**TERMS OF REFERENCE**

**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND RESETTLEMENT ACTION PLAN (RAP)**

**For**

**KAJAKI DAM PHASE-II**

**HELMAND PROVINCE**

**AFGHANISTAN**

**DECEMBER 2018**

**List of Abbreviations:**

AP Affected Person

ARAZI Afghanistan Land Authority

CD Compact Disk (CD)

CESMP Construction Environmental and Social Management Plan

DSR Dam Safety Report

EHSG Environmental Health and Safety Guideline

EIA Environmental Impact Assessment

ESF World Bank Environmental and Social Framework

ESIA Environmental and Social Impact Assessment

ESMF Environmental and Social Management Framework

ESMP Environmental and Social Management Plan

ESS Environmental and Social Standard

FS Feasibility Study

GoA Government of Afghanistan

GRM Grievance Redress Mechanism

KV Kilowatt

LAC Land Acquisition Committee

LDP Local Development Plan

LIDAR Light Detection and ranging (a remote sensing technique)

MEW Ministry of Energy and Water

MS Microsoft Office

MSc Master’s Degree (Master of Science)

MW Megawatt

NEPA Nation Environmental Protection Agency

NGO Non-Governmental Organization

OESMP Operation Environmental and Social Management Plan

OHS Occupational Health and Safety

OP Operation Policy

PAP Project Affected Person

PhD Doctor of Philosophy

PoE International Independent Panels of Experts

RAP Resettlement Action Plan

RAs Resettlement Actions

SEP Stakeholders Engagement Plan

TOR Terms of Reference

USA United State America

USAID United State Agency for International Development

**Table of Contents**

[A. PROJECT BACKGROUND 4](#_Toc514843138)

[A-1 Salient Feature of Dam Development Site 5](#_Toc514843139)

[A-2 Objectives of Kajaki Dam Phase ΙΙ 5](#_Toc514843140)

[A-3 Scope of the Project 5](#_Toc514843141)

[A-4 Objective of the Assignment 6](#_Toc514843142)

[B. OBJECTIVE /NEED/JUSTIFICATION FOR ESIA and RAP 6](#_Toc514843143)

[C. SCOPE OF THE ESIA AND RAP ASSIGNMENT 10](#_Toc514843144)

[C-1 Scope of an ESIA 11](#_Toc514843145)

[C-2 Specific ESIA Tasks 13](#_Toc514843146)

[D. SCOPE OF ESMP 25](#_Toc514843147)

[D-1 Specific ESMP tasks 25](#_Toc514843148)

[E. ESIA REPORTING AND DELIVERABLES 28](#_Toc514843149)

[E-1 Inception Report 28](#_Toc514843150)

[E-2 Stakeholder Engagement Strategy Report 28](#_Toc514843151)

[E-3ESIA Report- Suggested structure **Error! Bookmark not defined.**](#_Toc514843152)

[E-4 Reporting and Feedback Requirements 30](#_Toc514843153)

[E-5 Timing, Duration and Deliverable 31](#_Toc514843154)

[E-6ESIA Consulting Team 32](#_Toc514843155)

[F. RESETTLEMENTMENT ACTION PLAN (RAP) 38](#_Toc514843156)

[F-1 Need/Justification for a RAP 38](#_Toc514843157)

[F-2 Objective of a RAP 38](#_Toc514843158)

[F-3 Scope of Work for RAP Preparation 39](#_Toc514843159)

[F-4 Resettlement Action Plan Content 39](#_Toc514843160)

[F-5 RAP Reporting 45](#_Toc514843161)

[F-6 Contract and Disbursement Schedule 51](#_Toc514843162)

[F-7 Duration 51](#_Toc514843163)

[F-8 RAP Consulting Team 51](#_Toc514843164)

[Annex 1: Location and detailed features of the dam development 57](#_Toc514843165)

## PROJECT BACKGROUND

1. Kajaki Dam is located on the Helmand River at latitude 32° 19' 20″ North, longitude 65° 07' 10″ East; (32.323N, 65.119E), in Kajaki District, Helmand Province, Afghanistan, about 90 km northwest of Kandahar. Kajaki Dam and Reservoir were originally commissioned in 1949, by the Royal Government of Afghanistan and operated by the Helmand Arghandab Valley Authority in Lashkar Gah. Currently, Article 10 of the Water Law of 2009 designates the Ministry of Energy and Water with responsibility of all Afghanistan’s dams and hydropower stations, including the Kajaki Project.

2. The dam is given a high priority for ensuring adequacy of water resource for irrigation development and Power generation in the target area. Originally, Kajaki Dam was planned to be built in phases. The initial phase of construction was to provide water storage for irrigating the Helmand Valley and was completed in 1975. It was built by an American firm, Morrison-Knudsen under contract for Afghanistan’s then royal government, with two 16.5 MW hydroelectric turbines.

3. In 1975 USAID repaired the two turbines and constructed 110 KV transmission lines and substations which distributed energy to the region. In late 2008 the third turbine, which was 18.5 MW, was transported to the Kajaki Dam with the support of ISAF and Afghan troops. Installation of the third turbine was delayed until 2014 due to the logistic and security reasons. The installation works was awarded to 77 Construction USA Corp in December 2014. This project was funded by USAID and completed in September 2016.

4. During the third unit installation, 77 Construction USA Corp started negotiations with the Government of Afghanistan for investment under the Build Operate Transfer (BOT) model for the future expansion of the Kajaki Dam energy capacity. After 2 years of negotiations with the Government, 77 Construction USA Corp has signed the Power Purchase Agreement on March 5, 2018 and Implementation Agreement on July 24, 2018 with GoA.

5. Once the gated spillway is installed (only the gates need to be installed, which are already onsite), it will allow Kajaki to regulate flood flow as well as provide additional irrigation and hydropower benefits to the Helmand Valley. The primary functions of the Kajaki Dam are irrigation water storage, generation of hydroelectric power and water supply to the Helmand Valley. Since the service spillway gates are currently not installed the spillway is uncontrolled, so the dam has limited ability to generate more power, provide more irrigation water and regulate flood flows.

6. Water from the Kajaki dam contributes to the domestic water supply in an indirect way, by recharging the shallow aquifers along the river and in the irrigation networks. The Consortium *77 Construction USA Corp* plans to increase the power production capacity of the Kajaki Dam by constructing an additional powerhouse next to the existing one. Overtopping of the dam will be prevented by the construction of a 2m high parapet on the dam crest. The installation of the radial gates in the service spillway will increase the water level in the reservoir.

7. The Consortium 77 has commissioned Hydro Dizayn to prepare a feasibility study (FS) of the proposed dam rehabilitation. The main findings of the FS are:

* It is technically and economically feasible to build Kajaki Phase II Project.
* As a result of the proposed installation of the radial gates, the reservoir level will be increased from 1033.50 to 1045.0 m so physical resettlement will be required.
* In the final project design stage, a detailed topographic survey will be carried out to identify the exact locations of the project facilities.
* The condition and dimensions of the existing radial gates and accessories should be evaluated in detail.
* The capacity of the energy transmission line should be determined by the Afghanistan Government, because the energy transmission system should have enough capacity in order to transmit the generated electricity to the national grid.

8. The Project will be developed, constructed, operated and maintained by a private entity (the Consortium 77 Construction USA Corp).

### A-1 Salient Features of the Dam Development Site

7. *77 Construction USA Corp* plans to increase the capacity of the Kajaki Dam and construct an additional powerhouse next to the existing one, with three units of a total of 100MW installed capacity (3 x 33.3MW). In the first phase of the project, two units (each of 33.3MW) are planned to be installed. Another unit of 33.3MW is planned to be installed in the second phase of the project.

### A-2 Objectives of Kajaki Dam Phase ΙΙ

8. The main objective of the Kajaki Dam Phase II Project is to increase both the level and storage of the Kajaki Reservoir for irrigation, hydropower production and drinking water.

### A-3 Scope of the Project

9. The following is the scope or elements of the project:

1. Increase the elevation of the Kajaki Dam’s reservoir from 1033.50 to 1045m;
2. Completion of the spillway through the installation of the radial gates that will allow the reservoir elevation to be raised to its originally design elevation of 1045 m;
3. Increase the installed capacity from 51.5 MW to 151.5 MW;
4. New power house construction with 100 MW installed capacity consisting of 3 units, each 33.33MW;
5. Installation of Hydro-Mechanical equipment; and
6. Installation of Electro-mechanical equipment.

****

### A-4 Objective of the Assignment

10. The Ministry of Energy & Water (MEW) of the Government of the Islamic Republic of Afghanistan (GoA) is planning to undertake an Environment and Social Impact Assessment (ESIA) including the preparation of an Environmental and Social Management Plan (ESMP), and an Occupational Health and Safety Plan (OHSP) and an Environmental Monitoring Plan (EMP) using the World Bank (WB) Environmental and Social Framework (ESF) Performance Standards (PS) and applicable Environmental Health and Safety Guidelines (EHSG) in addition to relevant national regulations. The assignment also includes the preparation of a Resettlement Action Plan (RAP) in compliance with PS5.

11. MEW is seeking a competent consultant to carry out this ESIA as well as the RAP for phase-II of the Kajaki Dam Project. The preparation of the RAP would be the second deliverable in a separate document.

## B. OBJECTIVE /NEED/JUSTIFICATION FOR ESIA and RAP

12. The principal objectives of the ESIA and RAP are to:

1. Determine and evaluate potential environmental and social impacts associated with the construction, reservoir level increase and operation of the Kajaki dam. Environmental and social issues identified in the earlier Feasibility Studies and the ESIA and Scoping Report of April 2017 will need to be addressed in the new ESIA and RAP reports. The ESIA/RAP Consultants should also identify additional environmental and social impacts. The ESIA Consultant should exercise maximum effort to avoid these impacts, minimize them, mitigate them or compensate them. The minimization or avoidance of involuntary resettlement is a major objective. The ESIA Consultants should also identify and evaluate environmental and social impacts associated with the potential resettlement of the Project Affected Persons (PAPs) displaced from the Kajaki reservoir on one or more resettlement sites, including the new irrigation areas for the PAPs, to be identified by the GOA.
2. Propose practical cost-effective mitigation measures to either prevent or reduce any potential negative impacts at construction and operation stages of dam development. These mitigation measures should be presented in an Environmental and Social Management Plan (ESMP) as well as in Resettlement Action Plan (RAP), which also should clarify the roles of the different stakeholders, i.e. PIU environmental and social safeguard specialists, the dam operator, contractors and owner’s engineer, etc. The RAP will also comprise cost-effective mitigation measures to either prevent or reduce any potential negative impact at the resettlement site(s) and in relation to host communities.
3. The ESIA Consultants should carry out a Public Consultation on this ESIA and RAP TOR, based on prior information made available to the project affected peoples (PAPs) and interested parties in advance of the public consultation meeting in a form and language accessible to them. The aim of the first Public Consultation is toidentify concerns of stakeholder both at the original dam site and reservoir site and the proposed new resettlement sites and incorporate these concerns in the final ESIA and RAP TOR. A second Public Consultation should be carried out on the draft final ESIA and RAP Report. The ESIA & RAP Consultants in collaboration with the MEW should consult with PAPs and other stakeholders, incl. host population at resettlement site(s) throughout the preparation of the ESIA and RAP and identify the concerns, incorporate them in plans and recommendations, ensure that their concerns are included and addressed in the ESMP and RAP – establish a Grievance Redress Mechanism (GRM) for PAPs and communities (incl. host communities) and a separate GRM workers of the contractors and develop an institutional mechanism to cater to these concerns. Ensure the views and concerns of project affected people (PAPs) are properly documented in the RAP and taken into consideration at all stages of project development. All consultations should put special measures in place to ensure that the views of women and of any vulnerable/marginal people or communities be duly heard and addressed in the final ESIA/ESMP and RAP.
4. Provide recommendations to ensure overall environmental and social sustainability of the project.
5. Help the GoA ensure that the construction and operation of the dam development and the resettlement complies with all relevant national laws, donors’ policies and regulations as well as internationally recognized standards and best practice.
6. Prepare a Resettlement Action Plan (RAP), as a second objective and separate document of the overall assignment, as reflected under Scope below:

## Phasing of the Assessments

13. Project preparation for Kajaki site will involve the following:

* + - **Part I**: Review of the existing Feasibility Study and existing ESIA prepared by 77 Company. Based on the present design, the ESIA Consultants should analyze how resettlement can be minimized, and water resources management during operation can be optimized for downstream users.
    - **Part II:** Preparation of an Environmental Impact Assessment (EIA), a Social Impact Assessment (SIA) and a RAP for the direct and indirect area of influence that include dam site, reservoir area, upstream watershed and downstream area of the dam, including associated facilities. Associated Facilities means facilities or activities that are not funded as part of the project and, in the judgment of the Bank, are: (a) directly and significantly related to the project; (b) carried out, or planned to be carried out, contemporaneously with project; and (c) necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist. For facilities or activities to be Associated Facilities, they must meet all three criteria. Consistent with the definitions and requirements of PS1, associated facilities for this Project are: quarries, irrigation canal, relocation sites, upstream from reservoir (watershed upstream of the dam), reservoir area and downstream impacts, transmission lines, as well an environmental flow for downstream users and ecosystems. Environmental Impact Assessment (EIA), Social Impact Assessment (SIA) of the resettlement sites needed for the resettlement of the Kajaki PAPs covering impact on land and water resources, public services, and social impact on host communities.
    - **Part III**: Cadastral survey and land clearance (Tasifya) by the mobile team of Arazi (cadaster and land clearance team), MEW, MAIL and MoF at the Kajaki dam and reservoir sites and at the identified resettlement and irrigation sites.
    - **Part IV:** Land valuation by the provincial team of Arazi, local municipality, DAIL, DEW & DoF
    - **Part V:** Relocation/resettlement and rehabilitation of the affected communities by the government commission comprising the requiring body (MEW), Land Acquisition, Resettlement and Rehabilitation Department of Arazi and provincial authorities (Helmand and Urozgan).

