Environmental and Social Management Framework for Afghanistan On-Farm Water Management Project

E2586

Submitted to:

The Director General,
General Directorate of Programs, MAIL
Islamic Republic of Afghanistan

November 2010

Table of Contents

Acronyms

ASAP	Accelerating Sustainable Agriculture Program
CARD-F	Comprehensive Agriculture and Rural Development Facility
CDC	Community Development Council
EIA	Environmental Impact Assessment
EIRP	Emergency Irrigation Rehabilitation Project
ESSF	Environmental and Social Safeguards Framework
ESS	Environmental and Social Safeguards
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSO	Environmental and Social Safeguards Officer
FAO	Food and Agricultural Organization
FPs	Facilitating Partners
GDP	General Directorate of Programs
GPs	General Policies
HLP	Horticulture and Livestock Productivity Project
HQ	Headquarters
ID	International Development
IEC	Information Education & Communication
IPPC	International Plant Protection Council
IPM	Integrated Pest Management
IA	Irrigation Association
IT	Information Technology
LA	Land Acquisition
MAIL	Ministry of Agriculture, Irrigation and Livestock
MPR	Monthly Progress Report
MRRD	Ministry of Rural Rehabilitation and Development
MRL	Maximum Residue Levels
NGOs	Non Government Organizations
NEPA	National Environmental Protection Agency
NERAP	National Emergency Rural Access Project
NSP	National Solidarity Program
OFWMP	On-farm Water Management Project
OP	Operational Policies

O&M	Operation and Maintenance
OM	Operational Manual
PERSUAP	Pesticide Evaluation Report and Safer Use Action Plan
PIU	Project Implementation Unit
PMP	Pest Management Plan
RBOs	River Basin Organizations
SCA	Swedish Committee for Afghanistan
SPSS	Sanitary and Phyto-Sanitary
ToR	Terms of Reference
UNEP	United Nations Environment Program
WB	World Bank
WHO	World Health Organization
WUA	Water Users Association

Afghanistan On-Farm Water Management Project

Environment and Social Safeguards Management Framework

Executive Summary

Project Objectives:

The major objectives of this project are as follows:

- Improvement of irrigation infrastructure to reduce water losses and facilitate equitable and effective water distribution to farmers
- Establishment of water users associations, including strengthening of existing traditional *Mirab* system, enabling them to assume their role in operation and maintenance (O&M) of the irrigation infrastructure
- Dissemination of improved water saving techniques through better irrigation methods; efficient water distribution system and agronomic measures.
- Institution strengthening of MAIL and capacity building of OFWMP staff and IAs

Environment and Social Safeguard Management Framework:

Environment and Social Safeguard Management Framework (ESMF) prescribes guidelines and procedures that allow the proposed Afghanistan On-Farm Water Management Project (OFWMP) to avoid, mitigate, or minimize adverse environmental and social impacts of supported activities and interventions. The ESMF was prepared by the GoA in accordance with definitions provided in the World Bank Operational Manual and relating to the triggered operational policy on Environmental Assessment (OP 4.01), OP 4.09 on Pest management and involuntary resettlement (OP4.12) as well as relevant national laws and legislations.

The proposed OFWMP covers a range of activities anticipated under the overall categorization of environment category "B", and no involuntary land acquisition is expected. The project will appoint a Safeguard coordinator in the PMU to ensure the application of the projects' safeguards framework, initial capacity building of MAIL staff, regular reporting, monitoring and sharing of good lessons learnt across the project staff.

During preparation of the present ESMF, the consultant reviewed the implementation of ESMFs in the NSP, NERAP, HLP and EIRP WB funded projects in Afghanistan, identifying good practices and areas in need of strengthening. Lessons learned have been incorporated into the present ESMF including guidelines regarding grievance redressal and community consultations. The project has also developed a comprehensive matrix of all anticipated adverse environmental and social impacts of supported activities, monitoring and mitigation measures.

The ESMF is based on the following principles:

(i) The proposed project will support multiple sub-projects, the detailed designs of which may not be known at appraisal. To ensure the effective application of the World Bank's safeguard policies, the Framework provides guidance on the approach to be taken during implementation for the selection and design of sub-projects, and the planning of mitigation measures.

(ii) All proposed sub-projects will be screened to ensure that the environmental and social risks can be adequately addressed through the application of standardized guidelines;

(iii) The ESMF includes checklists and regulations to minimize environmental and social adverse impacts of sub projects such as: Environmental and Social Screening & Assessment Procedure; Subproject Screening Checklist; Check list for conservation tillage sub-projects; Check list for watershed management for soil and water conservation of the subprojects; Check list for integrated pest management (IPM) subprojects; Typical Impacts and Mitigation Measures for OFWMP/Irrigation Sub-Projects; Community Participation and Consultation; Environmental and Social Management Plan (ESMP); Monthly Progress Report of Sub-Projects from the IAs; Pest Management Plan (PMP) in OFWMP; Proposed OWFM/Pest management tools and techniques;

(iv) Project design and sub-project selection will aim to maintain regional balance, and equity between genders, and ethnic and religious groups, considering variations in population density. Employment opportunities within the projects will be available on an equal basis to all, on the basis of professional competence, irrespective of gender, or ethnic or religious group. In all projects which require consultations with local communities or beneficiaries, consultations will be conducted to elicit the views of both the male and the female population.

Environment and Social safeguards are not only donor-driven requirements but also covered by national legislation such as Environment Law and other related laws. As with many regulations, the challenge is to apply them and monitor their implementation and ensure that they are mainstreamed in the project's operations.

Consultation and disclosure requirements will be simplified to meet the special needs of this project. Prior to approval by the Management Committee of the Afghanistan Reconstruction Trust Fund (ARTF), this Environmental and Social Safeguards Framework will be disclosed in Afghanistan in English, Dari and Pashto, and in the World Bank InfoShop.

I. Background

Afghanistan is an agriculture-based economy, but only a relatively small part of the land area – an estimated 12 percent - is suitable for arable farming or horticulture (irrigated and rain-fed). More than half of all irrigated arable land lies north of the main Hindu Kush range in the drainage systems of the Amu Darya River. Much of the remaining irrigated land lies in the river basins draining southwest, west and southeast out from the central massif, most significantly the basin of the Helmand River system. Although estimates vary, it is thought that about 3.3 million ha (five percent of the total land area) is irrigated and regularly cropped, while 4.5 million ha (seven percent) is rain-fed and is cropped opportunistically, depending on precipitation. In general, improved agricultural performance through strengthened on-farm water management is a pre-requisite for overall economic growth and poverty reduction in Afghanistan.

I.1 Project Objectives

The major objectives of the On-Farm Water Management Project are as follows:

- Establishment of irrigation associations (IA) consisting of irrigation water users, including strengthening of existing traditional *Mirab* system, enabling them to assume their role in operation and maintenance (O&M) of the irrigation infrastructure.
- Improvement of irrigation infrastructure to reduce water losses and facilitate equitable and effective water distribution to farmers.
- Dissemination of improved water saving techniques through better irrigation methods, efficient water distribution systems and agronomic measures.
- Institution strengthening of MAIL and capacity building of OFWMP staff and IAs.

I.2 Project Description

On-farm water management can be defined as a systems approach towards controlling water satisfying irrigation and drainage needs under the constraints imposed by the prevailing physical social, environmental and production systems. The On-Farm Water Management Project with MAIL will comprise of about 50,000 ha covering approximately 100,000 families in 5 project areas. These areas include Kabul, Bamyan, Balch, Nangrahar and Herat. The project comprises three components:

Component A: Establishment of 5 OFWM project areas comprising in total some 50,000 ha and approximately 100,000 families. This component contains three sub-components:

i. Establishment of Irrigation Associations (IAs) through strengthening of existing traditional *Mirab* System in order to enable or strengthen them to assume their role in O&M.
ii. Improvement of the physical irrigation infrastructure (water courses) to reduce system water losses and facilitate equitable water distribution.

iii. Dissemination of improved water saving techniques including (i) more efficient irrigation methods, (ii) more efficient water distribution systems, and (iii) agronomic water saving measures.

Component B: Strengthening MAIL's and other relevant organizations' (River Basin and Sub-basin Organizations RBOs) capacity in OFWM at the national level as well as at the provincial and district levels in the project areas.

Component C: Project management, implementation and coordination.

The project will select 175 sites (irrigation schemes). These sites/schemes may consist of small scale irrigation projects or tertiary units in medium and large scale irrigation schemes. The sites/schemes will be selected prior to project implementation and according to the following criteria: demand of local communities and their willingness to form IAs and share costs; existing state of water losses; accessibility in terms of security and physical access; synergy with other projects such as IRDP, HLP and other non-Bank funded projects; and representativeness in terms of agro-ecological zones and cropping systems. In each project area, five demonstration farms will be established where improved irrigation practices will be demonstrated.

I.3 Potential Negative Impacts

The project involves the rehabilitation of the existing canals and watercourses including related structures and construction of any new canals or watercourses is not anticipated. The social and environmental impacts of the project are expected to be small and overall positive. The project will build social capital by organizing and training IAs which will contribute to improved irrigation efficiency and reduced water losses. The nature of the project's activities is such that they will not lead to significant deforestation; however, in case there would be a need for some tree felling, new trees would be planted in a nearby location. The project will ensure uninterrupted traffic of humans and animals by building bridge structures where appropriate. The project will also respect the use of watercourses as laundry basins, water collection and ablution places by the local populations through the construction of small diversions. The project will not involve any direct procurement of agro-chemicals. However, insofar improved water efficiency would lead to changes in cropping patterns and/or crop management methods, the agronomic training provided by the project will include judicious use of chemical fertilizer and pesticides. This will include helping MAIL to prepare a plan for use safe storage, handling and use of agrochemicals. Moreover the project sites will be a sub-set of EIRP project sites and partially overlap with those of the HLP project, both of which which already have provided trainings in sustainable crop production and O&M of the irrigation schemes.

No significant involuntary resettlement or land acquisition is anticipated. If any minor areas of non-government land would be needed for construction activities, such land could only be obtained through willing buyer-willing seller, private voluntary donations, compensation paid

by the community or by the Government. This ESMF provides guidelines and requisite procedures to be followed.

It is expected that the use of pesticides in the project area could increase as project interventions improve availability of water with corresponding increase in cropping intensity. A Pest Management Plan (PMP) has therefore been prepared to rationalize the use of pesticides in the project area. The main activities under the PMP would be training of farmers in IPM practices, and introduction a system of monitoring of pesticide residues in selected areas.

II. Purpose of the ESMF

It is acknowledged that currently social and environmental management in Afghanistan is facing critical capacity constraints. Since there is potential for adverse impacts, albeit limited, on the environment due to the proposed activities under the project, their mitigation and management is key to wholesome development of the areas where irrigation facilities are being rehabilitated. Hence, keeping in view the existing environmental management capacity, as well as the flexibility required as not all investments are known at the time of project appraisal, a framework approach is adopted. It provides for early identification of potential adverse impacts, without the requirement of rigorous analysis through quantification, and also provides broad guidance for their effective mitigation. Consistent with existing national legislation, the objective of the Framework is to help ensure that activities under the project will:

- Protect human health;
- Prevent or compensate any loss of livelihood;
- Prevent environmental degradation as a result of either individual sub-projects or their cumulative effects;
- Enhance positive environmental and social outcomes; and
- Ensure compliance with World Bank safeguard policies.

This environmental and social management framework (ESMF) has been developed for the project to effectively address environmental and social opportunities and concerns. A framework approach has been chosen because, although project interventions have been well-defined, there are uncertainties given the overall post-conflict operational context in Afghanistan, which requires substantial flexibility during implementation. The ESMF builds upon the generic safeguard framework developed for emergency operations in Afghanistan and used for all emergency operations.

The Environmental and Social Management Framework (ESMF) provides general policies, guidelines, codes of practice and procedures for the management of environmental and social issues to be integrated into the implementation of on-farm water management.

The ESMF contains the following guidelines:

- A negative list of characteristics that would make a proposed component ineligible for support, as indicated in Annex 1
- Format for public announcement, Annex 2a
- Alignment Details for Disclosure, Annex 2b
- Guidelines for Transect Walk, Annex 2c
- Sub-project Screening Checklist, Annex 3
- Guidelines for resettlement, land and asset acquisition, entitlements, compensation, presented in Annex 4a-c;
- Procedures for the protection of cultural property, including the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Annex 5.
- Typical Procedures for Impact Mitigation in Irrigation sub-projects, Annex 6
- An Environment and Social Management Plan for project interventions, Annex 7.
- EIA Procedures in NEPA, Annex 8
- ESS Staffing for OFWMP, Annex 9
- Capacity Building and Training, Annexes 10 a-b
- Format for Monthly Progress Report, Annexes 11a-b
- Pest Management Plan, Annex 12
- Procedures for Mine Risk Management in Annex 13

II.1 Assessment of past ESMF and PMP implementation in Irrigation and Agriculture Sector Projects

The Consultant reviewed the implementation of the ESMF in the related World Bank funded projects in the country (HLP, EIRP, NSP, NERAP) and the main lessons learned and incorporated in the present ESMF are:

1. ESMF implementation with trained Focal Officers with clear ToR have given good results, in terms undertaking simple EIAs and SIAs; conducting environmental and social audit; and conducting training on ESMF for relevant government and projects staff.
2. Exposure visits to other similar contexts projects inside and outside the country can greatly enhance the understanding and attitude of the staff in terms of safeguards issues, and increase the appreciation of the importance of impacts and mitigation measures.
3. Regular and timely engagement by the WB TTL with senior leadership of the partner agency on the issue of ESMF implementation.
4. Importance of allocation of budget and resources, with clear implementation arrangements for the ESMF.

5. Provision of training from the WB with engagement of regional expertise is useful.

The following observed shortcomings will be addressed in the present ESMF:

a. Increased attention during implementation required by the relevant government agencies to see the value addition of the ESMF to the project outcomes;
b. Increased follow-up on ESMF issues flagged in Aide Mémoires to ensure compliance by the partner government agency and its relevant IP;
c. No ESMF Focal Points appointed or ESMF implementation only a marginal issue in FO's ToR and no budget allocation
d. ESMF documents not available or not kept at project sites neither in local languages nor in English, in many cases nobody even aware of the documents.
e. The disclosure of the ESMF to the relevant stakeholders was misunderstood and in case far too limited (in the Ministry Website only).
f. Security constraints on Bank staff travelling for training and capacity building efforts and lack of other resources.
g. Lack of mainstreaming safeguards requirements in bidding documents and rarely followed up in contract documents of the subcontractors who are indeed doing the job.
h. Also, very little or no efforts are invested in the contractors' training on the requirements and importance of the ESMF implementation.

