

Report No. 76852-AF

The Inspection Panel



Report and Recommendation

**AFGHANISTAN: Sustainable
Development of Natural Resources
Project Additional Financing
(P116651), and Sustainable
Development of Natural Resources
Project II (P118925)**

April 23, 2013

The Inspection Panel

Report and Recommendation On Request for Inspection

AFGHANISTAN: Sustainable Development of Natural Resources Project Additional Financing (P116651), and Sustainable Development of Natural Resources Project II (P118925)

A. Introduction

1. In accordance with the Resolution (hereinafter “the Resolution”)¹ establishing the Inspection Panel (hereinafter “the Panel”), the purpose of this Report and Recommendation on Request for Inspection (hereinafter “the Report”) is to make a recommendation to the Board of Executive Directors as to whether the Panel should investigate the matters alleged in this Request related to the above-mentioned projects. The Panel’s recommendation is based on its consideration of the technical eligibility of the Request and its assessment of other factors as reflected in the Resolution.
2. The Panel’s determination of the technical eligibility of the Request, in accordance with the 1999 Clarification to the Resolution,² is set out in Section E below, and Section F summarizes the Panel’s observations on additional factors analyzed before making a recommendation to the Board. The Panel’s recommendation is presented in Section G.
3. On December 3, 2012 and December 6, 2012, respectively, the Inspection Panel received two requests for inspection related to the Afghanistan: Sustainable Development of Natural Resources projects (SDNRP, SDNRP Additional Financing, and SDNRP-2). In this Report, both requests are hereinafter jointly referred to as “the Request”, unless otherwise specified. Furthermore, both sets of Requesters have asked for their identities to remain confidential.
4. The first request was sent in Pashto by a resident of Mes Aynak area of Logar Province.³ The requester refers to a report by the Alliance for the Restoration of Cultural Heritage

¹ International Bank for Reconstruction and Development (Resolution IBRD 93-10) and International Development Association (Resolution 93-6), “The World Bank Inspection Panel”, September 22, 1993 (hereinafter “the Resolution”), para. 19. Available at:

<http://siteresources.worldbank.org/EXTINSPCTIONPANEL/Resources/ResolutionMarch2005.pdf>

² “1999 Clarification of the Board’s Second Review of the Inspection Panel”, April 1999 (hereinafter “the 1999 Clarification”). Available at:

<http://siteresources.worldbank.org/EXTINSPCTIONPANEL/Resources/1999ClarificationoftheBoard.pdf>

³ The Pashto request was translated into English by the Inspection Panel.

(ARCH International).⁴ The second request was sent by the Kabul office of ARCH with a cover page in Dari. The request is supported by Afghans residing both within and outside Afghanistan who have asked to be represented by ARCH. This request includes two online petitions launched by expatriate Afghans who at the time the request was sent had gathered over 110,000 signatures.⁵ It also refers to a campaign with similar goals launched by two Thai organizations.

5. The Panel registered the Request on January 4, 2013 and World Bank Management submitted its response to the Request for Inspection on February 8, 2013.⁶
6. The Panel’s Report and Recommendation was originally due on March 5, 2013. On February 13 and March 5, the Panel requested the Board to approve two separate extensions of the deadline to submit this Report for reasons related to the timing of the Panel’s eligibility visit in the light of security constraints in Afghanistan. The Board approved both extensions and the deadline was extended to April 22, 2013.

B. The Project

7. The Request for Inspection raises concerns about the Bank support to the Afghanistan: Sustainable Development of Natural Resources projects (SDNRP, SDNRP Additional Financing, and SDNRP-2). By the time the Request was received by the Panel, the SDNRP project was already closed and, is therefore, outside of the Panel’s purview (see below section E. Determination of Technical Eligibility).
8. According to the Management Response, the three SDNRP operations are a part of a programmatic approach to oil, gas and mining sector development in Afghanistan. Management states that the objectives of SDNRP-AF and SDNRP-2 are closely aligned.
9. The objective of SDNRP-AF is to assist the Government of Afghanistan (GoA) “*in improving the Ministry of Mine’s [MoM] capacity to effectively regulate the mineral and hydrocarbon resource sector in a transparent manner, and to foster private sector development.*”⁷ SDNRP-AF has four components: (i) improving MoM’s internal efficiency and streamlining internal processes; (ii) developing regulatory capacity to effectively regulate and handle mining and hydrocarbon activities; (iii) supporting the

⁴ According to ARCH-International’s website, it is US-based non-profit organization with a focus on the preservation and restoration of archeological sites marred by crisis and war.

⁵ The petition are respectively entitled (and available at): “President Hamid Karzai: Prevent Destruction of Ancient Site of Mes Aynak & the Environmental Damage” (<http://www.change.org/petitions/president-hamid-karzai-prevent-destruction-of-ancient-site-of-mes-aynak-the-environmental-damage-3>) and “Save our Past – Ask UNESCO to Include Mes Aynak on the List of Endangered Sites” (<http://www.change.org/petitions/save-our-past-ask-unesco-to-include-mess-aynak-on-the-list-of-endangered-sites>).

⁶ Management Response to Request for Inspection Panel Review of the Afghanistan: Sustainable Development of Natural Resources-Additional Financing (P116651), and Sustainable Development of Natural Resources II (P118925). Hereinafter, the “Management Response”.

⁷ Additional Financing for the Sustainable Development of Natural Resources Project and Amendment to the Original Financing Agreement, Financing Agreement between the Islamic Republic of Afghanistan and the International Development Association, Grant Number H503-AF, Amendment Grant Number H238-AF, Dated December 20, 2009 (hereinafter “Financing Agreement SDNRP-AF”), Schedule 1, Project Description, p. 4.

development of mineral resources including enhancing the Recipient's capacity in the tendering process of key mineral deposits and revenue management; and (iv) enhancing sector governance. The legal agreement for the Additional Financing states that the Project supports the "*completion of the Aynak copper deposit transaction.*"⁸

10. The objective of SDNRP-2 is to assist the MoM and the National Environmental Protection Agency (NEPA) in "*further improving their capacities to effectively regulate the [GoA's] mineral resource development in a transparent and efficient manner, and foster private sector development.*"⁹ SDNRP-2 components include, inter alia: (i) capacity building support to MoM in relation to the development of sector policy frameworks and the tendering process of the Hajigak iron ore deposit; (ii) strengthening the capacity of MoM and NEPA for regulation and monitoring of operations, including implementation of a licensing system, inspection and contract compliance monitoring functions; and (iii) support towards the preservation of Mes Aynak antiquities and support for alternative livelihoods through sustainable artisanal and small scale mining.
11. The Financing Agreement for SDNRP-2 stipulates that the Project would provide support to the Project Management Unit (PMU) in Project implementation, "*particularly in the areas of monitoring and evaluating Project activities, complying with fiduciary and safeguards requirements, public information disclosure and regulated public consultation processes.*"¹⁰ It provides that the GoA will prepare, disclose and ensure that the Project is carried out in accordance with the Environment and Social Management Framework (ESMF), including any Resettlement Policy Framework (RPF), acceptable to the Bank. It also provides that GoA would "*ensure that the monitoring and regulation of all activities in the mining sector shall be carried out in accordance with the ESMF.*"¹¹
12. The Project Paper for SDNRP-2 states that, in terms of Project implementation support, funding will cover "*PMU staff costs, and consultant services to assist the PMU in carrying out day-to-day project management, public information disclosure and related public consultation processes, project fiduciary and safeguards management, and project monitoring and evaluation. The embedded technical expertise for environmental, social, cultural resource management, communications, and engineering disciplines will be a main mechanism for knowledge transfer around day-to-day activities within the MoM.*"¹² It adds that the PMU, will have overall responsibility for implementing the results monitoring system as well as specific responsibility for monitoring the results of the Project, "*supported by the World Bank Mining Team and reinforced through the PMU's local and*

⁸ Financing Agreement SDNRP-AF, Schedule 1, Project Description, Developing Mineral Resources, Part 3 (d), p. 5

⁹ Second Sustainable Development of Natural Resources Project, Financing Agreement between the Islamic Republic of Afghanistan and the International Development Association, Grant Number H699-AF, Dated July 16, 2011 (hereinafter "Financing Agreement SDNRP-2"), Schedule 1, Project Description, p. 4.

¹⁰ Financing Agreement SDNRP-2, Schedule 1, Project Description, Project Implementation Support, Part D, p. 5.

¹¹ Financing Agreement SDNRP-2, Schedule 2, Project Execution, Section I, E. Safeguards (b), p. 8.

¹² Emergency Project Paper on a Proposed Emergency Recovery Grant to the Islamic Republic of Afghanistan, Second Sustainable Development of Natural Resources Project, Report No: 61397 – AF, dated May 6, 2011 (hereinafter "Project Paper SDNRP-2"), dated May 6, 2011, p. iii.

international safeguard specialists. The latter will be supported through the relocation of an additional international safeguard staff member to Kabul.”¹³

13. The Project Paper states that while the Project is “*not directly involved in mine investments, its role in facilitating sustainable mineral sector investments requires an Environmental Category “B”, which is in line with current Bank practice.*”¹⁴ It lists the Environmental Assessment Policy (OP/BP 4.01), the Physical Cultural Resources Policy (OP/BP 4.11) and the Involuntary Resettlement Policy (OP/BP 4.12) as triggered.¹⁵
14. The Project Paper adds, as part of the risk assessment framework, that there are safeguard-related risks for local people around the development of large scale projects. These include, in particular, deficiencies in existing land acquisition laws and the lack of provision for Resettlement Policy Frameworks. The Project Paper for SDNRP-2 states that, as proposed mitigation measures, “*strong and sustained World Bank – Government collaboration has already led to improvements in resettlement policies, including preparation of an initial RAP for Aynak.*”¹⁶ It also adds that the SDNRP-2 provides a strong focus on supporting the government regarding safeguard issues in the sector overall and especially in its oversight of Aynak and in its preparatory work for Hajigak iron ore mine.¹⁷ It also states that the Bank team is closely cooperating with the international social consultant working for MoM, who is preparing the household census for project-affected people in Aynak and preparing the RAP with all required documentation, and continues to be assisting them “*on continuous basis with advice re RAP.*”¹⁸
15. The Management Response states that the Bank’s extractives industries sector work is guided by the 2005 World Bank Group Management Response to the Extractive Industries Review. This document includes, among other principles, the protection of the rights of people affected by extractive industries investments. In line with the above stated principle, the Project includes several actions to assist the MoM and NEPA to build their capacity to manage environmental and social impacts and risks. These include strengthening the GoA’s mining and environmental laws and regulations and the capacity to enforce them, both at the sectoral level and at the individual transaction level.

C. The Request

16. The Request includes claims of both a general and specific nature as listed below. What follows is a summary of the Request. The Request is attached to this Report as Annex I.

¹³ Project Paper SDNRP-2, p. 12.

¹⁴ Project Paper SDNRP-2, Annex 9 Environmental and Social Safeguards Framework, p. 102.

¹⁵ Project Paper SDNRP-2, Safeguard and Exception to Policies, p. 3. The Draft Environmental and Social Management framework, dated January 20, 2013, adds that the Safety of Dams Policy (OP/BP 4.37) was also triggered under the SDNRP-2, due to a requirement for advice from the SDNRP-2 team on the tailings dam for the Aynak copper mine.

¹⁶ Project Paper SDNRP-2, Annex 4 Operational Risk Assessment Framework, p. 47.

¹⁷ Project Paper SDNRP-2, Annex 4 Operational Risk Assessment Framework, p. 47-48.

¹⁸ Project Paper SDNRP-2, Annex 9B Social Safeguard Issues, pp. 121-122.

17. In general, the Request states that Mes Aynak¹⁹ is “*slated for destruction in connection with a copper mining project supported by the World Bank.*” The Request states that the mining operation will cause “*heavy losses*” to community members and to the culture and history of Afghanistan. It states that the mine “*is partially managed, overseen and funded by the World Bank*” and because of the Bank’s failures or omissions, the area of Aynak and Logar Province will suffer harm. The Request states that the “*apparent negligence of the World Bank in not ensuring that environmental safeguards are in place, imminently endangers the health of the population living there, the quantity and safety of their water supply and (...) the Kabul River with potential consequences even cross-border into Pakistan.*” It adds that there have been no attempts by the Bank to inform the local population on the Project or its risks. It adds that the initial resettlement efforts were fraught with problems and “*violent incidents.*”
18. **Claims related to the environment.** The Request states that there is a failure to provide a basic Environmental Assessment. It claims that the initial categorization of the Project as Category “C” (re-categorized as “B” under SDNRP-AF) affected decisions about environmental and social issues at a critical juncture. It adds that the dangers to public health, including failure to develop a mine closure plan, and possible release of toxic chemicals into the air, soil and water have not been properly assessed. The Request states that no environmental impact assessment or plan for mitigating the environmental risks were developed or made public and reviewed by independent experts. It adds that no siting alternatives were undertaken in the feasibility studies. It further claims that copper mining is associated with a number of significant risks to human health and to the natural environment, and impacts can continue to be felt even after mine closure.
19. Additionally, the Request states that the contract for Mes Aynak was not awarded in compliance with the environmental requirements of the current Afghan Minerals Law and associated Regulations. It also states that an adequate mitigation plan does not exist and there is no indication that monitoring can be successfully accomplished, given prevailing levels of non-transparency. The Request further states that, according to UNICEF, there is already evidence of arsenic in wells in Logar Province which is attributed to earlier small-scale copper mining. The Request states that the landscape will be impacted, including agricultural areas such as Mohammad Agha of Logar in which some of the Requesters reside, and that copper mines permanently alter the landscape due to the high ratio of waste to ore.
20. **Impacts on water quality (pollution).** The Request claims that it is not uncommon that the waste resultant from copper mines piles up to 400 hectares in size. According to the

¹⁹ “Mes” means copper in the Dari and Pashto languages. According to the Request: “*Aynak was on the Silk Road. As far back as 5000 years ago, this mineral rich area was already the locale for the mining, smelting and production of metals. Eventually, a wealthy and sprawling Buddhist city grew in Mes Aynak, guarded by a mountain-top fortress and walls, holding several religious complexes and multiple stupas, and containing commercial and residential districts. This remains today, buried beneath the ground; it is a find comparable to Pompeii. Its scientific value is obvious, as it holds unique information about early metal production and trade. The art works and artifacts including gold jewelry that have thus far been unearthed are of high artistic quality, indicating that the lower strata - where looters did not yet have access – likely hold much more. The tourism potential of such an accessible and fascinating site is obvious as well.*”

Request, toxic contaminants in copper mining (including heavy metals and acid drainage) are most commonly found in mine pits (underground workings; waste rock piles; tailings and other ponds; spent leach piles). The Request adds that these have the potential to degrade ground water, surface water, soil, and air quality during mine operation and after mine closure. If any of this waste infiltrates the underlying ground surface, according to the Request, it could reach the water table and potentially contaminate ground water. The Request states that, except for iron, all of these contaminants are toxic to humans and to aquatic life and are known to accumulate in the environment and concentrate in the food chain.

21. **Impacts on the groundwater (water depletion).** According to the Request, there is a fear that the mining activities would require a great amount of water, so much so that local communities will be unable to find drinking water or to provide water for their animals and agricultural needs. It states that Logar Province is a primarily agricultural province, whose population consists largely of farmers, who grow wheat, maize, and a variety of vegetables and fruit and that "*agriculture relies on an extensive, traditional irrigation system (kareze system).*" The Request states that communities fear that the mining project will draw down the underground water resources, and streams and wells may dry out. They are concerned that the Bank is not ensuring that environmental safeguards are in place, imminently endangering the health of the population living there, and the quantity and safety of their water supply.
22. **Inadequate resettlement plan, loss of livelihood, and livelihood restoration.** The Request states that the Mohammad Agha area (where mining activities will occur) is agricultural land. It states that communities are concerned that agricultural produce will be impacted causing losses to their livelihood. The Request adds that people have been ousted from their area and are still homeless. This created an increase in density in other neighborhoods ("*even burial space has become difficult to find*"). The Request states that there are no clear indications of the number of people to be resettled or lists of villages affected and that the host-area, the As-wahab Baba (or Ashab Baba) resettlement area, is agricultural and the total area given to the resettled community is not sufficient. The Request states that evicted families have been asked to build their homes at their own expense. It states that the resettlement plans do not list community members from the Aynak area who are currently refugees in Iran or Pakistan. It also states that stress for land in the host-area is exacerbated and increasing the risk of conflict and unrest among the local population.
23. The Request states that the host area is claimed by the Stanakzai tribe, which has warned the residents of Aynak area not to enter their land or else they will face consequences. It adds that the people of Aynak will not wish to settle in the host area even if they are forced to do so, and they were not presented any choices or viable alternatives. The Request adds that the promised compensation (in a Government decree) for expropriated land was not specified. It also mentions allegations of corruption while registering land ownership.