**UPDATE TIMEFRAME**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **no** | **Safeguards studies** | **By** | **Timeframe** | | | | | | | | | | | | | | | | | |
| **2018** | | | | **2019** | | | | | | | | | | | | **2020** | |
| **Sep** | **Oct** | **Nov** | **Dec** | **Jan** | **Feb** | **Mar** | **Apr** | **May** | **June** | **July** | **Aug** | **Sep** | **Oct** | **Nov** | **DC** | **..** | **Dec** |
| 1 | EIA/SIA for both Kajaki and resettlement and irrigation sites | Consultant |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 2 | Feasibility/design study | **77**  **company** |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 3 | **Phase**- I: Cadastral survey & Land Clearance (Tasfiya) for both Kajaki and resettlement and irrigation sites | Mobile team |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 4 | **Phase-II**: land valuation Kajaki and resettlement and irrigation sites | Provincial team |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 5 | RAP preparation | The assigned consultant to EIA/SIA |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 6 | Clearance | WB |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Land Acquisition and payment of compensation and issuing of land titles to resettlement and irrigation sites |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 7 | RAP Implementation, | Client/Gov. |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|  | Relocation and rehabilitation of the affected communities |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

## C. SCOPE OF THE ESIA AND RAP ASSIGNMENT

14. To effectively deliver the assignment, the Consultant will need to be familiar with the rules and regulations of Afghanistan’s National Environmental Protection Agency (NEPA) and with the World Bank Environmental and Social Standards (ESS), which are part of the World Bank Environmental and Social Framework (ESF), as well as the applicable World Bank Group Environmental, Health and Safety Guidelines. According to World Bank rules, the Kajaki DamPHASE-II project is likely to be classified as a High Risk Project.

15. The Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) shall be undertaken based on Maximum Reservoir level of 1049.40 m (subject to confirmation of alternatives under task 6 of the ESIA.

16. The assignment has three distinct parts:

* 1. Conducting a separate ESIA (I) including an Environmental and Social Management Plan (ESMP), including Health & Safety, labor and working conditions covering labor influx risk assessment and Labor Influx Risk Mitigation Plan, as well a Labor Work Camp Management Plan and Code of Conduct signed by all workers prohibiting among other Gender Based Violence, sexual abuse of minors, discrimination based on gender, religion, etc., for the dam development site during construction and operation.
  2. Conducting a separate ESIA (II) including an Environmental Management Plan (EMP), including Health & Safety, labor and working conditions covering labor influx risk assessment and Labor Influx Risk Mitigation Plan and Code of Conduct signed by all workers prohibiting among other Gender Based Violence, sexual abuse of minors, discrimination based on gender, religion, etc., for the resettlement and irrigation site(s) during construction and afterwards.
  3. Preparation of a Resettlement Action Plan (RAP) for the affected population at the dam and reservoir sites. Impacts on people affected by the backwater effect at the entrance of the reservoir should be included. Detailing resettlement process on resettlement sites including management of PAPs-host community relations.
  4. Assess the land mines risk and if needed then DABS/MAIL should hire a demining company who are already working in Afghanistan to clear the mines and make the area safe and secure for the workers and the communities. Also an Annex is added in the annex list to provide further guidance on land mine clearance in Afghanistan and this is used in all relevant infrastructure projects in Afghanistan (F-5 Land Mine Clearance).

17. The Consultant will be required to provide services in accordance with: (i) Government of Afghanistan’s (GoA’s) and NEPA’s ESIA regulations, (ii) the Environmental and Social Management Framework and Resettlement Policy Framework developed for the overall project, (iii) applicable World Bank Environmental and Social Standards (ESSs). Dam Safety aspects are covered under ESS4. Also the World Bank Group Environmental, Health and Safety Guidelines apply, such as the General Environmental, Health and Safety Guidelines, and potentially the Electric Power Transmission and Distribution EHSG in case a new transmission line will be part of the project. These ESHGs are to be found on IFC.org.; and (iv) other donors’ environmental and social policies and internationally recognized best practices.

18. MEW will be responsible for the supervision of this assignment and for ensuring effective and timely production of the key outputs. International consultants and a Panel of Experts will be mobilized to assist MEW in the review and supervision of this assignment. The assessment studies (ESIA, RAP and FS) would be professionally reviewed on a running basis by two International Independent Panels of Experts (PoE), one for technical and dam safety aspects, the other for environmental/social aspects.

### C-1 Scope of the ESIA

19. For the dam development site, the ESIA (Phase I) will focus on, but is not limited to:

* 1. Updating/improving the environmental and social data and analysis in earlier Feasibility Studies and the ESIA and Scoping Report of April 2017, in close consultation with key direct and indirect stakeholders and agencies, in order to identify/confirm environmental and social concerns and potential beneficial and adverse impacts;
  2. Conduct representative socio-economic survey in areas upstream (reservoir area) and downstream from dam site in order to establish baseline data;
  3. The ESIA Consultants should analyze how to minimize resettlement and optimize water resources management for downstream users at the actual dam height (the dam height will not change as part of the rehabilitation) and expected reservoir size after filling;
  4. The ESIA Consultants will make an estimate of the number of people to be resettled by using the existing LIDAR contour lines between: 1033.50 and 1050. These LIDAR data were used by the Feasibility Consultants;
  5. Undertaking meaningful consultations with all stakeholders, first on the draft ESIA TOR and second on the draft ESIA report. Consultations should be carried out especially with Project Affected People (PAPs), but also with other stakeholders with regard to their concerns. These concerns should be addressed in the ESIA Report. This will result in a Scoping Report and a final ESIA TOR. Review also the existing Scoping ESIA Report. The Public Consultation should be carried out in downstream and upstream areas of the dam site, as well as in the proposed resettlement and irrigation sites for the PAPs, and focus on potential impacts (positive and negative) and proposed mitigation measures to identify key issues and concerns. Prior to the consultations the Consultants should prepare a Stakeholders Engagement Plan (SEP), which will ensure that the views and concerns of PAPs, including women and vulnerable groups will be heard and addressed in the final ESIA/ESMP;
  6. Identify which will be the most important environmental and social impacts to focus on during the ESIA study and examine the significance of environmental and social impacts using an internationally accepted ESIA methodology. In addition to the assessment of direct and indirect impacts, cumulative impacts should also be assessed. Impacts on the downstream area should be assessed;
  7. Carry out an Analysis of Alternatives, which is standard in an ESIA report, in order to avoid or minimize environmental and social impacts, e.g. compare the situation with and without project (present the benefits of the project), analyze of resettlement can be minimized, analyze if the existing environmental flow for downstream users and ecosystems is adequate and identify and analyze other feasible and practicable alternatives that can be considered during the construction and operational stages (e.g. optimizing water resources management for the benefits of all water users);
  8. Assess whether adverse impacts can be avoided or minimized and beneficial impacts can be enhanced;
  9. Assess whether adverse impacts can be successfully mitigated;
  10. Recommend feasible preventive and corrective mitigating measures and their costs;
  11. Advise whether development should proceed as proposed or with modifications;
  12. Review the legislative and regulatory requirements as a basis for drawing a compliance monitoring protocol for the construction, commissioning and operational phases;
  13. Identification of significant impacts to the environment and the nearby communities. Types and levels of impacts as well as criteria for developing suitable mitigation measures and a budgeted environmental and social management plan;
  14. Identification of community safety aspects (armed security forces will be used if necessary. In case of use of armed security forces the risk will be carefully assessed and mitigated);
  15. Identify any dam safety issues during ESIA preparation and get advice from relevant competent international dam safety specialist (e.g. identify if the upper clay core in the dam body, which has never been exposed to water, is still usable after all these years and can provide adequate dam safety);
  16. Prepare a scoping report and share it with the relevant agencies of the Government showing the significant impacts. Modify and finalize the ESIA preparation ToR. Both the Scoping report and the final ToR would be subject to Government and World Bank approval.

20. For the resettlement and irrigation site(s), the ESIA (Phase II) will focus on, but is not limited to:

* 1. Conduct representative socio-economic survey in resettlement areas;
  2. Undertaking meaningful consultations with all stakeholders, first on the draft ESIA TOR and second on the draft ESIA report. Consultations should be carried out with Project Affected People (PAPs), potential host communities, but also with other stakeholders with regard to their concerns. These concerns should be addressed in the ESIA Report for the resettlement sites. This will result in a Scoping Report and a final ESIA TOR. The Public Consultation should be carried out in downstream and upstream areas of the dam site (reservoir area) and on the potential resettlement sites and focus on potential impacts (positive and negative) and proposed mitigation measures to identify key issues and concerns. Prior to the consultations the Consultants should prepare a Stakeholders Engagement Plan (SEP), which will ensure that the views and concerns of women and vulnerable groups will be heard both among PAPs and host communities;
  3. Identify which will be the most important impacts to focus on during the ESIA study and examine the significance of environmental and social impacts using an internationally accepted ESIA methodology. In addition to the assessment of direct and indirect impacts, cumulative impacts should also be assessed;
  4. Carry out an Analysis of Alternatives in order to avoid or minimize environmental and social impacts. Identify if there is a need for investment in additional infrastructure (roads, water supply, irrigation, services) in resettlement sites to enable full rehabilitation and livelihood restoration of PAPs without negative impact on host communities;
  5. Assess whether adverse impacts can be avoided or minimized and beneficial impacts can be enhanced (e.g. benefits to host communities);
  6. Assess whether adverse impacts can be successfully mitigated;
  7. Recommend feasible preventive and corrective mitigating measures;
  8. Advise whether resettlement on identified sites should proceed as proposed or with modifications;
  9. Review the legislative and regulatory requirements as a basis for drawing a compliance monitoring protocol for the construction, commissioning and operational phases;
  10. Identification of significant impacts to the environment and the nearby communities. Types and levels of impacts as well as criteria for developing suitable mitigation measures and an environmental and social management plan;
  11. Identification of community and safety issues during the construction and operation stages;
  12. Prepare a scoping report and share it with the government relevant agencies showing the significant impacts and modify and finalize the ESIA preparation ToR. Both the Scoping report and the final ToR would be subject to Government and World Bank approval.

The ESIA for the Kajaki dam site (Phase I) and for the resettlement and irrigation site(s) (Phase II) can be conducted simultaneously, if feasible. The final ESIA reports shall comprise two separate reports – (i) from Kajaki dam site, reservoir area and the upstream and downstream areas of the dam, and (ii) for resettlement site(s), including the new irrigation areas.

### 

### C-2 Specific ESIA Tasks “Confirmed”

19. The consultant is expected to carry out the following tasks for ESIA (Phase I) : the Kajaki Dam Site, reservoir, upstream and downstream areas of the dam:

**Task 1: Inception Report including a Detailed Work Plan.**

The consultant will examine all aspects of the Project and in an Inception Report will review the tasks to be carried out and agree with the client, any modifications and additions that may be required. The consultant will prepare a detailed work plan indicating methodologies, schedules and inputs required to complete each of the tasks. The consultant will consider the experience of other ESIA studies especially on the water reservoirs and hydropower project and will use lessons learned during those studies regarding institutional arrangements, working with government agencies, consultation and the limitation that might be existing. This information will provide a basis for the report and the detailed work plan. The Inception Report shall be work shopped by all stakeholders and, following any revisions consequent on stakeholder input, will be submitted to the World Bank for a “No Objection” process.

**Task 2: Literature Review to gain an understanding of project objectives and familiarization of project sites**

The Consultant shall conduct a comprehensive literature review of key documents related to the project including project proposal/description, environmental, social (ESIA and Scoping Report for Kajaki Dam Phase II- 77 Construction USA Corps April 2017 and Feasibility Study, etc.), security, occupational health and safety legislation, policies, guidelines, manuals, procedures, local practices and international best practices. For the dam development location the Consultant is required to review the environmental and social assessments with related comments from the technical board of the MEW. The appropriate field tools including sample size and sampling strategy, questionnaires, data collection forms etc. shall then be developed by the Consultant. The ESIA/ESMP needs to be in compliance with the applicable World Bank ESSs (all ESSs are applicable with the exception of ESS7 on Indigenous Peoples and ESS9 on Financial Intermediaries), applicable Environmental, Health and Safety Guidelines (EHSGs). ESS4 on Community Health and Safety includes dam safety aspects.

**Task 3: Review relevant Legislative, Regulatory and Policy requirements**

The Consultant will identify and describe all relevant Afghan legislation, regulations and policies, International Agreements and Conventions ratified by Afghanistan, and international best practice standards that govern how environmental, health and safety, protection of sensitive areas, critical natural habitat and natural habitat, protection of endangered and endemic species (IUCN Red List species), social and cultural issues related to proposed project activities in locations should be addressed, considering following laws and regulations: The Environment Law of Afghanistan (2007); the EIA regulations (2008); the Constitution of Afghanistan (2004), Afghan Land Policy (2007), the Law on Managing Land Affairs (2017); the Law on Land Expropriation (2017); the Pesticide Law (draft) 2012; the Water Law (2009) and Water Sector Strategy (2012); the Law on the Preservation of Afghanistan’s Historical and Cultural Heritages (2004), and the Law on Disaster Management (2012). The Land Acquisition Committee (LAC) established by the Council of Ministers under the Law on Land Expropriation (LLE, 2017).

Describe the current administrative arrangements for environmental regulation, enforcement and management in Afghanistan and more specifically in the Water and Energy Sectors. Indicate weaknesses and strengths of the legal and administrative system and provide a strategy and process (institutional arrangements) that will ensure that the environmental and social management plan (ESMP) will be effectively implemented.