II.2 World Bank Operation Policies triggered in OFWM

Policy	Summary of Core Requirements	Safeguard issues
World Bank Safeguard Policies		
Environmental Assessment (OP/BP 4.01) (**Triggered**)	• Screen early for potential impacts and select appropriate instruments to assess, minimize, and mitigate potentially adverse impacts.	• Reduction in soil & ground water quality. • Fertilizer runoff leading to degradation of aquatic environments. • Conflicting demands on surface or ground water supplies. • Spread infection and disease through the inappropriate use of irrigation canals for water supply, bathing or human waste disposal • Water-logging and salinization.
Natural Habitats (OP/BP 4.04)	▪ Do not finance projects that degrade or convert critical habitats. Support projects that affect non-critical habitats only if no alternatives are available and if acceptable mitigation measures are in place.	▪ Loss of natural areas/important habitats/biodiversity due to construction of sub-projects.
Pest Management (OP 4.09)	▪ Support integrated approaches to pest management. Identify pesticides that may be financed under the project	▪ Health and ecological effects from improper storage, handling, use or disposal of agro-chemicals such as

Policy	Summary of Core Requirements	Safeguard issues
(**Triggered**)	and develop appropriate pest management plan to address risks.	pesticides and insecticides etc.
Involuntary Resettlement (OP/BP 4.12) (**Triggered**)	• Assist displaced persons in their efforts to improve or at least restore their standards of living.	▪ Under the existing law on land acquisition, there is hardly any scope for a participatory approach to acquisition and resettlement planning and implementation. ESMF outlines guidelines and procedures.
Consultations and Disclosure BP17.50	• Ensure consultations will be conducted with the community through the CDC at project preparation and implementation and post implementation stages	• Provisions made for Consultations and Disclosure will be carried out at all stages of the project. Some necessary formats is added as annexes, incl. for land acquisition.

III. Policy, Legal and Regulatory Framework

The primary relevant laws and legislations framing social and environmental issues are:

- The Environment Law of Afghanistan (2007)
- Land Expropriation Law and Law on Managing Land Affairs
- Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004)
- Water Law and Water Sector Strategy

III.1 Environment Law of Afghanistan, 2007

The Environment Law is based on international standards that recognize the current state of Afghanistan's environment while laying a framework for the progress of governance leading to effective environmental management. With respect to multilateral environmental agreements and regional cooperation, Afghanistan has primarily concentrated on "green" transboundary issues concerning protection and preservation with NEPA and the Ministry of Agriculture, Irrigation and Livestock (MAIL) dividing duties as the respective focal points. Afghanistan has signed but not ratified the Basel Convention regarding transboundary movement and disposal of hazardous waste, and is in the process of acceding to the Convention on Migratory Species (CMS) and the Ramsar Convention on Wetlands.

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

The Environmental Law of Afghanistan promulgated in 2007 is quite comprehensive and covers most of the aspects of natural resources management. The Law requires inter alia that

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

III.2 The National Environmental Protection Agency (NEPA)

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

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

A detailed EIA procedure has been laid out by the NEPA for the proponents to follow for mandatory environmental compliance (see also Annex 8).

III.3 Implications of the Environment Law and the EIA Regulation for the OFWM project

It is envisaged that all subprojects and activities of the OFWM project are coming under Category 2, which comprises activities with potentially adverse, site specific impacts, primarily of non-irreversible nature.

The Afghan EIA Regulation requires for Category 2 that the project proponent and owner should submit an application form and a screening report to NEPA. The documents should be meeting the agency's required technical guidelines for the screening report, e.g., description of the activities, completion of Rapid Environmental Assessment (REA) to identify potential impacts and their sources and the relevant mitigation measures, public participation in the assessment process and etc.

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

III.4 Afghanistan Agriculture Development Master Plan

The Agriculture Development Master Plan (Chapter17) emphasizes the following measures of relevance for the OFWM project:

- Participatory approach in water management;
- Capacity development of primary and secondary stakeholders;
- Equity in allocation and distribution of water;
- Governance;
- Reconstruction and improvement of irrigation infrastructure;
- Research & Extension in agriculture;
- Effective natural resource management (forests, grazing land);
- Strengthening of community-based irrigation water management systems.

All these points emphasized in the Master Plan are of paramount importance to the OFWM project, which has designed its community participatory approach accordingly.

III.5 Water Law and the Water Sector Strategy (WSS)

Both the new Water Law (1388) and the Water Sector Strategy (WSS) promote an integrated water resources management (IWRM) approach based on a transition towards river basin development and a strong role for local stakeholder participation. The WSS has an explicit commitment to poverty reduction and stresses the need to build the capacity of all stakeholders and support farmers and other poor water users to achieve sustainable livelihoods. It urges that at the same time as physical infrastructure is repaired ongoing discussions and training should be held with communities, not just to improve on-farm water management but, crucially, to determine viable options for different agricultural systems and alternative crops. In particular, 'end-user' participation in decision making relating to water resource management, operation and maintenance of water supply systems and agreeing water use allocations is stressed. Throughout the years of conflict, NGOs developed and maintained strong links with rural communities in all provinces and the WSS proposes 'broadening' their role to 'coach' Water Users Associations and members of Community Development Councils (CDCs) in conservation techniques and water management systems. Likewise, the Water Law encourages stakeholder involvement in overall IWRM planning and management and recognizes that participation is especially important at local level when

problems faced by water users can be resolved more easily. NGOs are seen as having a vital role in supporting the participation of end-users through appropriate training and capacity development initiatives.

The Water Law recognizes the key role of local water users associations in the protection and management of water resources. MEW and MAIL both have responsibility for setting up associations. Article 10 assigns MEW the task of establishing Water Users Associations and under Article 11 MAIL is charged with establishing Irrigation Associations (IAs). The role of IAs is further elaborated under Article 23 which states that MAIL can delegate responsibility for the distribution of water within irrigation networks in designated areas to registered Irrigation Associations. In the same Article an explicit link is made between these new associations and the traditional management of irrigation systems which allows IAs to delegate the management and responsibility of water rights to a *Mirab Bashi* or *Mirab* designated by the IA.

III.6 Law on land expropriation

Only a few percent of properties in Afghanistan has been surveyed. A majority of landowners do not hold legally recognized deeds to their property, but rather have customary land deeds with poorly defined property descriptions. The lack of clear boundaries is a major factor in the pervasive, bitter and often fatal land disputes. Courts play an important role in land relations, which prepare and archive legal deeds, and adjudicate on land claims. The ownership of real property is regulated by a complex of customary, religious and statutory law. In order to counter the widespread distribution of public lands to undeserving beneficiaries the Government issued Decree 99 in April 2002 to freeze distribution of public land.

In Afghanistan, Islamic laws are locally interpreted in property matters and widely referred to in both informal and formal land dispute resolution. Comprehensive land policy has not yet been formulated; however several major policy documents have emerged recently. The Decree 83 of 2004 introduced rules making government land the default form of land holding, in the event that no other holding could be proven. In rural areas the tax receipts are formally used as a source to establish ownership over lands, rather than as testimony of legitimate occupancy; that is, receipt holders can argue that their lands must comprise certain areas because this is the tax they have paid. Conversely, those who have been unable to pay tax or contribute tax to common properties have generally lost tenure. However, the registration process is lengthy and expensive. In Afghanistan, the problem of land disputes could be linked to the inequitable system of land ownership and the huge and growing number of landless people.

The Law states expropriation of land or a part of such land, which is needed for public purposes, shall be carried out upon the approval of Council of Ministers, and with provision of prior and adequate compensation, based on the market price of the land. How the market price is to be determined is not detailed, but the indication is clear that each part of private land which is needed for development project shall be fairly compensated.

An analysis of the Afghan legal framework was conducted in 2007 (McAuslan, 2007) and the following gaps vis-a-vis OP 4.12 were identified:

- Under the present Land Expropriation Law of Afghanistan, involuntary resettlement is to be avoided/minimized, but no legal opportunities are provided to potential PAPs and others to challenge or discuss proposed acquisition.
- Informal discussions and negotiations occur both on land to be acquired and on compensation under the present Law but there is no legal basis for a participatory approach to acquisition and resettlement planning and implementation.
- No legal opportunities provided to potential PAPs and others to challenge or discuss proposed acquisition and resettlement.
- The Law draws a clear distinction between those with legal title and those with customary title or no title with respect to the payment of compensation. This provision deprives people fair compensation and resettlement assistance, especially those having no title.
- No proper grievance mechanism and institutional arrangements for PAPs to appeal.
- The Law does not provide for any external monitoring body or process.

III.7 Law on Managing Land Affairs

The objective of the Law on Managing Land Affairs (1387) is to create a unitary and reliable order across the country. Currently, the ownership of real property is regulated by a complex customary, religious and statutory law of Afghanistan. Rural property is acquired, sustained and transferred customarily. There is no written customary law and each tribe and even community sustains and interprets the rules. According to Islamic Law, women are entitled to own and inherit land, but local custom regarding women's inheritance rights differs hugely between ethnic groups and regions. However, where women do own land, they may still exercise little control over the land which may be controlled by their closest male relative instead.

Islamic laws are locally interpreted in property matters and widely referred to in both informal and formal land dispute resolution. In rural areas, the tax receipts are formally used as a source to establish ownership over lands, rather than as testimony of legitimate occupancy. The registration process is lengthy and expensive; it requires completion of a number of forms, securing no objections from up to five offices, payment of tax at 5-7% of the value of the land. Such records are rarely held by the majority of land-poor smallholders. With the exception of relatively limited religious lands (waqf), all classes of real property could be subjected to disputes. In rural areas, farmland and pasture rather than houses or other buildings (shops, mills) are the focus of dispute. Most of the pasture land

situated in catchment areas are common property and are owned by the government and the pastoralists not owning agricultural land are largely dependent on these pastures as they own large numbers of cattle and ruminants. On the other hand, due to better irrigation facilities, on-farm activities are increasing and the village pastures and grazing lands are shrinking, resulting in clash over grazing space in catchment area among pastoralists/nomads and cultivators.

The existing land ownership will not change during the implementation of the OFWM project. However and to the extent that the activities of the OFWMP would lead to any conflicts among water users in a given scheme, the *Shura* (councils of village elders) would be the first line of dispute resolution mechanism, failing which the case will be brought to the courts.

III.8 Land Acquisition in OFWMP

Following the Afghan legal framework for land acquisition and the requirements of OP 4.12, any private voluntary donations and community purchases should be fully documented. For government land, documentation would be needed that the land is free of encroachments, squatters or other encumbrances, and has been transferred to the project by the authorized government authorities. In case of minor voluntary land donation, this can only take place provided that there are no structures or assets on the land, the livelihood impact of the donation on the land owner will be insignificant and the voluntary nature of the donation is fully documented and independently verified. The ESMF contains guidelines procedures and documentation of voluntary donations and community compensation for land, and for the exceptional case of land acquisition (Annexes 4a-b). It also includes eligibility criteria for PAPs, and sets out procedures for consultations and for grievance redress.

III.9 Law on the Preservation of Afghanistan's Historical and Cultural Artefacts (1383)

According to the Law on the Preservation of Afghanistan's Historical and Cultural Artifacts operations which causes destruction or harm to the recorded historical and cultural sites or artifacts is prohibited (art .11, art. 16). The Law provides guidelines for how to deal with chance finds – see Annex 5.

III.10 Mine Risk Management

Subprojects will not be implemented without appropriate mine-risk management. Procedures for mine risk management are in Annex 13.

III.11 Responsibilities for Safeguard Screening and Mitigation

To implement and manage the Project, a Project Implementation Unit (PIU) will be established within the MAIL. The PIU consists of a core team at the national level in Kabul, five Area Teams and an internationally recruited Implementation Support Consultants Team (ISCT). The PIU will have a Project Director who reports to the Irrigation Director as well as

to the Director of the General Directorate of Programs (GDP) in MAIL. The GDP is responsible for general monitoring of MAIL-executed projects and reports in the weekly Coordination Meetings chaired by H.E the Minister of MAIL.

The PIU will be responsible for the planning, implementation and monitoring of the project. The Kabul-based core team together with the ISCT will supervise and coordinate the five Area Teams. The Area Teams will be attached to the provincial Departments of Agriculture, Irrigation and Livestock (DAIL).

The PIU is expected to have some institutional capacity for dealing with safeguards issues built through previous WB funded projects. However since new staff may be added, the staff of the selected PIU will additionally receive trainings regarding the Bank's safeguard policies during the early stages of project implementation. At the moment, the PIU already contains one national social & environmental safeguards officer (ESSO) and a Gender Specialist will be hired before project implementation will start.

Apart from these safeguards staffing (ESSO) requirements at the national level, there should allocation for one social & environmental focal point and one social/gender organizer at the regional level. See chart of ESSO staffing in Annex 9.

Capacity also needs to be built at the IA/community level. Social mobilizers should be trained in social and environmental safeguards compliance and in general environmental awareness-building activities to deal with the community on a day to day basis. In case of reluctance on the part of women organizers to go alone to villages, she should be allowed to accompany a male member of her family (*Mahram*) for whom separate provisions could be made in the budget.

Details on institutional capacity building are presented in Annex 10a-b.

IV. Environmental and Social Management Plan

Each subproject will undergo a review process to screen for sensitive environmental/social issues – and ensuring that the project does not fall within the negative list (Annex 1). The screening exercise will be carried out by the Safeguard focal point prior to any subproject preparation activities (see Annex 2). The screening exercise will be used as a tool to identify the severity of impacts of environmental and social issues, and thereby integrate their mitigation measures into the project preparation accordingly. Screening criteria have been developed for classification of the sub projects into three categories, based on the likely extent and nature of environmental and social impacts. The screening will result in determining:

- Categories of sub-projects to be excluded w. reference to Negative List (Annex 1).

- Categorization of sub-projects and inclusion in the project along with required mitigation measures. For inclusion purposes, the sub-projects shall be classified in accordance with NEPA's (GoA) and WB's environmental assessment guidelines, as category A and category B project.
    - category "A" subprojects require a separate EIA including an environmental management and monitoring plan;
    - category "B" subproject, which will follow the general ESMP of OFWMP (see Annex 7).

