annex 9-Environmental and Social Checklist for Screening of sub-projects under KMDP
* Annex 10- Compilation of Environmental Mitigation measures for Projects under KMDP
* Annex 11- Complaints Registration Form
1. Contractors must declare themselves conversant of all relevant national environmental and social legislation and World Bank operation procedures and policies- as well as of their environmental and social obligations as stipulated in the ESMF. Further, the contractors shall ensure compliance with the World Bank/IFC’s General Environmental, Health and Safety Guidelines as applicable to mitigate construction related impacts. The KMDP’s Social and Environmental team together with the engineering team will monitor the upgrading work to ensure the contractor’ works are in compliance with the guidelines set out in the ESMF.
2. No Physical Cultural Resources are expected to be impacted by the Project. However, OP 4.11 (Physical Cultural Resources) is triggered and the ESMF comprises guidelines for Chance Find Procedures according to national law (see annex 3-Protection of Cultural Property).
3. While OP 4.10 is not triggered, issue of equity across different ethnic/religious groups is important. Employment opportunities within the projects will be available on an equal basis to all, on the basis of professional competence, irrespective of gender, or ethnic or religious group. In all projects which require consultations with local communities or beneficiaries, gender-separated consultations will be conducted to elicit the views of the female population, along with that of the male population.

##  II.6.1 the Environmental and Social Safeguards Screening

1. A screening process, selection and evaluation of KMDP sub-projects are required to manage environmental and social aspects of these activities. The sections below show the various stages of this environmental and social safeguards screening:
* Screening: identify actions that have negative environmental and social impacts;
* Determination of environmental categories: identify appropriate mitigation measures for activities with adverse impacts;
* Implementation of environmental and social work: activities that require separate ESMP and or abbreviated RAP (or EIA/SIA if required);
* Review and approval of the selection.
* Dissemination of safeguards documents, such as ESMPs, etc.
* Supervision and monitoring
1. The extent of environmental/Social assessment that might be required prior to the commencement of the projects will depend on the outcome of the screening process as per the NEPA guideline. The stages of the environmental and social screening process leading to the review and approval of the KMDPs sub-project activities to be implemented are described below.

## II.6.2 the Screening Process

1. The purpose of the screening process is to determine whether sub-projects are likely to have potential negative environmental and social impacts; to determine appropriate mitigation measures for activities with adverse impacts; to incorporate mitigation measures into the sub-projects design; to review and approve sub-projects proposals and to monitor environmental parameters during implementation. The extent of environmental and social work that might be required for the sub-projects prior to implementation will depend on the outcome of the screening process. This process should include screening for possible resettlement impacts.

**Table 1: Structures Involved in KMDPs Environment and Social Management**

|  |  |  |
| --- | --- | --- |
| **Intervention level** | **Environmental structures** | **Other environmental stakeholder** |
| Kabul Municipality | Planning and Coordination Department, NEPA | NGO, Communities |
| Contractors | KMDP/ KM | Communities, vendors, NEPA |

**Step 1 Screening of Sub-projects**

1. The screening process is the first step in the ESMF process. One of the objectives of the screening process is to rapidly identify those sub-projects which have little or no environmental or social issues so that they can move to implementation in accordance with pre-approved standards or codes of practices or other pre-approved guidelines for environmental and social management.
2. For each relevant sub-project proposal the KMDP, led by the Environmental & Social Safeguard Officer will carry out a screening process. The ESSO will complete the Environmental and Social Screening Form (Annex 9) and submit to the KMDP Team Leader for review as part of the project package. Completion of this screening form will facilitate the identification of potential environmental and social impacts, determination of their significance, assignment of the appropriate environmental category, proposal of appropriate environmental mitigation measures, or recommend the execution of an Environmental and Social Impact Assessment (EIA/SIA) or an Environmental and Social Management Plan (ESMP), if necessary.

**Step 2: Determination of environmental and social risk level**

1. Based on screening results, the environmental and social risk level for the KMDP proposed activity will initially be determined by the ESSO in the screening form. After determining the correct environmental and social risk level based on the NEPA guidelines, the extent of environmental work required could be: (a) an environmental work will not be necessary and therefore a ESIA or ESMP would not be prepared, (b) An Environmental and Social Management Plan will suffice, or (c) A separate Environmental and Social Impact Assessment (EIA/SIA) will be prepared.

**Step 3: Implementation of environmental and social work**

1. Depending on the results of the determination of step 2, the following environmental work will be performed:

**Sub-projects for which an ESMP is required**

1. An ESMP will incudes the potential environmental and social impacts; appropriate mitigations measures; appropriate monitoring indicator; frequency of monitoring the mitigation measures; person responsible for the task and cost implications. This determination will be made in consultation with the community and persons likely to be impacted by the sub-project’s activities.

**Sub-projects for which separate Environmental and Social Impact Assessment (ESIA) is required**

1. Environmental Permits are needed for sub-projects for which ESIAs may be required as per the NEPA guidelines. The planning and preparation of environmental assessment tool required for sub-projects permitting are described in the table below.
2. The EIA/SIA will identify and evaluate potential environmental and social impacts for the proposed activities, evaluate alternatives, and design mitigation measures. The preparation of the ESIA will be done in consultation with stakeholders, including people who may be affected. Public consultations are critical in preparing a proposal for the activities of the KMDP likely to have impacts on the environment and communities. The public consultations should identify key issues and determine how the concerns of all parties will be addressed in the ESIA. When an ESIA is necessary, the administrative process enacted by the EPA will be followed and executed.

**Table 2: Procedures for ESIA**

|  |
| --- |
| **Procedures for sub-projects requiring an ESIA****First step**: Preparation of Terms of ReferenceThe results of identification, and extent of the ESIA (scoping), the terms of reference will be prepared by the KMDP.**Second step:** Tasking of Planning Officer to prepare ESIA**Third stage**: Preparation of the ESIA with public consultationThe report will follow the following format:* Description of the study area
* Description of the subproject
* Discussion and evaluation of alternatives
* Environment description
* Legal and regulatory
* Identifying potential impacts of proposed sub-projects
* Process of public consultations
* Development of mitigation measures and a monitoring plan, including estimates of costs and responsibility for implementation of surveillance and monitoring

**Step Four:** Review and approval of the ESIA for the sub-project; Publication / Dissemination ofESIA |

**Step 4: Review and approval of ESIA**

1. The KM submits the final draft EIA/SIA to NEPA. The report is reviewed by the ESSO at KMDP and by the NEPA. Copies of the EIA/SIA are placed at vantage points including the NEPA Library, relevant stakeholders, NEPA Regional Offices. NEPA serves a three weeks public notice in the national and local newspapers about the ESIA publication and its availability for public comments.

**Step 5: Environmental and Social Monitoring**

1. Environmental monitoring of KMDP activities will be conducted under the project general system of monitoring.

It will be done at two levels:

* Performance monitoring at central level;
* Implementation of monitoring at field level;
1. At the field level, monitoring will be conducted by the KMDP. In circumstances where the sub-project triggers an EIA/SIA, RAP, or ARAP the monitoring will be escalated to the Environmental and Social Safeguards Officer (ESSO) at KMDP.

**Step 6: Development of Monitoring Indicators**

1. Monitoring measures will focus on key indicators to be defined considering both the positive and negative impacts of the projects. The monitoring indicators will be parameters which will provide quantitative and / or qualitative information on the direct and indirect impacts of the KMDP environmental and social benefits. The choice of indicators will be guided by the characteristics of relevance, reliability, usefulness and measurability.

**Step 7: Reporting**

1. Safeguards reporting will be on quarterly basis from KMDP for onward submission to World Bank for review. The ESSO will be responsible to collect individual subproject information and submit for review. See Annex-5 for Reporting Form. The Safeguards related findings from M&E will also be reflected bi-annually.

**Table 3: Responsibility for the Implementation of Screening Process**

|  |  |  |
| --- | --- | --- |
| **Stage** | **Management Responsibility** | **Implementation Responsibility** |
| 1. Screening Environmental and Social Infrastructure Project and public consultation | KMDP Team | ESS Officer KMDP |
| 2. Determination of appropriate environmental categories | KMDP | ESS Officer |
| 2.1 Classification of Project by NEPA regulation Review of screening and determination of Environmental assessment tool to be prepared. | KMDP Team | ESS Officer KMDP |
| 3. Preparation of required environmental assessment tool as per the NEPA environmental assessment procedures | KMDP Team | KMDP, KM |
| 3-1. If ESIA is necessary |  |  |
| 3.1.a Preparation of ToR | KMDP Team | ESS Officer, KM |
| 3.1 b Preparation of the EIA/SIA, Public Consultation, Integration of ESMP issues in the tendering and project implementation, | KMDP Team | KMDP, KM, ESS Officer |
| 4 Review and Approval |  |  |
| 4.1 ESIA Approval (B1) EPA NEPA, ESO, World Bank | NEPA | NEPA, ESS Officer, World Bank |
| 4.2 Approval simple measures where ESIA is not required  | KMDP  | KMDP, ESS Officer |
| 5. Public Consultation and disclosure  | KMDP, NEPA | KMDP, ESS Officer |
| 6. Surveillance and monitoring  | KMDP, NEPA | KMDP, ESS Officer |
| **7** Development of monitoring indicators  | KMDP  | KMDP, ESS Officer |

## III. Guiding principles, Policy, Legal and Administrative Framework

**Environmental Impact Assessment Regulations Promulgated BY NEPA**

1. As per the EIA regulation of National Environmental Protection Agency (NEPA), the upgrading work projects can be categorized as “1” and “2” depending on following features of the transport project:(i) Activity A: National or provincial highways or major roads with a total cost of US$800,000, or more with the exception of maintenance, rebuilding or reconstruction of existing roads; (ii) Activity B: The construction or upgrading of national or provincial highways and roads (except maintenance, rebuilding or reconstruction of existing roads with a total cost of less than US$800,000. In addition, NEPA regulations on EIA cover (iii) Activity creating adverse impact on Environmentally Sensitive Areas which relates to activities likely to have significant adverse impact on the environment of the area that has been determined by NEPA to be an environmentally sensitive area; (iv) Prohibited Activity: any other activity that is likely to have a significant adverse effect on the environment and which is determined by NEPA to be a prohibited activity. For the above mentioned category of projects, project component will have to take “certificate of compliance” from NEPA after making application and fulfilling the statutory requirements of NEPA.