24. **Special risk to a vulnerable indigenous minority (the Kuchis).** The Request states that one of the affected groups; the Kuchis are nomadic and designated as a vulnerable population by the United Nations Assistance Mission in Afghanistan (UNAMA). It adds that they are considered “*as one of the principal vulnerable populations in the country.*” The Request cites OP 4.10 (Indigenous Peoples) in this connection.
25. **The need for preservation of Mes Aynak archeological find.** The Request states that, thousands of years ago, copper had been extracted from this part of Afghanistan, as a result of which a city came into being (Mes Aynak). According to the Request, the ruins of this historical city still exist under the ground and are very important from an archeological standpoint as they give deep insight into ancient Afghan history that is thousands of years old. The Request mentions that the current practice of using “*godown*” (storage areas) to store statues found during excavation of these historical sites is not a sustainable method to preserve a whole city. The Request states that “*emergency archeology*” or “*salvage archeology*”, which is in effect in Mes Aynak, should be a last resort method that should not apply to Mes Aynak “*where one finds an isolated buried city.*” It states that the archeological survey²⁰ conducted under the auspices of the Bank, is neither comprehensive nor did it use state of the art data collection techniques (e.g. “*through ground penetrating aerial photography and laser-based remote scanning technology*”). The Request states that the failure to properly map, explore and evaluate the site is alarming given the magnitude and importance of Mes Aynak, adding that the Bank is funding workers and archeologists on the site with the goal to salvage objects from the upper strata of the deposit, which is highly prejudicial to these objects.
26. The Request states that international best practice standards for cultural preservation require that a survey and mapping of the site should have been carried out which would have led to a mining plan indicating the extent to which the site could be responsibly excavated, documented and preserved in harmony with the copper mining effort, and finally, a joint plan for heritage preservation and copper mining inclusive of timelines could have been developed. It adds that this did not happen and instead a decision was made, with the support of the Bank, to practice salvage archeology instead of site preservation. It also adds that archeologists were continuously given incorrect estimates of how short a time they had to rescue whatever they could before mining commenced, hence creating a false state of urgency. The Request states that if the current plan goes forward, the sites’ lower levels will never be excavated and all the information contained therein will be lost forever, which is arguably a loss to the history of science, since the lower levels of the site include artifacts and data about the history, the methods and tools utilized in mining in earlier millennia. The Request states that Afghanistan already “*lost Buddha statues of Bamiyan (...) and now the approximately 5,000-year-old city of Aynak, which is much more significant than the Bamiyan statues, is being ignored.*”
27. **Lack of disclosure and consultations.** The Request states that the “*relevant and necessary information*” was never shared with the community members. It states that in the summer of 2011, community members were informed of an important meeting in

²⁰ Délégation Archéologique Française en Afghanistan, Mes Ainak, A comprehensive assessment of the archaeological issue.

Kabul planned by the Bank regarding the Project, however, they were not invited to attend it.

28. The Request adds that residents' land was expropriated by government decree without prior consultation. It states that community members are "*very worried about this project.*" According to the Request, "*to date, no EA has been made public.*" The Request adds that the Bank attempted to comply with environmental protection requirements by hiring an independent monitoring agency, but that a lack of access, information, and transparency made it impossible for these consultants to fulfill their mandate.
29. **Designation of the Project as an Emergency Operation.** The Request states that the Bank designated the operations related to Mes Aynak as an emergency operation allowing the Bank "*to exempt the project*" from certain safeguard requirements. The Request states that copper mining at Mes Aynak, which is a long term commercial project, does not meet the conditions of an emergency operation. The Request asks "*in what way does the mining of copper represent an emergency? We fear that this designation only serves the purpose of circumventing protections and regulations that by rights should apply.*" The Request acknowledges that Afghanistan indeed suffers from security challenges, adding that this does not justify "*jettisoning*" the Bank's well-crafted rules.
30. The Request lists a number of Policies, including: Rapid Response to Crises and Emergencies OP/BP 8.00, Emergency Recovery Assistance OP/BP 8.50, Environmental Assessment OP/BP 4.01, Environmental Action Plans OP/BP 4.02, Natural Habitats OP/BP 4.04, Water Resources Management OP/BP 4.07, Indigenous People OP/BP 4.10, Physical Cultural Resources Policies OP/BP 4.11, Involuntary Resettlement OP/BP 4.12, Projects on International Waterways OP/BP 7.50, Projects in Disputed Areas OP/BP 7.60, Project Supervision OP/BP 13.05 and The World Bank Policy on Disclosure of Information.

D. The Management Response

31. A summary of Management Response follows, and a copy is attached to this Report as Annex II.
32. Management believes that the Request does not distinguish between the obligations of the Bank through its technical assistance support under the Project, and those of the GoA and the mining company.
33. **Claims related to the Environment Assessment - categorization.** Management states that the Environmental Assessment Categorization was changed from "C" to "B", as required under BP 4.01, for the SDNRP Additional Financing and SDNRP-2 because of the change in Project scope and the potential to realize inbound investments. Management states that the Project document for the first operation, SDNRP, envisioned reclassification "*In the event that a specific transaction leads to a potential direct investment by either the Government of Afghanistan or resources provided through IDA,*

an application for reclassification of the project will be considered.” Management adds that once investor interest and potential for private sector participation grew, the Government sought additional financing from the Bank to include investment facilitation support for private sector participation; thus the Additional Financing operation was placed as Category “B”. The subsequent operation, SDNRP-2, was also categorized as “B” and the Environmental Assessment (OP/BP 4.01), Physical Cultural Resources (OP/BP 4.11), and Involuntary Resettlement (OP/BP 4.12) policies were triggered.

34. **Claims related to the Environment Assessment – documentation and process.** Management states that the process of identifying and studying the potential environmental and social impacts of the Aynak mine development is still ongoing and the required safeguard documents for mitigation and risk management are being developed. Management states that the Terms of Reference (ToR) for the ESIA were reviewed by the Bank and the Feasibility Study (FS) will be informed by the ESIA which, with the Environment Management Plan (EMP), are being prepared by the mining company in accordance with Afghan law. Management also states that local consultations will be undertaken on the ESIA and EMP. Management states that mining at Aynak was originally scheduled to commence in 2013, however, it is unlikely to commence before 2016 given the time required to complete engineering, procurement and construction. This delay, according to Management, gives the mining company adequate time to consult with key project-affected people and stakeholders and prepare and disclose the ESIA, EMP, and FS for regulatory approval by the GoA.
35. **Claims related to the Environment Assessment – identification of impacts.** Management states that it recognizes the environmental and social risks associated with mining and that all potential impacts related to the Aynak mine development, including those raised in the Request, are required to be considered in the preparation of the relevant safeguard instruments by the mining company. As part of Project supervision, the Bank will continue to advise the Government and monitor the situation. Management adds that SDNRP2 has several actions to assist the MoM and NEPA to build their capacity to manage environmental and social impacts and risks, including strengthening the GoA’s mining and environmental laws and regulations and the capacity to enforce them. One of the key outputs under the Project is the preparation and implementation of the ESMF and Resettlement Policy Framework (RPF), consistent with the applicable safeguard policies of the Bank. The ESMF including the RPF will undergo a consultation process undertaken by the GoA. Management states that notwithstanding the delay in finalizing the ESMF, the SDNRP-2 continues to support capacity building for regulatory oversight of the ESIA and EMP implementation for the mine development, consistent with applicable Bank policies and national law, including the ESMF.
36. **Monitoring and supervision.** Management states that the Project has been adequately supervised and takes a proactive approach in managing implementation risks. It considers that it is important to distinguish between the roles, responsibilities and obligations of the Bank under the Bank-supported Project; and those of the MoM and the Mining Company under a commercial mining concession agreement. Management states that the Request does not recognize this critical distinction. As part of Project

supervision, Management states that it engages with the MoM and NEPA on compliance monitoring issues, including those related to commercial mining transactions.

37. Management states that the Project has added an international senior social development specialist conversant in Dari with knowledge of Afghanistan and a project management specialist, both based in the field. The Project, according to Management, has also been financing several activities to complement regular supervision by Bank staff. For example, the Project is financing the services of an expert consultancy (GAF) to monitor and report to the GoA on contractual and regulatory compliance, including the preparation and implementation of the ESIA, EMP and Feasibility Study (FS) for the mining exploitation activities. Management states that post-mining landscaping will be covered within the FS under the mine closure plan section. Also, the Project was instrumental in obtaining the services of national/international archaeologists to support DAFA (Délégation Archéologique Française en Afghanistan), the Ministry of Mines (MoM), the Ministry of Information and Culture (MoIC) and the mining company at Mes Aynak.
38. **Inadequate resettlement plan, loss of livelihood, and livelihood restoration.** Management states that the first draft of the RPF for the Project was received in February 2013 and is being finalized and will be part of the GoA's ESMF. Management states that the RPF is undergoing consultations and that the issues raised in the Request will be addressed in the RPF. Management also states that the Requesters' concern relate to the proposed commercial mining activities and that resettlement is a shared responsibility between the MoM and the mining company, with the former taking the lead on preparation and implementation of RAPs, while the latter finances the cost of resettlement including monetary compensation for loss of land and assets.
39. According to Management, the Bank is providing technical assistance as part of the Project's objective to strengthen regulatory and monitoring oversight of the MoM, including resettlement and land acquisition. Prior to the approval of SDNRP-2, between 2008 and September 2010, the MoM began its engagement with the affected Project Affected Families (PAFs) in Aynak and relocated some in Wali Killai,²¹ and paid them a partial compensation for loss of housing and rent. Upon learning of this the Bank advised the GoA of the need to employ appropriate procedures in line with national law and applicable safeguard policies. According to Management, the MoM agreed and proceeded accordingly, including preparing the first RAP for the Project in January 2012, which, according to Management, addressed the gaps in the work previously done. Management states that the RAP is consistent with the RPF of the ESMF for the Bank funded Irrigation Restoration and Development Project, approved by the Afghan Land Authority and subsequently cleared by the Bank in December 2010.²²
40. Management states that an additional RAP will be prepared for a tailing dam site and access roads. It states that at this stage, the Aynak mine development impacts 62 PAFs

²¹ "Killai" means village in Pashto.

²² Management Response, p. 27, fn. 8.

and 55 non-resident PAFs who were displaced during the conflict in 1979-1989, all of whom are entitled to receive compensation and resettlement assistance.

41. Management states that delays in issuing compensation are a systemic problem and a result of an incomplete and outdated land registry system in Afghanistan. Pending clarification of land title issues, the payments are waiting in escrow as cases are resolved in court. The allotment of housing plots in the resettlement site is planned for March-April 2013 in Ashab Baba, and agricultural land is planned to be allocated in two sites, namely Kalai Daulat and Abba Zaki. The process of land clearance (the Land Authority process of determining ownership) of these areas is ongoing and may take an additional three months. Management also states that with respect to host community acceptance of resettled population, GoA has confirmed that the issues have been resolved and the resettlement site in Ashab Baba town is in progress.
42. **Designation of Kuchis as Indigenous People.** Management states that it agrees with the designation of the Kuchis as “*one of the principal vulnerable populations in the country*” by the United Nations Assistance Mission in Afghanistan (UNAMA). However, Management disagrees with Requesters’ characterization of the Kuchis as “*an indigenous minority population*” based on this designation, and argues that Kuchis do not qualify as Indigenous Peoples as set forth in OP 4.10, which defines Indigenous Peoples based on four distinct socio-cultural criteria, none of which include economic vulnerability. Management states Kuchis are Pashtun pastoral nomads, many of whom have over centuries gradually moved from pastoral nomadism to settled agriculture as their livelihood. Management Response adds that “*among the Pashtuns and other ethnic groups in Afghanistan, there is no clear-cut socio-cultural distinction between settled and migrating groups.*” Management adds that during the consultations conducted for the preparation of the above-mentioned RAP, no indication was found of the presence of pastoral nomads (Kuchis) among the resident PAFs. Management concludes that OP 4.10 Indigenous People policy is not applicable to this Project.²³
43. **Preservation of Mes Aynak archeological find.** Management states that while it shares the Requesters’ objectives for the Mes Aynak site and “*strives to cooperate to this end with all relevant stakeholders, including the Requesters,*”²⁴ Management disagrees with a number of allegations that the Requesters have raised in this Request. Management states that it has followed OP 4.11 Physical Cultural Resources, taking into consideration the unique circumstances and exceptional security challenges at Mes Aynak.
44. Management states that based on the advice and guidance it provided, including international expertise, the GoA has made significant efforts to protect the physical cultural resources at Mes Aynak. Management also states that it responded to the requests of GoA for technical assistance: (a) in addressing immediate emerging issues concerning cultural protection and mining; and (b) in developing measures for capacity building to

²³ Management Response, p. 8, para. 23, and p. 29.

²⁴ Management Response, p. 23.

close skills gaps and undertake more systematic preparation and implementation of cultural property management plans.

45. According to Management, SDNRP-2 has allocated USD5 million to archaeological and artisanal and small scale mining issues and an additional USD30 million will be needed for full recovery and preservation of cultural artifacts for the Mes Aynak site. Management disagrees that there is destruction of irreplaceable cultural heritage. Management states that in 2010, the MoM and the MoIC signed a Memorandum of Understanding to ensure that the Aynak mine development conserves and preserves the physical cultural resources found on the site, and that the two ministries would continue to work closely together for the safe removal and/or *in situ* preservation of the resources. Management states that MoM, through SDNRP-2, MoIC, and the French Ministry of Foreign Affairs through DAFA are funding current activities. Management adds that future “*capacity building at MoIC will be supported by the MoM through continued use of DAFA, combined with the global expertise of UNESCO [the United Nations Organization for Education, Science and Culture] under SDNRP2, for which procurement is underway to support MoIC’s preparation of the Mes Aynak Archaeological Management Plan.*”²⁵ This plan, according to Management, will provide options for reconciling mining and cultural protection by informing the ESIA prepared by the mining company. When the mining company begins exploitation, it will be a staged activity providing opportunity for continued archaeology on priority areas within the Red Zone and implementation of the management plan for the broader Mes Aynak site.
46. According to Management, DAFA’s earlier work was not intended to comprise a comprehensive assessment. Management states that going forward, DAFA in cooperation with UNESCO, will continue its work in the field and will explore options for GoA management of physical cultural resources of the broader Mes Aynak site. Management adds that in its understanding, the time allocated for the assessment of historical cultural assets was set by the GoA in the expectation that mining would commence in 2012. Given the delay in the ESIA and FS, more time is available for preparation of the Mes Aynak Archaeological Management Plan including its continued assessment.
47. Management states that the combined measures of selective mitigation (including salvage archaeology and documentation) and preservation of the broader Mes Aynak site are appropriate under Bank Policy. Management adds that the GoA’s phased approach to both archaeology and mineral exploitation includes a wide range of mitigation measures, ranging from (a) salvage archaeology in the Red Zone where physical cultural resources are at risk of loss from first phase exploitation; and (b) archaeological options for the remainder of the broader site. These measures will be further elaborated in the management plan to be prepared by MoIC (with assistance from DAFA and UNESCO).
48. Management states that the option for *in situ* preservation (e.g., a heritage park) will be analyzed as part of the GoA’s preparation of the Mes Aynak Archaeological Management Plan for the broader site, and is envisioned by the Bank. Management adds that other

²⁵ Management Response, p. 19.

sites in the broader Mes Aynak area are being considered by DAFA for *in situ* preservation given extensive structures, monasteries, stupas, possibly statues and for the protection of antiquity mining technology. According to Management, DAFA reports that “*no evidence of Bronze Age cultural resources have been found.*”²⁶ Ongoing archaeological activities supporting the preparation of the Mes Aynak Archaeological Management Plan would inform as to “deeper layers” of Bronze Age physical cultural resources across the broader Mes Aynak site.