The process of environmental and social screening has been made simple and informative. The process will consist of the following steps for each sub-project:

(1) Preparation of environmental profiles; assigning category to a subproject (Annex 2);

(2) Scooping and public consultations;

(3) Conducting environmental assessment;

(4) Review and approval of environmental assessment reports;

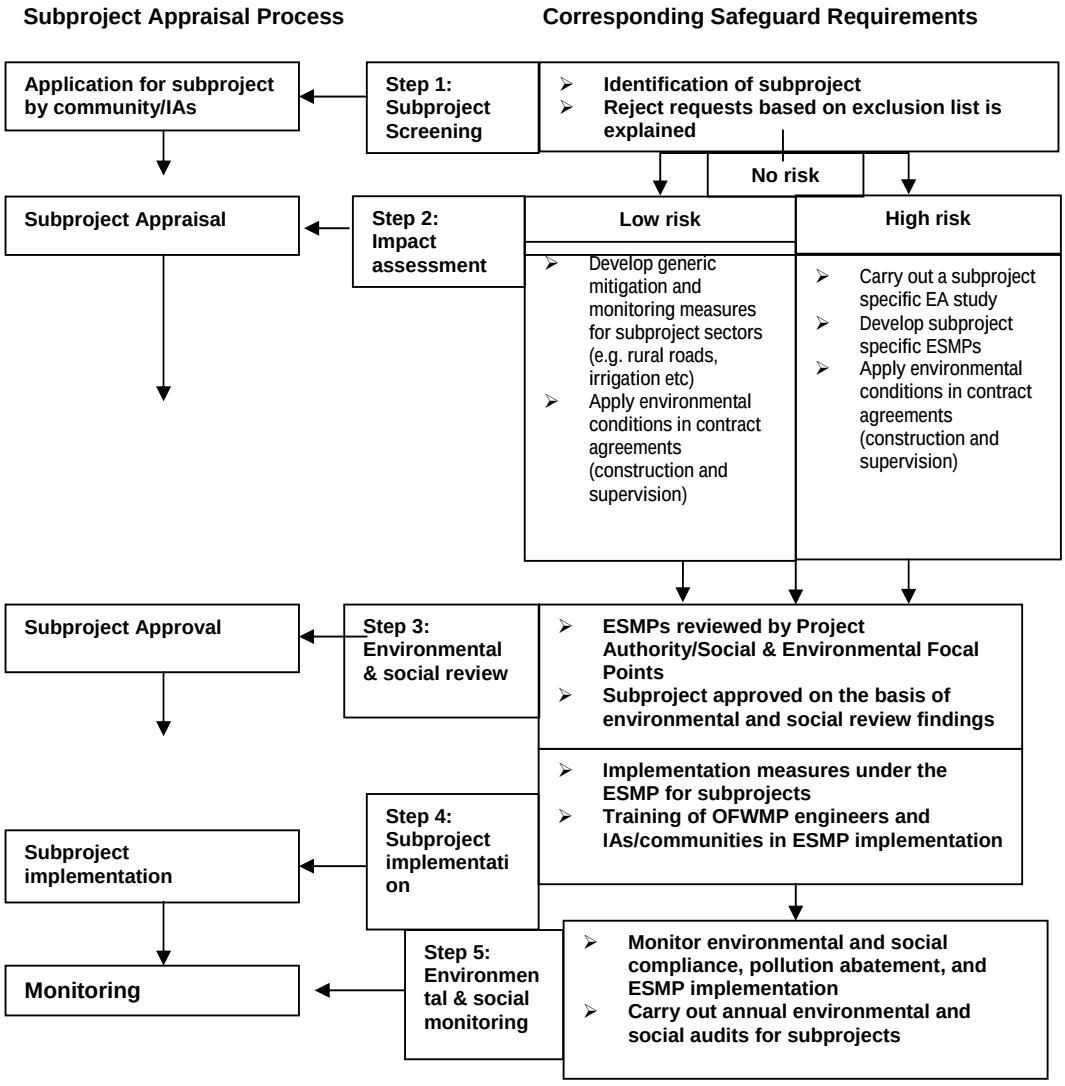
(5) Disclosure and appeal procedures.

These steps have been described in details in the Annexes to enable districts and communities understand the process involved. An environmental and social checklist by subproject types is included in Annex 3 to assist area facilitation teams, communities and farmer groups in the screening process.

The subsequent EA work will be carried out based on the screening results and related recommendations on subproject's category. Part of For example, as a result of the environmental screening process, the resulting EA work may also require a subproject-specific Pest Management Plan based on Integrated Pest Management approaches, will be a separate document and disclosed separately after being cleared by the World Bank.

The ESMP prescribes specific mitigation and enhancement measures to address the social and environmental aspects of project interventions, including safeguards screening guidelines for sub-projects. Typical Impacts of OFWM project/Irrigation Sub-Projects Mitigation Measures are outlined in Annex 6, while Annex 7 provides format for sub-project specific Environmental and Social Management Plan (ESMP).

Environmental and Social Screening & Assessment Procedure for Sub-Projects



Apart from physical mitigation measures, the ESMP also comprises community participation and capacity building measures:

(i) Conducting transect walk prior to final alignment of sub-projects – see Annexes 2a-c for formats for public announcements re subprojects, and transect walks. It is essential that CDC, representative of government relevant department, Safeguard focal point, representative from IA, local religious scholar, Site engineer, and likely owner(s) or their legal representative(s) should participate in the transect walk. In addition to the transect walk, each PAP family should be consulted individually and separately before written agreement in a CDC meeting (see Annex 4a-c).

(ii) Empowering communities, including women, through improved participation; reduce conflict and improving social relationship between farmers at the head and

tail-ends of canals and watercourses; incorporating mechanisms that recognize and pay for labor contributed by sharecroppers;

(iii) Capacity building of farmers, through training in appropriate technologies, improved water management practices;

(iv) Strengthening the institutional capacity of Irrigation Associations (IAs);

(v) Improving networking among IAs, local irrigation department, PMU, CDCs, River Basin Organizations (RBOs) and supporting FPs/NGOs.

IV.1 Institutional Capacity Building

As far as compliance on social and environmental safeguards in OFWMP is concerned, the objective of institutional strengthening activities will be to provide institutional capacity at the sub-project level and also at the community level. While developing institutional capacity, the following points need to be kept in mind:

- Develop organizational mechanisms to ensure that environmental policies of the World Bank and Afghanistan are followed in all sub-projects.
- Ensure coordination of all implementing agencies like EIRP, OFWMP and regulating agency like NEPA on environmental issues.
- Assure follow-up to the National Strategy for the Environment and the Environmental Action Plan as laid out under Environmental Law of Afghanistan.
- Assist MAIL in strengthening their own capacity to deal with social and environmental issues and develop socially and environmentally sound investment programs.
- Define overall needs for environmental education, information, promotion and training.

The National Environmental Protection Agency (NEPA) is a relative new agency which has been given cabinet level status by the government and has departments in all provinces. NEPA's institutional capacity is evolving and it has with the help of its international partners and donors developed Environmental Law, EIA regulations, National Environmental Impact Assessment Policy, Administrative Guidelines for the Preparation of Environmental Impact Assessments. However, NEPA needs trainings and capacity building efforts from the donor community to help implement and mainstream the mentioned laws, regulations and policies in letter and spirit into the national policies, strategies, plans and programs.

As per the Environment Law, NEPA has established an EIA Board of Experts to the review EIA/SIA reports submitted by major national projects in the country. Currently, the capacity of the EIA Board of Experts is now low but NEPA is trying to obtain donor support, incl. from the WB, to build the capacity the EIA Board of Experts.

The OFWM project team and MAIL should establish the institutional arrangements with the relevant NEPA departments to cooperate and coordinate in the implementation of the environmental laws, policies and regulations as well as the World Bank safeguards policies. During the project implementation a joint OFWM - NEPA assessment would be conducted to identify short term training needs in NEPA and develop a program for training delivery (see Annex 10a for *Training Plan for Environmental and Social Safeguards* and Annex 10b *Training and Capacity-Building Activities at Different Levels*).

IV.2 Capacity Building of IA and Community Level

While local government staff needs to be targeted in any capacity-building program since their support to IAs is important. Trainings are to be designed based on locally specific requirements. But it is equally important to develop hands on and practical trainings in ESMF and IPM implementation for IAs based on a continuous and thorough capacity needs assessment as they evolve and face bottlenecks in their development process. Training need assessment and developing relevant modules for assessing the impacts of the project activities, e.g., canal lining, building diversion works on environmental flow and water flow regimes and their relevant mitigation measures in small valleys irrigation

Community and IA level training should also cover the relevant dispute resolution mechanisms and relevant best practices in similar projects in the country and in other similar projects in other countries. Other trainings should include:

- Training should be developed for assessing the potential impacts of the project's activities on the nearly wetlands (if any) and their relevant mitigation measures.
- Training in assessing and managing of environmental health and hygiene issues, in eradication of stagnated waters near human settlements, using water courses used for human drinking purposed, using for other domestic purpose, e.g., washing clothes, bathing, watering and washing animas and etc.
- The training could be for the IAs, the OFWM project staff, the local government staff as well as for other relevant government agencies, e.g., NEPA provincial staff and etc.
- Decentralization of irrigation management should be accompanied by an agricultural intensification program to increase agricultural productivity. The IAs should be multifunctional. Along with the management of water, IAs need to facilitate the timely supply of good-quality agricultural inputs, such as improved seeds, fertilizer, farm-yard manure, and farm implements, at reasonable prices.
- The IAs may also adopt other activities, such as technology transfer, providing micro-finance through the formation of self-help groups, post-harvest management,

marketing of agricultural produce, and agro-processing for value addition, so that agriculture can be a profitable enterprise.

- There should be a regulatory body to adjudicate any conflict or breach of contract between IAs and MAIL.

IV.3 Budgeting for Environmental and Social Safeguards Compliance

The budgetary estimate for environmental and social safeguards compliance for the proposed OFWMP is follows:

Table: Preliminary budget for Safeguard Compliance

	Activities	Unit	Cost (USD)
1.	a) Preparation of Environmental & Social Safeguards Training Manual (local language)	1	20,000.00
	b) Preparation of Environmental & Social Safeguards Operational Manual	1	10,000.00
	c) Sub-Project-wise Preparation of Environmental and Social Management Plan (ESMP)	125	1,25,000.00
2.	Training and awareness (IA & Community) a) Development of IEC/Extension Materials in Local Languages	1	25,000.00
	b) On-site training program on safeguards for IA members/Community	5 x 2	10,000.00
4.	Exposure visit for Managers/IA members		60,000
			250,000

IV.4 Community Participation and Consultation

In on-farm water management programs:

- Consultation should be initiated as early as possible, and should be an ongoing process throughout the implementation and monitoring phases of the project. In all community consultations, measures will be taken to ensure gender segregated consultations/information sharing to ensure that women (incl. female land owners) will be fully informed and their concerns heard.
- As OFWM sub-projects are expected to be a demand-driven process, communities have to build ownership of their sub-projects and accept responsibility to ensure that these investments meet all the safeguard measures.

There are two levels of participation and consultation as pertains to safeguards in canal rehabilitation

- During the proposal development and study.
- Implementation and monitoring of the sub-projects.

During the duration of the OFWM project, a campaign of public awareness will be undertaken to inform communities of their legal entitlements, rights, and responsibilities in respect of water resources management at community level. Training at the community level will include awareness of the financial, material and technical resources available to the community to enable them to effectively manage their own water resources. It will also include training on basic technical concepts as well as principles of fair and equitable social organization.

IV.5 Consultation and Disclosure

This Environmental and Social Safeguards Management Framework was developed by the MAIL on the basis of the generic Framework for World Bank-funded reconstruction operations, a review of the ESMF implementation in related WB-funded projects and a review of the specific requirements of the planned project. Prior to appraisal of the OFWM project by the Management Committee of the Afghanistan Reconstruction Trust Fund, a summary of the ESMF will be disclosed by MAIL in English, Dari and Pashto, and it will also be made available at the World Bank's Infoshop.

Annex 1

Negative List of Sub-project Attributes

Sub-projects with any of the attributes listed below will be ineligible for support under the On Farm Water Management Project:

Attributes of Ineligible Sub-projects
Involves the significant conversion or degradation of critical natural habitats. Including, but not limited to, any activity within: • Ab-i-Estada Waterfowl Sanctuary; • Ajar Valley (Proposed) Wildlife Reserve; • Dashte-Nawar Waterfowl Sanctuary; • Pamir-Buzurg (Proposed) Wildlife Sanctuary; • Bande Amir National Park; and • Kole Hashmat Khan (Proposed) Waterfowl Sanctuary.
Will significantly damage non-replicable cultural property, including but not limited to, any activities that affect the following sites: • Monuments of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, Fifth Minaret, Gawhar Shah mausoleum, mausoleum of Ali Sher Navaii, and the Shah Zadehah mausoleum complex); • Monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-I Ghulghular and Shahr-i Zuhak); • Archaeological site of Ai Khanum; • Site and monuments of Ghazni; • Minaret of Jam; • Mosque of Haji Piyada/Nu Gunbad, Balkh province; • Stupa and monastry of Guldarra; • Site and monuments of Lashkar-i Bazar, Bost; • Archaeological site of Surkh Kotal; and • Other conservation hot spots.
Requires pesticides that fall in WHO classes IA, IB, or II.
Requires involuntary acquisition of land, or the resettlement or compensation of more than 200 people.
Supports commercial logging or plantations in forested areas.
Construction or rehabilitation of dam higher than 10 meters.

Annex 2a
Public Announcements
(Prior to finalization of alignment/transect Walk)

Province: …….. Project ID:……

District/Village: ……

- What is the Project and its salient features
- Benefits
- Which Agencies are involved
- What if resentment from community
- Need for additional land through Voluntary Land Donation
- Likely Impacts and Entitlements
- Date of Transect Walk
- Alignment Details along with map of alignment displayed
- Whom to be invited(upstream & downstream community, IA, Mirab, Sub Mirab, ...)

