

AFGHANISTAN RECONSTRUCTION TRUST FUND
Higher Education System Improvement Project, HESIP (P146184)
Project Preparation Grant (PPG) Application to ARTF Management Committee
MC Meeting Date: June 17, 2013

Applicant:	Islamic Republic of Afghanistan (IRoA)
Brief Description:	<p>The Ministry of Higher Education is in the process of updating its National Higher Education Strategic Plan (2010-2014) and preparing a development program to cover the period 2015-2019.</p> <p>Key elements of this updated program include increasing the participation of female students in higher education, expanding the stock of well-qualified academic staff in universities, developing systems for greater autonomy and accountability of universities, and improving the labor market orientation of degree programs. The proposed Higher Education Systems Improvement Project (HESIP) will support this updated higher education strategic plan and the development program for 2015-2019.</p>
Project Development Objective (PDO):	The PDO is to improve the conditions for teaching and learning in universities.
Performance Indicators:	<p><i>Indicative performance indicators for the proposed project are:</i></p> <ul style="list-style-type: none"> • Number of male and female students in universities • Number of faculty members with at least Masters degrees • Beneficiary satisfaction surveys implemented and used in university development programs according to a regular and systematic cycle. <p><i>Proposed performance indicators for the PPG are:</i></p> <ul style="list-style-type: none"> • Completion of construction of Economics and Literature faculty buildings (Kandahar University), procurement of laboratory equipment for the Alberoni, Balkh, Nangarhar, Herat and Kandahar universities, and professional and faculty development through completion of ongoing degree programs started under the Strengthening Higher Education Program (P089040). • Existing National Higher Education Strategic Plan updated and a development program prepared for the period 2015-2019.
Sector:	Education
Location:	Afghanistan
Total Project Cost:	USD 50.0 million
Amount Requested for ARTF Approval:	\$4.90 million advance grant from the proposed \$50 million grant for the proposed Higher Education Systems Improvement Project.
Implementing Agency:	Ministry of Higher Education (MoHE)
Implementing	The HESIP is expected to be implemented over five and a half years, from July

Period:	31, 2014-December 31, 2019. The PPG is expected to close on December 31, 2014.	
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Reviewed and cleared by the Administrator:	reviewed and cleared by) Country Management and Sector Management Units; Legal Department; Loan Department; Financial Management; Procurement.	

AFGHANISTAN RECONSTRUCTION TRUST FUND
Afghanistan Higher Education System Improvement Project (P146184)
Request for Funds for Project Preparation
(US\$4.90 million)
MC Meeting Date: June 17, 2013

I. Introduction and Context

A. Country Context

1. The Afghan economy needs sustainable sources of long-term inclusive growth. The extremely high level of current annual aid (estimated at \$15.7 billion in 2010¹) is roughly the same dollar amount as Afghanistan's GDP and will not be sustained at such levels post 2014. The decline in security and civilian aid as a result of the withdrawal of international troops will exert a drag on the overall economy at a time when growth is vitally needed to cope with fiscal and demographic pressures. Growth, under reasonably optimistic scenarios which hinge on good progress in mining and relative stable security environment, is projected to fall from a ten year average of 10% per year to between 4-6% per year during 2011-18. With an annual population growth of 2.8%, this would mean only limited improvement in average per-capita income, continuing high rates of underemployment and little progress in reducing poverty. Only growth at the upper level of the range of plausible scenarios would enable Afghanistan to meaningfully reduce poverty and achieve higher per-capita incomes. For example, with real GDP growth of 6% per year, average per-capita income—currently one of the world's lowest, at US\$528 dollars—would take 22 years, or about a generation, to double.

2. Agriculture and natural resource development are likely to be the most important sectors to drive growth, but alone will be insufficient. Investment by industrial, processing and logistic enterprises as a means to add value to the agriculture and resource sectors will be the key drivers of growth and, especially of job creation. Improving literacy, skills and education in Afghanistan is a key priority to fostering inclusive growth. The human capital stock in Afghanistan is extremely low in spite of significant improvements over the past decade. Only one out of four Afghans aged 16 or above is able to read and write or has completed some formal level of schooling. It is therefore paramount that investments in education at all levels remain a priority in Afghanistan's development strategy. Education is one of the top three priorities relating to the country's economic and social development in the Afghanistan National Development Strategy (ANDS).

B. Sectoral and Institutional Context²

3. Enhancing education outcomes and accelerating human capital accumulation is at the heart of the ANDS. The government is fully aware of the rising importance of human capital in the modern global economy, and recognizes the contribution that education can make to promoting the civic values and attitudes needed for a modern, enlightened democracy, and to the development of a socially cohesive nation. The Ministry of Higher Education (MoHE) has a

¹ This amount includes security aid. Civilian aid is approximately \$6 billion.

² See "Higher Education in Afghanistan, An Emerging Mountainscape", World Bank, May 2013.

National Higher Education Strategic Plan (NHESP), 2010-2014, produced through a wide-ranging process of consultation with key stakeholders in the higher education sector, which is linked to the ANDS. The NHESP set out the vision, goals and objectives of the higher education system, and emphasized seven priority values: higher quality of tertiary education; promoting national unity; ethics and integrity; equity; good governance, effectiveness and efficiency; institutional autonomy; and public accountability. The MoHE is now in the process of updating the existing NHESP and preparing a Development Program for 2015-2019.

4. **Higher education enrolment in Afghanistan (a gross enrolment ratio of about 3%) is one of the lowest in the world.** Among countries comparable to Afghanistan, in terms of income per capita and/or their geographical locations close to Afghanistan, only three countries, Burundi, Chad and Eritrea have lower higher education enrolment rates. Countries with per capita incomes closest to Afghanistan, such as Guinea, Rwanda and Togo, have higher gross enrolment rates. Two main reasons for the low enrolment in Afghanistan are: first, the 1980s and 1990s were a turbulent and violent period in the country, and education attainment levels declined, and second, education attainment among women is particularly low in Afghanistan, at only 19% of all students enrolled in public universities and higher education institutions in 2012. Low female enrolment is partly due to (i) the smaller number of girls compared to boys in the secondary school system, which reduces the pool of women available to move on to higher education, and (ii) the lack of sufficient transport services, and sanitation and residential facilities in campuses, for young women to attend university.

5. **Afghanistan will need to expand enrolment in higher education over time.** There is strong demand for higher education from secondary school completers, and the pressure for expansion is already being felt in both public and private higher education institutions. The Government needs to develop a rational and efficient strategy for increasing higher education enrolment. Expanding the enrolment of young women would be particularly important. To achieve this, Afghanistan will need to provide for facilities that female students and staff consider very important, such as adequate sanitation on-campus, secure residential facilities, and safe transportation for female students.

6. **Developing a good quality university system is a key challenge facing Afghanistan.** The quality of a university system has multiple dimensions, e.g., the quality of academic performance of students, the economic and social relevance of graduates, and the research outputs of academic staff. The various dimensions of university education quality are, in turn, the result of a number of inputs and processes, and their interactions and inter-relationships. Afghanistan is beginning to address these elements of higher education quality, after a period of reconstruction of the university system.

7. **Adequately qualified, well-motivated academic staff members are essential for successful development of higher education.** The State and individual higher education institutions will both benefit by recruiting and retaining academic and managerial staff of appropriate quality into the higher education sector. Human resource policy initiatives are often aimed at new academic staff: the inflow into the system. However, as great a challenge for many academic systems is changing the skills and work culture of the stock of existing academics in current system, especially older, well-established staff. Continuing staff

development is extremely important to strengthen the quality of academic work. This is relevant for young staff entering the profession and for mid-career academics. Staff development centers typically train academics in modern teaching-learning methods, the use of technology in instruction, the structuring of curricula and the design of courses, assessment methods, communication and motivation. A good staff development center itself needs to be staffed by suitably qualified, trained and competent full-time academic staff and a management cadre.

8. **A substantial proportion of physical facilities in many universities are in poor condition and unsuitable for modern teaching and learning.** The country needs to invest in a long-term repair, renovation and refurbishment program. The government could set aside a specific fund for this purpose over a designated period of, say, five years. The resources invested in the fund need to be linked to the creation of a maintenance culture. This would require the provision of adequate resources each year for a rolling preventive maintenance program, as well as training, and the application and enforcement of efficient work norms, for maintenance staff.

9. **The MoHE has commenced the development of a Quality Assurance (QA) system** by undertaking external quality assurance reviews of public universities. The universities also have Quality Assurance cells, to assist with the internal review process. The MoHE has initiated the development of protocols and procedures, training of staff, and implementation of reviews. While there has been good progress on quality assurance at a basic level in the recent past, the system now needs to be raised to a new level. Establishing linkages with international Quality Assurance networks can be very useful for Afghanistan. The Afghan higher education sector has been relatively isolated, and the universities have been separated from the levels of quality observed internationally. It will be difficult for Afghan universities to demonstrate that their QA standards are of adequate rigor and substance. As a result, it would be useful for the QA system to be linked with recognized international QA networks. The establishment and development of Internal Quality Assurance Units (IQAUs) would be a key policy measure. The aim of an IQAU is to support the Chancellor, Vice-Chancellor and heads of faculties and departments to establish and maintain a continuous quality culture in the university.