**Task 4: Stakeholder engagement and consultations**

Stakeholder engagement is an integral part of baseline survey and scoping. The Consultant prepares a Stakeholder Engagement Plan (SEP) prior to the start of the consultations, which should be included in the Inception Report. The Consultant conducts a minimum of two public consultations, one on the ESIA TOR during the ESIA Scoping Stage to ensure that all concerns of stakeholder are included in the ESIA TOR resulting in a Scoping Report and a final ESIA TOR and the second one on the Draft Final ESIA Report. The process provides an opportunity for all stakeholders, especially project affected persons (PAPs) to learn about project objectives/activities and envisaged impacts, and proposed environmental and social mitigation measures. Consultation informs the development of a relevant environmental and social management plan (ESMP) and ensures feedback on draft ESIA’s findings and conclusions, especially mitigation measures in the ESMP, before the ESIA report is finalized.

The Consultant will develop and implement a stakeholder engagement strategy which takes proper account of the cultural context and the realities of the current security context. The strategy will set out approaches that will enable all project-affected groups, women, vulnerable groups and other stakeholders to be consulted about the project and its potential environmental and social impacts. Special attention should be given to the inclusion of views of women and other disadvantaged and vulnerable groups (landless, widows, disabled etc.) among stakeholders.

The Consultant is expected to use appropriate and accessible communication mechanisms to present details of the project and related information to each stakeholder group including women and other vulnerable groups. Such information will include (i) project design and layout, emphasizing areas to be directly impacted by permanent or temporary works and structures, access and service roads required if any, and areas indirectly impacted by construction or operation (noise, dust, quarries, borrow pits, camp site, labor influx, landscape aesthetics etc.), areas impacted by the filling of the reservoir and downstream hydrological changes, as well as impacts on the project from upstream activities (e.g. sedimentation, mining, etc.); (ii) summary of all major direct and indirect environmental and socio-economic impacts associated with the project, as well as cumulative impacts, (iii) the approaches and instruments for mitigation of the identified environmental and social impacts.

The Consultant will note the limited consultation which formed part of the earlier social and environmental impact assessments and feasibility studies carried out for Kajaki Dam Phase II, at selected site(s). The Consultant will review these reports to get acquainted with issues raised. Attention should be paid to any legacy issues related to earlier phase of Kajaki development, specially compensation and resettlement issues, which may impact stakeholder perceptions and attitudes towards the present project.

**Task 5: Baseline information collection**

The Consultant will compile and present data on the relevant environmental and social characteristics of the selected dam and reservoir location, including information on changes anticipated before the project commences and any on-going and/or future activities that may create cumulative impacts. The baseline compilation should also take into account current and proposed development activities within the project area that are not directly connected to the dam development, as well as all associated facilities (i.e. access road, quarries, irrigation canal, relocation sites, new irrigation areas, upstream from reservoir (upper watershed), reservoir area and downstream impacts, transmission lines, as well the adequacy of the existing environmental flow for downstream users and ecosystems , etc.).

In addition to determining and assessing impacts, the data will be used as a baseline against which future changes caused by the project activities can be measured and monitored by MEW. Historical and secondary source data, including from earlier FSs and the ESIA and Scoping Report of April 2017, will be collected and evaluated. Stakeholder consultations and representative socio-economic field survey will form part of data collection and validation. The ESIA Consultants prepare prior to consultations a Stakeholder Engagement Plan (SEP). The compilation should include an assessment of the accuracy, reliability and sources of the data and highlight gaps and uncertainties associated with any predictions. Baseline information on the environmental and social characteristics of the existing situation around the dam should include, but not be limited to:

1. **Physical environment:** geology (including seismic activity if any), topography, soils, climate and meteorology; ground water and hydrology and both groundwater and surface water quality, as well an assessment of the status of the Helmand River Basin and the impact of Climate Change on future water availability in the basin.
2. **Biological environment:** biodiversity surveys of terrestrial and aquatic flora, fauna etc; to identify endemic and threatened species, species on the IUCN Red List, species of commercial or economic importance, and species with potential to become nuisances (e.g. waterborne diseases), vectors or dangerous species. Sensitive habitats (critical natural and natural habitats) including national parks or preserves, significant natural sites, etc; species of commercial importance; and species with potential to become nuisances. The above information will also be considered as it relates to the World Bank ESS6 on Biodiversity Conservation and Sustainable Management of Living Natural Resources.
3. **Socioeconomic and cultural environment:** (include both present and projected where appropriate); population affected, including any migrating and nomadic communities who are not present the entire year and identification of any local ethnic/religious or other minority groups (numbers), gender composition, livelihood patterns, standards of living and productive capacity and employment, outward migration, land use and property (including houses, crops trees, plants, grazing lands, other properties. etc.); planned development activities; public health (e.g. waterborne diseases and others); cultural characteristics (including cultural properties such as mosques, shrines, cemeteries and other cultural heritage) etc. In addition to information on productive activities, source of income, and property rights, the socioeconomic analysis downstream and upstream of the selected site(s) is essential to provide information on local social and economic organizations, potential risks, and local forms of cooperation. The study will also focus on land tenure, transfer systems, usage and rights over communal property, any existing land disputes; the patterns of social interaction in the affected communities, public infrastructures and social services that will be affected; and social and cultural characteristics of any displaced communities. The study will include a map of community structures, with core-periphery structure and formal and informal social and political organization and relationships. The study will comprise both validated secondary data as well as primary data collected through sample-based, representative field-based socio-economic survey, FGD discussions, key informant interviews and other relevant data collection methodologies.

**Task 6: Analysis of Alternatives**

The ESIA will describe the need for improvement of the dam and evaluate relevant alternative approaches, for instance the impacts of the “do nothing” and the benefits of the project. Alternatives in water resources management during operation, etc. The analysis would focus on the following:

1. Assess the alternative analysis provided in the FS, if any.
2. The ‘do nothing’ alternative of the dam project and a comparison of the benefits and adverse impacts of the dam. This should include an analysis of:
   1. The beneficial and adverse environmental and social impacts across all sections of affected communities and the environment;
   2. Analyze the impact of the different water levels in the reservoir between 1033.50 and 1050 on the number of people to be resettled and land acquisition, as well as the impact on power production and on downstream irrigation areas;
   3. Water resources management: analyze if water resources management can be optimized during the operational phase of the dam;
   4. Determine of the existing Environmental Flow for downstream users is adequate. If not, propose a modified Environmental Flow in m3/s and time period of release;
   5. The feasibility and cost of mitigation of adverse environmental and social impacts;
   6. The costs associated with the ‘do nothing’ alternative;
   7. The suitability of each alternative to local conditions;
   8. The institutional implications of each alternative;
   9. Indicate preferred alternative and rationale for choice.

**Task 7: Determination of impacts of project activities**

The consultant will analyze the impact of project components and activities on the physical, biological, land-use and socio-economic-cultural environments, during both construction and operation and decommissioning phases. As the implementation stage may exert a suite of effects that largely end when the project comes into operation the consultant is asked to address the impacts of project construction (including at preparatory phase if any) separately from those of project operation (Construction ESMP and Operation ESMP), as well as the decommissioning phase (Decommissioning ESMP). The consultant will ensure a particular focus on identifying potential downstream/upstream impacts from the dam site. These impacts may be direct, indirect or induced, and cumulative and will encompass physical, e.g. increased erosion downstream, sedimentation from upper watershed and water quality, environmental, ecological, biodiversity (e.g. fish species) and social impacts e.g. on rain-fed and irrigated agriculture, both positive and negative, as a result of proposed project-related interventions, that are likely to bring about changes in the baseline physical, environmental and social conditions, as well as impacts from upstream activities on the project, such as mining and erosion in the upper watershed. Positive impacts should also be enhanced, e.g. fisheries and aquaculture development in the enlarged reservoir area.

The Consultant will carry out an assessment of potential physical, environmental and social impacts of the dam improvement. The consultant will describe and justify the impact assessment methodology which is expected to include a comprehensive scoping exercise (review of technical feasibility study and design, ESIA and Scoping Report of April 2017, baseline information collection, socio-economic survey, literature reviews, stakeholder consultations etc.). The impact assessment must pay particular attention to reservoir and river basin management concerns and will consider:

(a) *all potential physical and environmental impacts;* These will include, but are not limited to, (i) the protection, conservation, maintenance and restoration of critical natural and natural habitats and biodiversity; (ii) community safety (e.g. dam safety and Emergency Preparedness Plan); (iii) climate change impacts on water availability in the Helmand River Basin; (iv) impacts on ecosystem services, terrestrial and aquatic biodiversity and use of living natural resources (e.g. impacts on fish migration and fisheries); (v) hydrology and water quality; (vi) river flow regime including potential siltation, sedimentation of the reservoir, changes in sediment volume in the reservoir, pattern and quality of water downstream of the dam, the study will also review negative downstream impacts such as impacts on people's livelihoods such as loss of fish, wild vegetables, medicinal plants, woody growth, etc.; (vii) impacts on downstream irrigation-based agricultural system and drinking water supply both during reservoir filling phase and routine operation; (viii) mining of aggregate materials upstream of the dam and its potential impacts on water quality and sedimentation; (ix) short/long term migration to the project area in search of jobs (Labor Influx Management Plan); (x) health and safety issues during construction and operation of the dam, especially those related to installation of the radial gates, excavations (e.g. quarries), access roads, a potential transmission line and establishing and maintaining construction camps (Worker’s Camp Management Plan) in compliance with international standards and World Bank Policies and Guidelines; (xi) management of hazardous and non-hazardous waste, noise, dust, traffic, control of water pollution, etc.; stages of planning/surveying, construction, and operations and maintenance will be addressed. For each potential impact the consultant should determine the impact’s level of significance, describe the potential impact, the consequences of the impact (who it will affect and how), the probability of reversing the impact, and the probability that the impact can be avoided and the effects of proposed mitigation measures. The consultant shall recommend strategies of avoidance, minimization, mitigation and compensation and will propose optimized alternatives.

(b) *all potential social impacts;* These will include, but are not limited to: (i) human security through the escalation of personal or communal conflict, crime or violence; (ii) resettlement (the ESIA should make an estimate of the number of Project Affected People (PAPs), households, houses and other structures to be inundated and provide a summary in the ESIA Report based on the available LIDAR data, including the impact of the backwater effect on people, land and property; (iii) involuntary taking of land or restrictions on land use; (iv) land tenure, land use patterns including common land usage, e.g. grazing lands; land disputes; impacts on host communities; (v) land access and availability incl. for migrating groups; (vi) food security and price inflation; (vii) land values and corresponding risks relating to conflict or contestation over land and natural resources; (viii) livelihoods including those of pastoral nomadic and other migrating people; (ix) cultural heritage (x) public infrastructure e.g. roads, cemeteries, mosques, shrines etc. and (xi) project impacts falling disproportionately on more vulnerable or disadvantaged individuals and groups; (xii) legacy issues from earlier phases of the projects, specially related to compensation and resettlement; (xiii) gender impacts.

The consultant will also develop a matrix to present adverse and positive impacts. The classification will include: (a) short-term /long-term effects; (b) reversible/mitigated versus irreversible effects; (c) project-specific versus potentially cumulative effects; (d) desirability of the impacts: positive and negative; (e) probability of the impacts: rare/highly unlikely, possible, probable/certain; (f) magnitude of the impacts: low, medium, high; (g) duration of the impacts: temporary/short-term, temporary long-term, permanent; (h) numbers and entities affected: individual, local, regional, national; (i) residual impact significance after mitigation. The Consultants prepare a summary of these impacts in a matrix.

Following classification, impacts will be assigned a ranking (high, medium and low) indicating their importance.

**Task 8: Risk Assessment, Emergency Preparedness Plan and Early Warning System**

According to international practices, all large dam projects (higher than 15m) will have inherent risks and uncertainties associated with construction and potential safety impacts downstream. All significant risks and uncertainties at the selected site(s) will need to be assessed by the Consultant and an Emergency Preparedness Plan and an Early Warning System developed by the Consultant. A dam breakage analysis should be carried out as part of this activity.

Particular attention will be given to address dam safety aspects. Dam safety guidelines are currently being developed by MEW. Preparation of a dam safety report (DSR) will be prepared as part of the ESMP for the dam development. Dam Safety needs to be in compliance with World Bank ESS 4 Community Health and Safety, which also addresses Dam Safety. The Consultant is required to provide all Dam Safety Measures, as per Dam Safety Guidelines for Afghanistan, specific for design, construction and operation aspects, as well as international dam safety guidelines. Special attention should be given to the part of the clay core, which has never been inundated and which could have lost its function. This could be high dam safety risk.

The Consultant is required to prepare an Operation and Maintenance Manual for the operational phase of the dam, as well as the Emergency Preparedness Plan. For the above tasks, the Consultant will need to prepare operation rules for water releases and execute a bathometry survey in the reservoir to identify the sedimentation rate in the reservoir. Dam Break Analysis needs to be carried out based on which flooding maps and assembly points and an early warning system (e.g. sirens) should be prepared. The World Bank ESS4 requires that the project proponent and the government should utilize the services of an International Certified Dam Safety Panel to ensure the dam safety requirements and procedures are in place during design, construction as well as during operation. This Dam Safety Panel should review the dam design, advise on construction and operational rules and recommend corrective actions. World Bank ESS4 also requires the engagement of an International Environmental and Social Panel, which should review the EISA and RAP TORs, advise the ESIA and RAP Consultants and review the ESIA/ESMP and RAP Reports, as well as the required ESMP and RAP Monitoring Plans and recommend corrective action. The Dam Safety and Environmental Panels should also prepare a TOR for the consultant/firm or Owner’s Engineer to be hired to supervise the construction and implementation of the technical aspects and the Construction ESMP and provide guidelines and procedures to be used during operation stage as well as train the relevant staff of responsible department (the ESIA should include a training plan).