Responsible Agency/Person: SO, IAs/CDC (Head and other members)
Contact number, address

Annex 2b
Alignment Details for Disclosure
(Prior to finalization of alignment/transect walk)

Province: …….. Project ID:……

District/Village: ……

Name of sub-Project alignment:

Total Length (km):

Connected Settlements:

- **Starting Node/km:**
- **Ending Node/km:**

Population Benefited Total

Implementing Agency:

Name of Contact Person and Address:

Project alignment marked on schematic diagram with socio-environmental features

Socio-environmental Features	Schematic diagram

Annex 2c
Outputs of Transect Walk
(After finalization of alignment/transect walk)

Province: …….. Project ID:……

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

- Identification of Environmental & Social sensitive location

- Likely location for additional land requirement

- Issues identified

- PAPs Identified

- Suggestion from community

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

……
……

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

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

Annex 3
Subproject Screening Checklist

A	Environmental and Social Impacts	Response
Location		
1	Are there environmentally sensitive areas (forests, pastures, rivers and wetlands) or threatened species that could be adversely affected by the sub-project?	
2	Does the sub-project area (or components of the project) occur within or adjacent to any protected areas designated by government (national park, national reserve, world heritage site, etc.)?	
3	If the sub-projects are outside of, but close to, any protected area, is it likely to adversely affect the ecology within the protected areas (e.g., interference with the migration routes of mammals, fish or birds)?	
4	Will the sub-projects reduce people's access to the pasture, water, public services or other resources that they depend on?	
5	Might the sub-projects alter any historical, archaeological or cultural heritage site or require excavation near such a site?	
Physical and biological environment		
6	Will sub-projects require large volumes of construction materials (e.g. gravel, stones, water, timber, firewood)?	
7	Might the sub-projects lead to soil degradation or erosion in the area?	
8	Might the sub-projects affect soil salinity?	
9	Will the sub-projects create solid or liquid waste that could adversely affect local soils, vegetation, rivers, streams or groundwater?	
10	Might river or stream ecology be adversely affected due to the installation of structures such as weirs etc.?	
11	Will the sub-projects have adverse impacts on natural habitats that will not have acceptable mitigation measures?	
12	Do the sub-projects have human health and safety risks, during construction or later?	
13	Might the sub-projects lead to migration into the area?	
Alternatives		
14	Is it possible to achieve the objectives above in a different way, with fewer environmental and social impacts?	
B	Land Acquisition and Social Issues	
1	Will the sub-projects require acquisition of land (public or private) for its development?	
2	Will anyone be prevented from using economic resources (e.g. pasture, community place, forests etc.) to which they have had regular access?	
3	Will the sub-projects result in the involuntary resettlement of individuals or families?	
4	Will the sub-projects result in temporary or permanent loss of crops, fruit trees and household infrastructure such as granaries, toilets, kitchens etc?	
5	Will the sub-projects affect the livelihoods of the affected, especially of the vulnerable groups?	

C	Local Minorities	
1	Might the project adversely affect local minority groups or vulnerable people living in the area?	
2	Are there members of these groups in the area who could benefit from this project?	
If any project affected people are suffering negative livelihood impact because of the project or any of their land or assets are impacted, or access to any of these, then further action is required in terms of identifying impact, consult with PAPs, minimize impact and find mitigation measures and compensation. Regarding land acquisition, it is necessary to have documentation for consultations with PAPs, and also documentation in case of voluntary land donation, and of community compensation. It is also necessary to stipulate that any acquired land be legally transferred to the community in order to avoid future disputes. The land document should also be certified by local government agency, i.e. local court or district office and a copy of land transformation document should also be kept in local government office. (ref. Annex 4a-c) In case of dispute over land, then the sub-project should either be dropped or the dispute should be resolved first at local level through skilled mediators like the NGOs or similar competent bodies.		
D	Pesticides and Waste Materials	
1	Will the project result in the introduction of pesticides or an increase of pesticide use if use of such products currently exists?	
2	Will the project result in the production of solid or liquid waste (e.g. water, domestic or construction waste), or result in an increase in waste production, during construction or operation?	
Circle screening conclusion D1, or circle D2: D1. All answers to the checklist questions are "No". There is no need for further action. D2. If the Question 1 answered "Yes", then consult OP 4.09 on Pest Management for assistance in addressing issues of pest management.		
E	Is there probability of the presence of landmines or unexploded devices at or near the proposed sub-project area?	

Check list for check list for conservation tillage sub-project

S. No	checklist questions	Yes	No
1.	Lead to soil erosion?		
2.	Provide benefits to both men and women?		
3.	Entail loss of access to or use of land by current users?		
4.	Increase ability of soil to retain water?		
5.	Require use of unfamiliar agricultural chemicals?		
6.	Enable water resources conservation?		
7.	Affect groundwater table?		
8.	Introduce new pests?		
9.	Are IPM approaches being adopted?		
10.	Have subproject-specific PMP been developed?		
11.	Have agro-chemical-related hazards been addressed?		
12.	Have PMPs based on IPM approaches been developed?		
12.	Is training in IPM approaches planned?		

Check list for watershed management for soil and water conservation of the subproject

1	Is any person living on or near the land needed for the subproject, or is any person farming there, using the land for grazing or watering of animals or for any other purpose?	Yes	No
2	Reduce biodiversity?		
3	Adversely affect downstream users?		
4	Affect areas of water sources extraction?		
5	Affect wetland/swamps areas?		
6	Affect rare/endangered species?		
7	Adversely effect human health?		
8	Provide benefits to both men and women?		
9	Cause changes in land, water morphology and physical characteristics as well as quality and quantity of resources?		
10	Reduce quality of land, water, or health of plants or animals?		

Check list for rehabilitation of infrastructure

S. No	checklist questions	Yes	No
1	Will it cause land use conflicts?		
2	Is any person living on or near the land needed for the subproject, or is any person farming there, using the land for grazing or watering of animals or for any other purpose?		
3	Generates excessive dust and noise?		
4	Leads to creation of open pits?		
5	Reduces biodiversity?		
6	Leads to construction wastes?		
7	Leads to loss of vegetation?		

Check list for use of rainwater harvesting techniques

S. No	checklist questions	Yes	No
1	Is any person living on or near the land needed for the subproject, or is any person farming there Using the land for grazing or watering of animals or for any other purpose?		
2	Lead to increased incidence of water-borne disease?		
3	Lead to land degradation at livestock watering points?		
4	Increase risk of flooding during heavy rain?		
5	Lead to siltation due to erosion?		
6	Provide benefits to men and women?		

Check list for improvement of traditional irrigation schemes

S. No	checklist questions	Yes	No
1	Is any person living on or near the land needed for the subproject, or is any person farming there, using the land for grazing or watering of animals or for any other purpose?		
2	Result in increased salinity of soil or water?		

3	Increase incidence of water borne disease?		
4	Adverse impact on downstream users?		
5	Land and water use conflicts?		
6	2. Provide benefits to both men and women?		

Check list for integrated pest management (IPM) subproject

S. No	checklist questions	Yes	No
1	Entail loss of access to or use of land by current land holders and/or users?		
2	Entail use of new or unfamiliar agricultural chemicals?		
3	Adversely affect micro organisms in soil?		
4	Adversely affect surface and groundwater		
5	Adversely affect consumers' crops (residues in vegetables and fruits)?		
6	Provide benefit to both men and women?		

Annex 4a
Guidelines for Land and Asset Acquisition, Entitlements and Compensation

Objectives

Land acquisition and involuntary resettlement is not anticipated under the OFWMP. Sub-projects that require more than minor expansion, along rights of way, should be reviewed carefully. No land or asset acquisition may take place outside of these guidelines. A format for Land Acquisition Assessment is attached in Annex 3b.

These guidelines provide principles and instructions to compensate affected persons to ensure that all such persons negatively affected, regardless of their land tenure/tenancy status, will be assisted to improve, or at least to restore, their living standards, income earning or production capacity to pre-project levels.

Eligibility

PAPs are identified as persons whose livelihood is directly or indirectly affected by the project. PAPs deemed eligible for compensation are:

(1) those who have formal legal rights to land, water resources or structures/buildings, including recognized customary and traditional rights;

(2) those who do not have such formal legal rights but have a claim to usufruct right rooted in customary law; and

(3) those whose claim to land and water resources or building/structures do not fall within (1) and (2) above, are eligible to assistance to restore their livelihood.

Acquisition of Productive Assets and Compensation

PAPs are eligible for replacement costs for lost assets as described below:

a) *Voluntary contributions*. In accordance with traditional practices, individuals may elect to voluntarily contribute land or assets and/or relocate temporarily or permanently from their land without compensation.

b) *Contributions against compensation*. A contributor/asset loser considered "affected" will be eligible for compensation from the local community or alternatively from the Government. A PAP shall lodge his/her claim for compensation to the local community representatives/CDC and it shall be verified by the implementing agency. The claim shall be lodged within 2 weeks of completion of the consultations with the concerned community, and before project implementation begins.

Voluntary contribution, or contribution against compensation, should be documented. The documentation should specify that the land is free of any squatters, encroachers or other claims. A format is attached in Attachment 2(i), which includes a Schedule to be followed to assess any compensation claimed and the agreement reached.

Compensation Principles

The project implementing agencies shall ensure that any of the following means of compensation are provided in a timely manner to affected persons:

(1) Project affected persons losing access to a portion of their land or other productive assets with the remaining assets being economically viable are entitled to compensation at replacement cost for that portion of land or assets lost to them. Compensation for the lost assets will be according to following principles:

a. replacement land with an equally productive plot, cash or other equivalent productive assets;
b. materials and assistance to fully replace solid structures that will be demolished;
c. replacement of damaged or lost crops and trees, at market value;
d. other acceptable in-kind compensation; and
e. in case of cash compensation, the delivery of compensation should be made in public, i.e. at the community meeting.

(2) Project affected persons losing access to a portion of their land or other economic assets rendering the remainder economically non-viable, will have the options of compensation for the entire asset by provision of alternative land, cash or equivalent productive asset, according to the principles in (1) a-d above.

Consultation Process

The implementing agencies will ensure that all occupants of land and owners of assets located in a proposed sub-project area are consulted. There will be gender-separate community meetings for each affected village to inform the local population about their rights to compensation and options available in accordance with these Guidelines. The Minutes of the community meetings shall reflect the discussions held, agreements reached, and include details of the agreement, based on the format provided in Attachment 2(ii).

The implementing agency shall provide a copy of the Minutes to affected persons and confirm in discussions with each of them their requests and preferences for compensation, agreements reached, and any eventual complaint. Copies will be recorded in the posted project documentation and be available for inspection during supervision.

Sub-project Approval

In the event that a sub-project involves acquisition against compensation, the implementing agency shall:

a. not approve the sub-project unless a satisfactory compensation has been agreed between the affected person and the local community;
b. not allow works to start until the compensation has been delivered in a satisfactory manner to the affected persons; and
c. if more than 200 persons are affected and require compensation, the sub-project shall be deemed ineligible for support under the emergency project.

Complaints and Grievances

All complaints should first be negotiated to reach an agreement at the local community/village level. If this fails, complaints and grievances about these Guidelines, implementation of the agreements recorded in the Community Meeting Minutes or any alleged irregularity in carrying out the project can also be addressed by the affected persons or their representative at the municipal or district level. If this also fails, the complaint may be submitted to the relevant implementing agency for a decision.

Verification

The Community Meeting Minutes, including agreements of compensation and evidence of compensation having been made shall be provided to the Municipality/district, to the supervising engineers, who will maintain a record hereof, and to auditors and socio-economic monitors when they undertake reviews and post-project assessment. This process shall be specified in all relevant project documents, including details of the relevant authority for complaints at municipal/district or implementing agency level.

Annex 4b
Land Acquisition Form

Province: …… Community: ……FP: …… GPS Coordinates: …….

District: …….. Community ID: ……...

Is Land Acquired for sub-projects?

Yes ☐

No ☐

Note: If no land is acquired for the sub-project, this form is not required to be filled out.

A) Land Acquisition Assessment

Is the acquisition a donation or purchase?		Current use	
Quantity of land (size of land in sq.m/jarib		Squatters	
Location		Encroachers	
Owner/Owners		Tenants	
Has any assessment of PAP done?		Title of the land	
Percentage of PAP's land			
Is PAP livelihood affected?			

B) Transfer of ownership agreement

The following agreement has been made on ……day of ……between …….resident of ……. (The Owner) and ……..(the Recipient).

1. That the Owner holds the transferable right of ……..*jerib* of land in …….

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

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

4. a. That the owner will not claim any compensation against the grant of this land. (in case of voluntary contribution)
   b. That the owner will receive fair compensation collected by the CDC against the grant of this land as per the current market value.

5. That the Recipient agrees to accept this grant of land for the purpose mentioned and shall construct and develop the …….. and will take all possible precautions to avoid damage to adjacent land/structure/other assets.

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

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

8. The transferred documents must be registered in government related department or court and one copy should be kept with recipient or CDC.

Signature of the Owner Recipient (IAs)

Signature of the Witnesses: 1…….
2…….

(Signature, name and address)

C) Schedule of Compensation

Land area to be compensated (m^2): ……..

Agreed Compensation:……..

Signatures of CDC:

(Signature and stamp of the local authorities)

Annex 4c
Verification of Ownership of Land

Province: …….. Project ID:……

District/Village: ……

Name of the canal Alignment Village

S.N.	Name of the land owner	Amount of land/asset affected (sqm)	Type of land	Verified (Y/N)	Method of verification
Total					

Note: Verification of Ownership of Land forms for each village by area team and compiled by HQ for each tertiary canal and to be attached with the PD.

Annex 5
Protection of Cultural Property

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

The proposed emergency reconstruction operations are unlikely to pose a risk of damaging cultural property, as the subprojects will largely consist of small investments in community infrastructure and income generating activities, reconstruction of existing structures, and minor urban public works. Further, the negative list of attributes, which would make a subproject ineligible for support (Annex 1), includes any activity that would significantly damage non-replicable cultural property. Nevertheless, the following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents.