10. **Afghan public universities have historically operated in a highly centralized structure with little autonomy.** There are considerable limitations and constraints for the public universities to exercise academic and administrative autonomy. Academic responsibilities such as: (a) appointments, promotions, salaries and dismissal of academic staff; (b) establishment of academic standards and curricula; (c) decisions on the size of enrolments; (d) awarding of degrees; and (e) decisions on the introduction of new courses and the elimination of old courses, require review and approval by the MoHE. Procedural responsibilities such as procurement and purchase of material, and financial management, are also considerably centralized. Higher education policy makers in Afghanistan need to decide the degree of autonomy, and the type of accountability, which is needed to promote high quality public universities. Preferably, academic autonomy should be maximized, subject to the requirements and constraints of a centrally funded public university system. The curricula offered in various degree programs, the teaching-learning processes, and the assessments methods, should be devolved to the individual universities, as far as possible. The only regulation would be through a sound quality assurance and accreditation process. Universities

would themselves participate in this quality assurance process through regular self-reviews, combined with external reviews. Similarly, universities and academics should enjoy full autonomy when deciding on research projects and activities. Staff development centers (SDC) in universities could be of value in facilitating and developing the skills needed among academic and professional staff for greater autonomy. The focus of a SDC is the development of the human resource capacity within a university. This covers all categories of staff and their training and development needs, which should be developed within the framework of an overall HRD plan that reflects the needs of the university's strategic plan.

11. The Government recognizes the importance of promoting private sector participation in higher education for the long-term development of the country. The MoHE would like to actively develop private universities, both as a cost-effective strategy to expand access and enrolment, and to promote the delivery of quality degree programs relevant for the labour market. In this context, the government needs to establish a suitable accreditation framework for higher education. A regular and effective accreditation process that has the confidence of the private providers and that can assure the general public about the quality of provision is extremely important. The accreditation system should be built on the foundation of the external quality assurance reviews. The same independent, external quality reviews need to be applied consistently, with similar standards, for both public and private universities.

12. Public investment in higher education in Afghanistan is moderate at about 0.5 percent of GDP and around 1.4 percent of government expenditure. This places Afghanistan in the middle, but more towards the lower group, of South Asian and low-income developing countries. The Government of Afghanistan is seeking to increase investment in higher education to meet the future challenges of expanding access, and raising quality and relevance. Adequate, consistent and sustainable financing of higher education is a necessary condition for the development of a higher education system. However, the scope for enhancing public investment in higher education through the government budget is limited, given competing priorities at other levels of education, and in other sectors including health care and physical infrastructure. Therefore, the government needs to consider options to raise resources for higher education through alternative means. In this context, the country has two broad sets of options: (a) introduce reforms to the way public universities are funded, diversify their sources of revenue and enhance the efficiency of funds utilization; and (b) promote private sector participation in higher education. Within each of these broad sets of options there are several different alternatives, which generate a variety of models of higher education financing. The country needs to select from among these options and develop the best models for itself. This choice will be influenced by factors such as the country's overarching policy objectives, the resource envelope available to the government, and the political and economic context of higher education reform and development.

13. Key needs and strategic medium and long term initiatives for the development of higher education sector in Afghanistan are summarized in the table below.

Key Needs	Strategic Medium-Term Development Initiatives	Long-Term Development Initiatives
Controlled, diversified and equitable expansion of higher education.	<ul style="list-style-type: none"> - Enhance the gender sensitivity of facilities and services in public universities. -Pilot innovative modes of provision of higher education programs 	-Expand labor market-oriented degree programs and professional courses
Enhancing the quality of university education.	<ul style="list-style-type: none"> -Increase the proportion of university academic staff with Masters level qualifications. -Establish international linkages for the quality assurance system. -Increase the stock of facilities and equipment to enable modern teaching and learning 	<ul style="list-style-type: none"> -Increase the proportion of university academic staff with Ph.D. level qualifications. -Establish Internal Quality Assurance Units in universities
Strengthening the governance of universities.	<ul style="list-style-type: none"> -Gradually increase academic autonomy, especially in curriculum design & delivery, teaching-learning processes, and assessment methods. -Promote quality assurance mechanisms within public universities -Develop a sound registration, quality assurance and accreditation system for private higher education 	<ul style="list-style-type: none"> -Increase procedural autonomy in higher education. -Apply the same norms and processes for quality assurance and accreditation of public and private higher education institutions.
Improving the economic and social relevance of higher education.	<ul style="list-style-type: none"> -Incorporate employability of graduates as a key indicator for higher education on policy and planning -Increase the focus on soft skills of students 	-Broaden the sources of financing of public universities

II Proposal Summary

14. The proposed preliminary design of the project is based on the findings of the Higher Education Sector Report prepared by the World Bank (May 2013) and implementation experience of the Strengthening Higher Education Project (SHEP) that closes on June 30, 2013. In place of a traditional investment project financing similar to the SHEP that supports specific investment activities involving a set of specific expenditure transactions most of which are used for the purchase of works, good and services (i.e., inputs), another option the Task Team and the MoHE have discussed is the idea of an investment lending instrument with program-based features to support the higher education sector. The idea is for the project to disburse against eligible expenditure programs based on the achievement of predetermined, measurable targets or disbursement-linked indicators (DLIs). The DLIs would include intermediate outcomes and implementation performance/institutional change indicators that build incrementally over the life of the project. This approach would allow the Bank to support a part of the government's higher education program and priorities, help maintain a strong focus on the achievement of key results through DLIs determined in partnership with the government, and provide enhanced focus on strengthening associated systems in the MoHE and universities (e.g., governance in the sector, fiduciary, safeguards, monitoring and evaluation). During initial discussions in May 2013, the MoHE and universities suggested that the new approach should be preferred because of its strong focus on the results.

A. Project Development Objective

15. The project development objective is to improve the conditions for teaching and learning in universities.

B. PDO-level Results Indicators

16. Indicative performance indicators for the proposed project are:

- Number of male and female students in universities
- Number of faculty members with at least Masters degrees
- Beneficiary satisfaction surveys implemented and used in university development programs according to a regular and systematic cycle.

C. Project Design

17. The proposed HESIP is organized into three components: (a) Increasing Access to Quality Higher Education; (b) Strengthening Governance and Service Delivery; and (c) Technical Assistance to provide essential advisory, technical, capacity building, and monitoring and evaluation studies and support. The first and second components would finance a part of the MoHE's higher education systems improvement program, currently under preparation; funds will be disbursed against eligible expenditure programs based on the achievement of predetermined, measurable targets or disbursement-linked indicators (DLIs). The third component would finance technical assistance activities to assist the MoHE achieve the objectives of the first two results-based components.

18. **Component 1: Increasing Access to Quality Higher Education.** This component will focus on strategic initiatives to increase the quality of higher education, and measures to expand enrolment in good quality programs that are of relevance for the labor market. Under improving quality, HESIP would particularly focus on three initiatives: human resource development of staff, strengthening quality assurance, and modernizing teaching and learning.

Sub-component 1.1: Human Resource Development of Academics.

- A higher education system stands or falls by the quality of its human resources. Adequately qualified, well-motivated academic staff members are essential for successful development of higher education. The State and individual higher education institutions will both benefit by recruiting and retaining academic of appropriate quality into the higher education sector. A Master's degree is the minimum qualification for an academic to be suitably educated for a university teaching job. A Ph.D., which is training in research, is important to raise universities to a higher level.
- Human resource development (HRD) of academic staff through HESIP could be supported through the provision of scholarships for postgraduate degrees (Master's and Ph.D.) for young academics. The country has experience of HRD of academic staff under government and donor funded programs in the past, which will help the efficient implementation of this activity. Many scholarships would be in well-reputed overseas

universities. Some scholarships could also be in Afghan universities, in study programs which are considered of adequate quality. Transparent and fair selection criteria for staff for this HRD program would be developed during project preparation, as well as bond arrangements for scholarship winners to return to Afghan universities after completing their overseas education.

- Continuing staff development is also extremely important to strengthen the quality of academic work. This is relevant for young staff, entering the profession, and for mid-career academics. Staff development centers (SDCs) typically train academics in modern teaching-learning methods, the use of technology in instruction, the structuring of curricula and the design of courses, assessment methods, communication and motivation. In some countries participation in a training course is compulsory before entering a university position. In other countries it is mandatory for new lecturers to pass a certificate program (at postgraduate level) to become a confirmed tenure track academic. A good staff development center itself needs to be staffed by suitably qualified, trained and competent full-time academic staff and a management cadre. HESIP could support the establishment and development of SDCs, perhaps first in some of the more advanced universities, such as those supported under SHEP.

Sub-component 1.2: Strengthening Quality Assurance.