49. Management states that exploitation of the site is highly unlikely to commence before 2016 given the time needed for the mining company to complete the preparatory technical work (ESIA and FS) and obtain regulatory approval. Management also states that it has been advised by the GoA that mining operations will only start once clearance has been received from MoIC as per Afghan law. Management states it will continue to monitor this commitment of the GoA and also the achievement of other agreed milestones, and will undertake appropriate measures. Management understands that the mining company as part of the FS is considering mining technology options for deeper portions of the deposit.
50. Management adds that the Bank has been actively discussing the issue with relevant UN agencies, and bilateral donors (US, Egypt, China, Japan) with expertise in the subject matter. Further, Management has proactively advised the GoA to involve the mining company in this discussion of the long term sustainability of the Mes Aynak archaeological site.
51. **Lack of disclosure and consultations.** Management states that it will follow up with the GoA to ensure disclosure of the relevant documents in line with the ESMF, which is being prepared following Bank policy. Management understands that prior regulatory approval will take approximately one year, which will give the mining company adequate time to consult with key project-affected people and stakeholders and prepare and disclose the ESIA, EMP, and FS for regulatory approval by the GoA. Management also stated that the Bank will remind the Ministry of Mines to ensure that development takes place only after the reports are prepared, reviewed and disclosed. Management states that the Ministry of Mines has made concerted efforts to ensure that sufficient information dissemination activities have taken place, including the sharing of information through its website.
52. Concerning the resettlement-related consultations and disclosure of information, Management states that the project affected families (PAFs) are being provided with adequate information on compensation methodology, social mobilization and the grievance redress mechanism with support from the International Rescue Committee, an international NGO. According to Management, the January 2012 RAP documents the meetings and consultations, with respect to compensation issues, held with the stakeholders and PAFs (including the PAFs relocated in Wali Killai), in accordance with Bank policy. Management adds that as part of the land clearance process by the Afghan

²⁶ Management Response, p. 21.

Land Authority, extensive consultations with the PAFs took place to validate ownership claims to land. It adds that the RAP was disclosed in February 2012 and, since then, the MoM has been conducting regular meetings with the communities and with Civil Society Organizations regarding the RAP.

53. Regarding consultation on the protection of physical cultural resources with national/international experts, Management states that this is a GoA responsibility. Management states that two meetings provided input towards strengthened GoA consultations and came up with a range of recommendations: (a) the GoA April 2012 Mes Aynak Big Tent Meeting, supported under SDNRP-2; and (b) the May 2012 ARCH Washington Workshop.
54. In Management's view it is paramount to take into consideration the unique circumstances and exceptional security challenges at Mes Aynak. Management wishes to stress its strong concern that disclosure and/or local consultation present serious challenges to the safety and integrity of the Mes Aynak cultural property site, as well as the lives of the national and international archaeologists, and communities providing workers.
55. **Designation of the Project as an Emergency Operation.** Management Response considers that OP 8.00 was correctly applied to this operation.²⁷ It also considers that this OP 8.00 does not contain provisions to bypass or waive safeguard requirements. It adds that "*operating in a conflict situation requires a heightened level of flexibility in order to move rapidly under difficult conditions and to take advantage of windows of opportunity that emerge in these contexts. OP 8.00 may be used in conflict situations to provide this flexibility as conflict is a 'man-made crisis' specifically authorized under the policy.*"²⁸ Management Response also adds that, nevertheless, the Project recognizes the need to assist the GoA in addressing environmental and social issues emerging from any commercial mining investment. Management states that in the context of the Project, "*it is important to stress that the investment component of the Aynak mine development is not financed by the Bank, and therefore is not governed by OP 8.00, but rather by Afghan law and the ESMF of the Project.*"²⁹
56. The Management Response notes that some of the Operational Policies cited in the Request are not applicable to the Project, including: OP 4.00 (Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects); OP 4.04 (Natural Habitats); OP 4.07 (Water Resources Management); OP 7.50 (International Waterways), and OP 7.60 (Projects in Disputed Areas).

²⁷ Management refers to the May 2009 Interim Strategy Note (ISN), as well as the following ISN (for 2012-2014, considered in April 2012), which authorized the use of OP/BP 8.00 for Projects in Afghanistan.

²⁸ Management Response, p. 14.

²⁹ Management Response, pp. 13-14.

E. Determination of Technical Eligibility

57. Panel Member Eimi Watanabe together with Senior Operations Officer Serge Selwan visited Kabul, Afghanistan, on April 7-12, 2013. During its visit, the Panel team met with the Requesters and other affected community members including those owning land in Mes Aynak but currently resident elsewhere. It also met with Government officials of the Ministry of Finance, the Ministry of Mines, the Ministry of Information and Culture, the Project Management Unit at the Ministry of Mines and the Aynak Authority. The Panel team also met with UNESCO, DAFA, and IRC (International Relief Committee). In addition, the Panel team met with Bank staff in the country office. The Panel team visited the archeological site at Aynak and the resettlement area.
58. The Panel wishes to express its appreciation to all those mentioned above for sharing their views and exchanging information and insights with the Panel. The Panel also wishes to thank the Government of Afghanistan for meeting with the Panel team. The Panel extends its thanks to the Requesters and other affected people who met with the Panel team and to the Country Director and staff in the Country Office for meeting with the Panel team, discussing the issues and providing relevant information, and assisting with logistical arrangements.
59. The Panel's review is based on information presented in the Request, on the Management Response, on other documentary evidence, and on information gathered during the site visit, and meetings with Requesters and other affected people, and Bank Management. This section covers the Panel's determination of the technical eligibility of the Request, according to the criteria set forth in the 1999 Clarification.
60. The Panel is satisfied that the Request meets all six technical eligibility criteria provided for in paragraph 9 of the 1999 Clarifications.
61. The Panel notes that its confirmation of technical eligibility, which is a set of verifiable facts focusing to a large extent on the content of the Request as articulated by the Requesters, does not involve the Panel's assessment of the substance of the claims made in the Request.
62. Criterion (a): "*The affected party consists of any two or more persons with common interests or concerns and who are in the borrower's territory.*" The Panel confirms that the Requesters live in the borrower's territory and share interests that may be affected by Project activities. The Panel considers the requirement of paragraph 9(a) as met.
63. Criterion (b): "*The request does assert in substance that a serious violation by the Bank of its operational policies and procedures has or is likely to have a material adverse effect on the requester.*" The Requesters assert that the mining operation at Aynak will cause "heavy losses" to community members and to the culture and history of Afghanistan. The Requesters state that the mine is overseen by the World Bank and because of the Bank's failures or omissions, Aynak, Logar Province will suffer harm. The Requesters raise many concerns related to the environment in Aynak, to the resettlement

activities resulting from the mining operation, and to the safeguard of the cultural heritage present at Aynak. The Panel is thus satisfied that the requirement of paragraph 9(b) is met.

64. Criterion (c): "*The request does assert that its subject matter has been brought to Management's attention and that, in the Requester's view, Management has failed to respond adequately demonstrating that it has followed or is taking steps to follow the Bank's policies and procedures.*" The Requesters state that they have raised their concerns with World Bank staff on several occasions through multiple meetings, contacts and communications in person, via email, phone or teleconference without satisfaction. The Request includes a list providing information of 6 meetings and 52 phone/email exchanges (appendix "d") with the Bank. The Panel is satisfied that this criterion has been met.
65. Criterion (d): "*The matter is not related to procurement.*" The Panel is satisfied that the claims with respect to harm and non-compliance included in the Request for Inspection do not raise issues of procurement under the Project and hence this criterion is met.
66. Criterion (e): "*The related loan has not been closed or substantially disbursed.*" The Request for Inspection raises issues related to three Bank-financed operations in Afghanistan: Sustainable Development of Natural Resources projects (SDNRP, SDNRP Additional Financing, and SDNR-2). At the time the Panel received the Request for Inspection, the SDNR project was already closed and, therefore, outside of the Panel's purview. The other two operations, SDNR-AF and SDNR-2 were still ongoing at the time of receipt of the Request for Inspection. The SDNR-AF closing date is May 31, 2013, and SDNR-2's closing date is June 30, 2016. At the time of the receipt of the Request for Inspection SDNR-AF was 49.10% disbursed and SDNR-2 was 6.14% disbursed.
67. Criterion (f): "*The Panel has not previously made a recommendation on the subject matter or, if it has, that the request does assert that there is new evidence or circumstances not known at the time of the prior request.*" The Panel confirms that it has not previously made a recommendation on the subject matter of the Request.

F. Observations on Other Factors Supporting the Panel's Recommendation

68. In making its recommendation to the Board, the Panel also considers whether there is a plausible causal link between the Project and the harm alleged in the Request, and whether alleged non-compliance and harm may be potentially of a serious character. The Panel records its preliminary observations on these elements below, noting that the Panel can only make a definitive assessment of the Bank's compliance with its policies and procedures, and any adverse material effect this may have caused, through an investigation. The Panel also takes into account statements of any remedial actions provided by Management to address the matters raised in the Request.
69. At the onset, the Panel wishes to indicate that it fully appreciates the critical importance of the Mes Aynak copper mine, expected to bring in USD400 million per annum to the

economy of Afghanistan, as well as the challenges posed for all stakeholders in implementing a project of this magnitude under challenging circumstances. Even more so, when it is the first of such ventures in the country. The Panel recognizes the important role and contribution of the Bank in supporting the entire process of bidding, contract reviews, and development of social and environmental norms and standards for the mining sector, and the efforts to address serious capacity constraints on the part of GoA.

70. The Panel also wishes to highlight the importance of the issues raised by the Requesters. The social, environmental and cultural concerns are of a serious nature, as elaborated in more detail below. As noted by Management, the earlier resettlement of affected people had not been up to safeguard standards. The potential environmental impacts of copper mining are enormous, as are the cultural, historical and potentially economic significance of Mes Aynak archaeological remains.

(i) The issue of link between the Project and alleged harm

71. Management in its Response states categorically that that “*the Requesters have no basis to claim and are also not able to demonstrate that their rights or interests have been or will be, directly and adversely affected by a failure of the Bank to implement its policies and procedures.*”³⁰ The Panel wishes to emphasize that it does not, and never has, interpreted the term ‘demonstrate’ in the Resolution to mean that Requesters, who are often vulnerable people and without access to professional help, must present a well-articulated analysis to ‘demonstrate’ a link between harm and the Bank’s application of its policies. It is however a responsibility of the Panel, in its consideration of whether an investigation is warranted, to assess whether there is a plausible causal link between the alleged harm and the Project supported by the Bank. If there is not a plausible link, it follows that there cannot be a basis for claiming that non-compliance of the Bank has contributed to the harm.
72. Management’s emphasis that there is “no basis” to the claims rests in part on the observation that “*the Request fails to distinguish between the obligations of: (a) the Bank through its technical assistance support, under the project; and (b) those of the GoA and the mine developer (...) under the mining concessions agreement.*”³¹ The Panel agrees that this is an important distinction to make in the context of this Request.
73. The Panel notes that the Bank is not financing any commercial mining activity under the mining concession agreement between the GoA and the mine company in Aynak copper mine. However, this does not mean that the activities supported under the Bank financed Project do not have important implications for some of the issues of harm raised by the Request.
74. As noted above, the SDNRs support the preparation of the ESMF, including the RPF. The ESMF is an overarching document which will guide the exploitation/mining

³⁰ Management Response, p. 7, para. 19.

³¹ Management Response, p. 7, para. 20.

activities in Afghanistan, and needs to be prepared consistently with Bank policies. The ESMF also governs the ESIA, EMP and RAP to be prepared for Mes Aynak and, according to the Financing Agreement, governs how the Government needs to monitor and regulate all activities in the mining sector.³² Non-compliance with Bank safeguard policies in the preparation of the ESMF, including the RPF, could lead to deficiencies in the preparation of the ESIA and RAP that might be a cause of harm of the type alleged in the Request.

75. In addition, the SDNR-2 is supporting the implementation of the Archeological Recovery and Preservation Plan of the Aynak heritage. The Bank's policy on Physical Cultural Resources, OP 4.11, is applicable. As a result, the Requesters' claims related to the recovery and preservation of Aynak antiquities are within the scope of the Bank financed project and the Panel has the mandate to review the Bank's compliance with the Bank policies and procedures and related harm. The following section includes the Panel's preliminary review of compliance and harm related to the issues raised in the Request.
76. The element of timing is also important. The Panel notes that some of the statements in the Request for Inspection are based on the assumption that commercial mining will commence in 2013, and thus put stress on site-related activities (including the archaeology work) in a way that causes harm (e.g., greater pressure for salvage operations at the expense of possible options for in-situ preservation). The Management Response indicates that the "*exploitation [of the copper mine] is unlikely to begin before 2016, thus allowing time for more analysis and documentation of environmental, cultural and social measures.*"³³ The delay enables not only time for more analysis and documentation, as Management states, but to monitor that site-related activities, including resettlement and archaeological exploration, are undertaken fully according to the agreed upon plans.

(ii) Issues of compliance and harm

77. The Request broadly distinguishes between three areas of harm, or potential harm, and related issues of compliance, namely (a) environmental impacts within the area of influence of mining operations, (b) involuntary resettlement and restrictions on land use resulting from acquisition or zoning of land for the mine; and (c) impacts on the Mes Aynak cultural heritage site. The Panel notes that all three issues represent considerable risks and potential serious harm.

(a) Environmental impacts within the area of influence of mining operations

78. The Request raises a number of significant concerns in regard to the environmental impacts within the area of influence of mining operations. These include the lack of proper analysis of the possible release of toxic chemicals into the air, soil and surface and underground water, during the mining, and also after closure, thus negatively impacting

³² See Financing Agreement SDNRP-2, Schedule 2, Project Execution, Safeguards (b), p. 8.

³³ Management Response, p. 7, para. 10.

the environment as well as human health. According to a Ministry of Mines presentation, “*at full production from open pit, the mine will generate about 60 million tonnes of waste rock and 9.7 million tonnes of tailings, per annum*” which “*are the biggest environmental impacts of the mine.*”³⁴

79. The Requesters claim that large quantities of water required for mining activities would draw down the underground water resources and streams, which will dry up wells and impact agricultural and livestock needs. In addition, the Panel team heard from various other sources their concerns over potential water quality and availability issues, including how the mining may impact water availability in Kabul City, which shares the same aquifer as Aynak. The Request also raised issues regarding the lack of consultation and dissemination of information. They also argued that the initial World Bank categorization of SDNRP as Category “C”, later upgraded to Category “B” affected decisions and plans at a critical juncture.
80. Management has responded that while it recognizes the seriousness of environmental risks associated with mining, these issues will be taken into account in the preparation of the ESIA by the mining company, and will inform the Feasibility Study (FS). As stated above, the Financing Agreement for SDNR-2 requires the Government to monitor and regulate all activities in the mining sector in accordance with the ESMF.³⁵ The ESMF, in turn, is a key output of the Project, and Management confirms that it is still to be finalized.
81. With regard to the Requesters’ concerns about lack of consultation and information on environmental impacts, Management states that they will follow up with the GoA to ensure disclosure of the relevant documents in line with the ESMF. They have also undertaken to remind the Ministry of Mines to ensure that development takes place only after the reports are prepared, reviewed and disclosed. Further, since prior regulatory approval will take approximately one year, according to Management, this will give the Mining Company adequate time to consult with key project-affected people and stakeholders and prepare and disclose the ESIA, EMP, and FS for regulatory approval by the GoA. Management has also pointed to the concerted efforts of the Ministry of Mines to ensure that sufficient information dissemination activities have taken place, including the sharing of information through its website.

³⁴ Islamic Republic of Afghanistan, Ministry of Mines, Sustainable Development of Natural Resources Program (SDNRP), Aynak Copper Mine Compliance Monitoring Project, Project Overview Updated May 2012. Available at: http://mom.gov.af/Content/files/AYNAK_PROJECT_UPDATE_MAY_2012.pdf

“*Tailings consist of ground rock and process effluents that are generated in a mine processing plant. Mechanical and chemical processes are used to extract the desired product from the run of the mine ore and produce a waste stream known as tailings. This process of product extraction is never 100% efficient, nor is it possible to reclaim all reusable and expended processing reagents and chemicals. The unrecoverable and uneconomic metals, minerals, chemicals, organics and process water are discharged, normally as slurry, to a final storage area commonly known as a Tailings Management Facility (TMF) or Tailings Storage Facility (TSF).*” Taken from Tailings.info, available at: <http://www.tailings.info/basics/tailings.htm>

³⁵ Financing Agreement SDNRP-2, Schedule 2, Project Execution, Section I, E. Safeguards (b), p. 8.