**Environmental Law**

1. The primary national environmental legislation in Afghanistan is the Environmental that was promulgated by presidential decree on 18 December 2005. It was published in issue no 873 of the Official Gazette of 19 January 2008. The Law repeals the Law for the Protection of Nature

***Key Articles***

**Article 15**

1. It prohibits any activity having potential adverse impacts without obtaining a Certificate of Compliance (CoC) from NEPA. The procedure for obtaining a CoC is;
* Submit a preliminary screening report to NEPA Deputy Executive
* If required, prepare a comprehensive mitigation plan (EMP) for anticipated impacts
* NEPA issues CoC in accordance with Article 18 of the Law

**Article 29**

1. Prohibits discharging of any pollution (operation of stone crusher, hot mix plant and quarry, are some of the KMDP’s activities). Article 30 has a mandatory requirement to obtain a pollution control permit for such activity.

**Article 33**

1. Prohibits collection, storage, transportation, disposal of waste having potential significant adverse impacts

**Article 34**

Mandatory requirement to obtain waste management license for landfill

**Applicability to the KMDP**

1. It is important to note that most of the sub-projects constituting the KMDP are rehabilitation of selected road network on the four priority road corridors and do not belong to construction/upgrading of national, provincial or major road category and hence NEPA’s requirement of “certificate of compliance” is not required. Therefore, all sub-projects are exempted from the requirement of “Certificate of Compliance “from NEPA. While the road upgrading does not require NEPA clearance, the mini water treatment system will require an ESIA to be approved by NEPA.

**WBG Environmental, Health and Safety Guidelines (EHSG)**

1. The EHSG also apply to KMDP, since their use is required by OP 4.01. The EHSG has guidance on the pollution prevention and abatement measures and workplace and community health and safety guidelines that are normally acceptable in 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 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 general guidelines are applicable to some extent but Construction and Decommissioning (Chapter 4) is fully applicable to KMDP’s physical civil works. The EHSG is also an integral part of the Project Implementation Manual as well as the basic fraction of the project Safety Manual.

**Legal & Policy Framework for Resettlement**

1. Chapter 2 of the RPF prepared by KM for KUTEI is applicable to KMDP. This section outlines Afghan laws and policies on land acquisition. The chapter 2 also includes a table of comparison between the law on land Expropriation and OP 4.12, with proposal for reconciliation. There are some gaps in the national law, which will be filled by WB OP 4.12 (Involuntary Resettlements).

**World Bank Safeguard Policies Triggered**

1. The relevant safeguards for this project are Environmental Assessment (OP4.01), and Involuntary Resettlement (OP 4.12). OP4.11 on Physical Cultural Property is also triggered. It has the overall objective of ensuring that projects supported by the Bank are environmentally and socially sustainable. The screening procedure described in OP 4.01 has classified KMDP as Category B, because its anticipated impacts tend to be site-specific, not irreversible, and generally amenable to management through easily-designed mitigation measures. No Physical Cultural Resources are expected to be impacted by the Project. However, the ESMF comprises guidelines for Chance Find Procedures according to national law (see annex 3-Protection of Cultural Property). GoA adopts a programmatic approach with the following characteristics as individual subproject investments are not all known in advance. Therefore, the exact location and nature are not known prior to implementation; the environmental assessment requirement for the overall project is being met through preparation of this ESMF.

**Table 4: Safeguard Policies Triggered by the Project**

|  |  |  |  |
| --- | --- | --- | --- |
| **Safeguard Policies Triggered by the Project** | Yes | No | TBD |
| [Environmental Assessment](http://www.worldbank.org/environmentalassessment) ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/9367A2A9D9DAEED38525672C007D0972?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/BProw/C4241D657823FD818525672C007D096E?OpenDocument) 4.01) | 🗸 |  |  |
| Natural Habitats ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/71432937FA0B753F8525672C007D07AA?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/BProw/62B0042EF3FBA64D8525672C007D0773?OpenDocument) 4.04) |  | 🗸 |  |
| Pest Management ([OP 4.09](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/665DA6CA847982168525672C007D07A3?OpenDocument)) |  | 🗸 |  |
| Physical Cultural Resources ([OP](http://intranet.worldbank.org/WBSITE/INTRANET/OPSMANUAL/0%2C%2CcontentMDK%3A20970737~menuPK%3A64857200~pagePK%3A51457169~piPK%3A51457175~theSitePK%3A210385%2C00.html)/[BP](http://intranet.worldbank.org/WBSITE/INTRANET/OPSMANUAL/0%2C%2CcontentMDK%3A20970738~menuPK%3A64857201~pagePK%3A51457169~piPK%3A51457175~theSitePK%3A210385%2C00.html) 4.11) | 🗸 |  |  |
| Involuntary Resettlement ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/bytype/AA37778A8BCF64A585256B1800645AC5?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/bytype/383197ED73D421A385256B180072D46D?OpenDocument) 4.12) | 🗸 |  |  |
| Indigenous Peoples ( OP/BP 4.10) |  | 🗸 |  |
| Forests ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/C972D5438F4D1FB78525672C007D077A?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/GPraw/97FA41A3D754DE318525672C007D07EB?OpenDocument) 4.36) |  | 🗸 |  |
| Safety of Dams ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/C12766B6C9D109548525672C007D07B9?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/BProw/D3448207C94C92628525672C007D0733?OpenDocument) 4.37) |  | 🗸 |  |
| Projects in Disputed Areas ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/72CC6840FC533D508525672C007D076B?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/BProw/5DB8B30312AD33108525672C007D0788?OpenDocument) 7.60) |  | 🗸 |  |
| Projects on International Waterways ([OP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/OPolw/5F511C57E7F3A3DD8525672C007D07A2?OpenDocument)/[BP](http://wbln0011.worldbank.org/Institutional/Manuals/OpManual.nsf/BProw/47D35C1186367F338525672C007D07AE?OpenDocument) 7.50) |  | 🗸 |  |

**Table 5: Comparison between National EIA Regulation and OP/BP4.01**

|  |  |
| --- | --- |
| **National EIA Regulation** | **WB Operating Procedure 4.01 (OP/BP 4.01)** |
| 1. Afghan EIA system is lacking focus on Social related issues.  | OP/BP 4.01 Focuses both Social and Environmental Issue |
| 2. Afghan EIA is deficient in involvements of stakeholders in project stages  | WB Safeguards emphasizes on stakeholders involvements in different project stages |
| 3. The Scoping stage is missing in Afghan EIA system, while during the Scoping the ToR of EIA team is modified accordingly | Scoping stage is important for delineating required items and level of impact of an intervention |
| 4. Afghan EIA system is lacking of broader assessment guidelines of different activities | WB Safeguards have plenty of impact assessment guidelines of various project activities |
| 5. There is no proper format and reporting mechanism for EIA, thus the EIA may miss important feature to be assessed during study. | WB Safeguards Policy emphasizes on proper reporting mechanism. |

## IV Guideline for Voluntary Land Donation

1. **Selection Criteria:**
* The infrastructure must not be site specific.
* The impacts must be minor, that is, involve no more than 10 percent of the area of any holding and require no physical relocation.
* The land required to meet technical project criteria must be identified by the affected community, not by line agencies or project authorities (nonetheless, technical authorities can help ensure that the land is appropriate for project purposes and that the project will produce no health or environmental safety hazards).
* The land in question must be free of squatters, encroachers, or other claims or encumbrances.
* Verification (for example, notarized or witnessed statements) of the voluntary nature of land donations must be obtained from *each* person donating land.
* If any loss of income or physical displacement is envisaged, verification of voluntary acceptance of community-devised mitigatory measures must be obtained from those expected to be adversely affected.
* If community services are to be provided under the project, land title must be vested in the community, or appropriate guarantees of public access to services must be given by the private titleholder.
* Grievance mechanisms must be available.

## IV.1 6 Procedures for Community Compensation

1. Where minor land/asset is acquired for KMDP investment through community negotiation, the local community, who benefits from the services, will provide compensation for the affected people losing their landholding. Compensation by local community can be in cash or in kind (e.g. The local community [[11]](#footnote-11) will assist PAPs in rehabilitation of boundary-wall to be shifted backward for widening of roads or provision of drains). In an outcome of community negotiation with PAPs, the local community may also collect cash compensation for PAPs.

