

د افغانستان اسلامي جمهوریت

د انرژۍ او اوبو وزارت

جمهوری اسلامی افغانستان

وزارت انرژی و آب



Islamic Republic of Afghanistan

Ministry of Energy and Water

ریاست تدارکات

آمریت تدارکات خدمات مشورتی



Minutes of the Information Session

For

Project: Consultancy Services for Environmental and Social Impact Assessment (ESIA) & Resettlement Action Plan (RAP) for Kajaki Dam Phase II Project, Helmand Province

NPA Ref. No.: NPA/MEW/98/CS-2379/QCBS Country: Afghanistan

Client: Ministry of Energy & water

Grant No: TF0A1691

Venue of Meeting: conference room of COO Department, DABS

Date of Meeting: 10 April 2019

Time of Meeting: 10:00 AM, Kabul Local Time

I. Contents:

An information session for the ongoing procurement: Consultancy Services for Environmental and Social Impact Assessment (ESIA) & Resettlement Action Plan (RAP) for Kajaki Dam Phase II Project ESIA for Kajaki, Helmand Province was held on 10th April 2019, at the Meeting Hall of the Conference Room of the Chief Operations Officer (COO) Department, DABS; in which representatives of MEW, DABS and 11 prospective consultants participated.

II. Attendees:

MEW and DABS Representatives

1. Mohammad Daoud Qazizada, Ministry of Energy and Water
2. Eng. Abdul Raouf Ahmadi, Water Programmed Department (MEW)
3. Abdul Rasheed Sultani, Procurement Specialist (MEW)
4. Mohammad Ajmal Yosoufzai, Procurement specialist (DABS)



Prospective Consultants Representatives

The agenda was presented in power point.

NO	Name	Organization	Contact No	Email address
1	Hamid Arefi	Hydro Arch S.R.L and Pamir Geotechnical JV	07477161311	Pamir.geotechnical@gmail.com
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11	Tawab Khan	Socioconltd international and AERC(JV)	0776787540	socioconltd@gmail.com & aerc.af.engineering@gmail.com

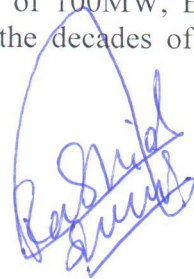
III. Opening Remarks:

as follows:

• **Kajaki Dam History and Background:**

Kajaki region is covered by some of the richest and flattest irrigation lands in Afghanistan, and the Kajaki dam had been mainly constructed to control the flood and irrigate these lands. The area of Helmand province where the Dam is located is on/tenth of the Afghanistan area, and by the construction of the Kajaki dam, the Helmand province was transformed to the country's depot of grains especially wheat, during that time. Currently, people from diverse ethnicities live in Helmand and mostly do farming.

In 1953, dam body and the reservoir were constructed which also included four irrigation canals in downstream. One is Bughra canal with 70m³/sec water flow; others are Darwishian, Shamalan, and Nahesaraj which approximately facilitate irrigation of 40,000 hectares of lands. The Kajaki Dam project was initially designed in two phases; (i) phase-1 for the construction of the Dam's body and the reservoir; and construction of a 51.5 MW powerhouse (between 1953-1975) and (ii) phase-2 for the installation of spillways radial gates to control the excess water flow from the reservoir and increase the reservoir's storage capacity, construction of the new powerhouse for installed capacity of 100MW, Emergency spillway, switchyard construction and parapet wall construction. However, the decades of wars and



conflicts in the country delayed the completion of phase -2, and the spillway gates were left uninstalled until now.

Since then, the increase of sediments (estimated 40% of the reservoir) has been negatively affecting the dam's operations and has been impacting the lives of about one million people in the region. Therefore in 2016, the GoIRA decided to complete the phase-2 of the project and finally in 2018, after discussions with the 77-construction company which also installed the unit#3 of the Kajaki (2014), the GoIRA agreed that 77 complete the remaining works plus adding a new powerhouse (100MW) through a built operation transfer (BOT) contract. According to the implementation agreement, that allows the 77 to operate the plant and implement the phase-2 through private financing and sell the power to DABS according to the power purchase agreement.