82. With regard to the issue of classification, Management states that as SDNRP was initially designed to build regulatory capacity within the country and no investment proposals had been received by the Government at that time, the Project was classified as a Category “C” project. Subsequently, with the expanded scope of SDNRP-AF which included investment facilitation support for private sector participation, the categorization was changed to “B”. SDNRP-2, was also categorized as “B” given the sector development potential and investor interest, triggering the following safeguard policies: (a) Environmental Assessment (OP/BP 4.01); (b) Physical Cultural Resources (OP/BP 4.11); and (c) Involuntary Resettlement (OP/BP 4.12).
83. **Panel’s review.** The Panel fully concurs with the Requesters and Management on the potential enormity of the environmental risks associated with copper mining. The Panel notes that the potential environmental impacts raised by the Requesters will need to be considered and addressed in the Environmental and Social Impact Assessment (ESIA) and Environmental Management Plan (EMP) and Feasibility Study (FS) for the Mes Aynak site.
84. According to the Management’s Response, these documents “*will be governed by a national sectoral Environmental and Social Management Framework (ESMF) that the GoA is preparing with Bank support.*”³⁶ The Panel notes that the ESMF remains under preparation, and Bank Management has committed that it will be prepared consistent with Bank policy. According to the understanding of Management, the specific concerns of the Requesters about mining techniques and associated potential impacts will be covered in the ESIA and EMP being prepared by the Mining Company. Furthermore, Management is stating that the time required for regulatory approval of these documents will enable adequate dissemination of information and consultation with relevant stakeholders. In its Response, Management notes that it “*will follow up with the GoA to ensure disclosure of the relevant documents in line with the ESMF, which is being prepared following Bank policy.*”³⁷
85. In the absence of the critical environmental and social safeguard documents, the Panel considers that it is premature to review any plausible link between potential issues of environmental harm and Bank’s non-compliance at this stage.
86. Regulatory oversight involves not only the preparation of documents but ensuring their review and eventual monitoring during implementation in accordance with the ESMF. Management reports GoA and Bank’s significant efforts to build the capacity of the nascent NEPA which is responsible for reviewing and approving safeguards documents and undertaking this process for a mining project of this magnitude for the first time. Further, given the institutional capacity challenges, the Project has contracted an independent monitoring agency to monitor compliance with the contractual and

³⁶ Management Response, p. 2, para. 9. The Panel notes some inconsistency between this statement in paragraph 9 and the Response on p.15, which states that the Mining Company is preparing the ESIA and EMP in accordance with Afghan Law, quoting applicable provisions of the Afghan law. The Panel is not in a position to clarify the discrepancy, given that it does not have access to the contract between GoA and the Mining Company.

³⁷ Management Response, p. 15.

regulatory obligations under the mining concession agreement for the next three years. The Panel takes note of these additional measures in place to strengthen GoA's regulatory oversight.

(b) *Involuntary resettlement and restrictions on land use*

87. During its visit to Afghanistan, the Panel team met with the Requesters, and other people affected by acquisition of land for the mine. Some of the affected-people the Panel met with had already been affected by land acquisition and were in the process of being resettled. Other affected-people included residents of villages whose livelihoods are being affected by the security perimeter as well as Kabul residents with land holdings in the affected villages. These affected-people were from the villages of Bar and Koz Chimari, Wali Baba, Gul Hamed (also referred to as Adam Kalai), Siso Tangi, Hesar Tangi, Pachai (also referred to as Abdurahman Kalai), and Niozi.
88. The people informed the Panel that they were not against the mining operation, but wanted to ensure their rights. They stated that they were promised many things but they just wanted to be treated in accordance with the Bank's Policy. They questioned the revenue-sharing from the mining operation and wondered about the share that Logar people would get from the mining revenues. They also stated that the resettled and directly affected people should get priority in labor opportunities. One of the affected people stated that he tried to raise his concerns on four different occasions. Another person identified himself as a Kuchi.
89. With respect to the earlier and ongoing resettlement, the following concerns were raised with the Panel:
 - *Value of land underestimated.* Some of the affected people informed the Panel that their customary land holdings were estimated on the basis of a tax rate they paid decades ago, which was a fraction of a later tax rate, thus underestimating their holding size by a factor of five.
 - *All customary land not accounted for.* People claimed that the full extent of their customary rights to land held for generations were not being recognized. The Panel team was told that two to three decades back, many villagers fled the affected villages and became refugees in other parts of Afghanistan or even Pakistan and Iran. These families still have rights to land in the affected villages, but were not included in the resettlement plan. They also mentioned that in Chenari village, because of a generations-old family feud, some of the villagers were denying others their rights to the land. They stated that a formal recognition of such customary rights would contribute to resolving disputes.
 - *Full compensation not being paid.* Those affected by the early resettlement activities which took place between 2008 and September 2010, stated that they were told to destroy their houses, save the windows and doors, and would be given 37,500 Afghanis (the national currency of Afghanistan) in compensation. However, they did not receive the total amount and were told that the remaining money was lost.

- *Eviction before resettlement site completed.* One of the individuals at the meeting with the Panel team said he was a lawyer representing 76 families out of approximately 200 who had to move from Siso Tangi village and are currently living in temporary accommodations and many are still homeless several months after they were told to evict. The lawyer mentioned to the Panel team that these families had complained to the Parliament.
 - *Problems at the resettlement site (Ashab Baba).* Some of the people stated that they have to build new homes at their own expense. The site is depended on water-pumps and they fear that these will break down and not be repaired. They will not have access to wells. Furthermore, people are concerned that the area where they are being allocated agricultural land is claimed by the Stanakzai tribe, and the tribe has warned the residents of Aynak area not to enter their land. The Request states that no viable alternatives were provided.
 - *Problems with replacement farming land.* People informed the Panel team that they would be receiving farming land in Abba Zaki and Kalai Daulat, six to seven kilometers from the resettlement site. These plots are of poorer quality and also poor in water resources. They added that the Kalai Daulat area was claimed by four different tribes and that they would never dare to go there. They also stated they are losing access to grazing land. Raising of sheep and goats is an important part of the farming economy and families typically have 100 to 150 heads of livestock.
90. As regards future expropriation and restrictions on land use the Requesters raised the following concerns:
- *Lack of information.* They complained that there is no list of villages that will be affected and no clear indication of the numbers of people to be resettled.
 - *Effects of the security perimeter.* It was mentioned that about five to six thousand jeribs of land in Daho (including the areas of Niozi, Ahmad Zai, Abdulrahim Zai, Popalzi, and Benyazi) have been designated as being within the security perimeter, thus restricting access to it by surrounding villagers. Those whose agricultural land was within the security perimeter and whose turn to irrigate was during the night, claimed that they were forbidden to enter the security perimeter at night by the soldiers at the check-posts, and thus unable to irrigate. They further added that they had been told that some of this land was or would be used for the railway, customs facilities, township for workers, and a road, and that they were in a state of great uncertainty: “*we don’t know what to do, should we stay? We don’t have access to our land or water to irrigate the rest of it.*”
91. Management responds that while there were inadequacies in the initial land acquisition undertaken by GoA and the Mining Company, problems were corrected following Bank advice. Subsequently, GoA has prepared a Resettlement Action Plan (RAP) and undertook local consultations, both of which, according to Management, are consistent with Bank policy. Management further states that the “*RPF [Resettlement Policy Framework] for the Project is currently being finalized, including undergoing consultations, and will be part of the GoA’s ESMF. The issues raised in the Request will*

*be addressed in the RPF.*³⁸ A second RAP will be prepared for the future involuntary resettlement associated with tailings dams, access roads and other activities.

92. With respect to concerns about the adequacy of consultations, Management is of the view that “*the project affected families (PAFs) are being provided with adequate information on compensation methodology, social mobilization and the grievance redress mechanism with support from the International Rescue Committee.*”³⁹
93. **Panel’s review.** The Panel considers that the issues of harm noted above, raised in the Request and further supplemented in meetings with the Panel team, indicate that certain aspects of resettlement actions on the ground may not yet be in compliance with the Bank’s safeguard standards. The Panel notes that Management recognizes that there were “*inadequacies*” in the initial land acquisition actions, and states that these “*were corrected following Bank advice.*”⁴⁰ The Bank has also provided financing for a Senior Social Development Advisor who has supported the Ministry of Mines in the preparation of the RAP issued in January 2012. In connection with resettlement, the Project is also supporting the establishment of a Grievance Mechanism. The Project continues to support capacity development for regulatory oversight and monitoring.
94. As noted above, one of the key outputs under the Project is the preparation and application of an Environmental and Social Management Framework (ESMF) consistent with the applicable Bank safeguard policies, of which a Resettlement Policy Framework (RPF) is a component. The intent is for the ESMF to be used by the MoM and NEPA on a sector-wide basis. The Panel understands that the ESMF/RPF is now being finalized. It is the Panel’s view that the Bank is responsible for ensuring the RPF meets the standards of OP 4.12 on Involuntary Resettlement, and will guide project specific RAPs developed in the extractive industries sector.
95. During its visit, the Panel team learned that titled land will be compensated for slightly higher than the market value, and that compensation will be given to absentee land owners. It also learned that claims to agricultural lands under customary tenure will be compensated on the basis of an ‘equity principle’ which implies equal treatment of all claimants. In the current RAP, this principle has been justified to avoid difficult adjudication of claims, including likely overlapping claims. The Panel team was informed that the compensation entitlement is expected to be beneficial to the majority of affected persons, even if it would leave some with less compensation than their claim to customary land reflects.
96. The Panel notes that Management in its Response commits that “*the issues [related to resettlement] raised in the Request will be addressed in the RPF.*”⁴¹ The Panel understands that Management will continue to provide advice on the monitoring of the

³⁸ Management Response, p. 27.

³⁹ Management Response, p. 27.

⁴⁰ Management Response, p. 8, para. 22.

⁴¹ Management Response, p. 27.

resettlement activities in Mes Anyak to ensure that its outcomes are in line with the principles of the RPF.

97. The Panel notes that one affected person with whom the Panel met said he is Kuchi and that his access to pasture land is affected by the security perimeter. This is an issue that may be addressed in the context of the RPF. Regarding the status of the Kuchis, the Panel accepts Management's explanation that Kuchis, according to UNAMA, are designated as a vulnerable population and will be treated accordingly in the preparation of relevant safeguard instruments.
98. The Panel is of the view that it is premature at this stage to conclude that there are issues of possible serious non-compliance by the Bank. It notes, however, that the issues noted above, raised by Requesters, are of a serious character and warrants Management's attention during the finalization of the ESMF/RPF and subsequent supervision.

(c) Impacts on Mes Aynak archaeological remains

99. The Request states that "*the Bank has continued to support hasty salvage archaeology*," which is typically employed as a "*last resort*," assuming "*that there is no alternative to the destruction of the site itself*." It states that "*options and alternatives were never explored*," and that the archeological survey conducted under the auspices of the Bank, is not "*comprehensive*." The Request states that the survey did not use state of the art data collection techniques. It adds that if the current plan goes forward, the lower strata will never be excavated and all the information contained therein will be lost forever affecting all Afghans and arguably the history of science. The Request mentions that this heritage site could attract tourists and contribute to Afghanistan's revenue.⁴²
100. The Panel team visited the vast and heavily guarded Mes Aynak site, and witnessed scores of workers and archaeologists at work, in excavating the dwellings and religious structures in the Lower Town and one of the monasteries. The so-called most critical Red Zone, which is entirely in the Central Copper Zone slated for open-pit mining, is densely dotted with archaeological remains of settlements, monasteries, other religious buildings and caves against the background of the copper-mountain which has been mined for over 5000 years, characterized by black streaks which are the layers of slag from ancient mining activity. Some portions of Buddhist statues and stupas remain protected on site. The team understood that much of the precious statues and artifacts that were close to the surface have been removed, many of them currently on display in the Kabul Museum, while others are in storage.
101. During its visit, the Panel team heard from local affected people that they have great pride in, and value, the archeological treasure of Mes Aynak. They stated that they had

⁴² The Panel observes that the Request for Inspection included documents which were signed by large number of Afghans living abroad as well as many other nationals concerned about the preservation of Mes Aynak Archeological site. The Panel notes that the Physical Cultural Resources Policy, OP 4.11, states that the "*cultural interest*" of such resources "*may be at the local, provincial or national level, or within the international community*."

always known about the existence of the archaeological site but never plundered its artifacts; the looting, according to them, had been the work of powerful people. The team was also informed that once they understood the significance of the finds, the villagers wanted the artifacts to remain in the Province, so that their children could also appreciate them for generations to come. The Request for Inspection notes the increasing interest in protecting Mes Aynak on the part of people outside the immediate local area and throughout the world. OP 4.11 on Physical Cultural Resources reflects that some cultural property may be of significance at local, national and international levels.

102. The Panel team was informed that there are over 5000 archaeological sites in Afghanistan, some of which are even bigger than Mes Aynak, with significant archaeological finds (Kharwar was repeatedly named). However, the Panel understood that only Mes Aynak is currently being thoroughly excavated whereas many of the other sites are being heavily plundered (as was Mes Aynak before the establishment of the security perimeter in 2010). Mes Aynak is unique in terms of its co-incidence of significant Buddhist remains and copper mining. Beyond the artistic and historical value of the statues, coins and artifacts being excavated, the exploration of this co-incidence is revealing a new dimension to the understanding of the history of Buddhism in the region, in how the wealth from copper-mining sustained the Buddhist superstructure that unified the region during the Kushan period, all along the Silk Road, as attested by the coins that have been discovered along its length being minted from Mes Aynak copper. The team was informed that it was a rare example of entrepreneurship in ancient Buddhism.
103. While the archaeological remains had been excavated previously on various occasions, the Panel was informed that neither the Ministry of Mines nor the Mining Company were aware of its existence at the time when the contract was being negotiated and until the matter was brought to the Cabinet in 2009 by the Ministry of Information and Culture.
104. The Requesters have raised the following concerns:
 - Salvage archaeology whereby important finds are removed and stored is not a sustainable method to preserve a whole city. Archeologists were continuously given incorrect estimates of how short a time they had to rescue whatever they could before mining commenced, hence creating a false state of urgency;
 - The archeological survey⁴³ to properly map, explore and evaluate the site, conducted under the auspices of the Bank, is neither comprehensive nor did it use state of the art data collection techniques;
 - A proper survey and mapping would have led to a mining plan indicating the extent to which the site could be responsibly excavated, documented and preserved in harmony with the copper mining effort, and finally, a joint plan for heritage preservation and copper mining inclusive of timelines could have been developed, instead of the salvage archeology.
 - If the current plan goes forward, the sites' lower levels will never be excavated and all the information contained therein, including artifacts and data about the

⁴³ Délégation Archéologique Française en Afghanistan, Mes Ainak, A comprehensive assessment of the archaeological issue.

history, the methods and tools utilized in mining in earlier millennia will be lost forever.

- Bank has failed to respond to proposals for consultative meetings with independent experts of both mining and archaeology, and other stakeholders, to explore options and alternatives.
105. Management states that it shares the Requesters' objectives “*for the protection of physical cultural resources at Mes Aynak, but disagrees with their characterization a number of specific assertions.*”⁴⁴ According to Management, “*GoA has initiated a phased approach to both archaeology and mineral exploitation that supports the coexistence of commercial mining activities and the management of physical cultural resources. The Minister of Mines has publicly stated that no mining exploitation can begin until the regulatory review processes are completed.*”⁴⁵ Management adds that the MoM and the MoIC signed a Memorandum of Understanding “*to work closely together for the safe removal and/or in situ preservation of the resources.*”⁴⁶
106. According to Management, DAFA’s preliminary excavation plan based on an initial assessment, prepared in 2010 on the expectation that mining would commence in 2012, was never meant as a comprehensive assessment. Management states that a phased approach to excavation and work planning has been applied, in consideration of phased exploitation by the Mining Company. Management states that the measures currently under consideration, “*for which there is more time for further assessment, range from: (a) Red Zone salvage archaeology where physical cultural resources are assessed to be at risk of loss from first phase exploitation; and (b) archaeological options proposed by DAFA for the remainder of the broader site, to be further elaborated in the management plan to be prepared by MoIC (with assistance from DAFA and UNESCO).*”⁴⁷ According to Management, this Mes Aynak Archaeological Management Plan will include option for in situ preservation (e.g., a heritage park).
107. With regards to the inadequacy of proper surveys, Management disagrees, and states that the documentation is extensive, and that 10,000 “contexts” (a wall or floor) have been recorded, and that a comprehensive digital plan of the Red Zone has been completed. Further, a 3D imaging equipment is under procurement and high resolution (10cm) aerial images will be taken with a drone (subject to clearance).
108. In response to the claim of non-consultation, Management recognizes the significant role of ARCH, as “*the most visible civil society organization on Mes Aynak cultural protection, engaging with the Bank for the past 16 months.*”⁴⁸ Management also states that it shares with ARCH the recommendation to use independent civil society archaeologists, geologists and mining engineers. Management adds that they have proactively advised GoA to involve the Mining Company in the discussion of the long

⁴⁴ Management Response, p. 8, para. 26.