- The MoHE has commenced the development of a Quality Assurance system. The MoHE undertakes external quality assurance reviews of public universities. The universities also have Quality Assurance cells, to assist with the internal review process. The MoHE has initiated the process of external and internal quality assurance, with the development of protocols and procedures, training of staff, and implementation of reviews. While there has been good progress on quality assurance at a basic level in the recent past, the system now needs to be raised to a new level.
- Establishing linkages with international Quality Assurance networks can be very useful for Afghanistan. The Afghan higher education sector has been relatively isolated, and the universities have been separated from the levels of quality observed internationally. It is difficult for Afghan universities to demonstrate that their QA standards are of adequate rigor and substance. As a result, it would be useful for the QA system to be linked with recognized international QA networks, such as the Asia Pacific Quality Network (APQN). The APQN includes agencies from developed countries such as Japan and Australia, South-East and East Asian middle-income countries such as Malaysia, Indonesia, Thailand and China, and other countries in South Asia such as Sri Lanka, Pakistan and India. Over time, Afghanistan is likely to benefit considerably through membership and participation in APQN. The proposed HESIP could support the MoHE establish such international linkages.
- The establishment and development of Internal Quality Assurance Units (IQAUs) would be a key policy measure. The aim of an IQAU is to support the Chancellor, Vice-Chancellor and heads of faculties and departments to establish and maintain a continuous quality culture in the university. The role and functions of an IQAU will reflect the national system for quality assurance and may depend on what the national QA Unit does. If there is an active national External Quality Assurance function, the work of the IQAUs will be partly responsive, but also locally proactive in promoting and monitoring

the quality of teaching and learning in the university. HESIP would assist the MoHE to establish and develop IQAUs in the universities.

Sub-component 1.3: Modernization of Teaching and Learning.

- Under this activity the project could provide support to meet the equipment and technology needs of the university system, modernize teaching methods, and promote student centered learning. HESIP could support the introduction of modern methods of curriculum delivery, especially student centered learning, and greater use of contemporary knowledge resources. The learning environment of universities needs to be modernized to enable technology-intensive pedagogy and learning. In this context, advantage will be taken of economies of scale through such ICT concepts as mass computing, web-based delivery, enterprise information portals, data warehousing and cloud computing. Clearly, the modernization of equipment and technology in this direction would need to take place gradually, based on the overall IT architecture in the country.
- The project could also support some development of infrastructure, to assist the expansion of job-oriented higher education opportunities for educated youth, especially women. To achieve this, priority will need to be given for facilities that female students and staff consider very important, such as adequate sanitation on-campus, secure residential facilities, and safe transportation for female students. The investment in physical facilities needs to be undertaken carefully. The resources invested in physical facilities and equipment need to be linked to the creation of a maintenance culture. This would require the provision of adequate resources each year for a rolling preventive maintenance program, as well as training, and the application and enforcement of efficient work norms, for maintenance staff.

19. **Component 2: Strengthening Governance and Service Delivery.** The main policy measures to reform the governance of higher education and improve service delivery are to promote autonomy of public universities and to establish a good accreditation system for private and public universities. This component would support the Government in both policy initiatives.

Sub-component 2.1: Promoting Academic and Procedural Autonomy.

- Promoting academic autonomy is an important policy initiative over the medium-term. The MoHE has established benchmark curricula in faculties and degree programs under SHEP. This is a positive and useful base from which to promote academic autonomy. The next steps are to enable some universities, especially the more advanced ones, to diversify curricula, and teaching methods and assessment, beyond the baseline curricula. In addition, academic autonomy would involve the continuous development of staff skills in curriculum design, assessments and testing, and new teaching methods and learning activities. These would be supported under the project.
- Measures to strengthen procedural autonomy, too, would be supported under the project. The expansion of substantive and procedural autonomy will require stronger academic and managerial skills in universities. Greater autonomy of universities will need strong multi-year strategic plans. Developing and implementing such strategic plans will

require capacity building of academic and professional staff in universities in a variety of areas, including planning, budgeting and monitoring. More autonomy in budget execution would require considerable strengthening of procurement and financial management skills in universities. For instance, procurement activities need skills in the preparation of bidding documents, including technical specifications, and efficient and transparent bid execution, evaluation and award processes. Financial management activities would include good record keeping and sound and timely internal and external audits.

- The project would support short-term training courses for university management and finance staff. Management development of senior staff will also receive particular attention, since it is now recognized globally that the managerial challenges facing leaders in higher education are very complex and require exceptional personal and technical skills. Thus the courses that will be developed in this area will be run nationally and may involve the use of international providers in order to benefit from international experience. Such courses will focus on strategic issues and will be open to the senior management of the MoHE, as well as universities. Some of this training could be provided through Staff Development Centers in universities, once these have been developed.

Sub-component 2.2: Strengthening Accreditation.

- The development of the accreditation system to enhance stewardship of higher education institutions is an important policy measure for Afghanistan. Accreditation constitutes an important component of the accountability framework needed as universities become more autonomous. The immediate requirement for the development of a sound accreditation system is to build a cadre of staff in the Department of Quality Assurance and Accreditation who can undertake the key stages of licensing, coordination of quality assurance reviews, and accreditation of higher education institutions. The licensing and accreditation stages typically require legal and auditing skills. The quality assurance activities can be undertaken by academics, but the coordination of systematic quality assurance reviews requires academic managerial skills. The range of skills required for a strong accreditation system in the MoHE is a high priority which the project would support.

20. Component 3: Technical Assistance for Higher Education Systems Improvement.

This component will provide the technical assistance needed to strengthen the organizational and institutional capacity of the sector, and to support monitoring and evaluation, policy analyses and program development. The resources under this component would enable the Government to obtain international and national expertise to support the higher education development program in priority areas. The technical and managerial support needed by the MoHE to coordinate the project would also be supported under this component.

21. In addition, the component would support monitoring and evaluation of the program, as well as policy studies. The monitoring and policy studies could include attitudinal studies of staff and students, tracer studies of graduates to analyze their job search and labor market experience, and beneficiary satisfaction surveys among staff and students of HESIP supported institutions and programs. Other studies needed would be identified during implementation.

These would include policy analyses for future policy formulation and strategy development. The resources under this component would also enable the higher education authorities to ensure that study findings are appropriately disseminated to political authorities, policy makers, academics and researchers, students, and the general public.

D. Project Preparation Grant

22. The purpose of this application is to request an ARTF grant for the total amount of \$4.90 million to be used by the MoHE for preparing the proposed Higher Education System Improvement Project. The grant will finance the following activities as detailed in Section IV of this paper:

- Consultants to help update the existing Higher Education Strategic Plan and prepare a development program for the period 2015-2019, which the proposed project will support;
- Training, workshops, conferences and committee meetings on curriculum revision and material development, teaching methodology, research, accreditation and quality assurance, autonomy of universities, consultations on the design of the proposed project, training in procurement, FM and monitoring and evaluation;
- National Professionals for advisory services to and capacity building of the MoHE, and for the PCU and its staff in universities;
- Printing of new curricula;
- PCU's operations;
- Professional and faculty development -- cost of the ongoing degree programs started under SHEP;
- Completion of civil works for two buildings for the economics and literature faculties of the Kandahar University -- contracts started under SHEP; and
- Laboratory equipment for five universities (Alberoni, Balkh, Nangarhar, Herat and Kandahar universities) -- ongoing contract awarded under SHEP.

III. Implementation Arrangements for the PPG

A. Institutional Arrangements

23. Overall responsibility for management of the project will rest within the MoHE, which will be responsible for the execution of the proposed PPG and the project. The MoHE has established a Project Coordination Unit (PCU), led by the Project Coordinator. The PCU is well integrated with the various departments of the MoHE and carries out its responsibilities in close coordination with them. The capacity of the PCU is moderately satisfactory and will be strengthened further under the PPG especially in procurement and monitoring and evaluation. The MoHE has a Steering Committee, chaired by the Minister with Deputy Ministers and Directors of key departments as its members that will oversee implementation of the PPG. The PCU has already recruited a team of international and national consultants to help update the existing Higher Education Strategic Plan (2010-2014) to cover the period 2015-2019, and to help prepare a development program for support under the proposed project. The PCU will also continue to have responsibility for overall management and completion of the ongoing contracts for the two buildings at the Kandahar University, medical laboratory equipment for the five universities, and degree programs overseas for a number of faculties that were awarded under

the Strengthening Higher Education Project (Project ID: P089040), and will be completed during the PPG. These contacts were awarded in accordance with the Bank procurement procedures. For the execution of the project, technical assistance and consultants will be recruited to complement procurement and financial management, monitoring and evaluation and reporting on the project.

B. Procurement

24. Procurement for the PPG will be administered in accordance with the World Bank's *Guidelines for Procurement of Goods, Works and Non-Consulting Services under IBRD Loans, IDA Credits and Grants by World Bank Borrowers* dated January 2011, *Guidelines: Selection and Employment of Consultants under IBRD Loans and IDA Credits and Grants by World Bank Borrowers*, dated January 2011, and the provisions stipulated in the Grant Agreement. In addition, the World Bank's "Guidelines on Preventing and Combating Corruption in Projects Financed by IBRD Loans and IDA Credits and Grants" dated October 15, 2006 and Revised in January, 2011 has been shared with the Recipient. Civil works and goods following National Competitive Bidding (NCB) procedures shall be procured using the agreed Standard Bidding Documents (SBDs) for Afghanistan. In case of conflict/contradiction between the World Bank's procurement procedures and any national rules and regulations, the World Bank's procurement procedures will take precedence as per the Article 4(2) of the Procurement Law of the Islamic Republic of Afghanistan enacted in November 2005, revised in July 2009 and amended in 2009. The general description of various procurements under different expenditure categories and agreed procurement plan are described in Annex 1.