- **Helmand river basin: International waterways issue**

The Helmand river basin is an international waterway with Iran. The Afghan-Iranian Helmand water treaty was signed in 1973 and the water share for Iran is specified under the contract for a normal year. The government is committed to fulfilling its responsibilities according to the contract and will stay committed in the future too.

- **The ESIA and RAP Assignment:**

By installation of the spillway gates, the Kajaki dam reservoir level will be increased from 1033.5 m to 1045 m. Any increase in the current water storage will impact the population as well as the environment around the reservoir. The GoIRA with the support of the World Bank will recruit a consultant to undertake the ESIA and RAP studies for such impacts. Due to the potential resettlement activity and lack of local capacity in such activities, the government has decided to only assign an international firm with the required knowledge and expertise. However, since accessing the project site will be challenging to the international firms, the government is recommending collaboration between the international and local firms which can easily access the project site and talk to the communities.

IV. Presentation from MEW:

Mr. Abdul Raouf Ahmadi, Civil Engineer at MEW, and Mr. Abdul Rasheed Sultani, Procurement Specialist at MEW, delivered a brief presentation regarding the technical aspects of the project and procurement criteria before opening the session to participants to ask their questions.

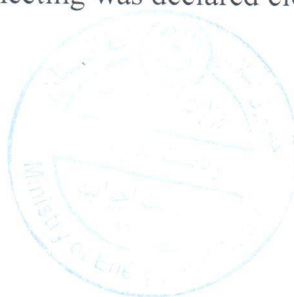
V. Question and Answer Session: Panel responses to the questions and request for clarifications:

Questions which were asked during the session with all responses and clarifications from the information meeting panel are consolidated as Annex 1 of these meeting minutes.

VI. Closing Remarks

Mr. Daoud Qazizada, Senior Advisor at MEW thanked all participants for their contributions to the meeting and assured them that the meeting minutes will be shared with all consultants. Meanwhile, MEW representatives requested from all participated companies to share any further inquiries and suggestions through email as specified in REOI.

Having no further business to discuss, the meeting was declared closed at 11:45 A.M. Kabul time.



VII. Annexes to these minutes:

- I.** Annex 1: **Consolidated List of Questions/Clarifications Along with Responses**
- II.** Annex 2: Suggested ESIA and RAP Implementation table.



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Annex-1: Consolidated List of Questions/Clarifications along with responses

No	Reference	Participants inquires	MEW Clarification
1	Activity Timeline	Can you confirm whether the consultant will also be responsible for activity in item 2 together with MEW?	This is a mutual responsibility led by the consultant. MEW and the local government will conduct the initial awareness raising to inform and prepare the communities about the upcoming surveys and activities by the consultant and the consultant will be able to start the work. Please refer to the revised timeline in annex 2.
2	Activity Timeline	In item 3 of the timeline, we believe that the consultant should take part in the baseline studies either by providing a methodology for baseline studies or directly conducting baseline studies on the site incorporation with the Government (MEW).	The baseline survey is a responsibility of the consultant. Please refer to the revised timeline in annex 2.
3	Activity Timeline	Item 7 and item 10 are the same activities, and one of those items should be deleted.	Noted. Item 7 is deleted and the revised timeline is provided as annex 2.
4	Activity Timeline	Why is there a difference between the percentage of coverage of baseline survey and census survey? (10% coverage for baseline social survey and 100% for the census survey).	The baseline survey and census survey are two different tasks. Please refer to the revised timeline in the annex.
5	Regional Experience	Is the work done in neighboring countries like Uzbekistan considered as regional experience?	Yes
6	Regional Experience	Is the ESIA and scope of work report prepared by Greentech Co. available? Will it be provided to all participants before submitting the proposal?	Regarding this issue, the MEW has sent the email to the Construction USA Corp., who managed and financed the assignment.