With regard to Dam Safety, besides applying Standard Operation Procedures (SOPs) the legal and Jurisdiction issues are also very important. It means that there should be a specific Department with clear TOR, Responsibilities and resources, rules and regulations etc. to ensure establishing and operationalization of a system for the dam safety during operation.

**Task 9. Methodology**

As a chapter of the ESIA Phase I report the consultant will describe in detail the methods to be used for conducting the ESIA, which should be in compliance with international standards. Methods applied for scoping and the determination of the direct and indirect area of influence, impact analysis and the public consultation process will be clearly described. In the latter, the consultant will include a Stakeholder Engagement Plan (SEP) to include the stakeholder identification process, stakeholders identified, stages within the ESIA process where stakeholders have participated, and the different levels of participation used. The Public Consultations should be described in the ESIA Phase I Report, minutes of meetings and signed attendance sheets attached in an annex. Identification of impacts will include the identification of the important environmental and social components, and the selection of criteria used for identifying the significance of impacts. Significance levels may be determined through the application of a scoring system if the consultant feels that such an approach is warranted. Such an approach should weigh the impacts according to their significance, reversibility and duration of impact. The consultant will employ social impact analysis, environmental economic analysis and other techniques where applicable, to justify significant impacts to be mitigated.

**Task 10: Assessment of Cumulative Impacts**

The Consultant will assess the selected site(s) in terms of its irrigation/ power generation potential under existing and historic conditions, and in terms of the potential of the dam to alleviate or exacerbate any issues in the downstream and upstream environments. For the purpose of these assessments, the Consultant will assess both the effects on the baseline situation and the cumulative effects in combination with feasible future developments at proposed location.

**Task 11: Occupational health and safety concerns**

The Consultant will analyze, describe and draw up recommendations to address all occupational health and safety concerns that will be triggered by the different phases of dam construction/(improvement) and operation at the selected site. The Contractors will be required to prepare and implement Health & Safety Plans. The ESIA consultant will use and adopt measures specified in WBG EHSG in addition to National labor regulation to prepare appropriate Occupational Health and Safety Program for the construction/implementation as well as operational stages of the Kajaki Reservoir Project.

**Task 12: Climate Change Issues**

The impacts of dam construction for irrigation and power generation should be seen within the context of global climate change, which might significantly affect the physical environment of the project area and could have an impact on future water availability. The Consultant should describe and where possible quantify processes and factors such as:

* Changes in amount, type and seasonal/annual distribution of precipitation and snowfall in the project area and the upstream/downstream watershed of the proposed project site;
* Changes of upstream/downstream hydrological parameters notably flow rates and sedimentary load and their seasonal/annual distribution. They might be controlled by underlying phenomena such as snow/glacial melting and subsequent release of water/sediment trapped in ice, glacial retreat and exposition of additional areas to erosion, changes in vegetation and resulting impact on erosion/sediment generation and microclimate;
* Potential risk of Glacial Lake Outburst Floods (GLOFs);
* Changes in seasonal/annual demand patterns for water and electricity: shifts in peak demands for energy (heating/cooling) and water (agriculture, irrigation) in the annual cycle, and interaction of these changes with operational requirements and hydrological parameters, such as seasonal flow rates;
* Review the data on the past climate change in Afghanistan and all available future climate change forecasts and assess their impact (a) on the water demand and availability in Afghanistan and (b) on the design and operation of the dam.

The consultant is expected to carry out the following tasks for ESIA Phase II: Resettlement and irrigation areas sites:

**Task 1: Inception Report including a Detailed Work Plan.**

The consultant will examine all aspects of the resettlement activities and in an inception report will review the tasks to be carried out and agree with the client, any modifications and additions that may be required. The consultant will prepare a detailed work plan indicating methodologies, schedules and inputs required to complete each of the tasks. The consultant will consider the experience of other ESIA studies on resettlement projects and will use lessons learned during those studies regarding institutional arrangements, working with government agencies, consultation and the limitation that might be existing. This information will provide a basis for the report and the detailed work plan. The Inception report shall be work shopped by all stakeholders and, following any revisions consequent on stakeholder input, will be submitted to the World Bank for a “No Objection” process.

**Task 2: Literature Review to gain an understanding of resettlement sites**

The Consultant shall conduct a literature review of key documents related to the resettlement sites to be compiled from relevant government institutions such as MAIL, Arazi, MEW, MOLSAM, MRRD, NRVA data. Included in the review should be reports and analyses on previous resettlement activities by the Afghan government in connection with land acquisitions as well as settlement of IDP/Returnees to draw on lessons learned. The appropriate field tools including sample size and sampling strategy, questionnaires, data collection forms etc. shall then be developed by the Consultant. The ESIA/ESMP needs to be in compliance with the applicable World Bank ESSs (all ESSs are applicable with the exception of ESS7 on Indigenous Peoples and ESS9 on Financial Intermediaries), applicable Environmental, Health and Safety Guidelines.

**Task 3: Review relevant Legislative, Regulatory and Policy requirements**

The Consultant will identify and describe all relevant Afghan legislation, regulations and policies pertaining to land distribution and resettlement. Social and cultural issues related to proposed resettlement activities in locations should be addressed, considering following laws and regulations: The Environment Law of Afghanistan (2007); the EIA regulations (2008); the Constitution of Afghanistan (2004), Afghan Land Policy (2007), the Law on Managing Land Affairs (2017); the Law on Land Expropriation (2017); the Pesticide Law (draft) 2012; the Water Law (2009) and Water Sector Strategy (2012); the Law on the Preservation of Afghanistan’s Historical and Cultural Heritages (2004), and the Law on Disaster Management (2012). The Land Acquisition Committee (LAC) established by the Council of Ministers under the Law on Land Expropriation (LLE, 2017).

Describe the current administrative arrangements for environmental regulation, enforcement and management in Afghanistan and more specifically in the Water and Energy Sectors. Indicate weaknesses and strengths of the legal and administrative system and provide a strategy and process that will ensure that the environmental and social management plan will be effectively implemented.

**Task 4: Stakeholder engagement and consultations**

Stakeholder engagement is an integral part of baseline survey and scoping. The Consultant prepares a Stakeholder Engagement Plan (SEP) prior to the start of the consultations. The Consultant conducts a minimum of two public consultations, one on the ESIA TOR during the ESIA Scoping Stage to ensure that all concerns of stakeholder are included in the ESIA TOR resulting in a Scoping Report and a final ESIA TOR and the second one on the Draft Final ESIA Report. The process provides an opportunity for all stakeholders, especially project affected persons (PAPs) and vulnerable people to learn about project objectives/activities and envisaged impacts, comment on the proposed environmental and social mitigation measures. Consultation informs the development of a relevant environmental and social management plans (ESMP) and ensures feedback on draft ESIA’s findings and conclusions, especially mitigation measures in the ESMP, before the ESIA report is finalized.

The Consultant will develop and implement a stakeholder engagement strategy which takes proper account of the cultural context and the realities of the current security context. The strategy will set out approaches that will enable all project-affected groups, women, vulnerable groups and other stakeholders to be consulted about the project and its potential environmental and social impacts. Special attention to ensure inclusion of views of women and other disadvantaged and vulnerable groups (landless, widows, disabled etc.) among stakeholders

The Consultant is expected to use appropriate and accessible communication mechanisms to present details of the project and related information to each stakeholder group including women and other vulnerable groups. Such information will include (i) planned resettlement activities, scope and directly affected areas; time frame and process; planned government input in the project in terms of enhancement of infrastructure, and service provision; (ii) summary of all major direct and indirect environmental and socio-economic impacts associated with the resettlement activities, as well as cumulative impacts, (iii) the approaches and instruments for mitigation of the identified environmental and social impacts.

The Consultant will pay attention to any legacy issues, social/political conflicts and land disputes in the resettlement areas, which may impact stakeholder perceptions and attitudes towards the resettlement of Kajaki PAPs.

**Task 5: Baseline information collection**

The Consultant will compile and present data on the relevant environmental and social characteristics of the identified resettlement sites and host communities including information on changes anticipated before the resettlement activities commences and any on-going and/or future activities that may create cumulative impacts. The baseline compilation should also take into account current and proposed development activities within the resettlement area that are not directly connected to the resettlement activities, as well as all associated facilities such as access roads, quarries and borrow pits, irrigation canals, relocation sites and downstream impacts, transmission lines, as well the adequacy of the existing environmental flow.

In addition to determining and assessing impacts, the data will be used as a baseline against which future changes caused by the project activities can be measured and monitored by MEW.

The data compilation should include an assessment of the accuracy, reliability and sources of the data and highlight gaps and uncertainties associated with any predictions. Baseline information on the environmental and social characteristics of the resettlement site(s) should include, but not be limited to:

1. **Physical environment:** geology (including seismic activity if any), topography, soils, climate and meteorology; ground water and hydrology and both groundwater and surface water quality, as well an assessment of the status of the Helmand River Basin and the impact of Climate Change on future water availability in the basin.
2. **Biological environment:** biodiversity surveys of terrestrial and aquatic flora, fauna etc; to identify endemic and threatened species, species on the IUCN Red List, species of commercial or economic importance, and species with potential to become nuisances, vectors or dangerous species. Sensitive habitats (critical natural and natural habitats) including national parks or preserves, significant natural sites, etc; species of commercial importance; and species with potential to become nuisances. The above information will also be considered as it relates to the World Bank ESS6 on Biodiversity Conservation and Sustainable Management of Living Natural Resources.
3. **Socioeconomic and cultural environment:** (include both present and projected where appropriate); population of resettlement area, including any migrating and nomadic communities who are not present the entire year and identification of any local ethnic/religious or other minority groups (numbers), gender composition, livelihood patterns, standards of living and productive capacity and employment, outward migration, land use and property; planned development activities; public health (e.g. waterborne diseases); cultural characteristics (including cultural properties such as mosques, shrines, cemeteries and other cultural heritage) etc. In addition to information on productive activities, source of income, and property rights, the socioeconomic analysis of the selected site(s) is essential to provide information on local social and economic organizations, potential risks, and local forms of cooperation. The study will also focus on land tenure, usage and rights over communal property, any existing land disputes; the patterns of social interaction, public infrastructures and social services that will be impacted by influx of resettled population. The study will include a map of community structures, with core-periphery structure and formal and informal social and political organization and relationships. The study will comprise both validated secondary data as well as primary data collected through sample-based, representative field-based socio-economic survey, FGD discussions, key informant interviews and other relevant data collection methodologies.

**Task 6: Analysis of Alternatives**

The ESIA II will describe the need for resettlement of the displaced PAPs from the Kajaki reservoir site and evaluate relevant alternative approaches to resettlement, rehabilitation and full livelihood restoration for the PAPS, but minimizing adverse environmental and social impacts. The analysis would focus on the following:

1. Consider and provide a comparative analysis of alternative resettlement sites. This should include an analysis of:
   1. The beneficial and adverse environmental and social impacts across all sections of affected communities and host communities;
   2. The feasibility and cost of mitigation of adverse environmental and social impacts;
   3. The costs associated with the provision of cash compensation instead of land-for-land compensation;
   4. The suitability of each alternative to local conditions, e.g. soil quality, irrigation potential, etc.;
   5. The institutional implications of each alternative;
2. Indicate preferred alternative and rationale for choice.

**Task 7: Determination of impacts of resettlement activities**

The Consultant will carry out an assessment of potential physical, environmental and social impacts of the resettlement of Kajaki PAPs. The consultant will describe and justify the impact assessment methodology which is expected to include a scoping exercise. The impact assessment will consider *all potential physical, environmental and social impacts;* (i) assessment of the environmental and social impacts of the resettlement sites including impact on host population, access to services and labor market, new irrigation areas for PAPs, and associated facilities such as access roads, quarries and borrow pits, irrigation canals, relocation sites, downstream impacts, transmission lines, as well the adequacy of the existing environmental flow, etc. The consultant will also identify the environmental benefits of the resettlement activities, as well as any environmental and social enhancement that may occur (e.g. improved access for the local people both to and from arable areas and markets). Impacts can be classified as both direct and indirect and cumulative and the consultant will identify these (with input from the consultative process). In addition, human security through the escalation of personal or communal conflict, crime or violence will be assessed;

The consultant will also develop a matrix to present adverse and positive impacts. The classification will include: (a) short-term /long-term effects; (b) reversible/mitigated versus irreversible effects; (c) project-specific versus potentially cumulative effects; (d) desirability of the impacts: positive and negative; (e) probability of the impacts: rare/highly unlikely, possible, probable/certain; (f) magnitude of the impacts: low, medium, high; (g) duration of the impacts: temporary/short-term, temporary long-term, permanent; (h) numbers and entities affected: individual, local, regional, national, trans-boundary; (i) residual impact significance after mitigation. The Consultants prepare a summary of these impacts in a matrix.

Following classification, impacts will be assigned a ranking (high, medium and low) indicating their importance.

**Task 9. Methodology**

As a chapter of the ESIA Phase II report the consultant will describe in detail the methods to be used for conducting the ESIA, which should be in compliance with international standards. Methods applied for scoping and determination of direct impact and indirect impact areas, impact analysis and the public consultation process will be clearly described. In the latter, the consultant will include a Stakeholder Engagement Plan (SEP) to include the stakeholder identification process, stakeholders identified, stages within the ESIA process where stakeholders have participated, and the different levels of participation used. The Public Consultations should be described in the ESIA Phase II Report, minutes of meetings and signed attendance sheets attached in an annex. Identification of impacts will include the identification of the important environmental and social components, and the selection of criteria used for identifying the significance of impacts. Significance levels may be determined through the application of a scoring system if the consultant feels that such an approach is warranted. Such an approach should weigh the impacts according to their significance, reversibility and duration of impact. The consultant will employ social impact analysis, environmental economic analysis and other techniques where applicable, to justify significant impacts to be mitigated.