25. The MoHE will have overall responsibility for procurement under the PPG and for the proposed Project. An assessment of the procurement capacity and implementation experience under the ongoing project (SHEP) reveal that most of the current procurement staff do not have adequate experience to handle procurement under the proposed project. Therefore, the project procurement risk is rated High. To mitigate the procurement risk, the following measures will be undertaken during early implementation of the PPG: (1) the current procurement staff will be replaced with one competent procurement specialist and one procurement officer of qualification and experience acceptable to the bank, and (2) an international procurement specialist will be recruited to make sure that the procurement is in line the World Bank Guidelines and to enhance the procurement capacity of the current staff as well as civil servant, procurement staff involved in the procurement for the project. Based on these measures under the PPG the project's residual procurement risk would be Moderate.

C. Financial Management (FM) Arrangements

26. A public financial management (PFM) performance rating system has been developed for Afghanistan by the Public Expenditure and Financial Accountability (PEFA) multi-agency partnership program, which includes the World Bank, IMF, EC, and other agencies. Afghanistan's ratings against the PFM performance indicators portray a public sector where financial resources are, by and large, being used for their intended purposes as authorized by a budget that is processed with transparency and has contributed to aggregate fiscal discipline.

27. Financial management and audit functions for the PPG (and later for the proposed

project) will be undertaken at the central level, through the agents contracted under the Second Public Financial Management Reform Project. This is the primary instrument for continuing to strengthen the fiduciary measures put in place for ensuring transparency and accountability of funds provided by the Bank and other donors. Under these contracts, two advisers--Financial Management and Audit--are responsible for working with the government and line ministries to carry out these core functions. The Financial Management Agent (FMA) is responsible for helping the MoF maintain the accounts for all public expenditures, including IDA and ARTF-financed projects and for building capacity within the government offices for these functions.

28. The PCU in the MoHE will be responsible, during the preparation phase of the proposed HESIP, for the project's financial management. The Project Coordinator along with the Financial Management Specialists of the project will carry out day-to-day financial management operations of the project, preparation of M-16 forms (payment orders), and overall contract and project management.

29. Quarterly Interim Unaudited Financial Reports (IUFs) will be prepared by the finance unit of the PCU. Quarterly IUFs shall be due within 45 (forty-five) days from the end of each quarter. Annual project reports will be prepared, reviewed, and approved by the MoF, supported by the FMA.

D. Fund Flows

30. Fund management for the project will follow existing procedures. As with all public expenditure, all payments under the project will be routed through the MoF. The FM Advisor will assist the MoF in executing and recording project payments. In keeping with current practices for other projects in Afghanistan, the designated account (DA) will be operated by the Special Disbursement Unit (SDU) in the Treasury Department of the MoF. Requests for payments from DA funds will be made to the SDU by the Finance unit of the PCU. In addition to payments from DA funds, the project can also request the SDU to make direct payments to consultants or consulting firms, and special commitments for contracts covered by letters of credit. Such requests will follow World Bank procedures. All withdrawal applications to the Bank, including replenishment, reimbursement, and direct payment applications, will be prepared and submitted by the MoF.

E. Accounting and Reporting

31. The project will maintain essential project transaction records using computerized accounting systems / Excel spreadsheets and generate required monthly, quarterly, and annual reports. The FM Manual approved for SHEP will be followed to establish project financial management in accordance with standard Afghan government policies, and procedures including use of the government Chart of Accounts to record project expenditures. The use of these procedures will enable adequate recording and reporting of project expenditures. Overall project accounts will be maintained centrally in SDU, which will be ultimately responsible for recording of all project expenditures and receipts in the Government's accounting system. Reconciliation of project expenditure records with MoF records will be

carried out monthly by the Finance unit of the PCU.

F. Disbursement Arrangements

32. Project preparation funds will be channelled through a segregated designated account in USD to be opened at the Da Afghanistan Bank (DAB, Central Bank) or a commercial bank/financial institution acceptable to the Bank. Advances will be made to the designated account with a fixed ceiling calculated based on a 4-months worth of expenditures to be paid out of the designated account. Other disbursement methods, such as reimbursement, direct payment and special commitment will also be made available to the project. Given weak capacity on the ground, disbursement will be transaction based, and supporting documents, such as Statement of Expenditure or other statements in a format and content acceptable to the Bank will be used to document expenditures incurred. The DA will be maintained by the MoF. Withdrawal applications for replenishment will be submitted monthly.

33. Retroactive financing of all eligible expenditures after June 30, 2013 and before signing of the Grant Agreement up to the amount of US\$950,000 (or 19.4% of the total grant) is sought. The retroactive financing is necessary to minimize any disruption of the carryover activities from SHEP, which closes on June 30, 2013 to the PPG and in the consultants and staff already in place for project preparation and implementation

G. Audit of Project Funds

34. The Auditor General, supported by the Audit Agent, is responsible for auditing the accounts of all IDA and ARTF-financed projects. Annual audited project financial statements will be submitted within six months of the close of Government of Afghanistan's fiscal year. The Bank-funded project (SHEP) currently being implemented by Ministry of Higher Education has no overdue audit report, no ineligible expenditures and no outstanding interim unaudited financial reports. The key issues raised in this project's audit reports up to SY1390 have been resolved satisfactorily.

H. Audit – Responsible Entity

35. The responsible entity for the audit report is the Ministry of Higher Education.

I. Safeguards

36. Since the PPG will continue to fund the ongoing construction of some civil works (i.e., construction of Economics and Literature faculty buildings at the Kandahar University), it is possible that it may have some low-level environmental impacts. These impacts can be avoided, reduced and mitigated by taking simple mitigating measures. In accordance with the World Bank OP/BP 4.01, a very short Environmental & Social Management Plan (ESMP) has been prepared. It will be implemented during remaining construction of the civil works. The ESMP will also take care of some potential operational issues, e.g., appropriate sanitation and hygiene measures to be considered in the construction of buildings.

37. In preparation of the proposed project, the PCU is recruiting an Environmental and Social Safeguards Specialist to help prepare an Environmental and Social Management Framework

(ESMF) that would include proper tools, e.g., check lists, training and capacity development, monitoring and evaluation and reporting during the design and construction stages, and EHS during the operational stage including water and sanitation and hygiene, collection of waste including medical waste in case of medical facilities, solid waste management, etc. The ESMF will also include a generic ESMP with generic impacts, mitigation measures, monitoring and reporting mechanisms, responsible agencies, and budgets. The Specialist will also develop the appropriate institutional arrangements for implementation of the ESMP, with relevant terms of reference.

38. During project preparation, the Bank team will also explore ways to support relevant Environmental & Social Management curricula in relevant Faculties and Departments of selected universities to help the Government fill the important gaps in specialized skills in the area of environmental and social safeguards. Details of the Environmental & Social Safeguards are provided under Annex 2.

IV. Planned Expenditures under PPG

39. Table 1 summarizes planned expenditures by major activities for the proposed Project Preparation Grant of \$4.90 million. Table 2 summarizes planned expenditures by Disbursement Category. Tables 3 to 9 provide breakdowns of the costs for each major activity.

Table 1: Summary of Planned Expenditures

Activity	Total Budget (\$)
International and National Consultants for Higher Education Sector Strategy and Project Preparation Team	1,026,020
Training, Workshops, Conferences and Committee Meetings (curriculum revision and material development, teaching methodology, research, accreditation and quality assurance, autonomy of universities, consultations on the design of the project, training in procurement, FM and monitoring and evaluation)	346,220
Printing of New Curricula	450,000
PCU Operations (including Staffing in MOHE, PCU and Universities)	1,426,570
Professional and Faculty Development (Ongoing Degree Programs)	573,503
Completion of Faculty Buildings (Kandahar Buildings)	503,305
Completion of Lab Equipment Contract for Universities	397,877
Total	4,723,495
Contingency (3.7 %)	176,505
Grand Total	4,900,000

Table 2: Summary of Planned Expenditures by Category (US\$ million)

Expenditure Category	Budget Allocation (US\$ million)
Civil Works	0.5
Goods	0.9
Consultant Services, Training, Workshops, Conferences, and Committee Meetings	1.9
Incremental Operating Costs	1.4
Unallocated	0.2

<i>Total</i>	<i>4.9</i>
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Table 3: Overview of Planned Consultancy Expenditures for Updating the Existing Higher Education Sector Strategy and Preparing a Development Program for 2015-2019, and Project Preparation (International and National Consultants)