Chance Find Procedures

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

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

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

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

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

- Whenever there is an immovable historical and cultural site discovered which includes some movable historical and cultural artifacts, all such movable artifacts are considered public property and the owner of that property will be rewarded according to Article thirteen (13) of this Decree.(Art. 19, 2)

Article 26:

- A person who finds or discovers a movable historical and cultural artifact is obligated to report the discovery to the Archaeology Department no later than seven (7) days if he/she lives in the capital city of Kabul, and in the provinces they should report the discovery to the Historical and Cultural Artifacts Preservation Department or Information and Culture Department or to the nearest governmental Department no later than fourteen (14) days. Mentioned Departments in this article are responsible to report the issue to the Archaeology Department as soon as possible and the discoverer of the artifact will be rewarded according to Article 13 of this Decree. (Art. 26)

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

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

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

Annex 6
Typical Impacts and Mitigation Measures for OFWMP/Irrigation Sub-Projects

Environmental and Social component	Potential Impacts	Generic Mitigation Measures	Monitoring Indicators	Responsibility
Natural Environment	Loss of vegetative cover, decrease in soil fertility	Avoid infringing on protected areas, critical habitats or areas with significant biodiversity (e.g. wetlands)	Decreased productivity	Community/IA
Natural Environment	Reduction in soil and groundwater quality, declines in plant growth and reduced harvests	Use the right fertilizers at correct time (e.g. before field crops are planted), and in correct amounts for the specific crop and soil type	Decreased productivity	Community/IA
Terrestrial Environment	Fertilizer runoff leading to degradation of aquatic environments in nearby ponds, streams and other water bodies	• Use manure to help fertilize crops and build soil quality • Do not apply agro-chemicals too close to streams, ponds and drinking water sources • Do not wash fertilizer bags in streams or ponds	• Quality of liquid effluent and receiving waters • Decreased productivity	Community/IA
Human Health	Illness or disease due to pollution of water sources from food processing wastes	• Ensure thorough training in safe storage, handling, use and disposal of agro- chemicals • Do not apply agro-chemicals too close to streams, ponds and drinking water sources • Do not wash fertilizer bags in streams or ponds	Occurrence of human (or livestock) illness or disease	Community/IA
Human Health	Health effects on workers	• Ensure thorough training in safe storage, handling, use and disposal of pesticides • Wear protective clothing • Consider training and use of integrated pest management (IPM)	Incidence of worker disease or illness	Community/IA

Environmental and Social component	Potential Impacts	Generic Mitigation Measures	Monitoring Indicators	Responsibility
Water Quality	Degradation of groundwater, streams, and rivers from solid and liquid wastes	• Locate waste disposal sites away from surface and groundwater sources, watercourses, housing and town centres • Install grease traps and skim tanks • Ensure receiving waters for liquid wastes are able to absorb and naturally decompose the effluent • Screen waste liquids to remove coarse solids • Ensure waste that is stored before transport to treatment facility or landfill cannot leak into the ground	• Occurrence of illness in livestock or community • Surface water flows and ground table levels in project area	OFWM Staff/IA
Human Environment	Upsetting existing social and economic community management relationships, land tenure systems, security of livelihoods, and gender division of labour	Avoid sites that require: • Resettlement • Displacement of other important land uses • Encroachment on historical, cultural, or traditional use areas	• Number of people displaced and compensated • Encroachment onto historical, cultural or protected areas	OFWM Staff /IA
Land use conflicts	Conflicting demands on surface or groundwater supplies	Locate and size irrigation schemes: • Where water supplies are adequate and the scheme will not conflict with existing human, livestock, wildlife or aquatic water uses, especially during dry seasons • Withdrawals should not exceed “safe yield” from groundwater resources	• Involve community in local planning • Complaints from community about water use	OFWM Staff /IA

Environmental and Social component	Potential Impacts	Generic Mitigation Measures	Monitoring Indicators	Responsibility
Human Health	Creating habitats in canals and ditches for disease carriers such as mosquitoes etc.	Assess ecology of disease carriers in the project area, and employ suitable prevention and mitigation measures, e.g.: • Site and orient water works, fields and furrows to ensure adequate natural drainage of surface water • Avoid unsuitable gradients, and creating stagnant or slowly moving water • Construct straight or only slightly curved canals • Install gates at canal ends to allow complete flushing • Ensure adequate sub-surface drainage of fields • Avoid over-irrigation • Maintain water works, and clear sediment and weeds, regularly	Occurrence of higher numbers of disease carriers such as mosquitoes etc. as documented by community survey/complaints	OFWM Staff /IA
Human Health	Spreading infection and disease through the inappropriate use of irrigation canals for water supply, bathing or human waste disposal	Provide/ensure alternate facilities for domestic water supply, bathing and human waste disposal	• Involve community in local planning • Periodic survey of community about which facilities they use for which activity	IA/Community
Human Health	Health effects from improper storage, handling, use or disposal of agro-chemicals (pesticides, herbicides)	• Training/supervision of farm workers on use of agro-chemicals to protect worker health and safety along with the environment • Training of Integrated Pest Management (IPM) for early recognition of pest outbreaks and the most environmentally sound methods to combat outbreaks	• Pest outbreaks • Occurrence of illness or disease among workers	IA/Community
Natural Environment	Water-logging	• Thoroughly assess project soils and their management needs under irrigated agriculture • Apply water efficiently (consider drip or dawn/evening sprinkler system)	• Incidences of gathering water from improper drainage • Soil erosion • Dampening of surrounding area due	OFWMP Staff / Community

Environmental and Social component	Potential Impacts	Generic Mitigation Measures	Monitoring Indicators	Responsibility
		• Install and maintain adequate surface and subsurface draining • Use lined canals or pipes to prevent seepage	to seepage	
Natural Environment	Salinization	• Avoid water-logging (above) • Mulch exposed soil surfaces to reduce evaporation • Flush irrigated land regularly • Cultivate crops having high tolerance to salinity	Maintain log of hours/water used for irrigation	IA/Community
Natural Environment	Erosion	• Design and layout of furrows appropriately • Avoid unsuitable gradients • Avoid over-irrigation • Install sediment traps in fields and canals to capture sediment for return to fields • Minimum tillage, contour cropping, terracing and other methods of conserving soil moisture	Involve community in local planning of sites	IA/Community
Water Bodies and Aquatic Ecosystems	Reduced quality of surface and groundwater receiving excess irrigation water or drainage (nutrients, agro-chemicals, salts and minerals)	• Minimize risks of water logging and salinization (see above) • Use agro-chemicals appropriately (see above) • Prevent surface drainage of fields into nearby water bodies (streams, ponds, etc.) • Involve community in local planning of sites	• Training/ practices of local farmers	IA/Community
Natural Environment	Overgrazing	• Training/supervision of herders in range management • Involve community in local planning of range management	• Practices of local herders	IA/Community
Vulnerable groups, including women, do not have a voice.	Increase gap between better off and less well off	Carry out initial stakeholder analysis and conduct socio-environmental survey prior to design team going to villages. Utilise women's Community Development Councils (CDCs) to	CDC meeting records/local NGO	NGO staff/ safeguard coordinator

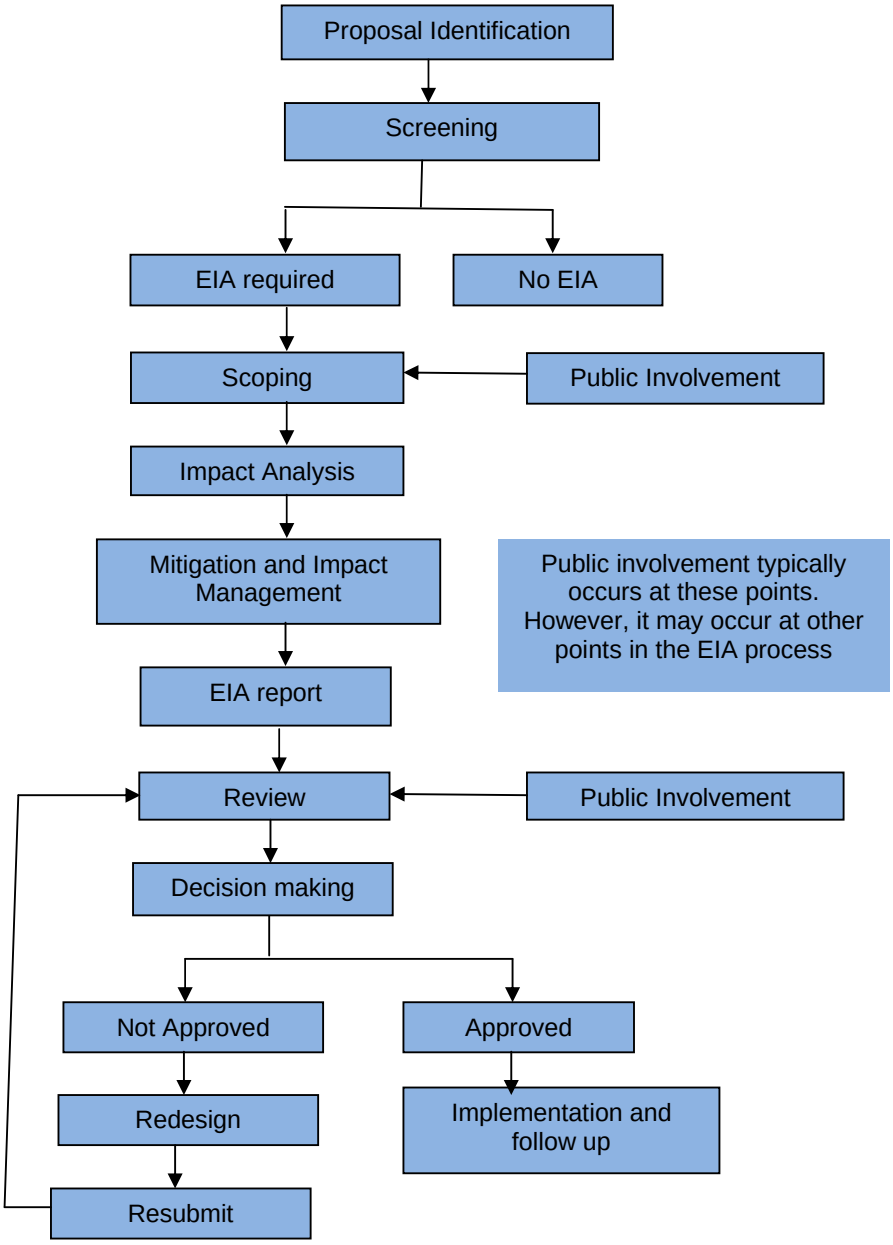
Environmental and Social component	Potential Impacts	Generic Mitigation Measures	Monitoring Indicators	Responsibility
		involve and consult women on proposed projects. Particular attention should be paid to female headed households (FHHs) owning land and using water resources Use existing social structures (e.g. mosque, shuras, CDCs, to begin to build awareness about each stage of the project.		
Inequity	Increase inequities in availability and accessibility of water between downstream and upstream communities; increase local minority ethnic groups' weak bargaining position regarding water distribution	Ensure views of all stakeholders at tail end, middle and up stream are heard and considered in design process. Ensure that final design does not disadvantage downstream communities. Involve traditional management (mirabs) and new water users associations throughout. Increase their skills to handle these issues.	Proper consultation records	IA/ CDC/PMU
Inequity	Increase inequities between downstream and upstream communities	Include in contractors' contracts a social and environmental plan. Review with contractors the requirement to ensure that employment opportunities are equally available to downstream and upstream communities. Ensure that contractors are made aware of and pay particular attention to equity issues where different ethnic groups are located upstream and down stream.	Proper consultation records	IA/ CDC/PMU
Inequity	Increase inequities in availability and accessibility of water between downstream and upstream communities	Local water management system (mirabs) facilitates agreement by upstream, middle and downstream villages on water distribution measures. Particular attention should be paid in cases where there are different ethnic groups living upstream and downstream.	Proper consultation records	IA/ CDC/PMU
Voluntary land Donation/ Compensation	Spark conflict during construction and following completion of project	Discuss and agree processes with farmers and village elders for documenting voluntary land donations and managing related disputes. Encourage community to provide community compensation to project	Proper consultation records	IA/ CDC/PMU

Environmental and Social component	Potential Impacts	Generic Mitigation Measures	Monitoring Indicators	Responsibility
		affected people (PAPs)		
Voluntary land donation	Spark conflict and risk of increasing inequities	Encourage community compensation in case of land requirements to offset any future tensions. Where-ever significant amounts of land are required, community compensation should take place and land be legally transferred to community. Each voluntary land donation agreed should be documented and made public prior to start of construction. Voluntary land donation processes set out in contract with construction company. Review with contractors requirements on handling land donations	Proper consultation records/reports	IA/ CDC/PMU
Lack of community ownership of structure	Structures are not maintained and fall into disrepair.	Assess capacity of existing water management system and develop a plan to strengthen capacity and promote wider ownership within the community		
Lack of community ownership of structures	Structures are not maintained and fall into disrepair	Build capacity of water management system (traditional and new) through systematic awareness raising and training to maintain system and resolve problems faced by water users. Facilitate a formal transfer of project ownership to community	Capacity building plan and implementation	PMU

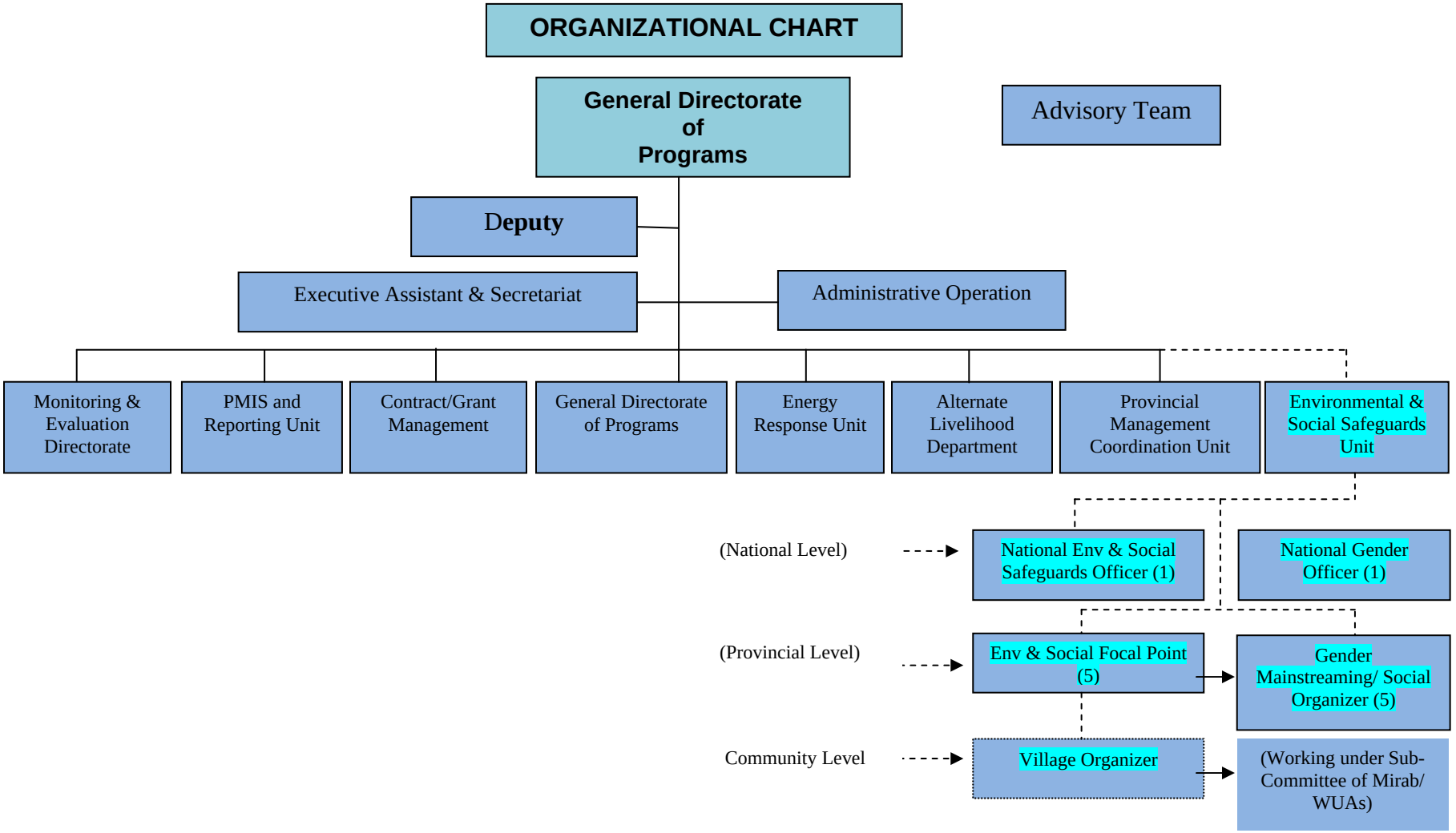
Annex 7
Environmental and Social Management Plan (ESMP)