## D. SCOPE OF ESMP

20. After the evaluation of physical, environmental and social impacts the consultant will develop strategies to avoid, reduce or eliminate or compensate potentially negative outcomes, as a result of project activities and identify mitigation measures for those impacts that are unavoidable. Mitigation measures may include adjustments to designs of respective project components, reservoir size to reduce resettlement, changes in water resources management (e.g. environmental flow), etc. Particular attention will be given to mitigate potential negative impacts on downstream villages due to possible large unexpected water releases that may be required (when unexpected storms or other high flow events occur) and/or dam break.

The Consultant will also identify appropriate measures to help maximize and enhance benefits and positive impacts of the project for those people living in the footprint of the dam, such as the preparation and implementation of a Local Development Plan (LDP) financed by the project. This could include a fisheries and/or an aquaculture development program.

21. These strategies will be formulated in an Environmental and Social Management Plan (ESMP), one for Construction (CESMP), one for Operation (OESMP) and one for Decommissioning (DESMP), which must be acceptable to GOA, the World Bank and harmonized with MEW’s and international good practices. In addition to mitigation measures the ESMPs should also provide adequate details on responsible agencies/entities and costs including needs for capacity building and training of key agencies and stakeholders to ensure effective implementation of the proposed ESMPs. The CESMP and OESMP should specify in detail the responsibilities of the Contractors, Owner’s Engineer and O&M Manager of the Dam with regard to preparation and implementation of the ESMPs and the Health & Safety Plans, as well as other agencies responsible for the implementation of the OESMP (e.g. the watershed management plan). The CESMP should specify the need for qualified and certified Environmental, Social and Health & Safety Specialists by the Contractors and the Owner’s Engineer. H&S Specialists should be OHSAS 18001:2007, NEBOSCH or similar certified. The ESMPs should as far as possible address needs and problems identified during consultations with stakeholders which may lead to an improvement of local living conditions.

22. The ESMP should also define the implementation and institutional arrangement during the operation stage of the project. It means it should identify which specific department should be responsible for operation and maintenance as well as for safety of and what would be the authority, budget and staff of the department during the operation stage. This is important as issues should not fall into cracks and taken care of on time. Operation Environmental and Social Management Plan (OESMP) should identify mitigation measures, responsibilities, timeframes, environmental and social costs. The OESMP should include an watershed management plan in order to reduce sedimentation of the reservoir.

### 

### D-1 Specific ESMP tasks of ESIA Phase I for dam site, reservoir, upstream and downstream

**Task 1: Development of environment and social management plans (ESMPs) to mitigate negative impacts, responsibilities and budgets.**

The plan will comprise four main sections: mitigation measures, institutional responsibilities and strengthening and training, budget and monitoring.

1. Mitigation of social and environmental impacts: Recommend feasible and cost-effective measures to prevent or reduce significant negative impacts to acceptable levels. Estimate the impacts and costs of those measures. Estimate the costs of any residual impacts. Consider compensation to affected parties for impacts that cannot be mitigated. The plan should include proposed work programs, budget estimates, schedules, responsibilities for implementation, and other necessary support services to implement the mitigating measures. The ESMPs should have specific instructions to Contractors, Owner’s Engineer, O&M Dam Manager during operation and PIU on environmental and social management requirements. This includes the requirement for a Contractor to prepare their own Environment and Social Management System (ESMS) in compliance with PS1 on Assessment and Management of Environmental and Social Risks and Impacts, as well as the preparation and implementation of the Contractor ESMP (CESMP) and Health & Safety Plan (H&S Plan). Similar for the O&M Manager: establishment of ESMS and preparation and implementation of OESMP and Health & Safety Plan.
2. Institutional responsibilities and strengthening and training: Identification of institutional needs to implement social and environmental impact assessment recommendations. Review the authority and capability of the Water Authorities other relevant institutions, in particular the Afghan National Environment Protection Agency (NEPA) and recommend steps to strengthen or expand these institutions to ensure that effective social assessment and environmental management and monitoring will occur. The recommendations may extend to propose modifications / new laws and regulations, agency functions, inter-sectoral arrangements, management procedures and training, staffing, operation and maintenance training, budgeting, and financial support.

(c) **Budget:** All the costs related to the implementation and management of the ESMPs are to be detailed, including institutional development, capacity building and training. This is essential for future planning purposes of the project.

(d) **Monitoring:** Describe detailed arrangements required for environmental and social surveillance and environmental and social monitoring during the implementation of the mitigating measures during construction and operation. This will include a description of monitoring methodology, specific operations and features to be monitored, monitoring reporting relationships, and arrangements to ensure that monitoring is effective and leads to modifications where required to ensure minimal impact on the environment and social fabric. Include in the plan an estimate of costs and a description of other inputs such as training and institutional strengthening (with emphasis on the role of the civil society organizations) to ensure effective monitoring. The ESIA will need to take into account the increased flow of water into the system. Another area of impacts that could contribute substantially to the cumulative effect is those that can arise from the construction and operational phases of the Project. Most of these, if not all, can be avoided through a set of best practices that the consultant will prepare. There will be a need to prepare a program of action for the avoidance or minimization of HIV and AIDS transmission for workers and communities. This program will incorporate the findings of the Health Baseline Study in Task 5, which includes the assessment of waterborne diseases, but also HIV/AIDS. The ESMP should make provisions for the minimum flow requirements in the river (amenity or environmental flow) at all times during construction, pre-impoundment, impoundment, commissioning and operation.

The ESMP development process will entail:

* Identification of relevant and practical mitigation measures for each potential physical, environmental and social adverse impact during the construction/improvement and operation and decommissioning phases of the dam. The Consultant will also review adequacy and effectiveness of the Catchment Area Treatment measure recommended as part of the FS of the dam development site in order to reduce reservoir sedimentation. The ESIA Consultant should develop a Catchment Management Plan, Institutional Responsibility and its costs.
* Preparation of Labor Management Procedures as required under WB ESS2 Labor and Working Conditions, covering a Labor Influx Management Plan and Work Camp Management Plan, Transport Management Plan, Waste Management Plan for hazardous and normal waste, Blasting Plan, Noise and Air Pollution Management Plan, Heath Facilities: ambulance, medical doctor and nurse on site etc.
* Detailing the management roles and responsibilities for implementation, supervision and monitoring implementation of mitigation measure as well as the cost for implementing the ESMP. The ESIA Consultants should specially consider the responsibilities of the PIU, the Contractors and the Owner’s Engineer, as well as the role of the O&M Dam Operator during the Operational Phase.
* Develop a Grievance Redress Mechanism (GRM) for contractor workers and a separate GRM for PAPs and communities including host community at resettlement sites and aligned with the existing DABS/MEW GRM.
* The Contractor should be required to establish a Code of Conduct, in compliance World Bank ESS2 and with Afghan Labor Law, and in which there is a prohibition among others of child labor, forced labor, sexual abuse of minors and gender based violence (GBV), discrimination with regard to gender, religion, etc., provision of lunch during working hours to avoid social unrest, and compensation as a consequence of accidents, etc.
* Assessing the capacity and ability of the implementing agencies to implement the proposed environmental and social management and monitoring plans.
* Developing the institutional arrangement and capacity building programs necessary to ensure successful implementation, including a budget.
* Presenting the ESMPs in a matrix as well as narrative form.
* Present an ESMP and Health & Safety Plan budget and specify the costs, which need to be paid by the Contractors, so that in case of non-compliance these expenses could be withhold.

The ESMPs should include appropriate measures to avoid, reduce or eliminate or compensate the negative identified impacts and as far as possible address needs and problems pointed out during consultation with stakeholders which may also lead to an improvement of local living conditions. Mitigation measures might consist of the integration of proposed actions into the designs of the respective components. The Consultant will also identify appropriate measures to maximize and/or enhance positive impacts.

The Consultant will present detailed practical relevant management/mitigation measures that take account of the capacity restraints of those responsible for both implementing these measures in a sustainable way and monitoring their implementation, including a budget.

**Task 2: Development of Environmental, Social, Health and Safety Surveillance and Monitoring Plans**

The Consultant will develop practical environmental and social surveillance and environmental and social monitoring plans as an integral part of the ESMP to enable management or the Owner’s Engineer to surveillance and monitor effectively the implementation of mitigation measures during construction and operation. The plan will include indicators, methods to be used, frequency of measurements and definition of thresholds that will signal the need for corrective actions. It will also include surveillance and monitoring and reporting procedures. The plan should also include staffing requirements, experience required, training and cost outlays.

**Task 3: Capacity and Training Needs**

The Consultant will identify the institutional needs to implement the environmental, social, health and safety management and surveillance and monitoring plan by reviewing the institutional mandates and capability of institutions at local, provincial/regional, and national levels and recommend steps to strengthen or expand them so that the management, surveillance and monitoring plans in the ESMP and Health & Safety Plans can be effectively implemented. The recommendations may extend to management procedures and training, staffing, and financial support and should include a budget and responsibilities.

## 

## E. ESIA REPORTING AND DELIVERABLES

### 

### E-1 Inception Report

23. The Consultant will submit an Inception Report setting out the proposed methodology - including assumptions underpinning it as well as limitations - to be adopted for the ESIA studies, the deployment schedule of personnel, a schedule of site and field research and visits to be carried out and a reporting schedule, within a fixed time from the date of commencement of the assignment to the end of the contract. The Consultant should carry out a reconnaissance/initial scoping visit to the dam development site area and discuss with local authorities and communities before submitting the Inception Report.

### E-2 Stakeholder Engagement Report and Scoping Report and Final ESIA TOR

24. The Consultant will submit a Stakeholder Engagement Plan (SEP), which will set out how different stakeholder groups will be identified and consulted throughout the ESIA process. Particular attention should be paid to engagement with women and other vulnerable groups, including any migratory and nomadic groups. There should a Public Consultation on the draft ESIA TOR to ensure that stakeholder concerns have been addressed. This will result in a Scoping Report and a final ESIA TOR. The second Public Consultation should be carried out on the Draft Final ESIA Report. All consultations should be fully documented in terms of place, location, participation, and proceedings incl. all concerns raised and signed attendance sheets be presented in an Annex to the ESIA Report.

### E-3 ESIA Reports- Suggested Structure

25. The ESIA reporting will comprise two parts: (i) ESIA Phase I Kajaki site, reservoir, upstream and downstream areas; and (ii) ESIA Phase II Resettlement Sites. The two Phases should be submitted as two deliverables, since the ESIA for the Resettlement Site(s) can only be initiated when the GOA has identified the resettlement site(s) for the PAPs. The basic structure of the two reports will be largely identical.

25. The ESIA report should be concise and limited to significant environmental and social issues - notwithstanding the fact that the identification of all aspects and effects is done and significance of rating be applied in line with Task 7. The main text should focus on methodology, analysis, findings, conclusions and recommended actions, supported by summaries of the data collected and citations for any references used in interpreting those data. Detailed or uninterrupted data are not appropriate in the main text and should be presented in appendices or a separate volume. Unpublished documents used in the assessment should also be assembled in an appendix.

26. The Consultant will prepare and present to MEW the ESIA including all necessary additional documentation which may be required to satisfy specific Afghan laws and applicable ESMF, World Bank ESSs and applicable World Bank Group Environmental, Health and Safety Guidelines (EHSGs) of April 2007, which may be triggered by the planned project activities. The report will describe and analyze the significant physical, environmental and social impacts as well as present socio-economic baseline data. All supporting documentations of the data collected and quotations for any references used in interpreting those data which are not appropriate in the main text should be presented in appendices or as a separate volume.

27. The report will detail the approach (models, methods and criteria) adopted to carry out the studies and will also include maps, photographs and drawings at the appropriate scale and refer to all consulted documents. The proposed structure for the ESIA is outlined below:

1. Executive Summary in English, Dari and Pashtu - will be used as a standalone document. It will be concise and written in a non-technical language, include some maps and photographs and will discuss significant findings and recommendations
2. Introduction;
3. Description of the Proposed Project: Description of proposed activities of the dam location and associated facilities;
4. Analysis/discussion of feasible Alternatives;
5. Policy, Legal and Institutional Framework
6. Applicable World Bank ESSs and applicable Environmental, Health and Safety Guidelines of April 2007
7. ESIA Process and Public Participation: Presentation of consultations with relevant stakeholders and affected persons;
8. Baseline Environment: Description of physical, environmental and social context/ baseline data: Description of the area of influence, project footprint and physical, environmental and social baseline condition (including maps, photos and social structure and community relationship and network);
9. Impact Assessment and Methodology (including environmental and social assessment methodologies): Significance of Physical, Environmental and Social Impacts (including sections on environmental and social costs and benefits and residual impacts). Discussion of the proposed mitigation measures taking the results from consultation with local agencies and communities into account including cost estimate and the agencies/entities responsible for implementation;
10. Residual Risks: Discussion of the environmental and social risks and impacts of the proposed project for the different phases (preparation/construction and implementation/operation) and decommissioning of its lifecycle;
11. Unplanned Events;
12. Cumulative Impacts: The consultant will address cumulative impacts and as best as possible describe the contribution that the identified impacts will have to the overall cumulative effect. To determine these, the consultant will require general knowledge of other activities contributing to the cumulative impacts and activities and projects planned for the future that could also contribute to the cumulative effect. The consultant will describe the overall residual impacts that can be expected following mitigation as described in the Environmental and Social Management Plan.
13. Separate Reports: Environmental and Social Management Plans (CESMP, OESMP and DESMP) (detailed ESMPs i.e. water resources management, traffic, access road map, waste, emergency (early warning system), upstream catchment management, etc. The three ESMPs should be submitted as separate reports) and three different budgets;
14. Environmental, Social, Health and Safety Surveillance and Monitoring Plans;
15. Specific Conclusions and Recommendations;
16. Annex Information and Public Disclosure
17. Annexes (Maps, records of consultations with detail list of concerns voiced, references record of interagency/forum/consultation meetings, signed attendance sheets, and maps);
18. References

**E-4 Reporting and Feedback Requirements – applicable to both ESIA Phase I and ESIA Phase II:**

28 The consultant will prepare and present to the client a brief but comprehensive inception report that will contain a detailed work plan with proposed methodology for how to deliver on the assigned tasks (approval will depend on a consensus reached with project stakeholders), as well as a SEP, Scoping Report with Final ESIA TOR. The main output will be an ESIA report that will be prepared and presented in draft, draft final and final versions to the client and others to be determined. Number of copies of each will be determined during negotiations with the client. The consultant will also provide a stand-alone executive summary at the draft final and final stage. Number of copies will be decided upon between the consultant and the client. It would be expected that the Reports will be in both hard copy and electronic (soft) formats. All the reports will be in English.