**KMDP’s procedures**

* Request for road widening or provision of space for construction of collection points will come from local community;
* KMDP’s Team discusses the need of land/asset acquisition and funding mechanism for the affected parts with the GCS;
* GCS facilitate negotiation between local community and affected persons.
* The KMDP is responsible to prepare abbreviated RAP, along with documented details of the negotiation between local community and affected people, including Agreement Letter, and amount of compensation to be paid.
* The KMDP is also responsible for implementation and monitoring of abbreviated RAP;

In case of any subproject involving significant[[12]](#footnote-12) land/asset impacts, the RPF prepared by KM for KUTEI, which include compensation details, is applicable to KMDP

## V. Capacity Strengthening for ESMP Implementation

1. In order for the KMDP to effectively carry out the environmental and social management responsibilities for subproject implementation, institutional strengthening will be required. Capacity building will encompass KMDP, and relevant KM staff. KMDP should therefore ensure that institutional structuring within the relevant departments to ensure that required professional and other technical staffs are available.
2. To successfully implement this ESMF, training programs for KMDP and KM staff as well as contractor’s staff is necessary. Proposed capacity building training needs are as follows:
* Environmental and Social Management Process.
* Use of Screening form and Checklist
* Design of appropriate mitigation measures.
* Review monitoring reports to ensure regulatory compliance
* Public consultations and environmental scoping process.
* Monitoring mitigation measures for ESMPs implementation
* Integrating ESMP into sub-projects cycle
* Grievance Redress Mechanism
* Community mobilization/participation and social inclusion
* Cultural Heritage Management
* Health/ hygienic training (GCS members)
* Training sessions on mitigation of environmental and social impacts and ESMP
* Training on how to generate baseline data
1. The proposed capacity building program will be carried out annually during the project.

## V.1 Capacity Building Program and Awareness

1. The effectiveness of environmental and social issues consideration in the implementation of activities goes particularly through training of KMDP key actors on validation, monitoring, implementation of identified mitigation measures. Training modules will be determined and prepared by ESSO. The main topics of training module will be centered on: (i) environmental and social issues of infrastructure projects and environmental scoping procedures, (ii) hygiene and safety, requirements of national legislation; (ii) World Bank safeguards requirements, environmental monitoring of construction sites.
2. The training aims to enhance their competence in environmental assessment, environmental control of work and environmental monitoring so they can play their roles more effectively in the implementation of subprojects. The training schedule is shown in the table 8.11 below.

## V.2 Responsibility and Institutional Arrangement for Preparation, Implementation and Monitoring

1. KM will be the lead implementing agency for the project on the whole. The KMDP’s Team is the entity designated by KM to manage the project.
2. KMDP Team will be responsible for (i) preparing of ESMP and Abbreviated RAP (if required) (ii) supporting KMDP in ensuring the contractors comply with the recommendations of environmental and social assessments and environmental and social management clauses (inserted into the contract) during construction phase.
3. Safeguards management should be anchored in KMDP with oversight provided by KM for smooth compliances of ESMF. For monitoring purposes sub-projects that trigger a CHMP abbreviated RAP, be escalated to the ESSO at KMDP.
4. The KMDP Team will also be responsible for the implementation of the ESMP and the Abbreviated RAP in close collaboration with the relevant KM staff and relevant GCS. The team’s main task will be to analyze screening documents, preparing ESMPs, monitoring activities of mitigation measures. The KMDP Team will also be accountable in the development of environmental and social clauses to be included in tender documents; training in environmental and social management, monitoring and evaluation of safeguards compliances.

**Responsibilities of the ESS Officer shall include**:

* Coordination with KM, liaison with and monitoring of the contractors activities;
* Compilation and preparation of periodic environmental and social impacts reports for submission to the World Bank;
* Preparing of reports from consultants in collaboration with communities and relevant stakeholders particularly the World Bank safeguards team;
* Facilitating the disclosure of safeguards document e.g. ESMPs and RAPs/ARAPs in-country and with the World Bank Infoshop;
* Data management; and
* Sub-project inspections and monitoring
1. To ensure effective implementation of the provisions of the ESMF on the ground at the KMDP levels, the key stakeholders (KM staff, NEPA, Contractors, and GCS etc.) will be trained in environmental and social safeguards.

## VI. Monitoring of ESMF Implementation

1. The KM’s KMDP Team includes social and environmental staff that has gained over eight years of experience through the implementation of the now closed Kabul Urban Reconstruction Project (KURP) which financed upgrading similar to the works envisaged under the proposed project. The Environmental social staff will be responsible for monitoring the environment and social performance aspects supported by the KMDP. The ESSO will undertake regular visits to monitor upgrading activities and will provide technical advice to site engineers on social and environment issues if needed. The ESSO will collaborate closely with the World Bank Safeguards team and will share quarterly progress report on safeguards issues in the Project. The cost of implementing and monitoring the ESMF is included in the overall budget of the KMDP under Component D.

**Figure 1: Reporting Structure of KMDP and relevant stakeholders**

Kabul Mayor

NEPA

KMDP ES TEAM

KMDP ESSO

KMDP Team Leader

WB Safeguard

Team

Reporting

GCS

Contractor

Feed Back

Clearance

|  |
| --- |
| **List of Acronyms:**GCS Gozar Cooperation ShuraKMDP Kabul Municipal Development ProgramESSO Environmental and Social Safeguard OfficerNEPA National Environmental Protection Agency of Afghanistan |

**Table 6: Indicators and monitoring mechanism of environment and social issues**

|  |  |  |  |
| --- | --- | --- | --- |
| **Elements of monitoring and indicator** | **Methods and devices for monitoring** | **Responsible** | **Period** |
| **Water**Pollution | * Follow up of procedures and facilities for the disposal of liquid wastes
* Monitoring of groundwater and surface water around project site
* Monitoring surface water using activities
 | Contractor, KMDP  | Start, mid-term and end of upgrading activities |
| **Soils**Erosion/gullingPollutionDegradation | * Visual assessment for soil erosion
* Verification of suitable measures for the management of lubricants / Diesel/ used oils
 | Contractor, KMDP  | Start, mid-term and end of upgrading activities |
| **Vegetation**Degradation rate of reforestation | * Visual assessment of reforestation / plantation measures
* Controls on clearing
* Control and monitoring of sensitive areas
 | Contractor, KMDP  | Start, mid-term and end of upgrading activities |
| Human Environment | * Hiring local labor priority
* No of PAPs in sub-projects
* Respect the heritage and scared sites
* Monitoring the level of noise at construction site
* Follow up measures to reduce dust
* Truck noise
 | Contractor, KMDP  | Start, mid-term and end of upgrading activities |
| Hygiene and health pollution an nuisances | Verification:* Of disease vectors presence and the onset of diseases related work
* Diseases associated with various projects
* Respect of hygiene measures on the site
* equipment
* Existence of health and safety plan
 | Contractor, KMDP  | Start, mid-term and end of upgrading activities |
| Safety in construction sites | Verification:* Availability of safety guides in case of accident
* Availability of appropriate signage
* Compliance with traffic regulation
* Respect the speed limit
* Appropriate protective equipment wearing
 | Contractor, KMDP  | Monthly |

**Table 7: Safeguards Performance Monitoring Indicator**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Risks** | **High** | **Substantial** | **Moderate** | **Low** |
| ***Social*** |
| **Magnitude** (No. of project affectedpersons—displacedpersons get 10 times the weight ofother project-affected persons) | >10,000 project-affected persons or>1,000 displaced | 1001 <=10,000 project affectedpersons or up to1,000 displaced | 101 <=1000 project affectedpersons or upto 100 displaced | <=100 |
| **Intensity** | Physical displacement | Economic displacement | Workplace safety | Community impacts |
| **Duration** | Permanent (beyond theproject’s closing date) | (Late project life)Mid-term review—closingdate | (Early project life)>1 year mid-term review | <1 year or byeffectiveness |
| ***Environment*** |
| **Magnitude**—Area affected | Global, regional, ortransnational | National or multi-provincial | State or provincial | Localized |
| **Intensity** | Irreversible | Severe | Moderate | Mild |
| **Duration** | >100 years | >10–100 years | >1–10 years | <1 year (seasonal orintermittent) |
| **Sensitivity**—Natural habitats(NH) | Significant impact oncritical NH | Significant degradationof NH | Degradation other NH,parks or reserves | Conservation andrehabilitation of NH |

**Figure 2: Organizational Structure of the KMDP under the Office of the Mayor of Kabul Municipality**

## VII. Community Mobilization and Participation

1. KMDP builds upon the achievements and experiences of KURP such as the community mobilization approach, and will fine-tune the Community Consultation Manual (CCM), developed under KURP. The KMDP’s social team will conduct broad consultation with project beneficiaries and stakeholders and will involve them in development of Community Upgrading Plan (CUP) and project implementation arrangements. Participation of beneficiaries, particularly in planning, budgeting and monitoring is required to ensure community voices are heard and addressed.
2. KMDP will facilitate that the communities in all selected Gozars by establishing elected community councils “GCSs” in order to represent each Gozar vis-à-vis KMDP. There should be separate GCS Shuras for women in order to properly ascertain the views of the women. It should be noted that an important aspect of previous project’s participatory approach was its success in involving women. In view of the prevalent social norms it was found that gender segregated representation increased women’s active engagement, and women were represented in their own separate GCS Shuras. The same approach will be applied to ensure active role by women in the entire project processes.