Item/description	Quantity	Unit	Number	Unit Cost (\$)	Total Cost (\$)
Int. Consultant (Higher Education)	1	Month	4	16,000	64,000
Int. Consultant (Academic Affairs)	1	Month	4	8,000	32,000
Int. Consultant (Policy & Planning)	1	Month	4	7,000	28,000
Int. Consultant (Finance and Administration)	1	Month	4	6,000	24,000
Int. Consultant (Procurement Specialist)	1	Month	12	13,000	156,000
National Consultant (Higher Education)	1	Month	5	5,500	27,500
National Consultant (Academic Affairs)	1	Month	5	5,000	25,000
National Consultant (Policy & Planning)	1	Month	5	5,000	25,000
National Consultant (Finance and Administration)	1	Month	5	5,000	25,000
National Consultant (Environmental Management)	1	Month	5	5,000	25,000
Policy Advisor to Ministry of Higher Education	1	Month	15	5,000	75,000
Advisor, Engineering & Construction	1	Month	18	2,450	44,100
Program Coordinator (International)	1	Month	18	12,000	216,000
Internal Auditor	1	Month	18	2,350	42,300
Finance Manager	1	Month	18	2,500	45,000
Administration/HR Manager	1	Month	18	3,300	59,400
Procurement Specialist	1	Month	18	3,000	54,000
Procurement Officer	1	Month	18	2,000	36,000
Procurement Officer	4	Month	4	1,420	22,720
Subtotal HE Sector Strategy & Project Preparation (International & National)					1,026,020

Table 4: Training, Workshops, Conferences, and Committee Meetings

Item/description	Qty	Unit	Unit Cost (\$)	Total Cost (\$)
Workshops for faculty training to introduce new curricula (50 faculty participants per workshop, 4 days duration) /a	12	Workshop	2,850	34,200
Missions to Universities for Material Development and Training on New Teaching Methodologies (25 participants, 3 days duration) /b	12	Mission	2,500	30,000

Workshops on Research Methodology (30 participants, 3 days duration) /a	6	Workshop	1,300	7,800
Workshops on Teaching Methodology using Media and Internet (100 participants, 1 day duration) /a	4	Workshop	1,500	6,000
Missions of External Quality Assurance Reviewers to 40 Public and Private Universities (3 QA reviewers per mission, 5 days duration) /c	40	Missions	465	18,600
Work of the National QA Committee to Incorporate Findings of 40 External QA Reviews into the New Higher Education Sector Program (3 committees of 10 members, 1 meeting/month over 6 Months) /d	3	Committee	720	2,160
Training Workshops for New Peer Reviewers (150 participants/workshop, 1 day) /a	2	Workshop	2,250	4,500
Conferences to Roll-out the Autonomy in Universities (100 participants/conference, 1 day)	5	Conference	1,500	7,500
Conferences to Identify Factors Underlying the Low Quality of Higher Education and to Develop Strategies for Quality Improvement (100 participants/conference, 2 days) /e	3	Conference	4,500	13,500
Missions to Observe and Provide Feedback on Teaching Methods and Student Learning Strategies to 31 Public Universities and 70 Private Institutes, to be a Baseline and Feed Into the Accreditation Process that will be Supported under HESIP.	101	Missions	400	40,400
Training (on-line course) for staff of the Directorate of Quality Assurance and Accreditation, MoHE	3	On-line Course	13,000	39,000
Training workshops in Procurement and Financial Management (35 participants from universities and MoHE, 20 days duration) /c	2	Workshops	22,800	45,600
Training in Monitoring and Evaluation	3	Training	10,000	30,000
Workshops for Designing the New Project (HESIP) (70 participants/ workshop, 3 days duration) /a	12	Workshops	3,080	36,960
Translation and Printing of the National Higher Education Strategy				30,000
Subtotal Training, Workshops, Conferences & Committee Meetings				346,220

/a Lunch, refreshments, stationery and miscellaneous

/b Transportation, accommodation and per-diem

/c Transportation, accommodation, per-diem, stationery and communication

/d Honorarium – resource person, stationery and miscellaneous

/e Transportation, accommodation, per-diem, lunch, refreshments, stationery and miscellaneous

Table 5: Printing of New Curricula

Item/description	Total Cost (\$)
Printing of new curricula for 450 fields (package)	450,000
Subtotal Printing of New Curricula	450,000

Table 6: PCU Operations (including staffing at MOHE, PCU and Universities)

Item/description	Qty	Unit	Number	Unit Cost (\$)	Total Cost (\$)
Visits to the universities (accommodation and subsistence)		Month	6	3,000	18,000
Communication including mobile top-up cards		Month	18	2,000	36,000
Internet services		Month	18	2,200	39,600
Fuel for vehicles		Month	18	3,500	63,000
Vehicles maintenance		Month	18	600	10,800
Office supplies/stationary		Month	18	4,900	88,200
Office repairs & maintenance		Month	18	900	16,200
Operating costs, PCU staff at the universities /b		Month	18	2,000	36,000
Operations costs for the team of 9 international and national Consultants updating the existing National Higher Education Strategic Plan, preparing a Development Program for 2015-2019, & preparing HESIP (over 5 months) /a					24,300
Support staff at the MoHE and PCU/c		Month	18		49,300
Engineers, Planning Department	3	Month	18	2,200	118,800
Civil Engineer Assistant	1	Month	18	750	13,500
Admin/Finance Manager, Scholarships	1	Month	18	2,000	36,000
Technical Officers, Scholarships	4	Month	15	1,020	61,200
Technical Officer to Deputy Minister, Administration and Finance	1	Month	18	1,000	18,000
Admin/Finance Assistant, Planning Department	1	Month	18	550	9,900
Monitoring & Evaluation Specialist, Planning Department	1	Month	15	3,000	45,000
Statistician, Planning Department	1	Month	15	2,500	37,500
Technical Officer to Deputy Minister, Student Affairs	1	Month	18	800	14,400

Communication/Media Officer	1	Month	18	1,400	25,200
Executive Assistants to Minister and Deputy Minister	2	Month	18	1,050	37,800
Deputy Program Coordinator	1	Month	18	3,800	68,400
Finance Officer	1	Month	18	1,300	23,400
Accountant	1	Month	15	1,300	19,500
Cashier/Liaison Officer	1	Month	18	1,300	23,400
Asset Inventory Officer	1	Month	15	1,040	15,600
Monitoring & Evaluation Specialist	1	Month	18	3,000	54,000
Academic Affairs Specialist	1	Month	18	2,850	51,300
Academic Affairs Officer	1	Month	18	1,600	28,800
Translator	1	Month	15	1,500	22,500
Site Civil Engineer	1	Month	4	2,300	9,200
Program Officers (Universities)	12	Month	18	1,220	263,520
Student Affairs Officers (Universities)	3	Month	18	775	41,850
Site Engineer at Kandahar University	1	Month	4	1,600	6,400
Subtotal PCU Operations					1,426,570

/a Communication, internet, rental of vehicles, transport for missions to universities, accommodation and food during missions, stationery and miscellaneous.

/b Communication, stationery, refreshments and miscellaneous

/c 5 drivers, 1 secretary, 1 cleaner and 1 cook/cleaner.

Table 7: Professional and Faculty Development (Costs of payments under ongoing contracts)

Activity/description	Costs (\$)
Master's degree program for 16 faculty members at Pahang University	204,418
Master's degree program for 12 faculty members at Delhi University	296,700
Master's degree for two faculty members at AIT (Asian Institute of Technology)	18,076
Master's degree for one faculty member at Lahore University	5,669
Master's degree for one faculty member at Peshawar University	10,623
Master's degree for one faculty member at Lahore University	17,994
Ph.D. degree for two faculty members at Peshawar University	20,023
Subtotal Professional and Faculty Development	573,503

Table 8: Completion of Faculty Buildings, Kandahar University Construction Projects

Activity/description	Completion Date	Cost (\$)
Completion of Construction of the Economics Faculty Building	September 1, 2013	152,368

Completion of Construction of the Literature Faculty Building	September 15, 2013	350,937
Subtotal		503,305

Table 9: Completion of the Laboratory Equipment Contract for Five Universities

Activity/description	Completion Date	Cost (\$)
Medical Lab Equipment for Alberoni, Balkh, Nangarhar, Herat & Kandahar Universities	September 20, 2013	397,877
Subtotal		397,877

Procurement Arrangements and Procurement Plan

I. General

1. With donor assistance, Afghanistan has made considerable efforts to establish the Legal and Regulatory Framework for public procurement over the last five years. A new Procurement Law, reflecting international best practice in public procurement was enacted in November 2005 replacing the earlier procurement regulations. While it provides a very modern legal system for procurement, effective implementation of the law may encounter difficulties in the current weak institutional structure and capacity of the Government. A Procurement Policy Unit (PPU) has now been established under the Ministry of Finance (MoF) to ensure the implementation through the creation of secondary legislation, standard bidding documents, provision of advice, and creation of the necessary information systems for advertising and data collection. “Rules of Procedure for Public Procurement” which details the better implementation of the Procurement Law has been issued by the MoF as circular number PPU/C005/1386 dated April 12, 2007. The Procurement Appeal and Review mechanism is in place and the Manual of Procedures for “Procurement Appeal and Review” has been issued by the MOF as circular number PPU/ N001/1385 dated March 18, 2007. The Procurement Law has been revised in July 2008 and amended in January 2009 and issued as a new Law by the Ministry of Justice and was published in the Official Gazette Number 957, 29.10.1387 (January 18, 2009). The revised “Rules of Procedures for Public Procurement” has been issued as circular PPU/C027/1387 dated November 18, 2009.