Subproject Activity	**Potential Environmental and Social Impacts**	**Proposed Mitigation Measure(s)**	**Institutional Responsibilities**	**Cost Estimates**	**Comments (e.g. secondary impacts)**
Pre-Construction Phase (Design)					
Construction Phase					
Operation and Maintenance Phase					

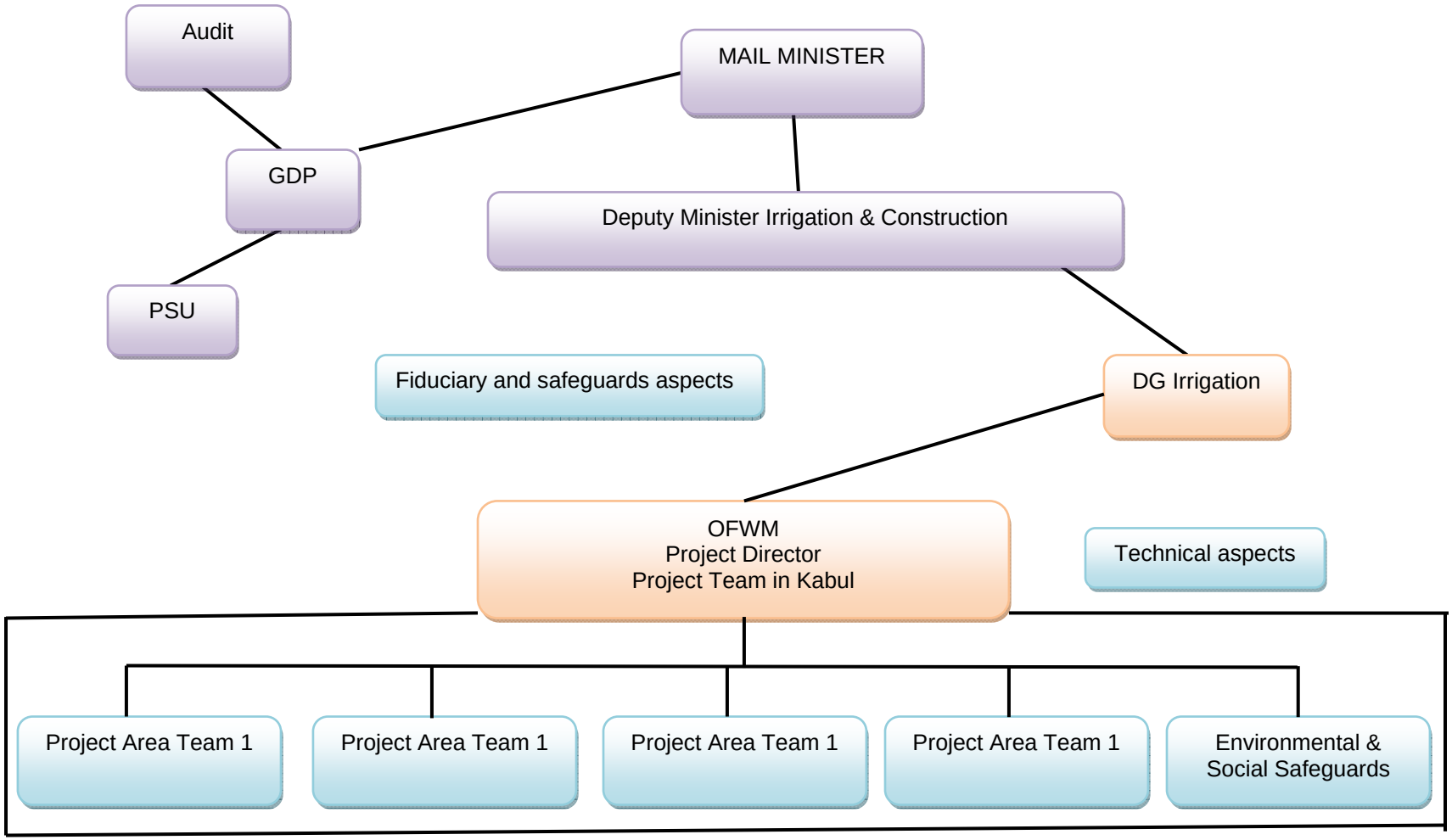
Annex 8
Environmental Impact Assessment Procedure at NEPA



Annex 9
Environmental & Social Safeguards Unit and Staff in OFWMP under GDP, MAIL



Environmental & Social Safeguards Unit in GDP



Annex 10a
Training Plan for Environmental and Social Safeguards

Sl No	Activity	Year I (2010-11)				Year II (2011-12)				Responsibility	
		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	OFWMP	World Bank
1.	Environmental and Social Safeguards Officer (ESSO)			→						Finalization of ToR and employment	Due approval of ToR and consent for deployment
2.	Mainstreaming ESS Training Program				→					Avail Training Manual in regional languages at Area level	Monitoring of progress
3.	ESS Training Manual					→				Incorporate into the Operational Manual (OM) of OFWMP	Due approval
4.	Environmental and Social Focal Point at Project Area level					→				Identify focal points (environmental and social) from the project staff	Monitoring of progress
5.	Public Awareness on ESS at IA/community level					→				Organize exposure visits for men, women and ethnic communities	Help identifying a short-term designer/expert to design Information Education Communication (IEC) materials on ESS

Annex 10b
Training and Capacity-Building Activities at Different Levels

Category	Objective
IAs/Community	• Training in how to use screening checklists to identify environmental and social issues associated with subprojects • Building skills of IA executives to help prepare environmental and social management plans (ESMP) • Building technical know-how required to oversee contractors • Training for sustained use and maintenance of subprojects (e.g. hygiene education for rural water supply and operation and maintenance) • Environmental awareness-building through Information, Education and Communication (IEC) materials, exposure visits to successful sites and experience sharing with fellow community members
Provincial/Project Area level	• Ensure that local engineers/officials have the capacity to assist communities in preparing their subproject proposals, and to appraise, approve and supervise the implementation of subprojects • On-the-job capacity-building for *Mirabs*/local leaders on sub-projects selection and monitoring • Guide IAs to build capacity on ESMF
GDP/OFWMP level	• Training in appraising, funding and monitoring subprojects with a focus on the environmental and social safeguard requirements

Budgeting for Safeguard Compliance and Capacity-Building

The most common costs associated with safeguards in OFWMP projects would be in:

- Safeguards preparation
- Implementation of safeguard measures, including supervision and monitoring;
- Training and awareness; and
- Capacity-building

Annex 11a
Monthly Progress Report of Sub-Projects from the IAs

Sub-Project Monthly Report

Instructions: This form must be sent to the Provincial Manager every month without fail. Attach additional information as needed should the form below not provide enough space.

Progress report for the month of: _____

Sub-Project name: _____

Sub-Project Number: _____

Village/area: _____

District: _____

Progress: (List all the sub-project components and the progress to date, (e.g. siltation, salinization, water-logging, conflict over distribution of water, village meetings etc.)

Component	Description of sub-project to date
1.	
2.	
3.	
4.	

Comments on Sub-Project Progress: (Report if there have been any problems that require the attention and assistance of the Provincial Project Manager).

Problem/Issue	Comments

Annex 11b
Scheduling and Reporting by Area Environmental and Social Focal Point

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

Environmental and Social Progress Report Format

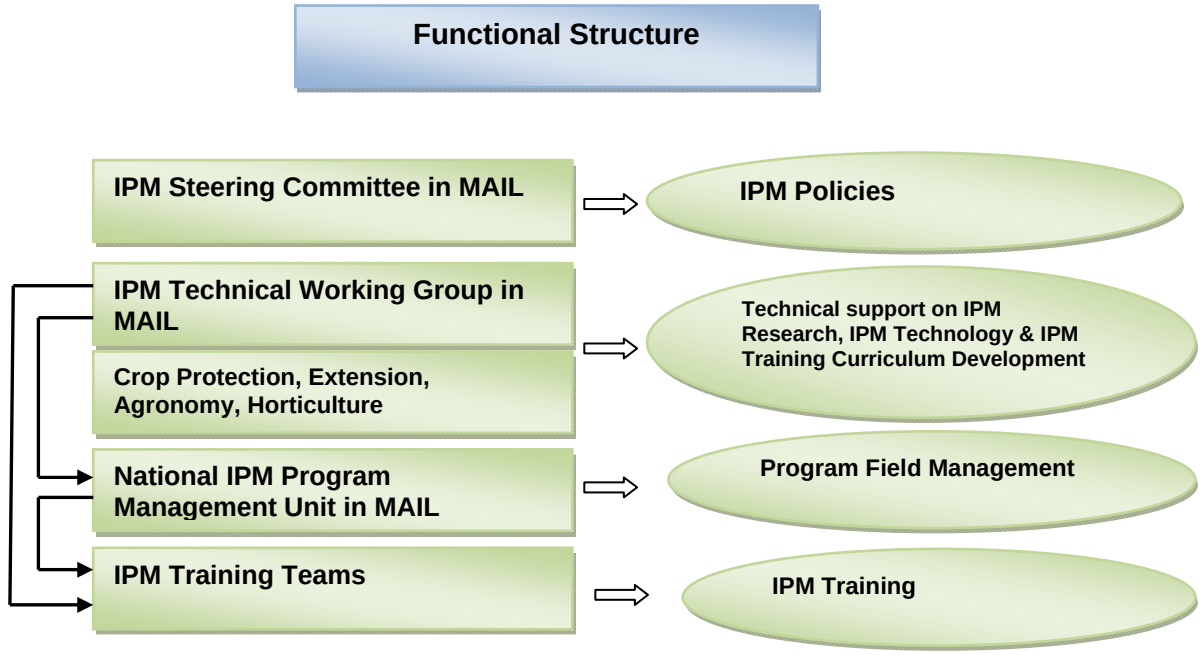
Sl. No	Sub-Project	Key environmental and social issues	Mitigation measures taken	Implementation and monitoring of ESMP	Training & capacity-building programs implemented	Convergence	Lessons learnt	Remarks

Annex 12
Pest Management Plan (PMP) in OFWMP

Pesticides classified under World Health Organization of group 1A and 1B are extremely hazardous. The permitted category is Class II and III. Afghanistan is neither a member of International Plant protection Council (IPPC) nor a member of Rotterdam Convention, the main regulating bodies on pesticides.

The Pesticides Law of Afghanistan was first formulated and is subsequently redrafted in 2009. The body responsible for pesticide regulation in Afghanistan is the Plant Protection and Quarantine Department in MAIL.

Afghanistan National IPM Program



A. Pest Management Approach

Right now Afghan agriculture is faced with four threats that impact to the country's food security.

a) Pests and diseases from outside

The entry of wheat stem rust (Ug99) and corn rootworm will have adverse impact on their production.

b) Pest and diseases from within

Wheat yellow rust continues to cause significant production losses. Besides these, measures need to be developed to control against Moroccan locust, Colorado potato beetle, Baluchistan melon fly etc.

c) Entry and use of illegal pesticides

All agrochemicals used in crop protection in Afghanistan are mainly from China, Iran and Pakistan. The absence of adequate pesticide regulations and enforcement personnel facilitates the entry of illegal pesticides.

d) Absence of international trade related standards

Wheat is the most important staple crop in Afghanistan, making up 80% of all grain production in Afghanistan. Following wheat the most important crops are barley, corn, rice, potatoes and cotton. Nuts and fruits are among Afghanistan's most important exports. Apart from these crops, grapes, melon and water melon are also important crops grown.

Nuts and fruits are the major export crops of Afghanistan. In order to regain market share, it would require development of sanitary and phyto-sanitary (SPSS) measures and Codex-maximum residue levels (MRL) standards pertaining to food safety and plant health regulations of these major export crops.

B. Problems and constraints of pesticide use in Afghanistan

1. An average farm size in Afghanistan varies from 2 to 5 ha of land. These farmers cannot afford many of the more high-tech and expensive inputs available in the market.

2. Afghanistan has had written regulations on pesticide use since 1989, but these are not enforced and are largely ignored due to lack of resources. A new pesticides act has been drafted in 2009 but is yet to be officially adopted.

3. Illegal products, including both non-registered products and internationally banned products, do enter Afghanistan on a regular basis. Many banned pollutants like DDT, dieldrin, HCH, heptachlor and lindane etc. are easily found in retail shops in smaller towns and border towns, because they move easily across land borders.

4. Pesticides repackaging by the local traders is not uncommon in Afghanistan. This results in both sellers and farmers coming into contact with concentrated active ingredient. It is also not uncommon for these traders to dilute the active product with water or talc and sell them to illiterate farmers.

5. It is common practice with farmers to store their pesticides at home and do not lock them out of reach children. Farmers are also not aware of day-to-day health risks and chronic health risks for pesticides.

6. Identification of pests is very important to counter crop diseases. But it is also important to identify beneficial insect pathogens, spiders, predators, and parasites etc.

Incorrect dosage use of pesticides is a serious issue among farmers. Over and under-dose and use of non-selective pesticides can lead to pesticide resistance.

7. There are risks to people eating fruits and vegetables contaminated with pesticide residues. This is especially true with cotton pesticides, which are very often diverted for use on food crops. There is also a likelihood of livestock and domestic animals getting poisoned by accidental exposure to pesticides.

8. There is hardly any personal safety protection equipment available in the market. Even if they are available, the farmers feel reluctant to wear them.

9. Care is hardly taken by the farmers to dispose of expired pesticides. Many of these pesticides remain active even after the expiry date.

If we carefully examine the above-mentioned issues related to use and application of pesticides by the farmers, we find that there are enormous risks of error to occur and farm family members may be acutely or slowly poisoned and their environment polluted and damaged.