## VIII. Public Complaints and Grievance Redress

1. The PMU under the now closed KURP developed a grievance handling mechanism, which is now being applied by the proposed KMDP project. KMDP will conduct a separate session at each neighborhood level selected for upgrading to inform the affected communities about the mechanism. During the implementation of KMDP the KMDP will maintain a complaint record database to enable complaint tracking and review and establish a complaint handling committee and involve GCS members in grievance handling processes. KMDP’s grievance handling procedures are as follow. (Please see annex 11 for compliant registration form).

**KMDP’S Compliant Handling Procedures**

**Introduction**

1. Grievance redress mechanisms provide a formal avenue for affected people or stakeholders to engage with the project implementers or owners on issues of concern or unaddressed impacts. Grievances are any complaints or suggestions about the way a project is being implemented. They may take the form of specific complaints for damages/injury, concerns about routine project activities, or perceived incidents or impacts. Identifying and responding to grievances supports the development of positive relationships between projects and affected communities, and other stakeholders.

**Objectives of KMDP Grievance Handling System**

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

**Types of Grievances**

1. The following types of grievances are anticipated under the proposed KMDP project:

**GCS Formation**

1. There may be grievances[[13]](#footnote-13) regarding the process of election of members of the GCS, or in their role in the negotiation and implementation of sub-projects. Failure to address these effectively at an early stage of the sub-project cycle could undermine the credibility of the GCS, thereby affecting the finalization and initiation of upgrading works.

**Inter-Community Disputes**

1. Inter-community disputes are likely during the implementation of upgrading activities, and these may have a direct impact on private property, public land or access by residents to services and infrastructure. This would best be resolved by explaining, through the GCS, the criteria for sub-project selection and stressing the indirect benefits that might occur through investments in the area. On another level, a householder might object to the alignment of a new drain which runs close to his/her property. Failure to address either grievance could result in delays to the works on site – if community members or aggrieved householders block access by the contractor – and it is therefore important that such issues be addressed promptly. In the second case, the GCS should solicit the views of other residents regarding the drain, prior to consulting the KMDP staff as to the technical, financial, social or environmental implications of an adjustment to the design, if this is deemed necessary.

**Procurement**

1. KMDP implementation procedures provided for contracting of private construction companies through a process of competitive bidding. This may result in grievances about selection and management of contracts, the quality of materials delivered or the works undertaken on site. In all cases, these will need to be dealt with expeditiously by the KMDP, in a manner that conforms to both Afghan law and World Bank procurement procedures, so as to avoid delays in the letting of contracts and subsequent implementation of upgrading works.

**Technical/Operational Coordination**

1. KMDP sub-projects are supervised by technical staff with oversight from KMDP leadership as required. While issues arising from this contractual relationship will be dealt with through separate channels, issues might be raised by other service-providers regarding technical aspects of upgrading works. For example, underground cables or pipes might need to be run under a road or drain, thereby incurring additional costs or disrupting the use of infrastructure. While most such issues should be addressed at the design stage, KMDP should coordinate with other institutions, there might be cases when the service-provider (or KMDP itself) lodges a grievance, claiming the costs of making good after the cable or pipe is laid. In other cases, there might be disputes related to the upkeep of infrastructure implemented through KMDP, and which the KMDP Team should address by inviting representatives of the concerned service-provider to a meeting of the KMDP Grievance Committee (KMDPGC), as appropriate.

**Process Delays:**

1. Due to the financial management arrangements in Afghanistan, payments to contractors are often delayed. Delays in the processing of payments to contractors could affect the pace of upgrading works on site, which may result in grievances from the contractor, residents or others directly affected by the sub-project. It is vital that KMDP to address any such grievances in a timely manner, in consultation with KM staff and others involved.

**Principles, Procedures & Time-Lines**

1. Bearing in mind this range of possible grievances, three basic ‘service standards’ shall underpin the proposed systems for handling these, as follows:
* All grievances submitted in writing to staff assigned under KMDP will be formally recorded, and a written acknowledgement issued.
* Grievances will be dealt with on a referral basis; those that the GCS are unable to resolve will be referred to a KMDP Grievance Handling Committee, with a final provision for appeal to KM, if an issue cannot be resolved with the Committee.
1. Every effort will be made to address or resolve grievances within fixed time-lines, which will be an indicator against which the performance of the handling system is evaluated:
* Acknowledgement of a written submission will be issued to the complainant within 3 working days.
* If not resolved earlier by supervisory staff on site, grievances will be tabled for discussion/resolution during a GCS meeting within 2 weeks of receipt of the written submission.
* If not satisfactorily resolved by the GCS, the grievance will be referred for consideration by the KMDP’s Grievance Committee (KGC) within 1 week.
* If not satisfactorily resolved by the KGC, the grievance will be referred for consideration by KM within 2 weeks.
1. Within these principles, grievances related to KMDP activities will be handled through three channels/levels, as follows:

* **Gozar Grievance Handling Committee (GGHC):** Complaints can be first referred to a designated focal-point within the GCS, who will table the issue at their next meeting (normally held every two weeks). Details of the grievance and the manner of its resolution - or need for referral - will be included in the minutes of the GCS meeting, copies of which will be held by the GCS and the KMDP. If resolved to the satisfaction of the parties concerned, a written confirmation will be issued by the GCS to the complainant, with a copy to KMDP. In the event the issue is not satisfactorily addressed through this channel, it will be referred to KMDP Grievances Handling Committee:
* **KMDP Grievance Handling Committee (KGHC):** if a grievance cannot be resolved through Gozar committee, a copy of the registered submission will be forwarded by KMDP to a designated member of the KGHC. This committee, comprising of KMDP staff (Senior Engineer, Senior Social Organizer and Contract Management Manager), and one GCS, as well as at least one independent Afghan professional[[14]](#footnote-14), will meet every two weeks to assess grievances, identify action to be taken and assign responsibility for follow-up. Cases put before the KGHC will be assessed according to their urgency, and the social environmental, technical or operational issues that they may raise. Along with the details of each case, recommendations for referral or action will be entered into a database, to which KMDP departmental heads and designated staff will have access. KGC will report on a weekly basis to the KMDP Team Leader, in the context of project coordination meetings.
* **KMDP Appeals Board:** cases that prove impossible to resolve through community dialogue or the KGC may be referred to a KMDP Appeals Board (KAB) to be appointed by H.E. Kabul Mayor. Comprising senior representatives from Kabul Municipality, and an independent legal expert, this Board will meet as needed to adjudicate on cases and either send their recommendations for endorsement to H.E. Kabul Mayor or refer these for legal action. Where feasible, a response will be forthcoming to such appeals within one month of submission.

**DISSEMINATION**

1. KMDP grievance handling system has already been translated into Dari and will be made available (in both leaflet and poster format) to all stakeholders, through GCS members, KMDP offices and KM. Information on the steps to be followed by the GCS in handling grievances will be incorporated into the process of mobilization of these shuras.
2. KMDP will ensure that copies of the standard grievance registration form (table 6) are available to members of the GCS and are kept in sufficient numbers in municipal offices in districts in which sub-projects are planned, and during the entire period of implementation.
3. The KGHC will ensure that the database of all grievances submitted is updated on a regular basis, and that information on the status of individual cases is made available to the KMDP.

**Responsibilities of the KMDP Grievance Handling Committee (KGHC):**

* Elect from the membership 1) a chairperson and 2) a secretary to the KGHC.
* Convene every two weeks to meet those lodging grievances in order to discuss possible steps of redress.
* Ensure that handling of grievances is in accordance with Afghan law and World Bank procedures.
* Ensure that follow-up actions in response to grievances are taken within an agreed time-frame.
* Maintain a database of all registered grievances, along with details on the nature of the issue raised the case history, and action/s taken.
* Report on outstanding/resolved grievances a weekly basis to the KMDP Team Leader, in the context of project coordination meetings.
* Ensure the availability of grievance forms (in Dari & Pashtu) in areas of KMDP activities
* As required, brief community representatives on the grievance procedures and the role of the KGHC
* As required, undertake site visits to assess issues raised by those who lodge grievances.
* Instruct KMDP staff, contractors or others in relation to follow-up of grievances.

**Responsibilities of the KMDP Appeals Board (KAB):**

* Elect from the membership 1) a chairperson and 2) a secretary to the KAB.
* Meet on a monthly basis to assess cases referred from the KGHC.
* Ensure that follow-up in response to appeals takes place within the agreed time-frame.
* Ensure that accurate records are kept of the processing/resolution of appeals.
* As required, obtain legal advice in resolving cases brought to appeal.
* Ensure that handling of grievances is according Afghan law and World Bank procedures.