2. The Special Procurement Commission, comprising of the Ministry of Justice and the Ministry of Economy, under the chairmanship of the Minister of Finance approves high value contracts. The thresholds are being reviewed with consideration for an upward revision thus decentralizing the authority to the MoF. The present thresholds are available on the web site of the MoF (www.mof.gov.af).

3. Considering that the MoHE is currently not accredited by the PPU and to strengthen the weak procurement capacity in the Ministry, it is recommended that an international procurement specialist be hired under the PPG to work closely with the project team and the Procurement Directorate of the MoHE to build their capacity.

4. The procurement of high value packages will be routed through ARDS, Ministry of Economy until the project’s capacity and capacity of the Procurement Directorate, MoHE has been strengthened.

II. Project Information

Country: Afghanistan
Project Name: Higher Education System Improvement Project
Project ID: **P146184**

Grant No: **To be allotted**

Project Implementing Agency: Ministry of Higher Education

Bank's approval date of the Procurement Plan for Project Preparation Grant: June 4, 2013

Date of General Procurement Notice: June xx, 2013

Period covered by this Procurement Plan: 18 months

Prior Review Threshold: Procurement decisions on Goods and Works subject to Prior Review by the Bank as stated in Appendix 1 to the Guidelines for Procurement:

Goods and Works

	Procurement Method	Prior Review Threshold (US\$)	Comment
1.	ICB and LIB (Goods)	All	All regards of value
2.	NCB (Goods)	200,000	Equivalent or above
3.	ICB (Works)	All	All regards of value
4.	NCB (Works)	300,000	Equivalent or above
5.	ICB (Non-Consultant Services)	All	All regards of value
6.	NCB (Non-Consultant Services)	200,000	Equivalent or above

	Procurement Method	Threshold for procurement methods (US\$)	Comment
1.	ICB and LIB (Goods)	200,001	Equivalent or above
2.	NCB (Goods)	200,000	Equivalent or less
3.	ICB (Works)	5,000,001	Equivalent or above
4.	NCB (Works)	5,000,000	Equivalent or less
5.	ICB (Non-Consultant Services)	200,001	Equivalent or above
6.	NCB (Non-Consultant Services)	200,000	Equivalent or less
7.	Shopping Goods	50,000	Equivalent or less
8.	Shopping Works	50,000	Equivalent or less

Prior Review Threshold: Selection decisions on Consultants subject to Prior Review by Bank as stated in Appendix 1 to the Guidelines Selection and Employment of Consultants:

Selection of Consultants

	Selection Method	Prior Review Threshold (US\$)	Comment
1.	Competitive Methods (Firms)	100,000	Equivalent or above
2.	Individual Consultant	50,000	Equivalent or above
3.	Single Source (Firms) or individual	All	Regardless of value

Incremental Operating Costs:

“Incremental Operating Costs” means the incremental operating expenses incurred on account of implementation of the activities under the PPG, including car rentals, the operation and maintenance of vehicles, office rentals, office supplies, communication charges including internet charges, insurance costs, office administration costs, banking charges, utility charges, advertising expenses, domestic travel and per diem allowances, but excluding salaries of officials of the Recipient’s civil service.

Annex 2: Environmental and Social Safeguards

1. The selection, design, contracting, monitoring and evaluation of infrastructure activity will be consistent with the following guidelines:
 - (a) Generic codes of practices for environmental management at design, construction and operation stages, provided in Appendix 1 ;
 - (b) The requirement that confirmations are received through the Regional Mine Action center that areas to be accessed during reconstruction and rehabilitation activities have been demined (see guidelines in Appendix 2);
 - (c) Procedures for the protection of cultural property, including the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Appendix 3;
 - (d) Ensure that any disabled-friendly construction or rehabilitation is aligned with standard building norms and codes.

A. Mitigation Measures – Design Phase

2. *Environmental:* Sound design will, if not eliminate, at least diminish to the extent possible, most of the potential adverse impacts of project activities. Good engineering design will, in most cases, have a positive impact on the environmental conditions in the project area.
3. The design must ensure provision of adequate attention to minimize dust and noise pollution as well as ESMP has proper waste management during construction.
4. *Social:* No land acquisition will be funded or take place under the project since the project involves rehabilitation of existing buildings within the compound of the university. In the event that any additional land would be needed, such land could only be obtained from available government land. Documentation would be needed that the buildings/land is free of encroachments, squatters or other encumbrances, and that the land in question has been transferred for the project by legal authorities. In case of tenants in existing buildings, documentation is required that due and contractual notice regarding cessation of contract and vacation of building has been received.
5. For all relevant project buildings necessary facilities for the disabled will be provided as per internationally accepted standards, such as through a ramp and user-friendly toilet facilities as well as the fire safety management which should also be considered to ensure possible safety from accidental fire incidences.

B. Mitigation Measures during Construction Phase

6. The emphasis of this ESMP is on construction stage impacts since the operation stage impacts, can be minimized, mitigated or compensated by managing the rehabilitated infrastructure in line with project design parameters. In order to minimize the potential adverse impacts of construction, standard bidding documents would have the following environmental precautionary clauses:
 - (a) The natural landscape should be preserved to the extent possible by conducting operations in a manner that will prevent unnecessary destruction or scarring of natural surroundings. Except where required for permanent works, quarries, borrow pits, staging and processing areas, dumps, and camps, all trees, saplings, and shrubbery should be protected from unnecessary damage by project related activities. After unavoidable damage, to restore quasi-original conditions where appropriate;
 - (b) Contractor's operations should be so performed as to prevent accidental spillage of contaminants, debris, or other pollutants, especially into streams or underground water resources. Such pollutants include untreated sewage and sanitary waste, tailings, petroleum products, chemical, and thermal pollution;
 - (c) Wastewater, including those from aggregate processing and concrete batching, must not enter streams without settling ponds or other process, so as not to impair water quality or harm aquatic life;
 - (d) The contractor should ensure proper disposal of waste materials and rubbish. If disposal by burial or fire, it should not cause negative impact to either the air, soil or ground water supplies;
 - (e) The contractor should minimize air and water pollution emissions. Dust from the handling or transporting of aggregates, cement, etc., should be minimized by sprinkling or other methods. Materials, bushes or trees should only be burned when the owner permits, under favourable weather conditions;
 - (f) Attention needs to be paid to the special needs of disabled students and staff who will be accessing the buildings;
 - (g) The contractor's facilities, such as warehouse, labour camps, and storage areas, should be planned in advance to decide what the area will look like upon completion of construction. These facilities should be located so as to preserve the natural environment (such as trees and other vegetation) to the maximum extent possible; and
 - (h) Borrow pits should be landscaped and planted accordingly to an ecological design to provide some substitute area for lost natural landscapes and habitats.

- (i) The Contractor should use the generic ESMP tools as well as the provisions given in the below ESMP that might also be to some extent generic for the specific site and prepare a site Environmental and Social Management Plan (ESMP) or an Action Plan for considering all the environmental and social concerns in the construction and operation of the facilities.
- (j) The ESMP have two tables, showing Environmental Component, Activities, Impacts, Mitigation measures, Responsibilities and budget.
- (k) Also, enclosed are Annex 1, Annex 2, and Annex 3 for proper application of the ESMP.

General environmental and social concerns during operation facilities

General issues during operation include:

- Availability of functioning and maintained sanitation facilities (often not functioning due to a water shortage);
- Improper disposal of municipal wastewater; (e.g. establishments may dispose their wastewater in percolation pits without conducting an assessment of the surrounding environment, so it is important to identify its sensitivity and accordingly whether there are potential environmental and/or public health risks); and
- Improper management of municipal solid waste generated by the subproject (and other potential sources). This usually results in the accumulation of municipal waste on or around the subproject premises/area.

C. Responsibilities for Safeguard Screening and Mitigation

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

To implement and manage the Project, a Project Implementation Unit (PIU) will be established within the MoHE. The PIU will have a Project Director who reports to MoHE.

The PCU will be responsible for the planning, implementation and monitoring of the project. The PCU is expected to have some institutional capacity for dealing with safeguards issues.

Relevant PCU staff will receive trainings on relevant national regulation and Bank's safeguard policies during the early stages of the Project implementation.