29. The consultant will also provide a brief, but comprehensive progress reports on a monthly basis to the office of the Project Director through his appointed representative. These will indicate the progress of the ESIA in terms of tasks accomplished; difficulties encountered, adherence to schedule and budgets, and suggested recommendations for modifications that would be discussed with management. Copies of the progress report will be forwarded to several parties, a final list to be determined during negotiations. The consultant will also prepare reports and other materials as required to meet the public consultation needs of the ESIA.

30. **Reporting Relationships** The agency responsible for the implementation of the Project will be the Project Director. Day to day activities of the consultants will be supervised and monitored by the appointed person of the Project Director and the Environmental and Social Safeguards Specialists of the team. The consultant will report directly to the officer duly delegated by the Project Director. The consultant will not report directly to the World Bank although discussions regarding technical aspects (only) of the ESIA can be discussed with the designated World Bank social and environmental safeguards specialists.

31. Reporting and feedback requirements are set out below:

1. The reports will be written in English and also translated to Dari and Pashtu.
2. The consultant will conduct workshops at Helmund River Basin and national (Kabul) levels to present and receive comments and feedback on the ESIA TOR in order to include all stakeholder concerns in the ESIA TOR and final draft ESIA reports. The full ESIA report will be circulated to MEW, NEPA and the World Bank in advance of the workshops. Executive summaries of the ESIA will be circulated in Dari and Pashto to other stakeholders.
3. The final report will take account of feedback from stakeholders. If changes requested during the draft report stage are not satisfactorily addressed, the Consultant will be required to work further on the document until it is considered satisfactory or acceptable.
4. All submissions related to the assignment should be submitted to MEW. Electronic versions of all the reports (draft and final) should be in MS Word document as well as Adobe Acrobat and/or other practical forms. Number of hardcopies to be prepared to the review panel of NEPA and MEW team as per requested.

### E-5 Timing, Duration and Deliverable

32. It is expected that the ESIA studies will begin in third quarter of 2018. Duration of the services will be about 8 months (considerable information is already available in the FS and the ESIA and Scoping Report of April 2017) assuming that security in the project area is acceptable.

|  |  |
| --- | --- |
| **Deliverables** | **Time** |
| Inception Report, ESIA Phase I | 1 month after signing contract. |
| Stakeholder Engagement Plan Report, Scoping Report and Final ESIA TOR | 1.5 month after signing contract. |
| First Progress Report | 2.5 months after signing contract |
| Midterm report | 3.5 months after signing contract |
| Third Progress Report | 4.5 months after signing contract |
| Draft ESIA Phase I report including ESMP | 6.5 months after signing contract |
| Final ESIA Phase I | 8 months after approval of draft ESIA |

33. The consultancy contract will be a lump-sum contract against submitted and approved deliverables, as per the following disbursement schedule:

* 20% - Upon submission of an acceptable Inception Report and Stakeholder Engagement Plan, Scoping Report and Final ESIA TOR
* 20% - Upon submission of acceptable Midterm Report
* 40% - Upon submission and approval of Draft ESIA Report
* 20% - Upon submission and approval of Final ESIA

### 

### E-6 International ESIA & RAP Consulting Team

34. The ESIA & RAP Team should reflect substantial environmental, social, resettlement and hydropower assessment experiences with complementary skills and backgrounds and substantial experience in international financing projects and international standards. The ESIA Team will comprise the following minimum members and their respective minimum qualifications as below:

**(a) Team Leader/ESIA & RAP Expert**

**Key qualifications:**

The ESIA & RAP Team Leader will have proven experience in the environmental and social impact and resettlement assessment of water resources projects including irrigation and/hydropower dams. S/he will have a minimum Master’s Degree qualification in environmental science, engineering, natural resources management or a closely related field with a minimum of fifteen (15) years of experience in environmental and social impact assessment. Experience in South-east Asia will be an advantage. The candidate should also have the following:

* Experience in leading an expert team is essential;
* Registered ESIA & RAP Practitioner in his/her home country;
* Excellent knowledge of the English language (both spoken and written) and excellent communication skills;
* Knowledge and/or familiarity with the donor’s (e.g. World Bank) Environmental and Social Policies and Environmental, Health and Safety Guidelines, general, electric transmission lines and relating to water resources development projects;
* Knowledge and experience on dam safety, risk assessment, and/or preparation and implementation of emergency preparedness plan will be highly advantage;
* Experience in conducting similar assignments with national agencies and international financing agencies in complex political and security contexts;
* Experience in working in Fragile/Conflict areas.

**Responsibilities:**

The particular role will be to lead and guide the ESIA & RAP Team in all aspects of the assessment and will be the contact person between MEW and the ESIA & RAP Team. He/she will perform the following roles:

* Provide overall coordination and leadership to the ESIA& RAP Team;
* Take a leadership role in steering stakeholder consultations;
* Play an inter-phase role between MEW and other stakeholders on all matters of the ESIAs;
* Identify environmental and social impacts and health and safety aspects of project activities;
* Participate in the elaboration of technical, legal and regulatory norms of the project to comply with environmental and social requirements in all the phases of project activities;
* Identify and assess environmental and social mitigation measures for the project;
* Prepare Environmental and Social Resettlement Action Management Plan, including Health & Safety.
* Take a lead in the production and be responsible for the quality and acceptability of the ESIA & RAP Report.

**(b) Sociologist/Social Development Specialist/Community Participation**

**Key qualifications:**

* Master’s Degree (minimum) in Social Sciences, Sociology, hydropower, resettlement or Anthropology or a related field;
* 15 years of relevant work experience including conducting social impact assessments;
* Extensive and varied experience of citizen engagement in complex political and security contexts and culturally conservative societies, especially with regard to the inclusion of women
* Experience with large-scale infrastructure projects
* Experience with international financing projects, entailing legacy, corporate risk, and highly complex projects;
* Experience of international social safeguard policies work entailing land acquisition, legacy issues, and corporate risk is highly desirable.
* Familiarity with the land laws and relevant cultural policies of Afghanistan is desirable;
* Excellent communication/interpersonal skills and ability to work in teams;
* Excellent knowledge of the English language (both spoken and written) and excellent communication skills;

**Tasks:**

* Develop socioeconomic survey to establish socioeconomic baseline data of area
* Develop an appropriate stakeholder engagement strategy
* Take a lead in organizing/facilitating stakeholder engagement with due attention to social inclusion of women and vulnerable groups
* Liaise closely with community participation/gender specialist to ensure that all direct and indirect stakeholders are consulted
* Lead in the formulation of social impact assessment instruments and tools;
* Identify all social, economic and cultural impacts of the project;

Ensure that vulnerable groups, especially women and landless (e.g. pastoral nomads and other migratory groups), living or operating in the dam’s ‘footprint’ – downstream and upstream -have the opportunity to express views on the project, its impacts and related mitigation measures and that these are properly considered in the ESIA/ESMPs.

* Take a lead in determining appropriate mitigation measures for potential adverse social impacts
* Prepare Environmental and Social Management Plan.
* Provide socio-economic input/expertise throughout the assignment;
* Provide overall social input to ESIA/ESMP Report and ensure that social content is of a high level.

**(c) Environmental Engineer/Scientist**

**Key qualifications:**

* A Master’s Degree (minimum) in Environmental Engineering or similar;
* Knowledge and experience in waste management and disposal including high carbon steel and scrap, electronic and other hazardous waste;
* Knowledge in air quality and noise impact assessment including modeling;
* Have at least 10 year experience in environmental management, ESIA and in developing waste management plans;
* Excellent knowledge of the English language (both spoken and written) and excellent communication skills.

**Tasks:**

* Participate in identification of environmental impacts of project activities
* Take a lead in provision of input on waste management throughout the assignment including management of waste for construction camps;
* Conduct modeling if required for dust and noise emissions;
* Participate in the development of the ESIA/ESMP report;
* Participate in the stakeholder consultations.

**(d) Design Civil Engineer**

**Key qualifications:**

* A Master’s Degree (minimum) in Civil Engineering or similar;
* Knowledge and experience in waste management and disposal including high carbon steel and scrap, electronic and other hazardous waste;
* Knowledge in air quality and noise impact assessment including modeling;
* Have at least 10 year experience in Design at least one Environmental project, ESIA and in developing waste management plans;
* Excellent knowledge of the English language (both spoken and written) and excellent communication skills.

**Tasks:**

* Participate in identification of environmental impacts of project activities
* Take a lead in provision of input on waste management throughout the assignment including management of waste for construction camps;
* Conduct modeling if required for dust and noise emissions;
* Participate in the development of the ESIA/ESMP report;
* Participate in the stakeholder consultations.

**(e) Aquatic Ecologist & Terrestrial Ecologist/Vegetation Specialist**

**Key qualifications:**

* Must have a postgraduate degree or training in natural sciences (fisheries, aquatic ecology or zoology);
* Must have undertaken an ESIA training and have 10 years of experience;
* Conducted at least 5 ESIA studies in water resources development projects.

**Tasks:**

* Take a lead in all aquatic ecological assessments of the project;
* Review various literature sources on ecological matters of the project;
* Consult with stakeholder institutions on ecological aspects of the project;
* Participate in write up of Environmental Impact Report.

**(f) Occupational Health and Safety (OHS) Specialist**

**Key qualifications:**

* At least postgraduate training in Occupational Health and Safety, certification in OHSAS 18001:2007, NEBOSCH or similar;
* Minimum of 15 years in safety planning and management;
* Highly knowledgeable in emergency preparedness and disaster management;
* Should have conducted at least 5 OHS assessments relating to large-scale civil works projects in the last 5 years;

**Tasks:**

* Provide OHS input throughout the assignment;
* Disseminate the WBG EHSG and relevant National Regulations for the health, safety of workers.
* Assess and elaborate requirements to meet OHS standards required for the different project activities especially removal of sediment and unexploded ordinances from the reservoir;
* Review the different dam safety improvement designs prepared by the Dam Safety Consultant and assess their suitability and flag up any safety concerns and recommend feasible mitigations or alternative designs or modifications;
* Participate in stakeholder consultations to discuss health and safety aspects;
* Take a lead in the preparation of the Decommissioning, Traffic Management and Emergency Management Plan;
* Assess requirements to meet OHS standards required for the different project activities and elaborate a feasible OHS Plan for the construction and operational phases, including the required expertise for the OHS Specialist of the Contractors and the Owner’s Engineer;
* Participate in stakeholder consultations to discuss health and safety aspects.

**(g) Hydrologist**

**Key qualifications:**

* Proven experience in river basin management in developing countries.
* A minimum of MSc Degree qualification in a relevant field
* Post graduate qualifications in river basin management with a minimum of 10 years overall and relevant experience.

**Tasks:**

* Review the sediment removal alternatives and their potential impact on the river’s hydrology;
* Assess the potential impacts of river diversions or other activities;
* Assess hydrological issues associated with increasing the dam’s crest;
* Overall evaluate the different dam safety enhancement designs on the hydrology of the river downstream flows;
* Analyze the need for an Artificial Flood;
* Determine the Environmental Flow;
* Determine the backwater effect;
* Develop an Emergency Plan and Early Warning System in case of dam break;
* Propose a Water Resources Management Plan and the Operating Rules for the dam.

**(h) Gender Specialist**

Cultural considerations require that this position is held by a woman.

**Key Qualifications:**

* A graduate degree in International Development, Gender, Human Rights or a related field
* More than 7 years of relevant work experience.
* Experience and a track record in working directly with local communities in complex political and security contexts is essential, especially with women.
* Experience of international social safeguard policies work entailing legacy, corporate risk is highly desirable.
* Familiarity with the land laws and relevant cultural policies of Afghanistan is desirable.
* excellent communication/interpersonal skills
* Fluent in Dari with excellent spoken and written English – ability to write reports in English

**Tasks:**

* Ensure that vulnerable groups, especially women and landless (e.g. nomads and others), living or operating in the dam’s ‘footprint’ – downstream and upstream -have the opportunity to express views on the project, its impacts and related mitigation measures and that these are properly considered in the ESIA.
* Provide overall gender expertise and input into the ESIA;
* Liaise closely with the social development specialist on consultation processes at community level;
* To ensure that all direct stakeholders are consulted;

**(i) Valuer**

Site considerations require that this position is held by a man

**Key Qualifications:**

* More than 7 to 5 years of relevant work experience.
* Experience and a track record in working directly in the project site and as well
* Excellent communication and presentation skills

**Tasks:**

* Foreign language skills may be useful if wanted to work for companies that value assets abroad.
* Estimating the market value of land, buildings and commercial property.
* Researching and writing detailed reports for clients about their assets.
* Marketing auction sales to attract potential bidders.
* Completing compensation assessments.
* Keeping up to date with the market.
* Offering investment appraisals and advice

**(j) Surveyor**

Site considerations require that this position is held by a man.