## IX. Consultation and Disclosure

1. This Environmental and Social Management Framework was developed for the project on the basis of an overall Framework for World Bank-funded reconstruction operations which was prepared in consultation with the principal NGOs and development partners participating in reconstruction activities in Afghanistan. Annex 2, a framework for abbreviated RAP, comprises specific requirements for public consultations in case of land issues. The KMDP team will consult project-affected people and GCS about the project's environmental and social aspects, and will take their views into account. The executing agency will initiate such consultations as early as possible, and for meaningful consultations, will provide relevant material in a timely manner prior to consultation, in a form and language that are understandable and accessible to the groups being consulted.
2. Prior to appraisal of the KMDP, the ESMF has been disclosed by the KM’s KMDP in Dari and English languages on the KM’s website on 01/30/2014 for information and comments. Public notice in the media should be served for that purpose. The English version of the ESMF has been disclosed at the World Bank’s InfoShop on 02/02/2014. A site specific ESMPs for civil supported under retro-active financing has already been disclosed in English and Dari languages on the KM’s website on 22/04/2013.
3. The Government of Afghanistan intends to make all project documentation publicly available to the relevant stakeholders and through the Kabul Municipality Website.

## IIX. Budget for ESMF Implementation

1. The KMDP safeguards staff received extensive training over the implementation period of KURP. The World Bank will assess the implementation of the Framework, and if required, will recommend additional strengthening. The project is expected to recruit a consultant to provide on-the-job training on supervision of ESMPs and CHMP (if needed). The budget needed for KMDP environmental and social management is the recapitulation of the following:
* Training program, awareness raising through consultation and print media
* Allowances for the preparation / implementation of sub-projects ESMP/ Abbreviated RAPs (if needed). (The costs of implementing such plans measures are included in the budgets of sub-projects.)
* Annual assessments
* The costs of environmental measures as well as training and awareness are summarized in table 4.

**Table- 8: Safeguard Trainings Plan**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Capacity building activities** | **Number** | **Details** | **Required budget** | **Remarks** |
| Training sessions to KMDP staff | 8/5ye | Community mobilization/participation and social inclusion (one session)Grievance Redress Mechanism/Social Accountability (two session)Cultural Heritage (two session)Social Safeguards (Land/asset acquisition (one session)Environmental Safeguards (one session)  | $ 4800 | Training sessions to KMDP staff |
| Training sessions to GCS | 1/GCS | Training sessions on Community Upgrading Plan (CUP), GRP, Consultation and Health/ hygienic training | 2600 |  |
| Training sessions to contractors  | 1/yr | Training sessions on mitigation of environmental and social impacts and ESMP  | 3600 |  |
| Training sessions to KMDP staff to conduct baseline survey of the selected Gozar | 2  | Baseline survey (HH survey and FGM)Urban Poor | 12000 |  |
| Awareness raising  | 1/Gozar | Through public consultation and print media etc. | 2400 |  |
| Annual Env. Audit | 1/yr |  | 23500 |  |

## Annex 1-Negative List of Subproject Attributes

Subprojects with any of the attributes listed below will be ineligible for support under the proposed emergency reconstruction operations.

**Table 8: Ineligible sub-projects**

| **Attributes of Ineligible Subprojects** |
| --- |
| Involves the significant conversion or degradation of critical natural habitats. Including, but not limited to, any activity within:* Ab-i-Estada Waterfowl Sanctuary;
* Ajar Valley (Proposed) Wildlife Reserve;
* Dashte-Nawar Waterfowl Sanctuary;
* Pamir-Buzurg (Proposed) Wildlife Sanctuary;
* Bande Amir National Park;
* Kole Hashmat Khan (Proposed) Waterfowl Sanctuary.
 |
| Will significantly damage non-replicable cultural property, including but not limited to any activities that affect the following sites:* monuments of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, Fifth Minaret, Gawhar Shah mausoleum, mausoleum of Ali Sher Navaii, and the Shah Zadehah mausoleum complex);
* monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-I Ghulghular and Shahr-i Zuhak);
* archaeological site of Ai Khanum;
* site and monuments of Ghazni;
* minaret of Jam;
* mosque of Haji Piyada/Nu Gunbad, Balkh province;
* stupa and monastery of Guldarra;
* site and monuments of Lashkar-i Bazar, Bost;
* Archaeological site of Surkh Kotal.
 |
| Requires involuntary acquisition of land, or the resettlement or compensation of more than 200 people. |

## Annex 2 Guidelines for Land and Asset Acquisition, Entitlements and Compensation

## Annex 2 (i) Framework for Abbreviated Resettlement Action Plan

In compliance of the Bank’s Operational Policy 4.12, in case of less than 200 Project Affected People (PAPs), the following abbreviated Resettlement Framework shall be followed in order to restore housing and issue economic compensation for loss of land and livelihood through a consultative and mutually agreeable process.

**Principles**

* + All land should be surveyed and mapped and agreement reached with government on explicit eligibility cut-off date.
	+ Where land is disputed or land ownership is not clear, the land will be surveyed and a map hereof issued to the affected families. In case of land disputes, attempts should be made to settle disputes prior to project start.
	+ Customary and collective rights, e.g. to grazing land and commons, should be verified and documented through community-level consultations and local authorities. Customary and collective rights are also subject to compensation.
	+ Compensation for land, housing and assets are based on principles of replacement cost and mutually agreeable solutions based on consultative approach with PAPs.
	+ where affected land provide income, the equivalent to the value of the crop lost will be given in compensation, based on the value of the harvests lost until the replacement crop (e.g. fruit tress) come into full production.
	+ if land forms basis for other income, the value of the income hereof will be subject to third party assessment
	+ If PAPs are squatters/informal settlers on the land, they will receive economic/material compensation to re-establish themselves elsewhere (e.g. on government land) without suffering damage to their livelihood or living standard.

**Process**

1. Survey of land and assets & census of Project Affected Peoples, including squatters and informal settlers:

* The surveyed land and assets should be identified, marked and photographed, and by the defined eligibility cut-off date the areas should be secured against encroachers.
* the Project Affected People should be identified and registered with full data and photographs
* a compensation package should be developed (categories of impacts and appropriate entitlements to formal and informal settlers landholders and squatters), and
* Initial consultations should be conducted to identify any salient issues or concerns impacting on affected people. Gender separate consultations should be conducted in order to properly ascertain the views of the women.

2. Calculation of individual entitlements. There should be continued consultations with the affected people regarding the project, land acquisition and compensation package in order to reach mutually agreeable solution to land/asset acquisition and/or shifting of house. In case any PAP refuses to shift, an abbreviated Resettlement Plan, compliant to OP 4.12, should be developed.

**Outline of an Abbreviated Resettlement Plan**

An abbreviated plan covers the following minimum elements:

1. A census survey of displaced persons and valuation of assets;
2. Description of compensation and other resettlement assistance to provided;
3. Consultations with displaced people about acceptable alternatives;
4. Institutional responsibility for implementation and procedures for grievance redress;
5. Arrangements for monitoring and implementation; and
6. A timetable and budget.

3. The compensation package and abbreviated Resettlement Plan should be submitted to the Bank for approval, using the formats included in the Safeguards Framework **(Annex 2 (ii-iv)**

4. The acquisition process is only completed with the actual payment of compensation to Project Affected People and settlement of any grievances they may hold.

## Annex 2(ii) -Land Acquisition Assessment Data Sheet

**(To be used to record information on all land to be acquired)**

1.   Quantities of land/structures/other assets required:

1. Date to be acquired:
2. Sketch of project land plot, identifying:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Location and area of each individual piece of land/structure involved: | Category of land (private/ communal/ government etc) and Owner(s)\* | Current uses | Users | Multiple claimants/usersYes/No | Method of acquisition\*\* |
| (a) |  |  |  |  |  |
| b) |  |  |  |  |  |
| c) |  |  |  |  |  |

\* Provide documentary proof, where available.

\*\* Donation/Acquisition against Compensation/Purchase. This should be determined following consultations with PAPs

In case of Multiple customary claimants/users, specify for each individual piece of land involved:

* Number of Customary claimants:
* Number of Squatters:
* Number of Encroacher:
* Number of Owners:
* Number of Tenants:
* Others (specify):                  Number:

4. Transfer of title:

* Ensure these lands/structures/other assets free of claims or encumbrances.
* Written proof must be obtained (notarized or witnessed statements) of the voluntary donation, or acceptance of the prices paid, from those affected, together with proof of title being vested in the community, or guarantee of public access, by the title-holder.

5. Describe grievance mechanisms available:

## Annex 2(iii) -Format to Document Contribution of Assets

The following agreement has been made on............................ day of...................……….

between...............................................resident of ............................................(the Owner)

and ……………………………………………….(the Recipient).

1. That the Owner holds the transferable right of ........................…………………jerib of land/structure/asset in.........…………………………………………………………………

2. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to other claims.

3. That the Owner hereby grants to the Recipient this asset for the construction and development of ................................for the benefit of the villagers and the public at large.

*(Either, in case of donation:)*

4. That the Owner will not claim any compensation against the grant of this asset.

*(Or, in case of compensation:)*

4. That the Owner will receive compensation against the grant of this asset as per the attached Schedule.

5. That the Recipient agrees to accept this grant of asset for the purposes mentioned.

6. That the Recipient shall construct and develop the……………………and take all possible precautions to avoid damage to adjacent land/structure/other assets.