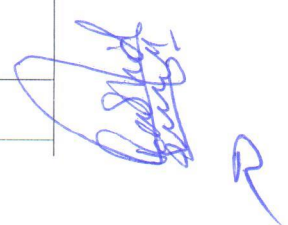
7	Activity Timeline	The task to be done by the government and the consultant should be clearly identified.	Please refer to the revised timeline in Annex 2.
8	REOI, evaluation criteria	Is an organizational chart enough at the EoI stage or we should submit employee's CV as well?	At the EoI stage, availability of technically qualified staff along with organizational structure is helpful. Brief qualification of staff, but no detailed CVs are required.
9	Activity Timeline	The timeline shows that MEW and Arazi will do the baseline E & S survey in the project's area of influence. and consultant will analyze the data. Please clarify.	The ESIA and RAP consultant is responsible for undertaking the baseline environmental and social (E & S) survey and data analysis. In parallel with the E&S baseline survey, MEW should initiate to engage Arazi/Ministry of Urban Development (MUDL) and provincial valuation teams to conduct land clearance survey and land/asset valuation survey. It is important to note that there are two distinct phases for transferring land with infrastructure projects. This involves cadastral survey/land clearance (Tasfiya) to be followed with land acquisition and resettlement and rehabilitation (see Annex 3, which outlines the process for the land Tasfiya survey and land valuation survey). The land clearance and land valuation reports, along with the baseline social survey will form the basis for the preparation of the RAP.
10	Activity Timeline	The activity timeline shows that the consultant will start the activity first and then MEW and Arazi will conduct their survey. In case governmental entities couldn't cover the tasks on time then who will be responsible?	The baseline survey is a responsibility of the consultant. Please refer to the revised timeline.
11	Regional Experience	Why is regional experience not mandatory? It should be mandatory specifically, when considering the situation in Kajaki area and when the government is recommending collaboration between international and local	Specific ESIA/RAP experience for Afghanistan is not mandatory because there are only a few assignments of similar scope that have been conducted in Afghanistan

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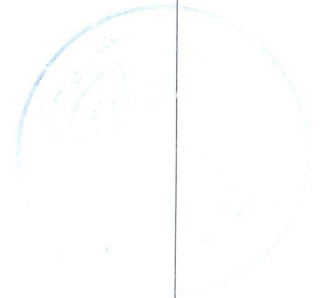
12	TOR	companies to use the national experience from Kajaki region or other parts of Afghanistan.	in the past (especially when considering the large number of persons to be resettled). Sound experience in the area of ESIA's and complex RAPs anywhere in the world is an asset for this assignment. No changes in this regard will be applied to the criteria.
13		What is the role of 77 Construction in relation to the ESIA/RAP?	77 Construction is the private sponsor of the Kajaki Phase 2 project and will finance, construct, and operate the Phase 2 Kajaki Hydropower Project. However, the ESIA/RAP is an independent task required by the GoIRA and World Bank, which assess the potential impacts of reservoir raise before the increase of the reservoir can proceed. As private sponsor of the project, 77 Construction will be available to provide information, but the employer is MEW.
		How will the government ensure that the delay in the MEW and Arazi tasks will not affect the consultant's work?	The government is committed to providing any support to the consultant to perform its assignments on time. We have revised the timeline to reflect consultant responsibilities and will make sure a detailed timeline for the government responsibilities is developed internally. The consultant will certainly not be held responsible for any delays that demonstrably affect progress of the ESIA/RAP by the government.
14	REoI	How many companies could form a JV? What is the limitation.	Up to three firms can establish a JV and all together should meet the 100% of JV requirements.