⁴⁵ Management Response, p. 8, para. 26.

⁴⁶ Management Response, p. 19.

⁴⁷ Management Response, p. 21.

⁴⁸ Management Response, p. 23.

term sustainability of the Mes Aynak archaeological site. According to Management, a Mes Aynak Big Tent Meeting, which was subsequently “*reduced in scope by the GoA, and the ARCH Washington Workshop form a basis for broader consultations to be undertaken by MoIC, as defined within the ToR for UNESCO.*”⁴⁹

109. **Panel’s review.** SDNR-2 supports the Mes Aynak Archaeological Project (MAAP) directed by the Ministry of Information and Culture and the Ministry of Mines, financing the preservation of Aynak antiquities. According to Management, technical assistance is being provided: “(a) in addressing immediate emerging issues concerning cultural protection and mining; and (b) in developing measures for capacity building to close skills gaps and undertake more systematic preparation and implementation of cultural property management plans. SDNRP-2 has allocated USD5 million to archaeological and artisanal and small scale mining issues. The EPP notes that an additional USD30 million will be needed for full recovery and preservation of cultural artifacts for the Mes Aynak.”⁵⁰ Accordingly, it is the Panel’s view that the Requesters’ claims related to the recovery and preservation of Aynak antiquities are within the scope of the Bank financed Project requiring compliance with Bank’s policies and procedures.
110. The Panel notes that the archaeological site was not known to the Ministry of Mines and the Mining Company at the time the concession was granted, and the indication that commercial mining was imminent, may be the background to the initial period of “*hasty salvage archaeology*”, which the Requesters are critical of. The Panel also notes that some argue that the “salvage archaeology” also saved the artifacts from further plundering. Further, as SDNRP-2 was approved by the Executive Board in May, 2011, Bank cannot be held accountable for the lack of systematic approach to preservation in the immediate period after the mining concession was granted. Bank subsequently financed DAFA’s preliminary excavation plan which, according to Management, was never meant as the long term archaeological management plan.
111. As for the present, DAFA indicated to the Panel team that a management plan for the time period up to 2016 that is under preparation would enable a more thorough excavation of the Red Zone, involving recording of each stone being removed, and 3D imaging of the finds, thus enabling the complete reconstruction of the structures. There are a number of sites of significance outside of the Red Zone, thus outside of the Central Copper Zone, which may be suitable for *in situ* preservation. Management responds that, “*Areas 10 and 12 are being considered by DAFA for in situ preservation given extensive structures, monasteries, stupas, and possibly statues. Area 14 may represent options for in situ protection of antiquity mining technology.*”⁵¹
112. The Panel was also informed that, to excavate the lower strata which may contain deposits from earlier periods of history, the surface layer has to be removed. The Panel team understood from DAFA that the longer term time frame up to 2016 as envisaged in

⁴⁹ Management Response, p. 20.

⁵⁰ Management Response, pp. 18-19.

⁵¹ Management Response, p. 21.

the Archaeological Management Plan, with adequate number of archaeologists (40) and workers (200), would enable them to excavate and document the lower layers, not only of the Red Zone but also of the other identified sites.

113. Upon returning from Kabul, the Panel team had further interaction with ARCH that was providing technical advice to the Requesters on the archaeological aspects of the Request. ARCH confirmed that the concerns of harm may adequately be covered by the aforementioned Archaeological Management Plan, to excavate and document the lower layers as well as the surface layer, of the Red Zone and of the other identified sites, with consideration being given to possibility of *in situ* preservation for the latter, with certain important provisos as follows:

- In order to improve communication and transparency and ensure ongoing dialogue amongst all relevant stakeholders, a standing committee should be created that includes officials from the Afghan ministries of mining and culture; from the mining company; independent experts from the fields of archaeology, mining, environmental protection and archaeology; and civil society.
- At the beginning of the project, in our opinion due diligence would have required that a proper, state of the art site survey of the archaeological deposits should have been conducted, and a meeting of mining technology experts with archaeological experts should have been convened. These two steps would have produced necessary information that should have been factored into the project planning from the start. Neither of these things has happened even until today. We regard this as negligence. It has caused actions to be taken and decisions to be made in the absence of knowledge and information. Although very belatedly, these two things should still happen now. There should be a proper site survey which includes magnetic resonance imaging that enables identification of objects below the surface. And there must be concrete timelines for these surveys so that work is actually accomplished and not just delayed over and over again. Similarly, there must be a timeline to ensure that the Environmental Impact Assessment is actually conducted and completed within a reasonable time-frame. This has not happened in the past 5 years and must happen soon.
- There should also be a meeting of international archaeological and mining experts, and the archaeologists from the site and the technical experts from the mining company, to together discuss the possible mining techniques and their potential alternatives with the goal of reducing the negative impact on the site, and ensuring that substantial designated portions of the site can remain undamaged by detonations and mining.
- The archaeology must ensure quality of staffing, and the proper expertise across the range of archaeological specializations. It must also be resourced such that archaeologists have vehicles (including adequate fuel for the vehicles), necessary tools and machinery, and dedicated security to enable them to work unimpeded. This has not been the case previously.

- There needs to be ongoing oversight and follow-up to all these recommendations and to those regarding environmental safety and community well-being. The track record of performance is not good. For example, a so-called "technical meeting including civil society" organized by the project in Kabul, by the time it took place, had deteriorated to a non-technical lecture event in exclusion of civil society. There needs to be some mechanism to ensure that things are put on a better track and remain there.

- In a separate communication, ARCH also suggested a survey recording features associated with the ancient mining activity such as mine entrances, trenching and other open casting, spoil tips, beneficiation areas (crushing evidence stone tools etc), which should reveal the extent of the mined area, as well as giving some clues as to the broad dates of the workings

114. These important issues being raised by ARCH are timely in the context of the Archaeological Management Plan process currently underway.

115. The Panel is of the view that it would be premature to investigate possible Bank non-compliance in relation to the issues of harm and potential harm being raised by the Requesters, given that the Archaeological Management Plan is still under preparation.

116. The Requesters have raised concerns about capacities to ensure adherence to plans. The Panel thus notes the importance of Management's response that MoM will support capacity building at MoIC under SDNRP-2, and Management is also proposing that UNESCO should lead in setting up a committee of national and international "*to meet regularly and provide scientific advice to archaeological operations and the related management of cultural assets.*"⁵²

G. Recommendation

117. The Requesters and the Request meet the technical eligibility criteria set forth in the Resolution that established the Inspection Panel and the 1999 Clarifications.

118. The Panel notes that both Requesters and Management share common concerns and interests with regard to: i) the prevention and mitigation of potential environmental harms from copper mining; ii) the preservation of the physical cultural heritage in Mes Aynak in the best possible manner; and, iii) the resettlement of affected families to be in accordance to Bank safeguard standards. Capacity building in support of strengthened regulatory frameworks and monitoring has been, and continues to be the objectives of the Project and of the Bank's engagement in its context. The Panel also recognizes that the Project has played a vital role in pursuing these objectives in the midst of an environment posing many challenges, not least in terms of capacity.

⁵² Management Response, p. 20, fn. 5.

119. The Panel also recognizes that the key social and environmental instruments that will guide the implementation of the Project are still in the process of preparation.
120. The Panel remains concerned that in the areas of involuntary resettlement, consultation and disclosure of information, there appear to be gaps between the Bank's standards and what has taken place. There are also uncertainties in the manner in which the antiquities and the archaeological site, inclusive of what may lie in the lower strata, will be preserved at the present time.
121. According to Management, these concerns are to be addressed in the Resettlement Policy Framework and the Archaeological Management Plan. The environmental issues raised by the Requesters are, according to Management, being addressed in the ESIA and will in turn inform the Feasibility Study. The Panel expects that these planning frameworks and documents are accompanied by robust monitoring action to ensure full implementation on the ground as per the required standards.
122. Considering the above, the Panel does not recommend an investigation at the present time of whether the Bank has complied with its operational policies and procedures related to the Project. The Panel notes that this recommendation does not preclude the possibility of a future claim relating to non-compliance and harm.

ANNEX I

First and Second Requests for Inspection

**(English translation of the first Request for Inspection in Pashto is provided
by the Panel as a courtesy)**

Research requisition from World Bank's inspection panel

Subject: Request of a detailed case study on World Bank funded project at Mes Aynak

To the respected inspection panel!

My name is [REDACTED]. I am a resident of Mes Aynak area of Logar. I am concerned about a project which is funded by World Bank in Mes Aynak area of Logar, Afghanistan. The said project may not only cause much damage to me but to all the residents of the area who could be affected. I wish the World Bank's inspection panel would reassess the project from the very beginning. It is important to keep my name in secret, because it is a sensitive issue and I am afraid if the officials know my identity, they might put me in trouble. It is because perhaps they might not give preference to the public problems.

Ever since this project started, I and other residents of the area have been very worried about its deep impacts on our present and future lives. In addition, it is almost impossible for us to obtain the basic and important information regarding the implementation of this project. We have been completely kept in dark. The relevant and necessary information has never been shared with us. We have been trying our best to get whatever information we can about the project for a long time, but in vain. However, last summer we were told-about an important meeting in Kabul planned by the World Bank regarding this project. We were quite optimistic that we would be able to have firsthand information regarding this project. But we still do not know whether the planned meeting has been cancelled or that we were not invited to attend it. Some of our locals were in contact with the World Bank branch in Kabul. So far, no result has been seen from these contacts. That is why I am contacting you directly.

I am very worried about this project. It will possibly cause heavy losses to me, to my villagers, to my province people, as well as to my family members. Moreover, our culture and history will face huge and irreversible destruction due to its aftermath. How do they extract the minerals? Would they explode the parts where minerals are expected? Would poisonous chemicals be used there? Is it possible that these (poisonous) chemicals would get mixed into the bottom of underground water reservoirs? What if it is harmful for the people's lives and health in the surrounding localities? I am very much worried that if the necessary measures are not taken, it could put the lives and health of our children, villagers and other human beings of the area at risk. I am concerned because no such security measures have been taken by the government so far. It is a matter of great concern. Is it true that this project requires a great amount of water, so much so that later on the resources of water could have been exhausted for the local population. They will be unable to find drinking water or to provide water to their animals and agricultural needs? Mohammad Agha area of Logar is considered an important land for agricultural and livestock. The availability of water is a must to keep such activities functional and alive. Would you be able to tell us that underground water resources, streams and wells would not be consequently dried out? And the most important question is how the area will look like after the project is completed? Will its natural beauty remain the same or not? At present, Mohammad Agha area of Logar is entirely green. It has a lot of fruit trees. Will such produce not be affected after the mines start to be produce harmful materials? What is the deadline for this project? A number of people have already been evacuated from the surroundings of mines and are still homeless. The rest of the population in neighborhood is even unable to find space for the burial

of the dead bodies of their relatives, and they are requesting others to let their dead relatives be buried on their property. This in itself is a serious social problem, and we believe that if the project gets started without proper planning, such waste from mines in the future will result in difficulties for the locals rather than bring them prosperity. It is not yet known when and how many villages and people will be displaced. Even after two years have been passed, the area reserved by the government for such settlements is yet to be developed. The development process has been stopped altogether. We don't see any chance of further work on it in future. Every family is being given 400 square meters of land so that they will build their homes at their own expenses. This assumption that the families have enough resources that they can build their homes is not just right. Nobody cares about it. And the targeted land had been measured to be utilized only for 512 families. In fact, the number of affected people is much more than the estimated number. On the top of that, some of those refugees based in Iran and Pakistan who belong to Aynak area are not listed in it, and also those residing in other parts of Afghanistan might not be able to get listed. This could be another difficulty that only 512 families have been compensated, while the remaining population will have no land at all. This could bring a kind of conflict and unrest among the local population. The people could become homeless and will be pushed to live on streets. The declared land for 512 families is in the As-haab Baba city. It is an area for cultivation. The land allotted to these 512 families is also claimed by the Stanakzai tribe. They have warned the residents of Aynak area not to enter their land or else they will face the consequences. This is the reason why the people of Aynak will not wish to settle there even if they are forced to do so.

Another important thing I came to know through the electronic and online media is that there are ruins of the ancient and historical city of Aynak. According to that, thousands of years ago, copper had been extracted from this part, as a result of which a civilized city came into being. The ruins of the city still exist under the ground. The remains of the said heritage could be dug up by geologists so that the tourists could be attracted to this place. This tourism will benefit Afghanistan in terms of revenue. This historical city is very important from an archeological standpoint as it can give us deep insight (information) about thousands of years-old Afghan history. The related world is very interested in the subject, and I am also aware about the petition which was signed by thousands of people demanding the historical ancient city of Aynak be preserved for future generations. I also have heard about a godown which has been used for the storing statues found during excavation of these historical sites. I wonder and feel sorry how such a historical city could be preserved in a godown. Keeping some statues and ancient remains in the museum is not enough. The whole city cannot be preserved like that. It is almost impossible to transfer and place all the ruins somewhere else.

We already have lost Buddha statues of Bamiyan and this destruction was condemned throughout the world, and now the approximately 5,000-year-old city of Aynak, which is much more significant than the Bamiyan statues, is being ignored. The world is silent as nobody cares about its excavation and preservation.

We the locals of the area who have colleagues and relatives residing across the world are in regular contact with them, and in the meantime we are also in contact with the organization called ARCH International. This organization has employed those Afghans who possess U.S citizenship as well as the citizenship of European countries. I have read the conference reports of

ARCH International. These documents were sent to the inspection panel. I fully support the documented report of ARCH International that completely reflects my views.

With Regards,

[REDACTED], a resident of Aynak area
December 3, 2012

د تخاری غوښتلایک نړیوال بلک د محترم السیکتمن پېل ځخه

څلواتی: د من عینک د ډروژه به باره کړي، جو د ټولوکال ټکنیک نهوا المویل کړئ، د مشکل، خپل، غوښتلایک

د تخاری غوښتلایک د محترم پېل و حضور ته

زه او د سیمی نور او سیدونکي نهی ټهونه دېلک د ډريوال بلک لخوا مرسته شوی پېوژه چې د ټالقاسن د لوگر والاوت د ټیکت به سیمه کې ده ها او خماد سیمی نورو او سیدونکو ته به زیان اوږوي، زه خوارم چې د ډريوال بلک تخاری دېلک یا اسپیکتن پېلک لخوا نومړي پروژه به سمه توګه له سره او ګوري او رو د ځیږي، او دا مهمه ده چېن خسا قوم پیش و مسئلې ټېن ځکه چې نا یووه حساسه موضوع ده لو ریوه لرم که چېږي چاروکۍ خمانو او پېژوی فو ګوړنکی مسلګلات به اړانه پیدا کړي به دی چې شلید هفوی ته د اولن مسویزی لومړیوب او ټلري.

زه او د سیمی نور او سیدونکي نهی ټهونه دېلک د ډريوال بلک لخوا دی پېوژه له وجه زمونګانه ژوند او اونده پاله د ټیور تکړي له اړنه ټیوره اندېښه لړو، او دا چې زمونګ لپاره نامنکه پېي شوی، ده چې ګلري او مهم معلومات ته ټیوره ټیوره دېلک ټکدو په اړن، ته راړو، مونګ یېغې په تکړه کې ستل شوی، ده او مونګ سره اړوند او لازم معلومات نهی شریک شوی، مونګ د اوژنی موډی راهیس په دی همه کې ده ځله ناشکه معلومات لاس ته راړو، خر له یو پېړی شوی که ده هم مونګ ته ویل شوی وو چې د ټیور کال به اوږدي کې په کلېل کې یو لوړه ټولنه ډريوال بلک لخوا دی پېوژه به اړوند جو ډريونکي وو، مونګ مترګي په لار وو چې ګولنډي دهی ټهوندی په برکت به مونګ مهم معلومات ته لامه کړو خو هیڅ خون نشو چې ایا هفه ټولنه لغوه شوه او که مونګ ته نکړن اجازه زالکل شو، زمونګ بعضی کسان د ډريوال بلک د کابل له څالګني ټبره به تماس کې پاتی شوی خوزمونګ، تمسلونو ته اوسه هیڅ نتیجه نهه ورکړي نو په ههدی وجه زه له قابو سیم مستقم تهیں نیسم.