7. That both the parties agree that the………………………so constructed/developed shall be public premises.

8. That the provisions of this agreement will come into force from the date of signing of this deed.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of the Owner:            Signature of the Recipient/MRRD/MPW:

Witnesses:

1.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Signature, name and address)

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

(Attestation by District/Province Judge, Date)

Confirmation of CDC: Signature/Stamp

###### Confirmation of District Authority: Signature /Stamp

## Annex 2(iv) -Compensation of Asset Requisition

**Summary of Units to be Compensated Agreed Compensation**

**affected unit/item**

a. Urban/agricultural

 land (jerib): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Houses/structures to be emolished (units/jerib): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c. Type of structure to be

 demolished (e.g. mud,

 brick, etc.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Not Applicable.

d. Trees or crops affected

 (units/jerib): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

e. Water sources affected: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Compensation Detail:

Type of compensation……………………………………………………………….

Amount of Compensation: in AFS(………………………) In USD (………………………………).

Signature of PAP signifying his/her agreement:

Signatures of local community representatives, shura head:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas and replacement areas):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Attestation by District/Province Judge, Date)

##

## Annex 3-Protection of Cultural Property

**Protection of Cultural Property**

Physical cultural Property 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.

The proposed project is unlikely to pose a risk of damaging cultural property, as the sub-projects will largely consist of repair and reconstruction of existing secondary and tertiary rural access infrastructure. Further, the negative list of attributes, which would make a subproject ineligible for support, includes any activity that would significantly damage non-replicable cultural property. Nevertheless, the following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents.

**Chance Find Procedures**

Chance find procedures are defined in the law on Preservation of Afghanistan’s Historical and Cultural Heritages (Official Gazette, No. 828, 1383/2004), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation. This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:

1. The responsibility for preservation, maintenance and assessment of historical and cultural monuments rests with the Archaeological Committee under the Ministry of Information and Culture, which has representation at provincial level.

2. Whenever chance finds of cultural or historical artifacts (moveable and immovable) are made the Archaeological Committee should be informed. Should the continuation of work endanger the historical and cultural artifacts, the project work should be suspended until a solution is found for the preservation of these artifacts.

3. If a moveable or immovable historical or cultural artifact is found in the countryside of a province, the provincial governor (Wali) or district incharge (Woluswal) should be informed within two weeks, and they should inform the Archaeological Committee. In case the immovable historical or cultural artifact is found in a city, the provincial branch of the Department of Maintenance of Historical Values of the Ministry of Information and Culture should be informed within two weeks (art. 18). If the find is made within the center, the Archaeological Committee must be informed directly within one week (art. 25).

4. Failure to report a chance find within the stipulated time limit will be punished with a fine or imprisonment for a period of one week or up to one month (art. 72).

5. If someone intentionally damages a historical or cultural artifact, the culprit shall pay compensation in accordance with the value of the artifact plus be imprisoned for a period of one month to ten years depending on the gravity of the crime (art. 71).

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

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

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

## Annex 4- Codes of Practice for Prevention and Mitigation of Environmental Impacts

| **Environmental****Concern** | **Mitigating Measures** |
| --- | --- |
|
|  |
| **Preconstruction Stage** |
| Income reduction of businesses and shop keepers and street vendors both within the right of way andoutside | * As soon as the construction schedule is prepared, the contractor will prepare a Plan (MAFP) to avoid/minimize impacts on business owners/shopkeepers and households
* Inform the potential PAPs about MAFP, the schedule of construction activities /road closures
* Provide alternative sites for street vendors/micro businesses and others using right of way.
* Where alternative arrangements are unable to avoid significant income losses identify these locations and prepare an inventory of potential PAPs and income loss
* Prepare a compensation plan with public consultations
* Implement compensation plan whenever PAPs are affected significantly
 |
| Impedance to surface runoff | * Design cost effective side drains (wherever possible use of Reinforced Concrete Pipe Drains)
 |
| **Construction Stage** |
| Inadequate awareness of Environmental Requirements | * Conducting special briefing and/or on-site training for the contractors and workers on the environmental requirement of the project
* Conducting briefing session as and when required
 |
| Impacts on WaterQuality | * Proper construction management including training of operators and other workers to avoid pollution of water bodies caused by the operation of construction machinery and equipment
* Storage of lubricants, fuels and other hydrocarbons in self-contained enclosures
* Proper disposal of water and wastewater generated by construction activities
* Proper disposal of solid waste from construction activities and labor camps
* Covering the construction material and spoil stockpiles with a suitable material to reduce material loss and sedimentation.
* Avoiding temporary construction facilities and stockpiling of materials close to water bodies and wetland areas
* Avoid disposal of wash water and other construction related waste on water bodies and wetland areas
* Vehicles and equipment shall be maintained in good operable condition, ensuring no leakage of oil or fuel
* Providing sanitation arrangements at work sites and temporary accommodation facilities to avoid release of waste water and sewage to drains or water bodies
* Special attention to drainage, proper disposal of oil and other hazardous materials
* Rehabilitation of adequate sanitary facilities and purifying constructions including appropriate disposal of wastewater and sewerage
 |
| Impacts on AirQuality/Dust | * All heavy equipment and machinery shall be in full compliance with the national and municipal regulations for emissions
* Using efficient plant and machinery, maintaining these in good condition and ensuring these are operated by trained and qualified personnel
* Stockpiled sand and aggregate shall be enclosed Stockpiled soil and sand shall be slightly wetted before loading, particularly in dry windy conditions
* Parked vehicles on site will have their engines turned off
* Vehicles transporting soil, sand and other construction material shall be covered
* Spraying of water during delivery and handling of dust generating material
* Providing all weather surface in areas where regular movement of vehicles are expected
* Procurement of efficient plant & machinery, maintenance of these in good conditions, and operated by trained and qualified personnel
* Washing tires and lower body of vehicles exiting from sites

Selection of sites for material extraction away from residential areas |
| Sludge Management | * A sludge disposal management plan will be developed
* The dumping sight will be identified in coordination with Kabul Municipality
* Facilities will be procured to assure the safe sludge transportation
* Sludge monitoring and supervision plan will also be developed.
 |
| Increase in level ofNoise / Vibration | * All powered equipment and machinery shall be fitted with noise abating gear such as mufflers in full compliance with the national and municipal regulations.
* As a rule, the operation of heavy equipment shall be conducted in daylight hours.
* Construction equipment, which generates excessive noise shall be isolated
* Well maintained haulage trucks shall be used with
* speed controls
* Taking reasonable measures to minimize
 |
| Sedimentation ofStreams and WaterBodies | * Back-fill should be compacted properly in accordance with design standards.
* In the short-term, either temporary or permanent drainage works shall protect all areas susceptible to erosion.
* Measures shall be taken to prevent ponding of surface water and scouring of slopes.
* Newly eroded channels shall be backfilled and restored to natural contours.
* Use of silt traps where earthworks are carried out adjacent to water bodies
 |
| Pollution byConstructionMaterial | * Hydrocarbons and hazardous material shall be stored on impervious ground under cover.
* The storage area shall be constructed as a spill tray
* Safe ventilation for storage of volatile chemicals shall be provided.
* Access to areas containing hazardous substances shall be restricted and controlled.
* All hot mix plant, crushing plant, workshops, depots and temporary workers accommodation facilities shall be sited in approved locations
* Refrigerants and fire extinguishing agents shall be in accordance with the “Montreal Protocol”
 |
| Spoil and construction wastedisposal | * Estimating the amounts and types of spoil and construction waste to be generated by the project.
* Investigating whether the waste can be reused in the project or by other interested parties.
* Identify potential safe disposal sites close to the project and investigate the environmental conditions of the disposal sites and prepare recommendation of most suitable and safest sites.
* Reuse of waste material and use of designated disposal sites
* Unsuitable excavated materials should be systematically carried away from the areas prone to erosion.
* Used oil and lubricants shall be recovered and reused or removed from the site in full compliance with the national and municipal regulations.
* Oil wasted, debris and other waste shall not be burned.
 |
| Work camp and temporary yard location andoperation | * Identify location of work camp/office sites and temporary yards in consultation with KM and communities.
* Committee/Business Association; wherever possible, camps shall not be located near settlements or near drinking water supply intakes.
* Cutting of trees shall be avoided and removal of vegetation shall be minimized.
* Water and sanitary facilities shall be provided for employees.
* Solid waste and sewage shall be managed according to the national and municipal regulations. As a rule solid waste must not be dumped, buried or burned at or near the project site, but shall be disposed of at the nearest sanitary landfill or site having and complying with the necessary permits.
* The Contractor shall organize and maintain a waste separation, collection and transportation system.
* The Contractor shall document that all liquid and solid hazardous and non-hazardous waste are separated, collected and disposed of according to NEPA and KM requirements and regulations.
* Water logging and ponging shall be avoided
* At conclusion of the project, all debris and waste shall be removed. All temporary structures, including office buildings, shelters and toilets, shall also be removed.
* Exposed areas shall be planted with suitable vegetation.
* The Engineer shall inspect and report that the camp has been vacated and restored to pre-project conditions.
 |
| Safety and precaution for the workers | * Providing adequate warning signs
* Providing workers with skull guard or hard hat and other safety devices.
* The Contractor shall instruct his workers in health and safety matters, and require the workers to use the provided safety equipment.
* Establish all relevant safety measures as required by law and best engineering practices
* Training and briefing of workers on safety precautions, their responsibility for their safety and the safety of others
* Ensuring that vehicles and equipment operators are properly licensed and trained
* Arranging for provision of first aid facilities, rapid availability of trained paramedical personnel, and emergency transport to nearest hospital with accident and emergency facilities
* Allocation of responsibilities to ensure that the safety arrangements are in place
* Arranging for regular safety checks of vehicles and material, and allocation of responsibility for checking
* Ensuring that material extraction operations are supervised and carried out by trained and experienced staff
 |
| Traffic condition | * Formulation and implementation of a construction related traffic management plan
* Installation of traffic warning signs, and enforcing traffic regulations during transportation of materials and equipment & machinery
* Conducting awareness programs on safety and proper traffic behavior in densely populated areas near the construction sites
* Assign traffic control personnel
* Provide alternative access to pedestrians
* Select quarry and borrow sites that are served by roads of adequate capacity for heavy trucks; Where minor roads cannot be avoided include provision for repair and restoration
* Repair damages to roads caused by haulage of construction materials, spoil and equipment and machinery
* Loading and operating speed of vehicles shall be controlled
* If local road are used for transportation, obtain approval from local authorities
 |
| Social Impacts | * Conflicts with local community should be avoided
* Potential for spread of vector borne and communicable diseases from labor camps shall be avoided
* Competition with locals for resources will be avoided
* Inform the public on timing and duration of any disruption to water, poser, telecommunications or other services
* Reduce risk of accidental damage by ensuring that vehicles and equipment are operated by trained personnel, and that operations are adequately supervised
 |
| **Operation Stage** |
| Air quality / Dust | * Formulation and strict enforcement of the regulations subsequent to an awareness program
* Provision of a vegetated barrier to arrest the spread of air borne particles to residential areas
 |
| Noise / Vibration | * Formulation and strict enforcement of the regulations subsequent to an awareness program
* Providing sound barriers in sensitive areas such as schools, places of worship, hospitals and libraries
 |
| Road Safety | * Formulating regulations to impose speed limits, road discipline and pedestrian safety
* Enforcing regulations with awareness building
 |
| Sludge and Nuisance  | * Formulating a strict guideline for safe and timely disposal of sludge produced
* In close coordination with KM the KMDP team will specify a dumping or burial sight
* Ensure the proper facilities and resources available for timely sludge handling
* Formulating restrictions on delay of sludge handling to avoid nuisance
* Apply proper technique to reduce the nuisance
* Development of efficient monitoring and supervision for sludge and other waste/solid waste management.
 |