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

D. Capacity Building

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

E. Grievance Redress Mechanism

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

F. Consultation and Disclosure

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

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

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
Natural Resource (Soil, water, fuel etc.)	Procurement of construction material (E.g. sand, rock, soil etc)	Landscape changes and impact on aesthetics	<ul style="list-style-type: none"> • Avoid large scale stockpiling of procured construction material; • Utilize as much as the excavated material as possible onsite; and • Procure stone and aggregates for civil work through authorized sub-Contractors and quarries; 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
	Utilization of water for construction activities	Stress on current users	<ul style="list-style-type: none"> • Minimize fresh water consumption by re-use measures wherever feasible and practical; • Identify opportunities for substitution of fresh water with the river water for construction purposes and dust suppression measures. 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Topography and Landscape	Trenching and stockpiling of excavated spoils	Landscape changes and aesthetic impact	<ul style="list-style-type: none"> • Conserve the excavated top-soil separately for future use and relay when the construction is over to facilitate the landscaping and plantation; • Avoid large scale stockpiling of excavated soil; • Dispose excess soil at approved municipal landfill sites with prior approval. 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
Soil and Groundwater	Handling and disposal of wastewater	Infiltration of wastewaters discharged on land	<ul style="list-style-type: none"> Prohibit vehicle washing, servicing, repair works etc. onsite; use existing specialized workshop off-site facilities in the area. 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
	Handling, storage and transportation of hazardous material and waste	Infiltration of oil and chemical spills from bulk storage facilities, hazardous waste	<ul style="list-style-type: none"> • Storage areas and containers to be properly labelled (indicating the material, hazardous nature, quantity, safety measures to be followed, etc.); • Enclosed and secluded storage area (adequately designed to protect from rains and to prevent any run offs) with impervious flooring, bunds, roof and spill collection facilities as appropriate and collection skips to be provided for collection and segregated storage of hazardous wastes; • Periodically inspect storage/lay down areas to identify leak / spills; Any spills/leaks to be immediately remediate to minimize contamination of the receiving environmental media; • Contaminated soil generated due to accidental spills to be stored in a dyke and sheltered area with impervious flooring to minimise blowing away by wind, run off and infiltration; • Hazardous wastes should not be mixed with non-hazardous wastes at any time. Non-hazardous wastes suspected to be contaminated with hazardous wastes are to be treated as hazardous wastes; • Quantities of hazardous wastes generated, stored and transported for recycle/offsite storage to be recorded and monitored; 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
	Handling storage and disposal of construction wastes	Leaching of wastes disposed on land – Land and Groundwater contamination	<ul style="list-style-type: none"> Suitable storage area (adequately designed and sized to protect from rains, to prevent any run offs, and to secure from any unauthorized access) and collection skips to be provided for segregated collection of wastes. Sizing of such areas and skips to be in accordance with the expected waste quantities and the frequency of disposal. The waste skips/containers holding the waste material to be suitably labelled for easy identification of material; Re-cycle to scrap buyers, if possible or else dispose off non-recyclable waste to municipal landfill sites; 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Air	Dust generation due to construction work and vehicle movement	Increase in concentration in ambient air	<ul style="list-style-type: none"> Implement dust suppression methods (e.g. water spraying etc) at dust prone areas; and Impose restriction on vehicle speed of 20km/hr inside the sub-project boundary; 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
		Degradation of ambient air quality due to increase in CO ₂ , CO, and NO _x concentrations	<ul style="list-style-type: none"> Plan periodic maintenance schedules including engine tuning, filter cleaning, etc for construction equipment and vehicle; Train operators on environmental requirements; and Minimize idling time of fuel run heavy equipments by adequate planning of construction activity; 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.
Noise	Operation of diesel generators, operated	Increase in ambient	<ul style="list-style-type: none"> Minimize noise level from vehicles by reducing speed 	PCU/Contractor	Not significant cost, this cost

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
	excavators, drilling equipment, vehicular movement, etc	noise levels	limits; <ul style="list-style-type: none"> • Use well maintained equipments only. Install suitable enclosures for high noise equipments, wherever required and feasible; • Provide personal protection devices (ear plugs or ear muffs) to all workers operating in the vicinity of high noise generating machines; and • Plan periodic maintenance schedules for high noise generating equipments; periodically monitor noise levels in workplace. 		will be part of implementing firm budget contracting for renovation of the facilities.
Site Safety	Construction	Risk for onsite workforce or for the people nearby	<ul style="list-style-type: none"> • Fence the site area and manned the entrance to restrict the unauthorized entry; • Clearly mark the working strip using marker poles, hazard tapes, etc., in order to provide indication to vehicles and personnel passing nearby and to prevent unauthorized entry in to the working strip; • Wherever required, provide adequate passage for the construction machinery such that it is adequate to allow movement of equipment/vehicle; • Install tESMPorary direction signs at appropriate locations and routes to guide drivers towards access road to working strip; • Use Hazard tapes at the excavated areas in order to warn the vehicles / people passing nearby. Display appropriate signboards. After completion of the work, backfill the excavation and restore the site; • No work without using PPEs should be allowed. • Only trained personnel with appropriate PPEs to be used 	PCU/Contractor	Not significant cost, this cost will be part of implementing firm budget contracting for renovation of the facilities.

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

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

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
Water Quality	Operation of facilities	Contamination by seepage from latrines, or leaking pipes	<ul style="list-style-type: none"> Carry out proper assessment before construction and find such shortcoming Priorities and plan leak detection and repair of pipe networks. 	PCU and Contractor	Limited budget covered by contracting firm budget.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
	Operation of facilities	Contamination by seepage from latrines, or leaking pipes	<ul style="list-style-type: none"> • Subsequent monitoring of installed or rehabilitated sources. • Maintain and improve in case of damages and shortcomings • Where pit latrines are used they should be located more than 10m from any water source. The base should be sealed and separated by at least 2m of sand or loamy soil from the groundwater table. • Where nightsoil latrines or septic tanks are built they should be sealed. Outflows should drain either to a soakaway located at least 10m from any water source or be connected to a working drain. • Where pit latrines are used they should be located more than 10m from any water source. The base should be sealed and separated vertically by not less than 2m of sand or loamy soil from the ground water table. 	<p>Relevant Dept of MoHE</p> <p>PCU and Contractor</p>	Limited cost covered by the Dept Operating budget.
		Illness or disease related to poor source water quality or from contaminants entering water supply system	<ul style="list-style-type: none"> • Ensure that water is fit for drinking (make regular testing a part of the project if possible) • Ensure planning, design, and maintenance of supply, sanitation, and wastewater works is appropriate to local needs, and to soil and water table conditions 	PCU/Contractor and Dept. of MoHE	Limited cost covered by the Dept Operating budget.
		Groundwater Contamination	<ul style="list-style-type: none"> • Ensure adequate design, installation, and maintenance of latrines, holding tanks, septic systems and wastewater soak-aways • Ensure adequate spacing between latrines and soak-aways 	PCU/Contractor and Dept. of MoHE	Limited cost covered by the Dept Operating budget.

Environmental Component	Activity	Impact	Proposed Control and Mitigation Measures	Responsibility for supervision and mitigation	Budget
Access by disabled and elderly	Using Facilities During Operation	Having difficulty for this category of users and possible damage to them if not properly designed	<ul style="list-style-type: none"> • Proper design of the facilities relevant places after discussion with the relevant department experts of MoHE • For example, Proper passage, e.g., Ramp, and other needed facilities should be provided during renovation for later use by disabled persons. • Privacy for women user in all such places is a must. 	PUU and the contractor	Limited budget covered by contracting firm budget.

Appendix 1: Environmental Guidelines for Communities, FPs and Contractors

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

- Installation of the work site on areas far enough from water points, houses and sensitive areas.
- Sanitary equipment and installations if needed appropriate
- Site regulation (what is allowed and not allowed on work sites)
- Compliance with laws, rules and other permits in vigor.
- Hygiene and security on work sites
- Protect neighboring properties
- Ensure the permanence of the traffic and access of neighboring populations during the works to avoid hindrance to traffic
- Protect staff working on work sites
- Soil, surface and groundwater protection: avoid any wastewater discharge, oil spill and discharge of any type of pollutants on soils, in surface or ground waters, in sewers, drainage ditches.
- Protect the environment against exhaust fuels and oils
- Protect the environment against dust and other solid residues
- Waste management: install containers to collect the wastes generated next to the areas of activity.
- Degradation/demolition of private properties: inform and raise the awareness of the populations before any activity causing degradation of natural vegetation and resources. Compensate beneficiaries before any work.
- Use a quarry of materials according to the mining code requirements
- Compensation planting in case of deforestation or tree felling
- No waste slash and bum on site
- Speed limitation of work site engines and cars
- Allow the access of Public and emergency services
- Organize the storage of materials on the public highway
- Parking and displacements of machines
- Signaling of works

- Respect of cultural sites
- Dispose safely of asbestos
- Consider impacts such as noise, dust, and safety concerns on the surrounding population and schedule construction activities accordingly;
- Protect soil surfaces during construction and revegetate or physically stabilize eligible surfaces;
- Ensure proper drainage;
- Prevent standing water in open construction pits, quarries or fill areas to avoid potential contamination of the water table and the development of a habitat for disease-carrying vectors and insects;
- Select construction materials sustainably, particularly wood;
- Control and clean the construction site daily;
- During construction, control dust by using water or through other means;
- Provide adequate waste disposal and sanitation services at the construction site;
- Dispose of oil and solid waste materials appropriately.
- Preserve natural habitats along streams, steep slopes, and ecologically sensitive areas;
- Develop maintenance and reclamation plans and restore vegetation.