Selected List of Crops and Pests identified under On-Farm Water Management Project in Afghanistan

Wheat (Triticum aestivum)
Pests: • Grasshoppers • Aphids • Corn ground beetle
Rice (Oryza sativa)
Pests: • Grasshoppers • Fusarium ear rot/Fusarium stalk rot • Common rust/smut
Corn (Zea mays)
Pests: • Bacterial soft rot • Charcoal rot • Common rust/common smut
Barley (Hordeum vulgare)
Pests: • Bacterial soft rot • Charcoal rot • Common rust/common smut
Potato (Solanum tuberosum)
Pests: • Bacterial ring rot • Cucumber mosaic • Curly top
Cotton (Gossypium)
Pests: • Cut worm • Cotton bollworm • Cotton aphid

Apricot (Prunus americana)
Pests: • Brown rot blossom and twig blight • Ripe fruit rot • Aphids • Branch and twig borer
Peach (Prunus persica)
Pests: • Plum moth • Brown peach aphid • Plum scale
Apple (Malus domestica)
• Powdery mildew • Fire blight • Apple scab
Grapes (Vitis vinifera)
• Downy mildew • Powdery mildew • Armillaria root rot
Almond (Prunus dulcis)
• Aphids • European red mite • Fruit tree leaf roller
Melon and Water Melon
• Anthracnose • Fusarium crown and foot rot • Fusarium wilt
Tomato (Solanum lycopersicum)
• Alternaria stem canker • Fusarium wilt • Beet leafhopper

C. Proposed OWFM/Pest management tools and techniques

- Soil nutrient, texture and pH testing;
- Plant leaf analyses;
- Pest-resistant/tolerant seed;
- Seed treatment with pesticides;
- Raised-bed planting technique;
- Soil sterilization using black plastic and sunlight;
- Use of organic mulch;
- Use of organic fertilizers/soil structure amendments (manure, compost);
- Combinations of organic and mineral fertilizers;
- Crop rotation with and use of green manure crops;
- Early/late plantings/harvestings to avoid pests;
- Use of trap crops to trap and destroy pests;
- Regular field scouting to assess pest levels/damage;
- Ability of farmers to identify pests correctly and also to identify predators, parasites, and pest diseases correctly;
- Pruning and sanitation of diseased plants;
- Planting parasite-attracting plants on field margins;
- Mechanical weed control by hand hoe;
- Use of herbicides for weed control;
- Exclude insect pests by using vegetable tunnels and micro-tunnels;
- Mechanical insect control by hand-picking larvae, pupae, or adults;
- Use of insecticides for insect control;
- Use of fungicides for control of fungus;
- Spot treatment of pest hotspots with insecticides, miticides, or fungicides;
- Use of pheromone traps to monitor moth levels;
- Use of pheromone inundation to confuse moth mating;
- Crop stalks and residue destruction at the end of season; and
- Apply local plant extracts (neem, parathyroid etc.) to kill pests.

D. Measures to deal with pesticides

Some of the measures that need to be taken under OFWMP to deal with issues of pesticides are as follows:

- Development of quarantine protocol and guidelines for boundary quarantine as well as inter-provincial and district quarantine activities to prevent the entry and/or contain the spread of the plant pests and diseases of key agricultural crops.
- Development of knowledge banks on major plant pests and diseases for effective monitoring, specifically life cycles and control mechanisms, including mechanical, cultural and chemical interventions.
- Plant pest and disease surveillance and early warning system for major plant pests and diseases with greater participation of trained farmers.
- Development of bio-control and IPM technologies , including expertise in mass rearing of key bio-control agents against major plant pests and/or diseases; establishment of bio-control laboratories and mass-rearing stations of key bio-control agents.
- Development of regulatory systems for agrochemicals and enforcement of pesticide policies and regulations to prevent entry and use of illegal pesticides currently being smuggled into the country.
- Establishment of pesticide residue laboratories at the provincial level
- Trade-related Plant Protection Regulations: Specifically the development and implementation of SPSS measures and Codex-MRL standards pertaining to food safety and animal/plant health regulations as well as enhancing exports of key Afghan agricultural commodities.
- Development of certification systems for agricultural inputs and products.
- Knowledge and skills on non-formal education techniques and processes to ensure quality training of farmers.

E. Training and capacity building

1. Awareness building among farmers to purchase pesticides in single-use sachets.

2. Provide information and demonstration to farmers in local languages about the labels, chemical composition, use of dosage, risk reduction, safety pictograms and safety equipment and their protection against health hazards etc.

3. Awareness building on storage of pesticides in safer places and keeping them away from children, old and pregnant women.

4. Awareness-building on beneficial pests and insects. Farmers need to be trained to identify beneficial insect pathogens, spiders, predators, and parasites.

5. Farmers need to be trained to keep livestock and domestic animals away from pesticides.

6. Farmers need to be motivated to use safety equipments.

F. Use of pesticides and environmental concerns

Since water and groundwater are a limited resource in some parts of Afghanistan, however, all attempts must be made to reduce contamination.

- Avoid using pesticides in or near the national parks and where endangered species are known to exist.
- Apply pesticides early in the morning before bees forage.
- Apply pesticides at least 35 meters from drinking water sources and open water.
- Use pesticides with low ground water contamination potential where water tables are high or easy to reach.
- Investigate and promote the use of biological pesticides to replace synthetic pesticides.

This Act shall be implemented in line with the International Conventions subscribed by the Government of Afghanistan and the international principles aimed at preserving human and environmental health and conservation with the following specific purposes:

(1) To prevent risks to human or animal health, resulting from the use of pesticides,

(2) To protect the environment,

(3) To facilitate a sustainable crop production and health protection;

(4) To improve the health conditions of farmers and workers using pesticides;

(5) To foster the implementation of Integrated Pest Management practices, and

(6) To facilitate the international trade of agricultural products.

Annex 13

Procedures for Mine Risk Management in World Bank-Funded Projects in Afghanistan

Background:

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

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

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

Procedure for Community-Managed Works

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

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

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

Procedure:

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

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

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

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

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

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

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

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

Procedure for Small and Medium-size Works Contracted Out

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

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

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

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 included an assessment / clearance task, it should not go ahead for selection as long as this has not been corrected.

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

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

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

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

Procedure:

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

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

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

Procedure for Large Works Using Contractors

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

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

Procedure:

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

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

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

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

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

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

c. On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also

hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to chose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.

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

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

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

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

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

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

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

Annex 14
Terms of Reference and Scope of Services

Preparing Environmental and Social Management Framework for the Afghanistan On-Farm Water Management Project

Project Background

The development objective of the Afghanistan On-Farm Water Management Project (OFWMP) is to assist farmers to adopt improved farm practices that increase agricultural production and productivity by enhancing the efficacy of water used for raising crops in conjunction with other farm inputs.

For all World Bank-funded emergency reconstruction and development projects in Afghanistan, a generic safeguards framework has been developed. The environmental and social management framework (ESMF) approach was chosen because, although project interventions have been well-defined, there are uncertainties given the overall post-conflict operational context, which requires substantial flexibility during implementation. The ESMF prescribes specific mitigation and enhancement measures to address the social and environmental aspects of the project. In addition, safeguards screening guidelines have been provided for possible subsequent variations in project interventions or possible additional investments. Since 2004, the World Bank has conducted a series of workshops on environmental and social safeguards management for the Afghanistan country program. However, recent safeguards reviews and supervision missions indicate that while the ESMF may be sound, implementation and monitoring remain weak.

In Afghanistan capacity and resources constraints, lack of social and environmental education, current environmental management practices and regulations as well as competing priorities of the government, all contribute to a lack of appreciation of the potential and cumulative impacts that irrigation and other agriculture projects can have on the local environment and communities. As a result these potential impacts are largely ignored. Despite the efforts made by the task teams of the World Bank, implementation of the ESMF remains weak in most projects, and closer monitoring and additional training to the implementing partners are required to enhance project performance in these aspects.

In the case of the OFWMP, the ESMF needs to be supplemented with a baseline assessment of the five proposed areas of intervention. This assessment should also provide recommendations for site specific mitigation actions as well as a monitoring and supervision plan. Another key aspect of importance is the consultative process for identifying issues and opportunities that may arise under the project. A major part of this assessment should consist of a structured consultation with communities in order to appropriately capture their concerns (and aspirations) during project design. In addition a mechanism should be established for their involvement during supervision and implementation.

Consultant's Assignment

The consultant shall assess the local needs and propose relevant recommendations in the specific context of Afghanistan that can overcome the identified ESMF implementation weaknesses for the proposed OFWMP and other relevant projects. The consultant shall also carry out a training needs assessment as part of the ESMF. Said assessment will need to overlap to the maximum extent possible with part of the site surveys in the field (which include assessment of scope of small infrastructure works to be carried out, evaluation of water user organizations' status, and farmers' needs and constraints) and are also part of the project preparation phase.

The consultant shall undertake in his/her assignments the following specific tasks:

A. Assessment of past ESMF and PMP implementation in Irrigation and Agriculture Sector Projects

- Critically assess implementation and management of safeguards in HLP, EIRP and other relevant projects and compare with experiences from NERAP and EPRP. This will be done through review of relevant project documentation and selected field visits to relevant project sites and interviews/discussions with stakeholders.
- Review whether Land Acquisition has taken place in any sub-projects of EIRP and other similar projects and if ESMF guidelines and procedures were followed including documentation of the process. If ESMF guidelines were not followed, identify the constraints that explain why the ESMF was not followed.
- **Review experiences of safeguards implementation and monitoring from related projects of NSP, HLP, EIRP etc.**
- Collect and review all relevant documents, e.g. Afghanistan Agriculture Development Master Plan, Afghanistan Water Law, Environment Law, Natural Resources and Forest Law, Land Acquisition Law, Law on managing land affairs, law on preservation of Afghanistan historical and cultural artefacts, relevant regulations including project documents of HLP and its ESMF and PMP as well as any document of OFWM projects carried out by NGOs etc.
- Collect and review relevant World Bank Operation Policies, especially OP 4.01, OP 4.12 and OP 4.09 as well as other relevant Bank Procedures.
- Meet with key relevant staff of World Bank funded projects, e.g. staff of HLP, NERAP, EIRP and EPRP to discuss ESMF compliance and actions taken, and what the problems are so far.
- Meet with relevant NEPA staff and get informed about the organization's requirements.
- Identify a carefully selected group of subprojects, representative of the overall set of EIRP and HLP subprojects with respect to subproject sizes, types and locations and any other criteria that the consultant determines to be pertinent to the analysis, in order to review ESMF and PMP compliance.
- Undertake review of documentation of the selected group of subprojects for ESMF and PMP compliance.
- Study the HLP Pest Management Plan (PMP) and the survey results regarding pesticide use and availability in the market undertaken by HLP.

Assessment of Safeguards Requirements for the proposed OFWMP

- Identify individual and/or stakeholder groups relevant to the proposed OFWMP and to social and environmental issues; and undertake consultations with selected stakeholders with special attention to Water Users Organizations (WUOs).
- Investigate macro/regional level social and environmental issues that would need to be considered in the analysis of alternatives, planning and design of the sub-projects. Develop a plan to address the identified macro/regional social and environmental issues.
- Integrate the main findings of past small scale irrigation investments into the Study and Baseline Survey.

B. Draft ESMF for the OFWMP, including procedural guidelines/tools and methods for implementation and documentation

The draft ESMF will allow the early identification of potential adverse social and environmental impacts and provide broad guidance for their effective mitigation. Consistent with existing national legislation, the objective of the ESMF is to help ensure that activities under the proposed OFWMP will:

- Protect human health
- Prevent or compensate any loss of livelihood
- Prevent environmental degradation as a result of either individual subprojects or their cumulative effects
- Enhance positive environmental and social outcomes
- Ensure compliance with World Bank safeguard policies as well as Afghanistan Environmental Law.

Since the proposed OFWMP will support multiple sub-projects whose detailed designs may not be known at appraisal, the ESMF shall ensure due diligence in managing potential environmental and social risks and the effective application of the World Bank's safeguard policies. To achieve this, the Framework will provide guidance on the approach to be taken during implementation for the selection and design of sub-projects, and the planning and description of feasible and appropriate mitigation and environmental enhancement measures. In short the revised Framework shall describe how the potential environmental and social impacts of all sub-projects will be managed during preparation, implementation, and in the post-implementation periods. The revised ESMF will:

- Assess the draft proposal for OFWM Project in terms of safeguards requirements according to national legislation (Environmental Act) and other relevant regulations, WB operational policies and update/revise the ESMF accordingly in view of the above assessment.
- Identify criteria for triggers that would activate national policies on ESMF issues as well as World Bank Policies most relevant such as OP 4.12 on Land Acquisition, OP 4.9 on Pest Management and OP 4.01 on Environmental Assessments. Include generic ESMP in the revised ESMF to be followed in case these are triggered.
- Formulate an appropriate safeguards approach based on the findings of past safeguards implementation in EIRP, HLP and other similar projects.
- Include screening procedures for environmental and social issues at the sub-project level, including exclusion criteria, if any and appropriate confirmation of de-mining of project areas.

- Incorporate effective monitoring, inspection and environmental auditing and reporting measures to be followed by the borrower.
- Propose procedures for a sample social and environmental impact assessment (SEIA) of sub-projects. The procedures will include a format for a simple checklist of social and environmental criteria to be taken into account in the evaluation of sub-projects and a process to discuss social and environmental issues with the communities and other stakeholders throughout the process of sub project formulation and implementation. The procedures should be designed to ensure that the SEIA process is seen as assisting the design of sub-projects and not as an obstacle to project implementation
- Develop guidelines to ensure that the operation and maintenance plans prepared by communities and local government for new investments take into account social and environmental considerations and mitigation measures identified during sub project evaluation.

C. Assessment of capacity constraints and development of draft Capacity Building Plan and draft supervision/monitoring and reporting strategy for ESMF in OFWM

A Capacity Building Plan should be prepared to mainstream social and environmental management in the activities by the end of project implementation period. Earmarking staff for environmental and social management and improving their skill-sets would be simultaneously pursued during project preparation and implementation. The following three investigations will be covered in the plan:

- Identify institutional, training and monitoring requirements associated with the social and environmental impacts, mitigation measures and enhancements.
- Assess the managerial and professional capacities in MAIL to supervise, monitor and implement the ESMF, and/ or other Implementing Partner agency as well as in the contracting firms and identify constraints and needs including institutional constraints.
- Draft plan for capacity building in MAIL for understanding the concept and process of the Environmental and Social Safeguards, including the Initial Environmental and Social Assessment (IESA) and making the generic ESMP and its implementation and procedures and documentation associated with Land Acquisition. Include a plan for building adequate social and environmental management capacity in the implementing agencies (clients), their Implementing Partner agency and the contracting firms.

In addition, a strengthened Monitoring, Reporting and Supervision Strategy will be formulated for implementation of ESMF with specific recommendations for the PMU and MAIL. Any relevant changes to guidelines, standards and regulations which would improve medium and long term environmental and social management in the Departments of MAIL should be included.

Outputs

The final comprehensive report should include the four areas detailed below along with an estimated budget for the Capacity Building and supervision/monitoring of the draft ESMF:

A. Assessment of past ESMF implementation in irrigation and agriculture projects and comparison with experiences from related projects of NERAP and EPRP projects.

B. Assessment of social and environmental impact of the proposed OFWMP and consequent safeguards requirements.

C. Revised draft ESMF including procedural guidelines/tools and methods for implementation with attached forms.

D. Prepare the first phase Pest Management Plan (PMP) designed to minimize potential adverse impacts on human health and the environment and to advance IPM methods. The first phase of the plan – an initial reconnaissance to identify the main pest problems and their contexts (ecological, agricultural, public health, economic and institutional) and to define broad parameters – is carried out as part of project preparation and is evaluated at appraisal. The second phase – development of specific operational plans to address the pest problems indentified – will be carried out as a component of the project itself.