## Annex 5: Format of Quarterly Monitoring Report

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Relevant environmental authority:**  |  |  |  |  |
| **Reporting dates:**  |  |  |  |  |
| **KMDP/KM:**  |  |  |  |  |
| **Subprojects approved:**  |  |  |  |  |
| **Subproject title**  | **Activities**  | **Project phase[[15]](#footnote-15)** | **Environmental. Risks** | **EIA / EMP completed?**  | **Environmental Permit granted?**  | **Effectiveness of EMP**  | **Issues[[16]](#footnote-16)**  |
| (name, location, title or reference)  | (new construction, rehabilitation, maintenance)  | See note below  | (Severe, Moderate or Mild)  | Yes, No or N/A  | Yes, No or N/A  | Good, poor, or needs improvement  | See note below  |
| 1  |  |  |  |  |  |  |  |
| 2  |  |  |  |  |  |  |  |
| 3  |  |  |  |  |  |  |  |
| etc  |  |  |  |  |  |  |  |
| Subprojects rejected:  |  |  |  |  |
| **Subproject title**  | **Activities**  |  | **Reasons for rejection**  | **Remarks[[17]](#footnote-17)** |

## Annex 6: Draft Terms of Reference for Sub-Project Requiring an EIA/SIA

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

**Introduction and Context**

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

**Objectives of the Study**

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

**Mission/Tasks**

The Consultant should realize the following:

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

**Public consultations**

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

**Plan of the EIA/SIA Report**

* Cover page
* Table of Contents
* List of Acronyms
* Executive Summary
* Introduction
* Description of project activities
* Description of Environment in the project area
* Description of policy, legal and Institutional Framework
* Description of the methodology and techniques used in assessment and analysis of the project impacts
* Description of environmental and social impacts for project activities
* Environmental and Social Management Plan (ESMP) for the project including the proposed mitigation measures;
* Institutional responsibilities for monitoring and implementation; Summarized table for ESMP.
* Recommendations
* References
* List of Persons/Institutions met

**Qualification of the Consultant**

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

**Duration of Study**

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

**Production of final Report**

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

## Annex 7 -Procedures for Mine Risk Management

Background

1. 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);
1. 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.

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.

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

Procedure for Small and Medium-size Works Contracted Out

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

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

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

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.
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.
3. If MACA assesses a potentially high risk in the area (whether due to the presence of mines or uncertainty.
* If the project includes an assessment/clearance task agreed to be implemented by MACA (or by a mine action organization accredited by MACA), it can go ahead for selection based on agreed funding modalities (clearance may be funded either under a contract with a Bank-funded project or under existing donor agreements with the mine action organization);
* If the project does not include an assessment / clearance task, it should not go ahead for selection as long as this has not been corrected.

Procedure for Works to be Implemented Directly by Government Departments/Agencies, Without the Use of Contractors

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

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

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

1. Prior to carrying out work, the Government department/agency will consult with MACA to assess mine-related risks in the area (this should include checking information available in the MACA data base). If not already done, 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.

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

1. 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.
2. As a separately identified item in their bid, the bidders include a provision for a further detailed mine assessment and clearance during construction.
3. On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to choose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.

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

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

 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.

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

All parties involved in this process are required to closely coordinate with MACA and to provide the Government, local communities, MACA, as well as any interested party the full available information on mine-related risks that may reasonably be required (e.g., maps of identified minefields, assessments for specific areas).

## Annex 8-Environmental and Social Guidelines for Contractors

The following guidelines will be part of the contractual agreements for each sub-project:

Construction Company (contractor) should install the Construction Camp on areas far enough from water points, houses and sensitive areas in consultation with the community and GCS. He/she should select the good quality sanitary equipment and install it in Construction Camp.

The contractor should manage all activities in compliance with laws, rules and other permits in vigor based on site regulations (what is allowed and not allowed on work sites).

Contractor has the responsibility of hygiene and security on work sites, and should protect neighboring properties, inform the client if land is found to be contaminated.

Contractor should ensure the permanence of the traffic and access of neighboring populations during the works to avoid hindrance to traffic, they also have the responsibility to protect and provide health and safety measures to staff working on work sites. In order to protect soil, surface and ground water the contractor should

avoid any wastewater discharge, oil spi1l and discharge of any type of pollutants on soils, in surface or ground waters, in sewers and drainage ditches.

The Contractor should protect the environment against exhaust fuels and oils, dust and other solid residues. The Contractor should dispose oil and construction waste materials appropriately and provide adequate waste disposal and sanitation services at the construction site.

Contractor for the purpose of proper waste management should install containers to collect the wastes generated next to the areas of activity. Contractor should avoid degradation and demolition of private properties, therefore he/she should inform and raise the awareness of the populations before any activity causing degradation of natural vegetation and resources and if there was any damage to private/public property compensate beneficiaries before any work.

The Contractor should use a quarry of materials according to the mining code requirements and compensate planting in case of deforestation or tree felling.

The Contractor should manage waste properly and do not burn them on site and also should provide a proper storage for materials, organize parking and displacements of machines in the site.

The Contractor should care about speed limitation of work site vehicles and cars and allow the access of public and emergency services to the worksite.

The contractor should install signaling of works, ensure no blockage of access to households during construction and/or provide alternative access, provide footbridges and access of neighbors and endure construction of proper drainage on the site.

The Contractor should respect the cultural sites, ensure security and privacy of women and households in close proximity to the camps and safely dispose asbestos.

The Contractor should consider impacts such as noise, dust, and safety concerns on the surrounding population and schedule construction activities accordingly.

The Contractor should develop maintenance and reclamation plans, protect soil surfaces during construction and re-vegetate or physically stabilize eligible surfaces, preserve existing fauna and flora and preserve natural habitats along streams, steep slopes, and ecologically sensitive areas.

The Contractor has to prevent standing water in open construction pits, quarries or fill areas to avoid potential contamination of the water table and the development of a habitat for disease-carrying vectors and insects.

The Contractor should select sustainable construction materials and construction method, during construction, control dust by using water or through other means and control and clean the construction site daily.