**Key Qualifications:**

* More than 7 to 5 years of relevant work experience.
* Experience and a track record in working directly in the project site and as well as in complex political and security contexts is essential, especially society.
* Experience of international social safeguard policies work entailing legacy, corporate risk is highly desirable.
* Familiarity with the land laws and relevant land survey of Afghanistan is desirable.
* excellent communication/interpersonal skills

**Tasks:**

* Ensure that vulnerable groups, especially women and landless (e.g. nomads and others), living or operating in the dam’s ‘footprint’ – downstream and upstream -have the opportunity to express views on the project, its impacts and related mitigation measures and that these are properly considered in the ESIA.
* Provide overall gender expertise and input into the ESIA;
* Liaise closely with the social development specialist on consultation processes at community level;
* To ensure that all direct stakeholders are consulted;

**(k) Lawyer**

Responsible for civil litigation and other legal proceedings, draw up legal documents, or manage or advise clients on legal transactions.

**Key Qualifications:**

* More than 7 to 5 years of relevant work experience.
* Experience and a track record in working directly in the project site and as well
* Excellent communication and presentation skills

**Tasks:**

* Analyzing legal documents estimating the market value of land, buildings and commercial property.
* Drawing up contracts and other legal documents
* Researching and gathering evidence.
* Keeping up to date with the market.
* Offering investment appraisals and advice
* Explaining the law and giving general legal advice to the consultant.

(l) Some other short term consultants might be needed, such as a dam safety expert, a terrestrial biodiversity specialist, etc.

For more details and responsibilities please refer to the below tables from page no. 53 till 57 of this TOR.

## F. RESETTLEMENTMENT ACTION PLAN (RAP)

### F-1 Need/Justification for a RAP

35. As previously mentioned, a RAP will only be developed should a decision be made by the GOA to proceed with the construction/ improvement of the dam. International practice requires that a RAP be prepared when project activities displace people from land or productive resources, and which result in the loss of shelter, the loss of assets or access to assets, and the loss of income sources or means of livelihood whether or not the affected persons must move to another location.

36. The ESIA and feasibility studies for a proposed site(s) may recommend options where land acquisition (temporary and/or permanent) is unavoidable. In addition, the decision to improve a dam may result in the necessary resettlement of people, disruption of community life and networks, permanent or temporary loss of land, assets and livelihoods and communal social and cultural facilities, e.g. cemeteries, shrines, mosques and grazing land.

37. A Resettlement Action Plan (RAP) will be prepared if land acquisition and resettlement are unavoidable. These terms of reference outline the scope of work to be carried out in preparation of the RAP of the proposed project, in accordance with the RPF for the project.

### 

### F-2 Objective of a RAP

38. The objective of a RAP is to address the social issues associated with land acquisition, livelihoods and resettlement (physical as well as economic) to ensure that the population to be expropriated and displaced by building/ improvement the dam is formally consulted and adequately compensated and treated, restoring their livelihood at least to pre-project level, focusing on:

1. Conceiving and executing resettlement activities as sustainable development;
2. Consulting with and giving displaced persons opportunities and choices to participate in the design and implementation of resettlement program;
3. Assisting displaced and all affected persons in their efforts to improve their livelihoods and standards of living, or at least to restore these to pre-project level

### F-3 Scope of Work for RAP Preparation

39. The RAP will compile information on any Resettlement Actions (RAs) required to be implemented to comply with the legal framework and the RPF, and relevant WB policies with regard to eligibility criteria for identifying Project Affected Persons (PAPs) and compensation categories and rates, and organizational arrangements. The Consultant will therefore:

1. Undertake a socio-economic survey of the communities affected by the project;
2. Liaise with the responsible Afghan governmental agency to conduct a 100 per cent census of the affected persons, with an inventory of their individual loss of land, crops, structures and other livelihood impact, and identification of vulnerable groups;
3. Consider the relevant Afghan legal provisions for land acquisition and resettlement in accordance with RPF and WB ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.
4. Identify the GAPs between ESS5 & and the national land acquisition law (2017) with proposal for reconciliation.
5. Develop an eligibility criteria and establishment of a cut-off date;
6. Evaluate and prepare an inventory of the affected properties in close coordination with the Afghan Independent Land Authority, Arazi;
7. Advise MEW about possible other socio-economic and cultural aspects;
8. Conduct public consultations/awareness creation of the relevant stakeholders, taking into consideration the gender concerns and vulnerable groups;
9. Review alternative relocation sites, where affected person might have to be resettled, in close coordination with Arazi;
10. Recommend adequate livelihood restoration mechanisms to MEW;
11. Prepare the resettlement implementation costs;
12. Preparation of implementation schedule;
13. Develop a grievance redress mechanism in accordance with relevant Afghan legal provisions, the RPF for the project and WB ESS10 on Stakeholder Engagement and Information Disclosure.
14. Develop a monitoring and evaluation methodology;
15. Prepare and submit a detailed RAP.

### F-4 Resettlement Action Plan Content

40. The scope and level of detail of a resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant it should be noted in the resettlement plan.

1. ***Description of the Project Area***

General description of the project and description of the project area

1. ***Potential Impacts***

Identification of:

* The project component or activities that give rise to resettlement
* The zone of impact of such component or activities
* The alternatives considered to avoid or minimize resettlement
* The mechanisms established to minimize resettlement to the extent possible during project implementation

1. ***Objectives***

41. The objective of a RAP is to address the social issues associated with land acquisition, livelihoods and resettlement (physical as well as economic) to ensure that the population to be expropriated and displaced by building/ improvement of the dam is formally consulted and adequately compensated and treated, restoring their livelihood at least to pre-project level, in addition to:

1. Conceiving and executing resettlement activities as sustainable development;
2. Consulting with and giving displaced persons opportunities and choices to participate in the design and implementation of resettlement program;
3. Assisting displaced and all affected persons in their efforts to improve their livelihoods and standards of living, or at least to restore these to pre-project level;

42. The World Bank ESS5 requires (i) that the gaps between PS5 and the national land acquisition law and compensation system be identified and how these gaps will be addressed, and (ii) that either an RPF or a RAP be prepared when project activities displace people from land or productive resources, and which result in the loss of shelter, the loss of assets or access to assets, and the loss of income sources or means of livelihood whether or not the affected persons must move to another location. The project already has an RPF setting out the applicable resettlement framework. The objective of the RAP is to address the social issues associated with land acquisition, livelihoods and resettlement (physical as well as economic) to ensure that the population to be expropriated and displaced by building a dam is formally consulted and adequately compensated and treated.

1. ***Socio-economic studies***

43. The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

* The results of a 100% census survey covering:
* Current occupants of the affected area and others adversely affected by the project (e.g migratory groups) to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
* Standard characteristics of displaced households and other households adversely affected by the project, including a description of production systems, labor and household organization; and baseline information on livelihoods ( including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living ( including health status) and access to services of the displaced and adversely affected population.
* The magnitude of the expected loss – total or partial- of assets, and the extent of displacement, physical or economic for each affected person.
* Identification of households losing 100% their land and assets due to the project and identification of the households which will retain assets and land in the project area after the project implementation
* Information on vulnerable groups or persons, for whom special provision may have to be made, including migratory groups and women.
* Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
  + Other studies describing the following:
  + Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest area) governed by locally recognized land allocation mechanisms and any issues raised by different tenure systems in the project area.
  + The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project.
  + Public infrastructure and social services that will be affected and
  + Social and cultural characteristics of displaced and adversely affected communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

1. ***Legal Framework***

The RAP is based on GOA legal and regulatory framework governing resettlement, land acquisition and asset loss and is in line with WB ESS5, and RPF of the project and international good practice.

1. ***Institutional Framework***

The findings of an analysis of the institutional framework covering:

* The identification and respective roles of the various agencies responsible for resettlement activities and NGOs that may have a role in project implementation. Existing coordination mechanisms.
* An assessment of the institutional capacity of such agencies and NGOs
* Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for the resettlement implementation.

1. ***Eligibility.***

Definition of displaced and other adversely affected persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates in accordance with WB ESS5, and RPF of the project and international good practice.

1. ***Valuation of and Compensation for Losses***

Advice MEW about the methodology to be used in valuing losses besides land losses, where valuation will be done by Arazi/MoF, to determine their replacement cost; and a description of the proposed types and levels of compensation under local law, and such supplementary measures as are necessary to achieve replacement cost for lost assets.

1. ***Resettlement Measures***

A description of the packages of compensation and other resettlement measures, including an entitlement matrix that will assist each category of eligible displaced and other adversely affected persons in line with international practices. In addition to being technically and economically feasible the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Develop database with entitlement matrix for each individual adversely affected person, with full details and photographic documentation, and schedule for payment of compensation and resettlement. Issue photo-ID to each adversely affected person eligible to receive compensation.

Develop practical plan for issuing monetary compensation payment directly to bank accounts of affected persons.

1. ***Site Selection, Site Preparation and Relocation***

While relocation sites are to be identified by GOA/Arazi, the Consultant will review alternative relocation sites covering:

* Institutional and technical arrangements for identifying and preparing relocation site, whether rural or urban, for which a combination of productive potential, locational advantages, access to services, transport, livelihood opportunities, and other factors is at least comparable to the advantages of the old site with an estimate of the time needed to acquire and transfer land and additional resources.
* Distance to original settlement and identification of how many people still have land and other assets to manage on original site after resettlement.
* Host population, land issues at relocation sites, and risk of competition over resources and access to job opportunities and services between host population and re-settled PAPs.
* Any measures necessary to mitigate negative social and economic impact on host communities of resettlement of Kajaki PAPs.
* Any measures necessary to prevent land speculation or influx of ineligible persons at the selected site.
* Procedures for physical relocation under the project, including timetables for site preparation and transfer.
* Legal arrangements for regularizing and transferring titles to resettle.

1. ***Need Assessment for Housing, Infrastructure and Social Services***

Advice regarding necessity to provide (or to finance resettles’ provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services (e.g. schools, health services) – plans to ensure comparable services to host populations; including any necessary need for site development, engineering and architectural design needs for these facilities, such as Livelihood restoration measures, e.g. training and work opportunities and any other support is required.

1. ***Environmental Protection and Management***

A description of the boundaries of the relocation area and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

1. ***Design Civil Engineer***

A Master’s Degree (minimum) in Civil engineering with 10 years of experience in design of projects of major concrete and or earth/rock fill dams of greater than 100 m height.

1. ***Community Participation, Involvement of Resettlers and Host Communities***

* A description of the strategy for consultation with and participation of resettlers and other adversely affected people and hosts in the design and implementation of the resettlement activities.
* A summary of the views expressed and how these views were taken into account in preparing the resettlement plan.
* A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them for livelihood restoration at least similar to pre-resettlement stage, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization and to retaining access to cultural property ( e.g. places of worship, pilgrimage centers, cemeteries).
* Institutionalized arrangements by which displaced and other adversely affected persons can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as migrating people, ethnic/religious and other local minorities, the landless, and women are adequately represented.

1. ***Integration with Host Population***

Measures to mitigate the impact of resettlement on any host communities including:

* Consultations with host communities and local governments
* Arrangements for prompt tendering of any payment due to the hosts for land or other assets provided to resettlers.
* Arrangements for addressing any conflict that may arise between resettlers and host communities
* Any measures necessary to augment services (e.g. education, water, health and production services) in host communities to make them at least comparable to services available to resettlers.

1. ***Grievance Procedures***

Grievances and complaints raised during the implementation of the RAP will be dealt with in accordance with the Grievance Redress Mechanism acceptable to GOA and compatible to the RPF of the project and WB ESS5 and ESS10. The Land Acquisition Committee (LAC) established by the Council of Ministers under the Law on Land Expropriation (LLE, 2017) also performs the duties of a grievance redress committee in relation to the value of land and/or assets acquired. The LAC will use a negotiated approach to reach a consensus on the replacement value of lands and assets. If this approach fails an Affected Person (AP) may bring the matter to a Grievance Redress Committee which will try and resolve the issue and make a recommendation within 7- 10 days. If no decision is reached after 10 days, the AP may seek recourse through the legal system as a last resort.

1. ***Organizational Responsibilities***

The organizational framework for implementing resettlement activities is required:

Agencies responsible for all aspects of resettlement (delivery of resettlement measures and provision of services).

Coordination arrangements btw different agencies and jurisdictions,

Clear identification of the various roles of projects authority, government agencies, civil society, private sector and community representatives and organizations;

Assessment of institutional capacity for and commitment to resettlement, identify gaps and recommend measures to ensure delivery of program.

1. ***Implementation Schedule***

An Implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettles and hosts and termination of the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

1. ***Costs and Budget***

In cooperation with the GOA, the Consultant will produce tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies, timetables for expenditures, sources of funds, and arrangements for timely flow of funds and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies. Plans for timely transfer of compensation payments to adversely affected persons’ bank accounts.

1. ***Monitoring and Evaluation***

Arrangements and draft TOR for monitoring of resettlement activities incl. compensation and livelihood restoration by the implementing agency, supplemented by independent Third Party Monitors as considered appropriate by GOA, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs and outcomes for resettlement activities, payment of cash compensation and livelihood restoration; involvement of the displaced persons in the monitoring process, evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent activities. Guidelines for the management of the Third Party Monitors should be included as well.