زه دیر اندېښن یم چې ډليوژه به مونګه توګه دیر ټیکت ټیلوونه مته، خما کلېو ټه، خمانه ټه لاوټ او سیدونکو ته او خما کورنې ته اړولی شی او په خاصه توګه بیا زمونګ ګلوره اولو ټیکت ټیلوونه یهانه چېر انډونکي زیان متوجه دی، ایا دوی دا معدن په خه ده پوک استخراجو؟ ایا دوی په پېغه کې چالونکي کوي؟ ایا زهړن ګیډیاوی موادو څخه به استخراجه کېږي؟ ایا ګیډیا ټئي دا زهړن ګیډیلوی موادو له ځامکي لاندی دا وو زیرمو کې ګد شن او ایا دا به د شاوخو اسپیمی او سیدونکو انسانو ژوند اوږد ټه ټیکن اړانه ډري، زه ده سخت اندېښن یم چې ډله خما او زمونګ ډنکړو ملشمطاو، کلېو لار او د سیمی د ډیمنډونکر روښیله ده جدي ګوډنټونکو سره معه کړي که ډېږي ورته لازم شپږوکه په پام کې ته بی نړول شوی او ټیوره اندېښن دی چې دا سیمی هیڅ تبیر به تر اوسه ددھو مسافلود مځنۍ پېلره نه وی نړول شوی لو دا ډېږه د الډېډنې ور خېره ده، ایا دا ډېږه په رېنټها دو مره زېټو لړو ته اړټا لړي چې د سهی طلق په بیا د څنګه، څارو ډو او ګښت لپاره هیڅ لوړه او ټلري؟ ټلري د محمد آځۍ او ټولوالي په ټولیزه توګه ډو کړنځه او د څلور ډو مقلو لپاره ممهه سیمه کلک کېږي او د اوپو زیږومې، ګلریزونه او د چېټو د چېټو تختیزه به نه پېښې؟ او اړ تولو مهمه ډلاجی ور رومه د کان د استخراج دهارو د ډېټې ډوځخه به دشه ممهه ځنګه ځنګاري؟ ایا ډله ډېڅرا په خېر طبیعی ډنکلا ولري او که ځنګه؟ لوګر او په خاصه توګه د محصداغي او ټولوالي خو اومن یوه خورا ټله سیمه ده او ډېږي زېټي موه لړولکي ونې لړي، ایا د کان د استخراج ور رومه به هم داسیمه همدا شن پاتي شی او که ځنګه؟ د کان د استخراج موده به څومره وي؟ او ډلاجی وو شپږ خانی لا پخوا معدن نهیم ځخه له څيلو ګرلیو مړه څېړل شوی او هیڅ سریله ورته ته ده ډېږه شوی او د ډولو او ټولو همسليه کان او هتي د خيل مړو د ځنډولو لپاره هم خانی لړي او ډېږي خای بل خای خيل مری په سوال خپنۍ او دی ډو له ټوله توګه زېټه ستونځه رامفعه ته کړي، او مونګ ډکر کو چې په اونده کېنې به هم دا معدن د سیمی داوسیدونکو لپاره ده ډولسلي پر خای کړ او ډله راپیدا کړه که ډېږي پیدون د هر اړ خېزه پلټولو نهی معدن چاری پر مخ لاری شې، هیڅا ته معلومه نهه چې په رېنټونکه توګه څومره کلې او ځلک به دهی سیمی ځخه ګوچېزی او ګله به کوچېزی؟ هنه سله چې د حکومت لخوا د هنک د ډېڅله کونډونکو څلکو لپاره په ګونه شوی دهه کلړو په ډېږو هم دير لاسېڅتماني چاری پر مخ تلی او کار پی ټلهښړ شوی لوډنډې پاتي دی لو دهبا پېل ګډو پی هم هیڅ خرک ته لپاره کېږي، د هر ډملل لپاره د ۲۰۰ متره مریغ په مسلط خکه ورکول کېږي چې هره کورلې په خيل مصرف پاندې څلهه سرهنګه جو روړي، ګورنې پی که د ډېږي ده ټوله توګه اړکه پیللري څوک پی په قصه کې نهی، او پوازی د ۵۱۲ کورلیو لپاره خکه به لظر ته نړول شوی ده او په والاعت کې د مسټعټو خلټر شمېر خورا لیټ ده او په اړان او پاکستان کې مهاجر د ټیکت د

سڀن بعضاً اوسيدوتكن هم د مسنجهتو خلکو په لست کي لدی شغل لو الفاقستان کي نورو سڀون ته کده شئي، «
ذهبلک د ميوس هلاق هم محروم پاڼي کېږي چې د مشکل به به راتلونکي کي د خلکو تر مينځ راهپا شئي جمله چې
۵۱۲ کورني به خوندي او نوري به هفلاس پاڼي چې د خلکو تر مينځ به تاوارې خوارلي رالانځ ته کړي از خلک
به نسر پله شکه محروم پاڼي او ۵۱۲ کورليو لهلر په ګوته شوي مصلعه ټه له بخوا خشې به دمهه کي
موجود د اصلحې بټاډ هنار ګوڼ شنه مساحه ده لو له بله از شه د منځکړو د قوم خلک د ۵۱۲ کورليو لهلره
اختصاص شوي خمنه بلندی د ملکت دهوري ازې او د عېټک خلقو ته او ګولان کري که چېږي سڀون ته را
نو د منځکړو د تند هير ګون بڼې به مړ شئي، پهکه تو د ټولک نوری خلق دهیں لاجمني سڀون ته که چېږي د
توضیع لیاره اعاده هم شئي د ټولک نوره پنه کوري

او پله مهمه خبره، زاده چې ما په تاوريزيون او انټربیزون او تاوريت بلندی په ځونک ګډي د په نېټه ګډي
ښلر په اړه اوږدېلې ده، په زړګونو ګله يخوا هم په دی سڀه کي مس لستراج شوي او په نېټه ګډي په ده
متعدده پلر ملېځ ته راځلي وو چې اومن د خمکي لاندې پېغ کړل شوي پاڼي ده، دا تاریخي پلار د سیلس پوهه
لخوا ګښل ګښل او په ایندې کي د سیلایټو د جنډ او توجه موکز ګرځښل شئي لو له دی درکه الفاقستان ته په
ايندې کي د خورا زیات حايد سرچو له چېږي پلر د سیلسنس اړله د خورا زیات اهمیت لړو ټونکن
دی همه دا چې ټولک ته د افغانستان د زړګونو ګلونو د تاریخ په اړه ځونک از زیات او مهم معلومات راکولای شئ، په
ټولکه تړی کي خلک لا توره اندی خڅه ځلکه مند دي او زه د پېښشن په اړه هير شوي یم چې د لس ګونو زړو
خلکو لخوا لاسلوب شوي چې ټولکه تاریخي مساحه د عینک په مېډیا کي د ټینه ټسلونو لیکه وړخورل شئه
ماندا هم اوږدې دی چې د ټولک په سلسله کي په ټوډام جوړ شوي چې به همه کي د تاریخي پلار د ګښل شوي
ساحن خڅه د خپل لاسه راځلو چېسمو د سلکو کار اخېستل ګېړي، خو ټعیراقټا او ټصورس خبره داه چې
څلکه په تاریخي پلار په نسلمه معنی پنډي دمه ټوډام ته وروي کیدنې شئي دا خو د پوهنډه وو ځو د ټېټډه
وړ ګټلو هېړه لده بلکې د په پلار نخوښي ټولک هېړه ده او دا خو خورا نامنکنه پنګلاري چې وو د لړۍډل شئي
موږ لا پخوا د پلېټو تاریخي پودلې مجمسي له لاسه وړکوي دي او د هنرو په تغريب بلندی ټرپولو نټويابه په
آختښي وو خو اومن چې د پلېټو نامنځو خڅه د زیات اهمیت ټولکي د عینک تفصیل پنځه زړه کان د خلورو
څهه لاندی تاریخي پلار له مينځه زړي نو ټرپولو په سیل کوي او زڅورل شئي په ممکنه لارو چلرو په خپل ټېټډه
وخت نه ضایع کوي.

موږ محلي اوسيدوتكن چې په خارجې ملکونکو کي ملکري او خلوان لړو لو وړسره په منظمه توګه به تمدن کي
پو او همدا شان د اړک لټرڅېشلن په نامه موسسي سره هم په تمدن کي پو په کم کي چې اړوپا او د افريکا په متعدده
ایا الاتو کي میشته الفاقستان شبل ده، ماد هنري د کفرانس راپور لو د اسيډیکشن پېښل ته ځیمو شوي سند او لاست
او زه د اړک انټربیشلن د شهلا سانګو خڅه په ټکه ملا نړ کووم خکه چې دا ځماد تظر العکس هم دي.

په درلواي

د سلمهه درېمه نېټه ۲۰۱۲ کل

To:

Executive Secretary
The Inspection Panel
P.O. Box 27566
Washington, D.C., 20038

December 4, 2012

From:

The Alliance for the Restoration of Cultural Heritage, Kabul Office

[REDACTED]

Washington, D.C. Office:

The Alliance for the Restoration of Cultural Heritage
Dr. Cheryl Benard, President
2121 K Street, Suite 620, NW
Washington, D.C., 20037
USA

**Request for Inspection
on Behalf of the Populace of Logar Province
and in Defense of a Global Heritage Site**

Note: In addition to the signatories from the local area, many more residents of Logar Province also support this letter and this effort and have asked us to speak on their behalf in this matter, because they fear retaliation if they do so on their own.

They do not feel able to contact the World Bank office here in Kabul, because they are afraid that their names will become known and they will face retribution. As you probably know, institutions and the rule of law in Afghanistan are still very weak and abuses of privilege occur with some regularity.

We, the not for profit NGO ARCH International, Inc. hereby request that the Inspection Panel of the World Bank conduct a review of the planned mining project at Aynak/Mes Aynak in Logar Province, Afghanistan.

We know of at least three active World Bank projects connected to Mes Aynak:

1. Sustainable Development of Natural Resources (SDNR),
Project ID P098118,
Environmental Category: C
Approval Date: Jun 20, 2006
Closing Date: Dec 31, 2012

2. SDNR – Additional Financing, Project ID P116651
Environmental Category: B
Approval Date: Jun 11, 2009
Closing Date: Jun 30, 2016

3. SDNR II, Project ID P118925
Environmental Category: B
Approval Date: May 31, 2011
Closing Date: N/A

In this matter, we are acting on behalf of dozens of members of the local affected population, which, being fearful of repercussions, has requested us to submit this request on its behalf.

Because this project is already in the process of destroying a uniquely important and valuable cultural heritage site, we are further joined by Afghans wherever they reside, who are in danger of losing their historic patrimony; and of concerned civil society worldwide, because cultural heritage belongs to all of humanity. Protests from scientists, archaeologists, historians, representatives of the international Buddhist community and concerned citizens are already arising in many locations globally. There is growing media coverage, there are multiple international petition campaigns some with over 50,000 signatures already, and there have been significant demonstrations, with more planned. Many important international values, standards, regulations and best practices stand to be violated by the actions of the World Bank, principally, environmental safety, public health, right to livelihoods, and world cultural heritage.

We have attempted for well over a year to work with the relevant World Bank representatives in Afghanistan and the U.S., holding many meetings, presenting many facts and reports from affected persons and from experts, both locally in Afghanistan

and at headquarters in the U.S., but we must now conclude that no satisfactory response or reaction is forthcoming, and therefore we now turn our hopes to the Inspection Panel.

I. ARCH's Meetings with World Bank Officials and Staff

There were multiple meetings between ARCH and responsible World Bank officials and staff in the period from September 27, 2011 to the present.¹ These meetings, contacts and communications took place in person, via email, by phone, via teleconference, in D.C. and in Kabul with World Bank staff based in the U.S., Germany and Afghanistan.

Among other recommendations, we urged the convening of an Expert Meeting of independent geologists, archaeologists and mining engineers to objectively review the situation and attempt to develop solutions. We were assured that such a meeting would occur. Instead after multiple postponements the meeting was first downgraded from a "big tent meeting" at which the representatives of the local population and civil society were supposed to be present and able to pose questions to a small press conference (with only one press outlet included, the official government one) and then held in exclusion of the local populace and civil society. No independent experts were invited, civil society was not included, and no discussion took place.²

We feel that all avenues have been exhausted and we must now appeal to the Inspection Panel.

II. Local and International Support for this Request for Inspection

Several representatives of local community groups, as well as individual affected residents, are signatories to this request (see Appendix a).

Additionally, Afghan citizens and individuals of Afghan descent living in the Diaspora are also signatories to this request because they believe that their cultural heritage is in imminent danger of being destroyed. In regard to livelihoods and public health, too, they

¹ ARCH Representatives: Cheryl Benard, Yama Jewayni, Karlyn Stanley, Elvira Loredo, [REDACTED]

World Bank Officials and staff: Michael Stanley, Alison Reeves, Andre Ufer, Eshan Shamsi (World Bank Kabul office), Mohammad Haroon Naim (World Bank Kabul office), Gabriela Aguilar, Noora Arfaa, Angela Walker, Josephine Bassinette, Abdul Raouf Zia, Asta Olesen (World Bank Kabul office.)

² Dr. Cheryl Benard was able to gain entry to the event as the personal guest of the Deputy Minister of Culture.

feel a responsibility to act in support of their compatriots in Logar Province to petition the World Bank for relief (see Appendix b).

Finally, we attach two of the multiple currently circulating international petitions of concerned civil society members requesting that all involved parties including the World Bank work towards the protection of the Mes Aynak site (see Appendix c). Each of these has garnered more than 60, 000 signatures.

International support for our effort to save Mes Aynak from needless destruction is beginning to form, in illustration we may direct your attention to Thailand where an international campaign to save the cultural heritage of this ancient site has commenced. Organizers are the groups World Federation of Buddhist Youth (WFBY)³ and the student group Save Mes Aynak Thailand (SMAth).⁴ The WFBY has submitted a letter to the UNESCO office in Bangkok, requesting the protection of the Mes Aynak site. The SMAth has started a facebook campaign and is gathering a significant grass roots support (see Appendix f). We support their argument that a site so important to their religious and cultural heritage must not be unilaterally destroyed.

III. Summary

The Aynak mine site is a mere 40 kilometers from Kabul, the country's capital. Logar Province is agricultural, with well-established orchards of fruit trees, farms and grazing areas for livestock. Aynak was on the Silk Road. As far back as 5000 years ago, this mineral rich area was already the locale for the mining, smelting and production of metals. Eventually, a wealthy and sprawling Buddhist city grew in Mes Aynak, guarded by a mountain-top fortress and walls, holding several religious complexes and multiple stupas, and containing commercial and residential districts. This remains today, buried beneath the ground; it is a find comparable to Pompeii. Its scientific value is obvious, as it holds unique information about early metal production and trade. The art works and artifacts including gold jewelry that have thus far been unearthed are of high artistic quality, indicating that the lower strata - where looters did not yet have access - likely hold much more. The tourism potential of such an accessible and fascinating site is obvious as well. ARCH can provide testimonials by multiple archaeologists, historians and other experts from many renowned international institutions such as the TU Munich, the University of Vienna, the Global Heritage Fund and others, to support this assessment of the value and importance of this site.

³ President of this organization is Dr. Pornchai Pinyapong, ppornch@hotmail.com.

⁴ www.facebook.com/SaveMesAynakTH, this Facebook profile has 3,113 "likes" as of December 4, 2012. Founder: Mr. Natdanai Yns.

Tragically, this site is slated for destruction in connection with a copper mining project supported by the World Bank. What we find especially insupportable is that options and alternatives were never explored. We have implored the World Bank for well over a year now to investigate whether mining methods and technologies were available that could save the site or portions of the site. We proposed that independent experts from the fields of mining and archaeology should compare the maps of archaeological remains vs. mineral deposits to see if a lower impact mining plan might perhaps be feasible. We asked that at the very least, a proper map of the antiquities should be obtained so that one could make an informed judgment in regard to what one was proposing to destroy – this is, with current technology, possible in non-invasive ways through ground-penetrating methodologies. Our suggestions were acknowledged to be sensible but they were not implemented. Instead the Bank has continued to support hasty salvage archaeology at this site. This is a method that archaeologists typically employ as a “last resort.” It consists of hurriedly removing anything that is portable and can be relocated to a museum or storage facility. It assumes that there is no alternative to the destruction of the site itself. The typical use of salvage archaeology would not be in a context such as Mes Aynak, where one finds an isolated buried city. Rather, salvage archaeology is more often used when, in the middle of a heavily populated modern urban area, a company constructing a new subway unexpectedly finds some ancient ruins.