## Annex 9: Environmental and Social Checklist for Screening of Subprojects under KMDP

Name of the Lot: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

| **Activity** | **Potential Impacts** | **Assessment** **{**Put only **one** tick (**√**) in **each row}** | **Scheme specific observations if any** |
| --- | --- | --- | --- |
| Impact **NOT significant (minor)** | **Significant Impact** requires mitigation measures |
| Construction of roads, drains, street repairs | Land take(minor impact ”as loss of less than 10 percent of an individual’s holdings”) |  |  |  |
| Loss of access to public services (e.g. water, power, telephone, transport, etc.) |  |  |  |
| Removal of street vendors  |  |  |  |
| Removal of vegetation  |  |  |  |
| Pollution from ancillary activities like hot-mix plants, crushers, concrete batching plants, etc.  |  |  |  |
| Dust generation during construction activities |  |  |  |
| Increased Noise due to construction activities |  |  |  |
| Risks of accidents and spills |  |  |  |
| Potential for spread of water-borne diseases |  |  |  |
| Increased traffic and congestion due to development of housing colony |  |  |  |
| Rehabilitation of drainage system (tertiary drainages) | land take |  |  |  |
| Loss of access to public services (e.g. transport, water pipe, power, etc.) |  |  |  |
| Potential risk of accidents due to widened excavation for manhole or trenches |  |  |  |
| Health hazard caused due to indiscriminate disposal of sludge removed from the pipes, drains and other appurtenances |  |  |  |

Approval of Engineering Section Head of the KMDP Team

 Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Key Impacts Identified

Mitigation measures to be implemented (site specific ESMPs for the sub-project)

Agency responsible for implementation / supervision (site specific ESMPS for the sub-project)

Timing of implementation with reference to stage of civil works cycle (design, construction or operation)

Approval of Engineering Section Head of the KMDP

 Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approval of the KMDP Team Leader:

 Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Annex 10: Compilation of Environmental Mitigation Measures for Projects under KMDP

Part A: Construction Stage Impacts

| **Activity** | **Potential Impacts** | **Mitigation Measures** | **Responsibility of Execution**  | **Monitoring measure & method** | **Responsibility of Monitoring**  |
| --- | --- | --- | --- | --- | --- |
| Rehabilitation of tertiary Roads  | Land take | * Compensation to be paid to affected persons as per ANNEX 2 to the ESMF
 | KMDP/Municipality | Record of transfer of payment to affected persons | KabulMunicipality / KMDP Team |
| Dust generation during construction activities | * Provide temporary enclosures to the site using GI sheets and poles
* Provide cover on trucks carrying construction material.
* Provide protective masks for workers
* Sprinkle water within site, especially on windy days
 | Contractors | Visual Inspection, Check log books | Supervision Consultant  |
| Noise due to construction activities | * Avoid noise generating activities during particular periods – times of prayers, school hours, etc.
* Discontinue all operations during night except if concreting requires work to continue during the night.
* Provide ear plugs to construction workers manning noisy equipment.
* Consider provision of noise barriers by landscaping, tree plantation.
 | ContractorContractor | Visual inspection of works, checking log books | KMDP Team |
| Risks of accidents and spills | * Provide adequate signage and fencing around the site.
* Train workers to follow safety instructions.
* Prepare contingency plans for spillages, and carry out mock drills.
* Provide adequate notice of site/road closures to locals.
* Provide adequate detours around construction areas.
 | Contractor | Visual inspections, checking logbooks | KMDP Team |
| Potential of spread of water-borne diseases | * The site should be graded after construction is finished to ensure proper drainage of run-off from the site.
* Prepare and execute debris disposal plans.
 | Contractor | Measurements at the end of construction | KMDP Team |
| Rehabilitation of tertiary drains | Land acquisitions | * Minimize through proper design
* Keep current alignment and route
 | Design and supervision consultant | Abbreviated RAP report and complaints from public | KMDP Team |
| Potential for ground water contamination | * Use bottom concrete slab where untreated water is transported
 | Design and supervision consultant | Sampling of ground water and testing  | KMDP Team |
| Accumulation of Wastes  | * Development of solid waste disposal plan
 | Design and supervision consultant | Measurement during site visit | KMDP Team |
| Dislocation of Utilities | * Minimize effect with proper designs
* Take concerted effort with concerned service provider to reduce effect
 | Design consultant and concerned service providers | Review of design documents | KMDP Team |
| Obstruction for pedestrian access | * Provide pedestrian crossing wherever required
 | Design and supervision consultant | Review of designs | KMDP Team |
| Waste material disposal | * Identify waste material disposal areas and location
* Ensure adequate requirements in contract documents
 | Design and supervision consultant | Review of contract documents and plans | KMDP Team |
|  | Foul smell | * Design mechanism to remove foul smell
 | Design and supervision consultant | Review of designs | KMDP Team |

Part B: Operation Stage Impacts

| **Activity** | **Potential Impacts** | **Mitigation Measures** | **Responsibility of Execution**  | **Monitoring measure & method** | **Responsibility of Monitoring**  |
| --- | --- | --- | --- | --- | --- |
| Solid waste disposal including Sludge from drainage | Clogging of open drains conveying storm/waste water and health hazard caused due to indiscriminate disposal of sludge | * Fix up days on which the waste would be collected from the curbside in the locality.
* Educate the locals not to bring out household waste on days other than those on which collection has been fixed.
* Preparation of sludge management plan

Enhanced Supervision of day to day sludge disposal.  | District AdministrationKM | Check for copies of advertisements on file, Visual monitoring | Kabul Municipality |
| Random disposal of collected waste causing a health hazard | * Provide adequately sized sanitary landfill site where such waste can be disposed of.
* Train the workforce and raise public awareness regarding the potential hazard of indiscriminate disposal of such sludge.
 | District Administration | Visual inspection, surveys of citizens, etc. | Kabul Municipality |
| Access roads and streets | Increased traffic  | * Provide adequate RoW from planning stage itself.
* Protect this RoW using appropriate devices – notification, planting in area currently not used for the road, fencing, etc.
 | City Authority | Copies of notifications to be filed,Visual inspection | Kabul Municipality  |

## Annex 11- Complaints Registration Form:

Table 9: **KMDP Complaints Registration Form**

|  |
| --- |
| LOCATION : District: \_\_\_\_\_\_\_\_\_ Gozar: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_GCS Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NAME OF COMPLAINANT: \_­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Taskara number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ ADDRESS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Gozar resident □ GCS member □ Contractor □ Other □ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Classification of the grievance (Check box)**□ GCS formation □ Inter-community dispute□ Procurement □ Technical/operational coordination□ Financial □ Process delays□ Other (specify)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Does he/she inform the NSC of his/her neighborhood regarding to this grievance? Yes □ No □If No, ask him/her to inform the NSC, for solving this grievance. |
| **Brief description of the grievance:** |
| **What is the perceived cause?** |
| **Suggested action (by complainant) to address grievance:** |
| **Signature of complainant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Date: / / |
| **Received on behalf of KMDP by:** Registration no:Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: / / |

1. Such a reallocation would not constitute a formal Project Restructuring. [↑](#footnote-ref-1)
2. Criteria for selection of areas to be upgraded, remains were developed under the Kabul Urban Reconstruction Project. [↑](#footnote-ref-2)
3. Neighborhoods in Afghanistan have a recognized boundary by the community, and are called “gozars”. [↑](#footnote-ref-3)
4. Expansion of distribution networks in Kabul is contingent upon support from other donors, which is off-budget, making coordination between the KM and the Afghanistan Urban Water Supply and Sewerage Corporation (AUWSSC) challenging and unpredictable, as seen from the experience under KURP. [↑](#footnote-ref-4)
5. These departments use highly energy inefficient equipment more than thirty years old. Monthly fuel consumption for the 447 vehicles reported to ply 2.031 million kms a month, is reported to be 811,579 liters monthly. [↑](#footnote-ref-5)
6. Technical assistance for the initial design and supervision of this survey will be provided by the Bank as part of the technical support for the South Asia Regional Urbanization Study. [↑](#footnote-ref-6)
7. The estimated cost of salaries of contracted staff over six years is about US$4.0 million, and includes the cost of project management as well as the design and supervision of civil works that is done by the KMDP staff in-house. Normally just design and supervision of works valued at US$58.5 would be US$11.7m. Under KURP, 42 PMU contract staff with the support of 98 consultants managed a total of US$33.8m in IDA and ARTF support. KMDP is to be managed by 44 core PMU staff. KURP spent 27% of the project funds on design and supervision consultancies; in the case of KMDP, this cost is less than 7%. [↑](#footnote-ref-7)
8. This building is expected to house the teams implementing KUTEI and KMDP. [↑](#footnote-ref-8)
9. Such a reallocation would not constitute a formal Project restructuring, as permitted under the particular arrangements available for contingent emergency response components (ref. Including Contingent Emergency Response Components in Standard Investment Projects, Guidance Note to Staff, April 2009, footnote 6). [↑](#footnote-ref-9)
10. Minor impacts, as defined in OP 4.12, endnote 25, “less than 10 % of their productive assets are lost,” with no physical relocation. [↑](#footnote-ref-10)
11. Local community is defined as the group of families in given locality or street sharing infrastructure services being provided by KMDP. [↑](#footnote-ref-11)
12. Significant impact-When a project affects more than 200 people, takes more than 10 percent of any landholding. [↑](#footnote-ref-12)
13. In order to mitigate against this, information should be disseminated to all members of the community on the election process, the roles and responsibilities of the GCS and provisions for oversight of their activities. [↑](#footnote-ref-13)
14. To be identified by the KMDP, ideally someone of standing within the NGO community, with a legal or community development background. [↑](#footnote-ref-14)
15. Subproject phase will be one of the following: (a) under project preparation or appraisal, (b) appraised, or (c) implementation [↑](#footnote-ref-15)
16. Issues: accidents, litigation, complaints or fines are to be listed [↑](#footnote-ref-16)
17. e.g. if an environmental permit was not granted, explain why [↑](#footnote-ref-17)