**Disclosure and Consultations**

### F-5 Land Mine Clearance

**Procedures for Mine Risk Management**

This annex will be applied to ***all works*** to be implemented in Afghanistan. Cost for implementation of this annex will be part of the investment cost.

1. ***Background:*** The following procedures are designed to respond to the risks caused by the presence of mines in Afghanistan and it is similar to the original project. The procedures are designed 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);

2. 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

3. Application and procedures are as follows:

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

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

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

***Procedure:***

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

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

* If MACA’s information is the same, the project can go ahead for selection. The community takes the full responsibility for the assessment, and external organizations cannot be made liable in case of an accident.
* If MACA’s information is different, the project should not go ahead for selection as long as MACA’s and community’s statements have not been reconciled.

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

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

*Procedure for Small and Medium-size Works Contracted Out*

4. Application and procedures are as follows:

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

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

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

***Procedure:***

1. Prior to putting up a project for selection, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) to assess mine-related risks in the area of the project (this should include checking information available in the MACA data base).
2. If MACA provides information suggesting a nil-to-low risk in the proposed project area, the project can go ahead for selection.
3. The contract between the responsible ministry and the contractor will include a clause stating that in case of an accident, legal liability would be fully and solely borne by the contractor.
4. If MACA assesses a potentially high risk in the area (whether due to the presence of mines or uncertainty),

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

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

5. Application and procedures are as follows:

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

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

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

***Procedure:***

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

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

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

*Procedure for Large Works Using Contractors*

6. Application and procedures are as follows:

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

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

***Procedure:***

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

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

* 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.

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

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

**Option 2 – Mine-clearance activities are carried out under a separate c**ontract

* 1. 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.
  2. 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.

### F-6 RAP Reporting

Reporting requirements are as follows:

**Inception Report**

An Inception Report will be submitted within **three (3) weeks** of commencing the assignment giving a brief outline of the methodology, detailed work plan and activity schedule, schedule for fieldwork, team composition and staff assignment, reporting schedule, tentative table of content of the draft RAP report and any other key issues regarding the execution of the assignment. The assignment will include an **Initiation Workshop** at the end of the inception phase with MEW. The Consultant may need to carry out a reconnaissance survey before submitting the Inception Report.

**RAP Report**

The Consultant will prepare a RAP which will include the following chapters and detail the following topics:

1. Executive Summary in English, Dari and Pushto, with some maps and photographs
2. Description of the project
3. Potential impacts
4. Objectives
5. Socio-economic studies
6. Legal framework
7. Institutional framework
8. Eligibility matrix
9. Valuation and compensation for losses
10. Resettlement measures
11. Site selection, site preparation and relocation
12. Housing infrastructure and social services
13. Environmental protection and management
14. Community participation
15. Integration with host population
16. Grievance Redress Mechanism
17. Organizational responsibilities
18. Implementation schedule
19. Cost and budget
20. Monitoring and evaluation
21. Annexes: e.g. Compensation &Entitlement matrix for all PAPs; Minutes, dates, location, participants, of all consultations with PAPs

Development of database for all PAPs with photographs and ID-numbers, their losses, entitlements, and schedule for payment and relocation.

The deliverables will be in English, in electronic form, on a CD, and in hard copy. The Consultant will report to MEW.

### 

### F-6 Contract and Disbursement Schedule

The consultancy contract will be a lump-sum contract against submitted and approved deliverables, as per the following disbursement schedule:

20% - Upon submission of an approved Inception Report

40% - Upon submission and approval of Draft RAP Report

40% - Upon submission and approval of Final RAP Report

### 

### F-7 Duration

The assignment is expected to take approximately **twelve (12) months** to complete, from contract signing. However, the Consultant will be responsible for carrying out revisions or improvements etc. as advised by the approving bodies/authorities (including Government of Afghanistan and its agencies) up to the time the documents get the necessary approvals for project implementation.

### F-8 National ESIA & RAP Staff Team

The ESIA & RAP Staff team will include:

***(a) ESIA & RAP Specialist/Team Leader***

The Resettlement Specialist will have a Master’s degree or PhD in social sciences or related field with at least 10 years relevant professional experience in development organizations and solid experience in preparation of RAPs, with hands-on experience of large-scale projects requiring coordination and cooperation across institutions. Regional experience and experience from conflict affected areas would be an advantage.

***(b) Sociologist/Social Development Specialist/ Community Participation***

The Sociologist will be a holder of a Master’s degree in social science or related disciplines. He/She must have a cumulative experience of at least fifteen (10) years and must have done Social Impact Assessment on at least two (2) projects of similar nature and complexity within the last 5 years. Working experience in Afghanistan is an added advantage. Experience and a track record in complex safeguard policies work, entailing land acquisition, legacy issues, corporate risk, and highly complex projects is highly desirable. He/She should be very familiar with the Land Laws and policies of Afghanistan Fluency in both written and spoken English and Dari/Pashtu are mandatory.

***(c) Gender Specialist***

The Gender Specialist should possess a graduate degree in Gender, Human Rights, or a related field with more than 10 years of relevant work experience in large-scale infrastructure projects. She should possess excellent communication/interpersonal skills and experience in consulting conservative and post-conflict societies. Should be very fluent in Dari or Pashtu in addition to ability to write reports in English.

***(d) Valuer***

A University Degree in a relevant field and ten (10) years’ experience with similar assignments is required.

***(e) Surveyor***

A University Degree in a relevant field and ten (10) years’ experience with similar assignments is required.

***(f) Lawyer***

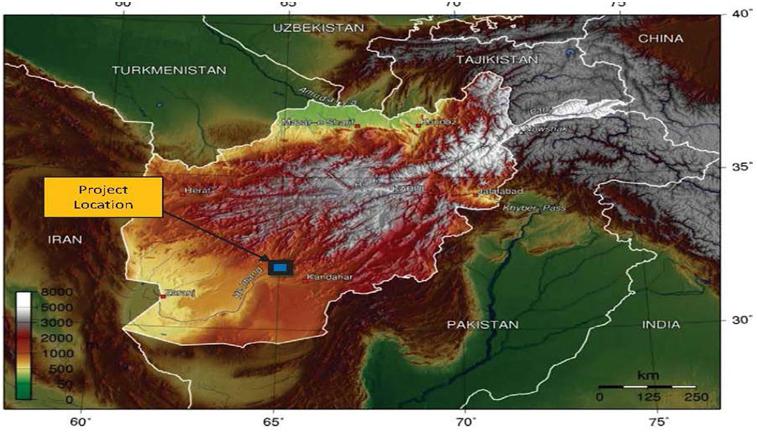
A University Degree in Law and must be practicing with relevant experience in similar works and overall minimum of 10 year experience.

INTERNATIONAL KEY EXPERTS

|  |  |  |  |
| --- | --- | --- | --- |
| No | Staff | Minimum Qualifications and experience | Min. Input (Months) |
| A | Key Experts | |  |
| 1 | **Team Leader/ESIA Specialist** | Minimum Master’s Degree qualification in environmental science, engineering, natural resources management, hydropower, resettlement or a closely related field with a minimum of fifteen (15) years of experience in environmental and social impact assessment. The ESIA Team Leader will have proven experience in the resettlement, hydropower, environmental and social impact assessment of water resources projects including irrigation and/hydropower dams. | 8 |
| 2 | **Sociologist/Social Development Specialist/ Community Participation** | Graduate degree in Social Sciences, Sociology, or Anthropology or a related field; with at least 15 years of relevant work experience including conducting resettlement, hydropower and social impact assessments, with large-scale infrastructure projects. | 8 |
| 3 | **Environmental Engineer/Scientist** | A Master’s Degree (minimum) in Environmental Engineering or similar, have at least 10 year experience in environmental management, ESIA and in developing waste management plans; Knowledge and experience in waste management and disposal including high carbon steel and scrap, | 2 |
| 4 | **Design Civil Engineer** | A Master’s Degree (minimum) in Civil engineering with 10 years of experience in design of projects of major concrete and or earth/rock fill dams of greater than 100 m height. | 4 |
| 5 | **Aquatic Ecologist/ Terrestrial Ecologist/Vegetation Specialist** | Minimum postgraduate degree or training in natural sciences (fisheries, aquatic ecology or zoology); have undertaken an ESIA training Must have a postgraduate degree or training in Botany or Plants Ecology; Experiences in re-vegetation or site rehabilitation especially of borrow pits, quarries, catchment areas and degraded lands, etc. And have at least 10 years of experience, Conducted at least 5 ESIA studies in water resources development projects. | 2 |
| 6 | **Occupational Health and Safety (OHS) Specialist** | Minimum postgraduate training in Occupational Health and Safety, certification in OHSAS 18001:2007 or similar, and have at least 15 years of experience in safety planning and management and Should have conducted at least 5 OHS assessments relating to large-scale civil works projects in the last 5 years. | 2 |
| 7 | **Team Leader/RAP Specialist** | Minimum Master’s Degree qualification in environmental science, engineering natural resources management or a closely related field with a minimum of fifteen (15) years of experience in environmental and social impact assessment. The RAP Team Leader will have proven experience in the resettlement, environmental and social impact assessment of water resources projects including irrigation and/hydropower dams. | 8 |
| 8 | **Hydrologist** | A minimum of MSc Degree qualification in a relevant field or Post graduate qualifications in river basin management with a minimum of (10) years overall and relevant experience, Proven experience in river basin management in developing countries. | 2 |
| 9 | **Gender Specialist** | A graduate degree in International Development, Gender, Human Rights or a related field, minimum of 7 to 5 years of relevant work experience in working directly with local communities in complex political and security contexts is essential, especially with women. | 8 |
| 10 | **Valuer** | A University Degree in a relevant field and (7 to 5) years’ experience with similar assignments is required. | 1 |
| 11 | **Surveyor** | A University Degree in a relevant field and (7 to 5) years’ experience with similar assignments is required. | 6 |
| 12 | **Lawyer** | A University Degree in a relevant field and (7 to 5) years’ experience with similar assignments is required. | 4 |

NATIONAL STAFF

|  |  |  |  |
| --- | --- | --- | --- |
| No | Staff | Minimum Qualifications and experience | Min. Input (Months) |
| 1 | **Deputy Team Leader ESIA Specialist** | Minimum Master’s Degree qualification in environmental science, engineering, natural resources management or a closely related field with a minimum of fifteen (10) years of experience in environmental and social impact assessment. The ESIA Team Leader will have proven experience in the resettlement, hydropower environmental and social impact assessment of water resources projects including irrigation and/hydropower dams. | 8 |
| 2 | **Sociologist / Social Development Specialist/Community Participation** | Graduate degree in Social Sciences, Sociology, or Anthropology or a related field; with at least 7 to 5 years of relevant work experience including conducting resettlement, hydropower and social impact assessments, with large-scale infrastructure projects. | 8 |
| 3 | **Environmental Engineer/Scientist** | A Master’s Degree (minimum) in Environmental Engineering or similar, have at least 7 to 5 year experience in environmental management, ESIA and in developing waste management plans; Knowledge and experience in waste management and disposal including high carbon steel and scrap, | 6 |
| 4 | **Design Civil Engineer** | Minimum postgraduate degree in Civil engineering with 7 to 5 years of experience in design of projects of major concrete and or earth/rock fill dams of greater than 30 m height. | 4 |
| 5 | **Aquatic Ecologist / Terrestrial Ecologist / Vegetation Specialist** | Minimum postgraduate degree or training in natural sciences (fisheries, aquatic ecology or zoology); have undertaken an ESIA training and have at least 5 years of experience, Must have a postgraduate degree or training in Botany or Plants Ecology; Experiences in re-vegetation or site rehabilitation especially of borrow pits, quarries, catchment areas and degraded lands, etc. Conducted at least 3 ESIA studies in water resources development projects. | 4 |
| 6 | **Occupational Health and Safety Specialist** | Minimum postgraduate training in Occupational Health and Safety, certification in OHSAS 18001:2007 or similar, and have at least 5 years of experience in safety planning and management and Should have conducted at least 3 OHS assessments relating to large-scale civil works projects in the last 5 years. | 4 |
| 7 | **Hydrologist** | A minimum of MSc Degree qualification in a relevant field or Post graduate qualifications in river basin management with a minimum of fifteen (7 to 5) years overall experience and (5) years relevant experience, Proven experience in river basin management in developing countries. | 2 |
| 8 | **Deputy Team Leader/RAP Specialist** | Minimum Master’s Degree qualification in environmental science, engineering natural resources management or a closely related field with a minimum of fifteen (10) years of experience in environmental and social impact assessment. The RAP Team Leader will have proven experience in the resettlement, environmental and social impact assessment of water resources projects including irrigation and/hydropower dams. | 8 |
| 9 | **Gender Specialist** | A graduate degree in International Development, Gender, Human Rights or a related field, more than 5 years of relevant work experience in working directly with local communities in complex political and security contexts is essential, especially with women. | 8 |
| 10 | **Valuer** | A University Degree in a relevant field and (5) years’ experience with similar assignments is required. | 4 |
| 11 | **Surveyor1** | A University Degree in a relevant field and (5) years’ experience with similar assignments is required. | 6 |
| 12 | **Surveyor2** | A University Degree in a relevant field and (5) years’ experience with similar assignments is required. | 6 |
| 13 | **Surveyor3** | A University Degree in a relevant field and (5) years’ experience with similar assignments is required. | 6 |
| 14 | **Surveyor4** | A University Degree in a relevant field and (5) years’ experience with similar assignments is required. | 6 |
| 15 | **Surveyor5** | A University Degree in a relevant field and (5) years’ experience with similar assignments is required. | 6 |
| 16 | **Lawyer** | A University Degree in Law and must be practicing with relevant experience in similar works and overall minimum of 5 year experience. | 4 |

 Annex 1: Location and detailed features of the dam development