As mentioned, Logar province where Mes Aynak is located, is agricultural. We are further concerned that the apparent negligence of the World Bank in not ensuring that environmental safeguards are in place, imminently endangers the health of the population living there, the quantity and safety of their water supply and through the aquifers and the river, that of Kabul and the Kabul River with potential consequences even cross-border into Pakistan.

Logar Province is an underdeveloped part of an impoverished country. People are not educated and no attempt has been made by the World Bank to properly inform them of the plans, how these affect them, or the risks. The initial resettlement efforts have been fraught with many problems and even with violent incidents. All of this, and how it relates in our opinion to violations of World Bank policies, is further detailed below.

IV. Risks for Local Population - Overview

We have extensively studied the situation at Mes Aynak, reviewed all accessible data and information, consulted with numerous subject matter experts and civil society groups, and convened an expert conference to assess the impacts of the intended mining project at Aynak. We have concluded that just as many of them fear and have expressed to us, indeed the residents of Aynak, Logar Province will suffer harm as a

result of the World Bank's failures or omissions in regard to the 30-year mining contract granted to the Chinese state-owned company MCC that is partially managed, overseen and funded by the World Bank.

We respectfully draw the attention of the Inspection Panel to eight specific areas reflecting potential harm to the population of Logar Province, and showing neglect on the part of the World Bank (see *OP 13.05 “Project Supervision”*.)

1. Lack of disclosure of World Bank project documents, lack of transparency, inexplicable designation of the SDNR as an “Environmental Category C” project, as well as the questionable designation of SDNR II as an Emergency Project.

(see *OP 8.00 “Rapid Response to Crises and Emergencies,” Active Project: “Afghanistan: Extractive Industries Transparency Initiative Implementation (ID P117077), GP 14.70 “Involving Nongovernmental Organizations in Bank-Supported Activities,” “The World Bank Policy on Disclosure of Information”*)

2. Lack of consultation with local population.

3. Failure of providing a basic Environmental Assessment.

(see *OP 4.01 “Environmental Assessment”*)

4. Danger to public health as a result of violations of environmental safety regulations and standard best practices, including failure to develop a mine closure plan, and possible release of toxic chemicals into the air, soil and water.

(see *OP 4.01 “Environmental Assessment,” OP 4.02 “Environmental Action Plans,” OP 4.04 “Natural Habitats”*)

5. Loss of livelihoods as a result of water depletion, pollution, loss of agricultural lands.

(see *OP 7.50 “Projects on International Waterways,” OP 4.07 “Water Resources Management”*)

6. Loss of their homes and farms on the part of displaced local residents due to an inadequate resettlement plan and risk of local unrest.

(see *OP 4.12 “Involuntary Resettlement”*)

7. Special risk to a vulnerable indigenous minority population, the Kuchis (a nomadic group designated as a vulnerable population by UNAMA.)

(see OP 4.10 "Indigenous People," OP 7.60 "Projects in Disputed Areas")

8. Loss of a heritage site with strong future tourism income potential; destruction of irreplaceable cultural heritage due to a mine plan based on insufficient data, and a neglect to study available options for reconciling mining and heritage preservation.

(see OP 4.11 "Physical Cultural Resources")

V. Mine Site Preparation - Failures

The overlap of three important interests – economic development, environmental safety, and preservation of cultural heritage – demands that a thorough investigation of each should precede commencement of mining operations. The exact extent and location of the artifacts should have been mapped, using the available modern technical capacities – instead, only a cursory survey without the use of these instruments took place (explained further in the chapter "OP 4.11".) An environmental impact assessment and a plan for mitigating the environmental risks ought to have been developed and made public for review by independent experts. This has not occurred. Finally, feasibility studies for the mining and for its reconciliation with the goal of preserving at least the most important portions of the heritage site must be created. They have not yet been.

With financial support from the World Bank, archeologists and workers have been hired for the explicit purpose of engaging in salvage archeology as opposed to regular archeology. This is a procedure which on the one hand rescues some of the objects but only at the cost of simultaneously destroying the site. Any objects that cannot be moved are sacrificed, and even those that are removed are often damaged in the process. The possibility of maintaining a heritage site is eliminated by this process, and the lower levels of the historical deposit – which often are more valuable than the surface layers that have already been looted or damaged by the elements - can then never be excavated or explored. Buildings and structures, fragile objects, items too large to remove, and anything still below the surface, all of that is sacrificed. This mode of archeology is justified only when no other alternatives exist, for example because an ancient deposit is accidentally uncovered in the middle of a modern city during the construction of a subway system.

VI. Violations of World Bank Operational Policies

We believe that the following World Bank operational policies have not been observed or have been violated:

OP 4.00, Table A1: Environmental and Social Safeguards Policies

The operational principles listed in this document include: a screening process that should commence as early as possible; assessment of potential impacts; assessment of compliance of the project with international obligations; feasibility studies to include siting alternatives; disclosure of the draft Environmental Assessment ("EA") "in a timely manner...in an accessible place and in a form and language understandable to key stakeholders."

To date, no EA has been made public. As far as we have been able to determine, no feasibility studies have been conducted by the WB, Government of Afghanistan, or other stakeholder, or if they have been conducted, they are not known to any independent advisors or key stakeholders. This is despite the fact that active mining is supposed to commence in 2013. If a plan exists, which does not seem to be the case, then its publication has not been timely but is, indeed, long overdue.

Copper mining is associated with a number of significant risks to human health and to the natural environment. These risks can extend far into the future and can continue even after the closing of the mine; impacting the soil, air and water. Copper mines also permanently alter the landscape and the terrain, due to the high ratio of waste to ore – one ton of ore typically produces two tons of waste. The Environmental Protection Agency Report on Copper Mining provides an extensive summation of the risks and hazards, from which we cite only briefly the following:

"Mine pits and underground workings; waste rock piles; tailings and other ponds; spent leach piles are of particular concern in the copper industry, because these are the areas in which toxic contaminants are most commonly found...they have the potential to present harm to the environment... Contaminants associated with these areas may include heavy metals and, from some, acid drainage. These contaminants may degrade ground water, surface water, soil, and air quality during mine operation and after mine closure... Waste leach piles typically have large surface areas and contain highly permeable waste material. These factors act to increase the exposure of waste material to infiltrating liquids. When pyrite and sulfide minerals are exposed to air and water, sulfuric acid may be produced. Sulfuric acid may leach metals, yielding an iron- rich, acidic solution that contains high metals concentrations. If this solution infiltrates the underlying ground surface, it could reach the water table and potentially contaminate ground water... The generation of acids may then act to increase the dissolution, mobilization, and transportation of heavy and toxic metals noted above. Except for iron, all of these are toxic to humans and to aquatic life and are known to accumulate in the environment and concentrate in the food chain."⁵

⁵ Mining Industry Profile: Copper, United States Environmental Protection Agency, www.epa.gov/osw/nonhaz/industrial/.../mining/.../copper/copper

Copper mining produces an inordinate amount of waste. It is not uncommon for the resultant waste piles to be 400 hectares in size. Clearly this represents a significant alteration of the terrain of Logar Province. We have seen no plan that explains how this will be mitigated, and what livelihoods or habitation will be possible following the closure of the mine. And this pertains only to the physical terrain. These waste piles also frequently contain toxic and at times, radioactive materials. In the U.S. increasingly stringent regulations have been put in place. Most recently, permits are only issued if it can be demonstrated that the aquifer on the site is not used for drinking water.⁶ The enormous challenges associated with managing the tailings associated with copper mining are well known, for one instance we may refer to the case of the Marindique Islands, Philippines, where tailings contaminated rivers, ground water and the marine environment.

⁷

Mitigation processes for the above-mentioned risks are possible but complicated, often only partly satisfactory, expensive and they require competent continual monitoring. We have not seen a responsible plan for Mes Aynak and there is no indication that monitoring can be successfully accomplished, given the prevailing levels of non-transparency.

Examples of dramatic consequences that can result from the improper management and insufficient precautions at copper mines abound. These can lead to an area becoming permanently uninhabitable. For example, the Anaconda Copper Mine in Montana had to be declared a Superfund Site. Levels of arsenic found in the water, soil and in medical testing of local residents made it necessary for them to be permanently removed from their homes and resettled, because even after mitigation measures the continual return of hazardous materials into the environment was deemed likely by the health authorities.

⁸

Regarding Mes Aynak, sources close to this project inform us that the World Bank has attempted to comply with environmental protection requirements by hiring an independent monitoring agency, but that a lack of access, information, and transparency has made it impossible for these consultants to fulfill their mandate.

⁶ USEPA, "Copper Mining and Production Wastes,"
<http://www.epa.gov/rpdweb00/tenorm/copper.html>

⁷ US Geological Survey Open File Report 00-397, <http://pubs.usgs.gov/of/2000/ofr-00-0397/ofr-00-0397.pdf>

⁸ Anaconda Smelter: Pollution from Copper Processing Wastes Forces A Community to Relocate, EPA, <http://www.epa.gov/osw/nonhaz/industrial/special/mining/minedock/damage/damage.pdf>

Failure to Comply with Afghan Law

The current Afghan Minerals Law and associated Regulations contain a number of provisions relating to environmental protection, protection of cultural heritage, and protection of infrastructure, notably Chapter 7, Chapter 8, Chapter 9 and Chapter 15, and Articles 78, 81, 86, 87 and 90. These state among other things, that the initial bid for a minerals contract must contain an Environmental Screening Report/Environmental Impact Assessment, an Environmental Management Plan, a Mine Closure Plan, a Monitoring Program. The Environmental Management Plan is termed to be the “main condition” for the intended activity. These documents do not, so far as we can determine, exist. This would mean that the World Bank is in violation of Afghan national law, by proceeding with a project that does not meet the initial criteria of said law.

Inexplicable Designation of a Copper Mine as an Environmental “Category C” Project

Given the known and significant risks associated with copper mining, it is hard to understand why this project was initially given an Environmental Category “C” designation by the World Bank. We would like to know the reason for this classification. While it has since been upgraded to a “B” designation, the lower classification during the early phases of the project affected decisions and chosen directions of effort at a critical juncture, just as the hasty and unfounded decision for “emergency archeology” has set a disastrous course for the piecemeal destruction of the cultural heritage site.

OP 4.11: Physical Cultural Resources

World Bank policy requires that the cultural impact of a project be assessed, among other methods, through collecting baseline data, an impact assessment, design of mitigating measures and formulation of a management plan.

This is ARCH's key area of competency; and to ensure that our conclusions are accurate,, we have solicited the views of many independent subject matter experts. We have obtained and reviewed the archeological survey conducted under the auspices of the World Bank (Delegation Archeologique Francaise en Afghanistan, Mes Ainak, A comprehensive assessment of the archaeological issue). Despite its name, this document cannot by any objective measure be described as “comprehensive.” Rather, it is rudimentary at best and the survey was, of necessity, superficial and cursory. State of the art technical means and technological resources for collecting baseline data (for example through ground penetrating aerial photography and laser-based remote

scanning technology) were not utilized, and the survey does not represent current international best practice. The archeologist who conducted the survey (Philippe Marquis of DAFA) has no doubt given this his best personal effort, but he was not provided with the time, resources, technical materials, manpower or mandate to conduct a proper survey; also, conducting such a survey is not his area of expertise, as he is a salvage archeologist. ARCH can provide several international experts who will attest to this conclusion. The failure to properly map, explore and evaluate the site is especially alarming given the magnitude and importance of this deposit.

The World Bank is funding and supporting the work of laborers and archeologists on the site. The goal is to salvage objects from the upper strata of the deposit, an approach termed emergency archeology or salvage archeology. This approach is highly prejudicial. The proper procedure according to international best practices and standards for cultural preservation would have been as follows: first, the deposits needed to be surveyed, mapped and evaluated. Next, the feasibility studies and mining plan needed to be reviewed to discover the extent to which the site could be responsibly excavated, documented and preserved in harmony with the mining effort. Finally, a joint plan for heritage preservation and for mining should have been developed, inclusive of timelines. This did not happen; instead the decision was immediately presumptuously made (with support of the World Bank) that the site would be sacrificed and salvage archeology was to take place. The possibility of site preservation was never even considered. A plan was never developed and no reliable timeline was provided; instead, the archeologists have continually been given incorrect estimates of how short a time they only had available to rescue whatever they could before mining commenced.

This false state of urgency has now gone on for years. In other words, there was in fact more than enough time for a responsible survey to be conducted and options to be discussed, and this had to be known to the World Bank mining department from the start, as they must be able to assess and predict how long it takes for a mine to be opened and they had to see and be able to evaluate the pace of preparations and therefore, the likely earliest start to mining – which at the present time, years into the contract, is still at least three and probably five years away according to independent mining experts. A prominent archeological expert, who had been hired as the site manager, was summarily fired when he attempted to raise some of these issues. He is willing to give his name and to speak with the Inspection Panel. An extensive description and assessment of the site, its history and significance, is attached and substantiates the need for a proper archeological survey (White Paper, Appendix d.)

The “consultation with relevant nongovernmental organizations” as required in Point 11 (of OP 4.11) has also not taken place. The most prominent experts on the subject of Mes Aynak, such as Professor Zemaryalai Tarzi, the internationally renowned Afghan

archaeologist who worked on the site during the 1960's and has urgently pressed for measures to properly study and assess the site and develop a mitigation and management plan commensurate with its value, and to earnestly consider options for in situ preservation, has been ignored. The World Monuments Fund and ICOMOS were not included in any discussions of the issue; both are on public record regarding the unique importance of this site and the necessity to consider with all due earnest any possibility to avoid its destruction.

Nor were representatives of Afghan cultural organizations consulted. Mes Aynak contains information about at least 4000 years of Afghan history. If the current plan goes forward, its lower levels will never be excavated and all the information contained therein will be lost forever. This loss affects all Afghans, which is why a number of Diaspora Afghan professionals have joined in signing this request. Arguably, it is also a loss to the history of science, since the lower levels of the site include artifacts and data about the history of early mining – copper has been mined at this location for thousands of years, but the methods and tools utilized in earlier millennia are not known.

Questionable Designation as an Emergency Operation

The World Bank Project regarding Mes Aynak is designated as an Emergency Operation. This would allow the Bank to exempt the project from certain of the requirements related to Physical Cultural Resources (Point 13). However, this project does not satisfy the requirement of an Emergency Operation and is improperly categorized as such.

OP 8.00 defines an Emergency Operation as a “rapid response policy to address major adverse economic and/or social impacts resulting from an actual or imminent natural or man-made crisis or disaster” (Point 1.) Point 2 states that “the Bank may provide a rapid response to a borrower’s request for urgent assistance in respect of an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact associated with natural or man-made crises or disasters.”

None of this applies to the mining of copper at Mes Aynak, which is a routine and long-term commercial project. Mining copper at Aynak requires a lead-in phase of at least three years. Indeed, two years have passed already without any serious infrastructure preparation (such as road-building, power generation etc.) having occurred. In what way does the mining of copper represent an emergency? We fear that this designation only serves the purpose of circumventing protections and regulations that by rights should apply. Afghanistan – like many countries where the WB operates – indeed suffers from

security challenges, but that does not justify jettisoning the WB's well-crafted rules.

OP 4.07: Water Resources Management

Logar is a heavily agricultural province. The population consists largely of farmers, who grow wheat, maize, potatoes, onions, alfalfa, clover, tomatoes and okra, as well as maintaining orchards of apples, apricots, almonds and grapes. Agriculture relies on an extensive, traditional irrigation system (karez system).⁹

The mining project will draw down aquifers, reducing the water available for drinking by humans and animals, and for farming and irrigation.

We are also concerned about water safety. Already in 2005, a UNICEF study found arsenic contamination of well water in Logar Province, which it attributed to earlier small-scale copper mining.¹⁰ What will happen once huge commercial mining begins?

OP 4.12: Involuntary Resettlement

WB policies on resettlement are clearly stated. Involuntary resettlement is to be avoided where possible and if it is unavoidable, a set of precautions are to be taken to safeguard the rights and the future of the affected population. This includes "informing and consulting" those affected, offering them choices and viable alternatives, providing them with housing and with replacements for infrastructure they have lost. So far this has not happened in Aynak. According to a report by the Afghan Analysts' Network, the situation violates the policies of the WB in many particulars. The residents' land was expropriated by government decree without prior consultation. The decree promised them "compensation" but did not specify what this would consist of. There have been allegations of corruption in regard to the registration of land ownership in the new location, as well as resistance by the population of the area of relocation who did not want the newcomers and disputed the availability of the land they were to be granted. There are also tribal issues bearing with them the danger of violence erupting if members of one tribal group are forced to settle in an area considered by another tribal group to be their property.