E. Assessment of capacity constraints in implementing ministries and agencies vis-à-vis implementation of ESMF and draft a plan for Capacity Building and proposal for supervision/monitoring and reporting of ESMF in OFWM and MAIL.

Finally, prepare the completed ESMF report including all parts mentioned above with procedural guidelines/tools and methods for implementation with attached forms.

EXPERT'S PROFILE

The consultant should have expertise and experience in both Environmental and Social Management issues as highlighted in the following:

- Environmental and/or social university degree (post-graduate);
- At least 10 years of experience in project management, design and implementation of environment and social related projects and programs in developing countries;
- Experience with post-conflict situations;
- Experience with World Bank rules and procedures;
- Good communication skills and fluency in English (essential);
- Proven satisfactory record regarding similar consultancies in the near past;
- Good experience in the design and implementation of institutional reform, public administration capacity building related projects.

Reporting

The consultant will undertake the assignment over a period of 40 days. During that time s/he will work in the MAIL office premises in Kabul and visit at least two of the four sites being surveyed within the context of the preparation of the OFWMP, followed by report writing at a chosen place of residence. The detailed schedule would be as follows:

From day of arrival:
(Dates will be finalized at contract signature)
___to ___

Kabul: Review of project documentation, consultation with MAIL, NEPA, WB and other agencies' staff, selection of subproject sites to visit (15 days)

___to ___
Project Area: Site visits (6 days)

___to___
Kabul: Report Writing (7 days)

___Kabul: Submission of First Draft

___to___
Place of residence: Report Writing and Revision (12 days)

___ Submission of Final Report

ANNEX B

CONSULTANT'S REPORTING OBLIGATIONS

1. Deliverables and Reporting Schedule:

Reporting

The consultant will undertake the assignment over a period of 40 days. During that time s/he will work in the MAIL office premises in Kabul and visit at least two of the four sites being surveyed within the context of the preparation of the OFWMP, followed by report writing at a chosen place of residence. The detailed schedule would be as follows:

From day of arrival:
(Dates will be finalized at contract signature)
___to ___
Kabul: Review of project documentation, consultation with MAIL, NEPA, WB and other agencies' staff, selection of subproject sites to visit (15 days)

___to ___
Project Area: Site visits (6 days)

___to___
Kabul: Report Writing (7 days)

___Kabul: Submission of First Draft

___to___
Place of residence: Report Writing and Revision (12 days)

___ Submission of Final Report

Annex 15
Meeting with key staff of the World Bank and Others

1. Mr. Johannes (Hans) Jansen, Sr. Agricultural Economist (TTL), WB
2. Mr. Philippe j de Nauris, Consultant, WB
3. Mr. Arif Rasuli, Sr. Environmental Specialist, WB
4. Mr. Abdul Md. Durani, Social Specialist, WB
5. Mr. Assad Zamir, Director General, GDP, MAIL
6. Er. Habib, MAIL
7. Dr. Atiq, MAIL
8. Er. Noor Mohammed Fazli, Director of Environmental Assessment & Sustainable Development, NEPA
9. Mr. Waleed K Mahdi, Team Leader, EIRP, MEW
10. Mr. Shankaracharya, Hydrologist, EIRP, MEW
11. Dr. Barry Stride, Chief technical Advisor, IPM, FAO
12. Mr. Khair Mohammed, Master Mirab of Sakardhara
13. Ajmal Shams, Head Engineering Department, NSP, MRRD
14. Dr. Herman Vis, Livestock Specialist, HLP, MAIL
15. Mr. Mohammad Ishaq Sahibzada, Safeguard Coordinator, NRAP, MRRD
16. Er. Zarafshan Nadiry, Gender Officer, NRAP, MRRD
17. Mr. Abdul Ghafar Ahmadi, Director of Plant Protection and Quarantine, MAIL
18. Ms Sarah Gray, CARD-F, MAIL

Annex 16
List of References

1. **Schroeder, Alan (2008):** Pesticide Evaluation Report and Safer Use Action Plan (PERSUAP), Afghanistan Accelerating Sustainable Agriculture Program (ASAP).
2. **HLP, MAIL:** Environment and Social Safeguards Framework for the Emergency Horticulture and Livestock Productivity Project (HLP).
3. **UNEP/NEPA (2007):** A Guide to Environmental Law of Afghanistan.
4. **Report No.: AC5287:** Integrated Safeguards Data Sheet Concept Stage (OFWMP).
5. **Emergency Horticulture and Livestock Project (2009), MAIL:** Pest Management Plan.
6. **Report No.: AC5287 (2010):** Integrated Safeguards Data Sheet Concept Stage.
7. **USAID (2006):** Afghanistan Accelerating Sustainable Agriculture Program (ASAP): Pesticide Evaluation Report And Safer Use Action Plan (PERSUAP).
8. **Mamata Swain and Deepak Kumar Das (2008):** Participatory Irrigation Management in India: Implementations and Gaps.
9. **Abdullah Aini (2007):** Water Conservation in Afghanistan, Rural Engineering Coordinator Swedish Committee for Afghanistan (SCA), Journal of Developments in Sustainable Agriculture, 2:51-58.
10. **Vincent Thomas and Mujeeb Ahmad (2009):** A Historical Perspective on the Mirab System: A Case Study of the Jangharoq Canal, Baghlan, AREU Case Study Series, Aga Khan Foundation, Afghanistan**.**
11. **The World Bank (2001): Mainstreaming** Safeguard Policy Compliance Within Community-Driven Development Initiatives (CDDI) In World Bank - Funded Operations.
12. **Asian Development Bank (2009):** Safeguards Policy Statement
13. **Asian Development Bank (2002):** Environmental Policy of the Asian Development Bank.
14. **The World Bank (2006):** Simplifying Safeguards - Addressing Environmental and Social Issues.
15. **Binamira, Jesie (2010):** Consultant's Report on Afghanistan National IPM Program, GCP/AFG/058/NOR, MAIL.
16. **Afghanistan Agriculture Development Master Plan (2008)**
17. **McAuslan, Patrick (2007):** Land Acquisition in Afghanistan: A Report, The World Bank, SDU, South Asia.
18. **Wily, Liz Alden (2004):** Putting Rural Land Registration in Perspective: The Afghanistan Case, AREU, Afghanistan.

Annex 17
Social Issues and Stakeholder Groups relevant to the proposed OFWMP

Existing irrigation systems and their management

Over the last few years a number of studies have been carried out on the existing irrigation system in Afghanistan and their management. Informal systems water management systems traditionally developed and managed by local communities have existed for generations. These informal systems account for an estimated 90 percent of the country's irrigated area. Surface water systems supply some 86% of irrigated areas, and while the process and operation of organizations vary, surface water systems are largely locally managed as autonomous units, under the leadership of a *mirab*. In both surface water systems and *karez* systems, water allocations are based on water entitlements and rotations, with customary rules guiding rights and locations of access to water. Altogether, there is a great deal of variation in the status and functionality of traditional community-based *mirab* systems across the country. While the water entitlements and rotations in the informal systems aims at ensuring equitable access to water, factors such power relations associated with socioeconomic differences, ethnic and cultural relations, and structural and geographic factors are the main drivers of inequity. The variation in informal systems across the country is thus not only spatial, but has also varied over time and the effectiveness of these systems has always been dependent upon the effectiveness of their linkages with government institutions and state regimes – and the years of displacement and conflict have taken their toll on the maintenance and functionality of the informal systems.
Linking local community-based institutions with formal state institutions with the goal of creating sustainable and effective irrigation management systems are thus essential.

Inequity in irrigation is usually experienced in two ways: in accessing the resource – e.g. people upstream have better access than those living downstream - and in sharing a common water resource. These inequities are perpetuated by a range of factors including unequal power relations as a result of socio-economic differences within communities, ethnic relations often determined by a dominant ethnic group, cultural norms - particularly gender related - and structural factors such as weaknesses in water management institutions. Many *mirab*s, faced with the realities of deeply entrenched local power structures, weak or fragile provincial government institutions and warlordism, may choose to ignore issues of inequity.

Historically it is the communities that have managed, maintained and organized the irrigation systems in Afghanistan, not the government. Until a better management system is proposed, there is no justification for abandoning a framework which has survived for generations, both in times of war and peace. Rather, the existing system should be affirmed and every effort should be made to build in additional capacity to the system. In terms of capacity building, the following measures could be taken to strengthen the existing *Mirab* system.

- The existing *Mirab* system involved in the management of irrigation water resources shall be strengthened towards formal Irrigation Associations (IA). The present *Mirab* culture will be

preserved, but would be structured so as to improve its management effectiveness and enhance its legitimacy and power.

- They *Mirab* system could be converted into more management-oriented, accountable and transparent institutions, developed through democratic process, acceptable to local and regional values, norms and customs.
- Although management issues such as inequitable water distribution, collective maintenance of structures are major issues, from the farmers' point of view the crucial issues still remain to bring more water to the main canal, de-silting the canals to increase their capacity and building off-takes to improve control over flow etc. Therefore, if the technical capacities of the *Mirabs* along with providing sufficient water to the tail-ends are taken care of, the symbiotic relationship between water-master and water-users can be significantly improved in due course of time.

Stakeholder Participation

Both the new Water Law and the Water Sector Strategy (WSS) promote an integrated water resources management (IWRM) approach based on a transition towards river basin development and a strong role for local stakeholder participation. The WSS has an explicit commitment to poverty reduction in Afghanistan through a 'livelihood centered' IWRM approach and stresses the need to build the capacity of all stakeholders and support farmers and other poor water users to achieve sustainable livelihoods.[1] It urges that at the same time as physical infrastructure is repaired ongoing discussions and training should be held with communities, not just to improve on-farm water management but, crucially, to determine viable options for different agricultural systems and alternative crops. In particular, 'end-user' participation in decision making relating to water resource management, operation and maintenance of water supply systems and agreeing water use allocations is stressed. Throughout the years of conflict, NGOs developed and maintained strong links with rural communities in all provinces and the WSS proposes 'broadening' their role to 'coach' Water Users Associations and members of Community Development Councils (CDCs) in conservation techniques and water management systems.[2] Likewise, the Water Law encourages stakeholder involvement in overall IWRM planning and management and recognizes that participation is especially important at local level when problems faced by water users can be resolved more easily. NGOs are seen as having a vital role in supporting the participation of end-users through appropriate training and capacity development initiatives.

The Law recognizes the key role of local water users in the protection and management of water resources. MEW and MAIL both have responsibility for setting up user association. Article 10 assigns MEW the task of establishing water users associations and under Article 11 MAIL is charged with establishing irrigation associations. MEW and MAIL are required to cooperate and help build the capacity of water user associations and support them in acquiring registration and official recognition. The role of irrigation associations is further elaborated under Article 23 which states that MAIL can delegate responsibility for the distribution of water within irrigation networks in designated areas to

[1] Water Sector Strategy , 2007/08 – 2012/13, p.16
[2] WSS/ANDS. P.29

registered Irrigation Associations.[3] In the same Article an explicit link is made between these new associations and the traditional management of irrigation systems which allows Irrigation Associations to delegate the management and responsibility of water rights to a *Mirab Bashi* or *Mirab* designated by the Association.

Irrigation Association (IA)

Provisions for a shift from existing traditional water rights to a system of permits are set out in Article 20 of the Water Law. The Law states that permits will gradually replace existing water rights 'in accordance with the policies of the relevant River Basin Agency' and makes clear that following registration water users associations will be eligible to receive permits. No description of water rights is included in the Law although definitions are provided for water permits and licenses under Article 3, and no definition of irrigation association are included, either.

In the OFWMP it is proposed that the IAs should be endogenously created based on identified needs, common interests, and collective effort. The existing social capital, such as social networks, kinship ties, and community solidarity, should be used to foster IAs.

The basic objectives of organizing Irrigation Associations in OFWMP at the sub-project level would be to give high priority to developing efficient irrigation water usage. This will involve technical education, technical assistance from the OFWMP and/or its delegated representatives, such as CDCs and civil society organizations. Specifically the role and responsibilities of the IA would be as follows:

- Community education in water issues
- More efficient and equitable water distribution
- Demand management of irrigated water
- General water resources management with particular reference to groundwater
- Irrigation infrastructure operation and maintenance
- Ensure cooperation in data collection, use of hydrologic data, and responsiveness to its implications, and
- Appropriate water quality and public health protection etc.

The basic aim would be to progressively transfer the ownership, management, operation, maintenance of water infrastructure to IAs. The OFWMP in this case will act as the primary source of water-related information, and will take the lead in planning the practical enablement of IWAs. Technical assistance, including the training of water-user groups in all matters relating to water resources management, and the social organization required to achieve this, will be coordinated by the OFWMP, and undertaken through a range of implementing agencies, including the irrigation department, CDCs, MEW (EIRP) and the NEPA.

Equitable and efficient irrigation will be implemented by the following:

[3] This may be at odds with paragraph 2 of Article 11 which refers to MAIL overseeing equitable distribution of water within irrigation network with cooperation from Water Users Associations.

- Water in irrigation systems will be allocated with equity and social justice.
- Disparities in the availability of water between head-reach and tail-end farms and between large and small farms will be minimized by adoption of a rotational water distribution system.
- Irrigation water losses will be minimized through on-farm improvements undertaken by farmers
- A programme may progressively be implemented to allocate irrigation water on a volumetric basis rather than a time-share as determined by crop-water requirements and water availability during drought.
- Water-use and land-use policies need to be integrated.
- Farmers will be encouraged to adopt scientific water management through education and training in improved farm practices, such as through the use of sprinkler and drip irrigation systems.

Social Inclusion

As in many other countries irrigation governance in Afghanistan is an almost exclusive preserve of men, despite women playing an important role in agriculture. Special attention needs to be paid to female-headed households, both those with and without land, as they are generally amongst the most vulnerable in communities and risk having their rights ignored. Although women's ownership of land is not widespread it is important to ensure that their land rights, and their water rights, receive equal recognition.

The Afghan government's commitment to addressing gender equality principles in social and economic development is evident in the Water Sector Strategy and the Afghan national Development Strategy (ANDS). Using established community structures to involve women meaningfully in the new OFWMP will be a challenge and will need to be approached with renewed effort and imagination. Working with women can be done only with female staff and currently there are no female CWDAs employed in the program. Program Management may wish to revisit incentives to attract suitably qualified women to the project and/or explore collaborative ventures with local NGOs which enable access to women. Women's CDCs should be explored as a possible vehicle for increasing women's participation in the project.