15	TOR	Are the measurements like noise and dust measurements, a responsibility of the consultant?	The terms of reference for the ESIA and RAP clearly indicates the responsibilities of the consultant. All measurements and surveys which the consultant is responsible for, should be conducted with the consultant's own equipment and tools.
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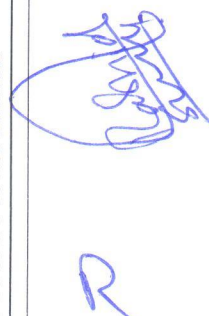
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Annex 2.

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A. Land Clearance (Tasfiya)

Summary: There are two distinct phases for transferring land for infrastructure projects. This involves cadastral survey/land clearance (Tasfiya) to be followed with Land acquisition and resettlement and rehabilitation. The role of Arazi (Land clearance and Cadastral team), Ministry of Agriculture, Irrigation and Livestock (MAIL), Ministry of Energy and Water (MEW), Ministry of Finance (MoF), Provincial agencies (local municipality DEW, DAIL), Presidential Office and Requiring agency is clearly defined. There is an underlying assumption that with the implementation of IDPL, one of the key services of ARAZI on transfer of land for infrastructure will become efficient. Accurate cadastral maps and clear title to property is a critical action, however, that alone will not expedite transfer of land for projects. It requires other Institutions to work together with ARAZI as described below:

Phase 1 - Arazi's responsibility towards providing reports on cadastral survey and land clearance covered request for all infrastructure projects. Mobile team from Kabul, representing cadastral and Land clearance, MAIL, MEW, MoF, visits the province to process the request. Before finalization of the report, the cadastral team prepares map indicating location, shape and size of the property required. Recently, the responsibility to provide cadastral survey and land clearance reports has been decentralized to provinces for linear project, except for some rare cases, such as CASA 1000 transmission-line in which the land acquisition impact is larger. For other development projects, it is retained with the Kabul office (See detail in Table 1.1). The Requiring Agency shall, after approval of the plan by the Arazi evaluation committee and approval of project by the government (Presidential Office), inform the property owner and affected persons under expropriation, six months prior to its implementation through mass media and local competent administrative source regarding the detailed plan of the project plus information relating to land acquisition (objective of expropriation, type and adequate size of property needed for expropriation, estimation of value of property needed for expropriation on the basis of minimum and maximum value of the land, ensuring allocation of prior and just payment of compensation and starting date of project)-[article 9 of the LAL 2018).

Phase 2 – After the land clearance report is approved by the Presidential Office, the requiring body submits request to ARAZI to initiate the process of acquisition. The cadastral and land clearance report is submitted to the Provincial government that constitutes a land valuation team. A report on valuation of the property is prepared which the provincial government submits to ARAZI that for approval by Council of Ministers (CoMs). Following the approval of the plan by the evaluation committee and approval of the plan by the CoMs, it is sent to Ministry of Finance for release of budget and to Requiring body to disburse the compensation and issue notice to people for evacuation 1 months after receiving compensation- [article 10 of the LML] (see detail in table 1.2). Whenever buildings and establishments are constructed on the expropriated land, the owner may destruct it and transfer the construction materials within a period of three months- [article 13 of the LML].

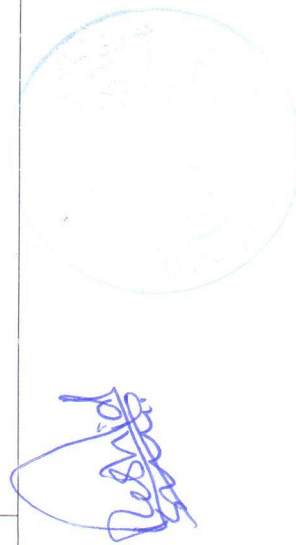
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Phase-1