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

Background:

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

Community rehabilitation/construction works to be identified and implemented by the communities themselves (for small projects of up to \$100,000 each);

Small and medium-size works to be identified by local authorities and implemented by local contractors (for projects up to \$5m each);

Works to be implemented directly by Government departments/agencies, without use of contractors;

Large works to be implemented by contractors (for projects above \$5m);

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

Procedure for Community-Managed Works

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

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

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

Procedure:

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

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

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

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

3. If the community suspects landmine contamination in the area;

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

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

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

Procedure for Small and Medium-size Works Contracted Out

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

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

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

Procedure:

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

2. If MACA provides information suggesting a nil-to-low risk in the proposed project area, the project can go ahead for selection.
3. The contract between the responsible ministry and the contractor will include a clause stating that in case of an accident, legal liability would be fully and solely borne by the contractor.
4. If MACA assesses a potentially high risk in the area (whether due to the presence of landmines or uncertainty),
5. If the project includes an assessment/clearance task agreed to be implemented by MACA (or by a mine action organization accredited by MACA), it can go ahead for selection based on agreed funding modalities (clearance may be funded either under a contract with a World Bank-funded project or under existing donor agreements with the mine action organization);
6. If the project does not include an assessment/clearance task, it should not go ahead for selection as long as this has not been corrected.

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

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

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

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

Procedure:

1. Prior to carrying out work, the Government department/agency will consult with MACA to assess mine-related risks in the area (this should include checking information available in the MACA data base). If not already done, a general survey should be carried out by MACA (or by a mine action organization accredited by MACA) to assess mine-related risks in the area.
2. If MACA provides detailed information on mine-related risks which suggest a nil-to-low risk in the proposed area, the work can proceed. The Government would be solely liable in case of a mine-related accident.

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

Procedure for Large Works Using Contractors

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

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

Procedure:

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

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

- a) Based on the general survey results, a specific budget provision for mine action during construction is set aside as a separate provisional sum in the tender documents for the general contract.
- b) As a separately identified item in their bid, the bidders include a provision for a further detailed mine assessment and clearance during construction.
- c) On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially

contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to choose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.

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

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

- a) Specific, separately-awarded contracts are issued for further surveying and/or clearing of areas with a not-nil-to-low risk (under the supervision of the Engineer) by specialized contractors (or a mine action organization accredited by MACA). The definition of the areas to be further surveyed / cleared should be limited to those areas where any contractor would have to work, and should not include areas such as camp sites and quarries/material sites which are to be identified by the Contractor during and after bidding of the works. As a result of these further surveys and possibly clearance works, mine-related risk in the entire contract area is downgraded to nil-to-low.
- b) The contract with the general Contractor specifies the extent of the portion of the construction site of which the Contractor is to be given possession from time to time, clearly indicating restrictions of access to areas where the mine risk is not nil-to-low. It also indicates the target dates at which these areas will be accessible. Following receipt of the notice to commence works from the Engineer, the Contractor can start work in all other areas.
- c) The general Contractor is invited to include in its bid an amount for mine-security, to cover any additional survey / clearance he may feel necessary to undertake the works.
- d) In case of an accident, a Board of Inquiry is assembled by MACA to investigate on the causes of the accident and determine liabilities. Large penalties should be applied on the Contractor if the Board determines that the accident resulted from a breach of safety rules.
 - e) All parties involved in this process are required to closely coordinate with MACA and to provide the Government, local communities, MACA, as well as any interested party the full available information on mine-related risks that may reasonably be required (e.g., maps of identified minefields, assessments for specific areas).

Appendix 3: Protection of Cultural Property

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

Chance Find Procedures

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

- The Archaeology Institute and the Historical Artifacts Preservation and Repair Department are both responsible to survey, evaluate, determine and record all cultural and historical sites and collect and organize all historical documents related to each specific site. No one can build or perform construction on the recorded historical and cultural site unless approved or granted permission or agreement is issued from the Archaeology Institute.(Art. 7)
- All moveable and Immovable historical and cultural artifacts and heritage items that are discovered or remain buried and not discovered/excavated in Afghanistan are the property of the Islamic Republic of Afghanistan and any kind of trafficking of such items is considered theft and is illegal.(Art. 8)
- Whenever municipalities, construction, irrigation or other companies (whether they are governmental or private) find or discover valuable historical and cultural artifacts during the conduct of their projects, they are responsible to stop their project and report any findings to the Archaeology Institute about the discovery.(Art. 10)
- Any finder or discoverer of historical and cultural sites is obligated to report a find or discovery to the Archeology Institute immediately but not later than one week if it is in the city and not later than 2 weeks if it is in a province. All discovered artifacts are considered public properties and the Government of Afghanistan will pay for all lands and sites which are considered to be of historical or cultural value.(Art. 19, 1)

- Whenever there is an immovable historical and cultural site discovered which includes some movable historical and cultural artifacts, all such movable artifacts are considered public property and the owner of that property will be rewarded according to Article thirteen (13) of this Decree.(Art. 19, 2)
- A person who finds or discovers a movable historical and cultural artifact is obligated to report the discovery to the Archaeology Department no later than seven (7) days if he/she lives in the capital city of Kabul, and in the provinces they should report the discovery to the Historical and Cultural Artifacts Preservation Department or Information and Culture Department or to the nearest governmental Department no later than fourteen (14) days.
- Mentioned Departments in this article are responsible to report the issue to the Archaeology Department as soon as possible and the discoverer of the artifact will be rewarded according to Article 13 of this Decree. (Art. 26)
- Whenever individuals who discover historical and cultural artifacts do not report such discoveries to the related Departments within the specified period according to Articles 19 and 26 of this Decree, they will be incarcerated for a minimum of one (1) month but not more than a maximum of three (3) months.(Art. 75)

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

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

Appendix 4: Procedures for Landmine Risk Management in World Bank-Funded Projects in Afghanistan

Background:

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

Community rehabilitation/construction works to be identified and implemented by the communities themselves (for small projects of up to \$100,000 each);

Small and medium-size works to be identified by local authorities and implemented by local contractors (for projects up to \$5m each);

Works to be implemented directly by Government departments/agencies, without use of contractors;

Large works to be implemented by contractors (for projects above \$5m);

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

Procedure for Community-Managed Works

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

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

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

Procedure:

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

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

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

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

3. If the community suspects landmine contamination in the area;

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

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

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

Procedure for Small and Medium-size Works Contracted Out

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

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

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

Procedure:

7. 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).

8. If MACA provides information suggesting a nil-to-low risk in the proposed project area, the project can go ahead for selection.
9. 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.
10. If MACA assesses a potentially high risk in the area (whether due to the presence of landmines or uncertainty).
11. If the project includes an assessment/clearance task agreed to be implemented by MACA (or by a mine action organization accredited by MACA), it can go ahead for selection based on agreed funding modalities (clearance may be funded either under a contract with a World Bank-funded project or under existing donor agreements with the mine action organization).
12. If the project does not include an assessment/clearance task, it should not go ahead for selection as long as this has not been corrected.

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

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

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

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

Procedure:

4. 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.
5. 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.

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

Procedure for Large Works Using Contractors

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

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

Procedure:

4. 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 unambiguous 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.
5. 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).
6. 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

- e) 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.
- f) As a separately identified item in their bid, the bidders include a provision for a further detailed mine assessment and clearance during construction.
- g) On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially

contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to choose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.

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

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

- a) Specific, separately-awarded contracts are issued for further surveying and/or clearing of areas with a not-nil-to-low risk (under the supervision of the Engineer) by specialized contractors (or a mine action organization accredited by MACA). The definition of the areas to be further surveyed / cleared should be limited to those areas where any contractor would have to work, and should not include areas such as camp sites and quarries/material sites which are to be identified by the Contractor during and after bidding of the works. As a result of these further surveys and possibly clearance works, mine-related risk in the entire contract area is downgraded to nil-to-low.
- b) The contract with the general Contractor specifies the extent of the portion of the construction site of which the Contractor is to be given possession from time to time, clearly indicating restrictions of access to areas where the mine risk is not nil-to-low. It also indicates the target dates at which these areas will be accessible. Following receipt of the notice to commence works from the Engineer, the Contractor can start work in all other areas.
- c) The general Contractor is invited to include in its bid an amount for mine-security, to cover any additional survey / clearance he may feel necessary to undertake the works.
- d) In case of an accident, a Board of Inquiry is assembled by MACA to investigate on the causes of the accident and determine liabilities. Large penalties should be applied on the Contractor if the Board determines that the accident resulted from a breach of safety rules.
- e) All parties involved in this process are required to closely coordinate with MACA and to provide the Government, local communities, MACA, as well as any interested party the full available information on mine-related risks that may reasonably be required (e.g., maps of identified minefields, assessments for specific areas).