Table 1.1 presents the processes/procedures with steps for land clearance (Tasfiya)

steps	Action	Responsibility	Duration
1	Submit request of land requirement for a project to Arazi (clause 48 of LML)	Requiring body (i.e. IDLG, MoMP, MoEW, etc.)	Date
2	Prepare a report on the requirement of land for the project, for which the team carries readiness filter of whether the project is in the plan, budget is allocated, land is required or not.- (clause x-x LML)	Land clearance Department/Arazi- at HQ level	2-3 days
3	Submission of the report to the President for approval- clause x-x LML	Arazi	X days
4	President gives consent or decline	President office	X days
5	Inform the property owner and affected persons under expropriation, six months prior to its implementation through mass media and local competent administrative source regarding the detailed plan of the project plus information relating to land acquisition	Requiring body	6 months prior to its implementation
6	Constitution of land clearance team of representing MoEW, MAIL, MoF, Cadastral and Tasfiya team. Clause 40 of LML.	Arazi	X days
7	For development projects, the mobile team constituted under step 5 is send to the province. They meet the governor and inform him/her regarding the project and land requirement and their role in land clearance and office is provided to them by the governor	Land clearance Mobile team	X days

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8	For linear project, the team is constituted at the province level and the members are the same indicated in step 5. Clause- xx	Provincial government	X days
9	Information dissemination regarding the nature of type of project, location, area required and other basic information via TV, radio, posters, mosques and other means.	Land clearance	X days
10	Submission of ownership documents to the land clearance team. The minimum requirement is one of the document out of the 11-listed (see annex 1 A) in clause 80 of the LML. It should meet the conditions stipulated in the LML.	The affected owner of the concerned land	X days
11	The document submitted is verified for history of ownership, checking for court approval, etc.	Land clearance	X days
12	Meeting the cadastral team to check whether maps are available to verify the location of the land on the cadastral map and owner of the property.	Land clearance	X days
13	If map is available form is filled to calculate size of each parcel of land required for the project, including geometric shapes of the parcels and submitted to the land clearance team.	Cadastral team	X day
14	Four-page form is filled, which include personal information of the owner, qualitative/quantitative information of the land, own assessment of balance land to make whether it is grabbed land, additional land, etc. Each member of the land clearance team will include their own observations in the form and sign. This is submitted to Arazi and Amlak or Arazi provincial office for their review/processing.	Land clearance team	X day
15	Submit the report to the requiring agency indicating that land clearance is completed.	Arazi	X day

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Phase 2

Table 1.2 presents the processes/procedures with steps for land acquisition and resettlement

steps	Action	Responsibility	Duration
1	Submit request for land acquisition to Arazi (clause xx of LAL)	Requiring body (i.e. IDLG, MoMP, MoEW, etc.)	Date
2	Analysis the land clearance report and request for acquiring and submit it to the provincial governor to evaluate the land.	LAD of Arazi	X day
3	Land valuation team is constituted representing DAIL, DoEW, local municipality and community representatives. (Article 22 LAL). The price is fixed by provincial government which is verified by the land valuation team in some cities. If the price is not determined, then the valuation team fixes the price for which standards are stipulated. However, there is no land price in rural and some urban areas. Article 24 of LAL according to which the requiring body constitutes the team (Engineers, and land Owner) to collect prices and market value to determine the rate of compensation.	Provincial governor council	X day
4	Report prepared and submitted the report on the value of land and other properties to provincial governor.	Land valuation team	X day
5	Report reviewed and approved.	Provincial government council	X day
6	Report submitted to Arazi for certification	ARAZI	X day
7	Certified report submitted to Requiring body	ARAZI	
8	Certified report/document submitted to Council of Ministers (CoMs) for approval. Report with approval sent to requiring body to make payment and MoF to allocate budget.	Requiring body	X day
9	Disbursement of compensation paid to the affected people.	CoMs	X day
10	Public notice issued to evacuate 1 months after receiving compensation (RAP implementation).	Requiring body	X day
11	Land deeds from owners deposited to requiring body	Requiring body	X day
12	These deeds submitted to ARAZI	Owner	
13	Change in land owner and use completed of acquired land	Requiring body	
14	Land allocation for relocation	ARAZI	