⁹ <http://afghanag.ucdavis.edu/Province-agriculture-profiles/logar/Logar.pdf>

¹⁰ Susan Murcott, Arsenic Contamination in the World, An International Sourcebook, IWA, London 2012

One of the affected groups is a vulnerable minority, the Kuchis (a nomadic group). The Kuchis have been designated by UNAMA, the United Nations Assistance Mission in Afghanistan, as one of the principal vulnerable populations in the country.

All of this has led to fear and reluctance on the part of those to be relocated, some of whom have fled to unknown destinations rather than put themselves at risk in their designated new location, while others returned home but were forcefully removed by the police. Information to those affected has been lacking, adding to the uncertainty and fear. There has been no authoritative statement on how many villages and which ones are to be relocated during which phase of the process.¹¹

VII. Conference

After the World Bank's failure to organize a serious meeting consisting of independent experts (see Chapter I) ARCH convened an expert meeting on our own, the findings of which are attached (Appendix e.) This meeting surfaced a high level of concern on the part of independent experts regarding the environmental dangers facing Mes Aynak, given the nature of the ore deposit and the fact that so far, the effort lacked any transparency and did not meet minimal common standards of practice such as publication of an Environmental Impact Assessment and Environmental Impact Mitigation Plan, Mining Feasibility Studies, or a Water Master Plan. The historians and archaeologists attending were uniformly of the view that it would be highly irresponsible to continue with rescue archaeology when a prior proper exploration of the historical deposits had not yet been undertaken to determine the age, extent, value and exact location of these deposits.

We request the Inspection Panel recommend to the World Bank's Executive Directors that an investigation of these matters be carried out.

Signature:



Date: 12/5/2012

¹¹ Thomas Ruttig, "The Many Owners of Ashab Baba, Land Conflict at the Ainak Copper Mine," Afghanistan Analysts Network.

We, ARCH, Inc., do authorize you to disclose our identities. We ask you not to disclose the identity of any residents of Afghanistan, for the sake of their personal safety; however they are willing to speak with the Inspection Panel.

Appendix:

- a. Signatures (Afghans living in Afghanistan)
- b. Signatures (Afghans living abroad)
- c. International Petitions
- d. White Paper
- e. Conference Report
- f. Illustrations

Appendix a

Signatures of Local Residents

(Removed for Confidentiality)

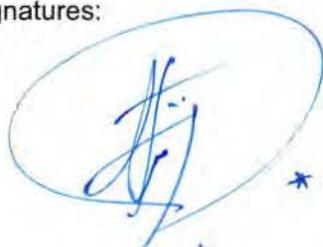
Appendix b

Signatures of Afghans Living Abroad

We request the Inspection Panel recommend to the World Bank's Executive Directors that an investigation of these matters be carried out.

Signatures:

Date: 04-12-12



Faramarz Ahmadi

* member of organization ^{for} petition on
change.org ^{worked on}
+ awareness campaign

Afghanistan - Born, living in the Netherlands.

We, ARCH, Inc., do authorize you to disclose our identities. We do not authorize you to disclose the identity of any residents of Afghanistan.

Appendix:

- a. Signatures (Afghans living in Logar Province)
- b. Signatures (Afghans living abroad)
- c. Signed Online Petitions
- d. List of Meetings with World Bank Staff
- e. White Paper
- f. Conference Report
- g. Pictures

We request the Inspection Panel recommend to the World Bank's Executive Directors that an investigation of these matters be carried out.

Signatures:

Date:


Matin Wasi
Co-Organiser:- petition on change.org
- awareness campaign
Afghan-Born . Living in the Netherlands

4-12-2012

We, ARCH, Inc., do authorize you to disclose our identities. We do not authorize you to disclose the identity of any residents of Afghanistan.

Appendix:

- a. Signatures (Afghans living in Logar Province)
- b. Signatures (Afghans living abroad)
- c. Signed Online Petitions
- d. List of Meetings with World Bank Staff
- e. White Paper
- f. Conference Report
- g. Pictures

To the Inspection Panel,

November 30, 2012

One of the few things my poor country still has is its history and culture. To remember and build on our past can sustain us during the difficult present that we are forced to experience.

But if the great achievements of our past are erased, they can never be brought back.

I am very concerned and upset about Mes Aynak, not only because this unique heritage site is in danger, but because our population is at risk of terrible health consequences if the mining is not done with great responsibility. I feel endangered by this mining project and worried on behalf of my fellow citizens and I ask the Inspection Panel to review the project and see if they can responsibly promise us that no harm will come to us from this mining.

I do not want my name to be kept confidential. I want everyone to know that the life and health of Afghan people is the most important thing to me.

Sincerely,

Marie Khalili Nasiri,
marie.k.nasiri.j26y@statefarm.com

ماری خلیلی ناصری

مناسن - ورجینا

استخراج معادن افغانستان و تأثیر آن در حیات مردم

درین اوخر یک عله باستان شناسان، معدن شناسان و زمین شناسان در داخل وخارج کشور، استخراج معادن افغانستان و امور دبرویسی قرارداده، و مقالات ارزنه درین باره به نشر سپرده شد مقاہل فصل اینه صبور فروزان در شماره ۱۸ جنوری ۱۲۰ هفته نامه ایید، برای من بسیار جالب بود که به اصطلاح چشم و گوش مرا باز کرد

قرارداد معادن مس عینک درلوگر با چینیها، قرارداد معادن آهن حاجیگک دریابیان باهند و قرارداد معادن مرمر و رخام هرات به یک سرمایه دارایتلوی، درین مقاله به صورت مفصل تصریح و بیان خواهد گذاشته شد است انجیر فروزان باشیان مقاله وظیفه ایمانی ووجلتی اش و اور مقابل ملت و خاک افغانستان ادا کرده است ایدوارم معلومات یافته درین باوه جهت آگاهی هم وطنانش تشریف نمایند

من نه معدن شناسم، نه باستانشناس، نه زمین شناسم و نه ساینس دان، افغانستان عزیز را بازه ذره خاک آن از دل وجان میرستم

مردم تجیب افغانستان که سالهای است باز پجه بازیهای سیاستداران شده اند به زنان شان تجاوز گردیدند، اعضای بدن کودکان شان در بارازهای پاکستان در معرض فروش قرار گرفته، خانه و شهرهایشان بایمهای زهر آگین و بیران شده است، تو ای حاکم قدر تمدن!

«ترخم ها دارد، ننک بزرخم او کمتر فشان»

این معادن جزء خاک افغانستان است، و متعلق به مردم افغانستان قرار معلومات در جوار این معادن آثار باستانی مدفون است که تابع هزار سال قدامت دارند من بجیت یک افغان از دولت وزارت معادن کنور چنایی کم تا قبل از استخراج این معادن، یکمله معدن شناس و زمین شناسان داخلی و خارجی را استخراج نمایند، تا مواد ذیل را مورد مطالبه و ملاقه جدی قرار دهند، و توجه رابه ملت بگویند

اول آیا استخراج این معادن به نفع مردم ماست یا به مقادی اضافه کنند گان قرار داده؟

دوم آیا استخراج این معادن واقعیت امراض هوئاک، از جمله مرض مرگبار سرطان در میان مردم مانعی گردد؟

سوم آیا استخراج این معادن حیوانات و بیانات لژ شرمند زهر آگین این معادن در امان خواهد بود؟

پاران مسئولیت نیوش اینجیران فعدن شناس و زمین شناسان وطن دوست و فویسنده گان افغان است از قول پدرم استاد خلیلی:

هر ذره خاک من زیانی دارد از گردش دهر داستانی دارد این کهنه روای من نهان در هر چین تاج و کله جهان سtanی دارد

Affects of Mineral Extraction

1/2

In Afghanistan on Its People

By Marie Khalili Nasiri

Lately, a number of Archeologists and mineral experts have been talking and writing about the mine exploration in Afghanistan. Some interesting articles on this subject have appeared. One article written by Eng. Saboor Farozan captures the essence and dissects the process, which has really opened the eyes of the readers. This article was published in the 18th January issue of the Omaid weekly from Washington DC.

The Logar's Mes Ayanak (copper) exploration has been awarded to the Chinese, the Hajigak Iron ores have gone to India and the extraction of the marble stone to an Italian investor. The article deals in detail with these contracts and analyses its affect on the health and wealth of the Afghan people. He has tackled his responsibility very well and has tried to make people conscious of the repercussions.

I am not an archeologist, nor a metallurgist and nor a mineral expert however I worship every inch of my beloved Afghanistan.

The noble people of Afghanistan for years have been exploited by a bunch of opportunists and politicians. The Afghan women have been raped, the children maimed and killed and men subjected to torture. Many women and children have been sold in the markets of Pakistan. Their towns and villages have been pillaged and destroyed.

Page two

2/2

"They have wounds already, don't spray salt on their wounds"

These minerals are part of the Afghan soil and the people of Afghanistan own them. As it has been established the Mes Aynak is located on top of rare Archeological find of Bronze age which dates back to 5000 years in history.

As an Afghan, I urge the government of Afghanistan to go forward carefully. Before finalizing they should appoint a team of experts(local and foreign) to further study the fall out from this mineral exploitation. People's health should take priority. The result of this study should be broadcasted to the nation.

Will extraction of these minerals is in the interest of the people of Afghanistan, or it is in the interest of a few who have approved this contract?

Will extraction of these mines may lead to deterioration of people's health from its bi-products and become a source of Cancer?

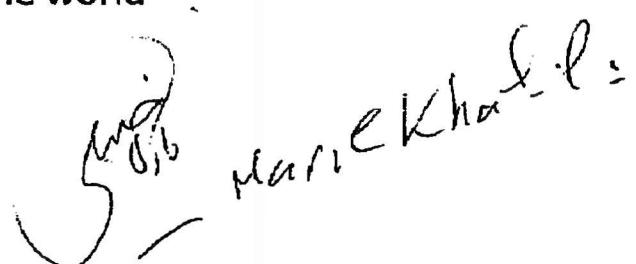
Will the ecological system be destroyed or damaged as to affect the health of the humans, the fauna and the flora of Afghanistan?

In the end I would like to repeat this couplet from my father Khalilullah Khalili:

If every particle of my land could speak

It would have a story to tell from around the world

Hidden in the creases of my ancient land
are the crowns and heads of conquerors


Khalilullah Khalili

Appendix c

Signed Online Petition

(Panel received about 60,000 attached signatures)

Appendix c – Online Petitions

1. www.change.org, Petition “President Hamid Karzai: Prevent Destruction of Ancient Site of Mes Aynak & the Environmental Damage,” by Matin Wasei.

→ as of November 30, 2012 – **64, 310 signatures.**

Link: <http://www.change.org/petitions/president-hamid-karzai-prevent-destruction-of-ancient-site-of-mes-aynak-the-environmental-damage-3>

“Sign our petition to save the ancient Buddhist city of Mes Aynak (Province Logar, Afghanistan) from needless destruction while preventing irreversible environmental harm to Kabul watershed and the Afghan people.

We, the undersigned, acknowledge the urgent need for revenue generation for Afghanistan. We also recognize cultural heritage is a treasure for the ages, and no amount of revenue can compensate for an environmental catastrophe.

1. We insist that the Mes Aynak mining project be conducted in accordance with international standards in a transparent manner that will safeguard public health, and ensure maximum protection for cultural heritage and the environment. International standards include publication of the final mining plan, the final, approved environmental impact plan, and the consensus advisory of archaeologists to optimize restoration of the site.
2. We strongly urge the Afghan government to set up a coordinating body composed of government and mining officials, neutral experts in the fields of environmental safety, archaeology and geology, and representatives of the local population and civil society to oversee the implementation of International standards. This body shall ensure that the mining plan is followed throughout the entire life of the mine.

Issue Briefing on the Campaign to Save Mes Aynak

In November 2007 the Afghan government granted a 30-year lease for the Mes Aynak copper mine to the China Metallurgical Group (MCC). The hope is that this mine could become a significant source of revenue for a country that is emerging from three decades of conflict and trying to stand on its own feet.

However, the same site also holds a buried Buddhist city with multiple temples, fortresses and commercial and residential areas. Below that are older historic remains going back to 3000 B.C. and possibly including Bronze Age artifacts. Experts call this one of the premier archaeological treasures in Asia. **When mining begins in 2013, this unique heritage site will be destroyed forever.** Currently, a small team of salvage archaeologists is rushing to save whatever can be removed from the location.

The copper deposit also sits atop the aquifer that supplies water to the surrounding agricultural province and to Kabul, a city with an estimated 3 million inhabitants. Copper mining is hazardous and there is a real threat of a catastrophic environmental disaster if the proper methods of mining are not applied.

So far, NO environmental impact plan and NO mining plan has been made public. There has been NO discussion of variable mining technologies that might allow for portions of the site to be saved. Local residents and the Afghan population have NOT been informed of the costs and significant risks of this endeavor. An atmosphere of secrecy prevails and destruction is scheduled to begin in just a few months.

There is a better way forward – identified by a group of renowned international experts who met specifically to find a solution in June of 2012. Their recommendations are reasonable and should be followed by the Afghan government, MCC, and their supporting partners, the World Bank and the U.S. Department of State.”

2. [www.change.org](http://www.change.org/en-CA/petitions/save-our-past-ask-unesco-to-include-mess-aynak-on-the-list-of-endangered-sites), Petition “Save our Past – Ask UNESCO to Include Mess Aynak on the List of Endangered Sites,” by Nadia Tarzi.

→ as of November 30, 2012 – **60,090 signatures.**

Link: <http://www.change.org/en-CA/petitions/save-our-past-ask-unesco-to-include-mess-aynak-on-the-list-of-endangered-sites>

“We the undersigned bring to your attention that, when one talks about the protection of world heritage one cannot help to think of UNESCO and its commitment and responsibility to find prompt solutions for the safeguard and protection of endangered sites.

After 30 years of armed conflicts Afghanistan has suffered the loss and desecration of thousands of objects and hundreds of sites such as the city of Ai Khanum and Bamiyan, a site that would eventually be enlisted as a site to be protected but too late.

Let us NOT repeat the same mistake and ACT now for: the Heritage of Afghanistan is once again faced with violation and impending loss, this time in the case of the immense Buddhist site of Mess Aynak.

We believe that while economical development through the mining of precious minerals, is necessary, it cannot become an additional tool or excuse for further destruction of an already weakened Heritage.

Therefore, we the undersigned, rely on UNESCO to be a force of dissuasion and hope for countries such as Afghanistan.

We the undersigned ask of UNESCO that the site of Mess Aynak, Afghanistan be enlisted immediately on the List of Endangered Sites and the World Heritage List thus giving UNESCO the opportunity to demonstrate its commitment to the protection and safeguard of our World's Heritage.”

Appendix d

List of ARCH Meetings with World Bank Staff

List of Meetings with World Bank Officials & Staff

Meetings

October 6, 2011

Meeting: Michael Stanley, Andre Ufer

January 23, 2012

Meeting: Michael Stanley, 11am-1pm.

May 24, 2012

Meeting/Tel-con: Michael Stanley, Ehsanullah Shamsi, Andre Ufer

April, 30, 2012

World Bank Conference in Kabul: Cheryl Benard was able to gain entry to the event as the personal guest of the Deputy Minister of Culture and ascertain that it was not the promised “Big Tent” meeting.

June 5, 2012

Meeting: Michael Stanley and Harjot Khaur attended the conference ARCH organized in cooperation with CACI, SAIS, Johns Hopkins University.

Second Week of August, 2012

Meeting: Michael Stanley

Conversations (Phone, Email)

September 27, 2011

Phone Conversation: Alison Reeves.

September 27, 2011

Email: Subject: “Mes Aynak Afghanistan”

To: Alison Reeves

CC: Elvira Loredo

September 28, 2011

Email: Subject: “Mes Aynak Afghanistan/ Bamiyan Project representative wants to meet with Bank”

From: Alison Reeves

To: Abdul Raouf Zia

CC: Angela Walker, Gabriela Aguilar

September 28, 2011

Email: Subject: "Mes Aynak Afghanistan/ Bamiyan Project representative wants to meet with Bank"

From: Abdul Raouf Zia

To: Michael Stanley, Alison Reeves

CC: Angela Walker, Gabriela Aguilar, Josephine Bassinette

October 4, 2011

Email: Subject: "Mes Aynak Afghanistan/ Bamiyan Project representative wants to meet with Bank"

From: Michael Stanley

CC: Alison Reeves, Andre Ufer, Noora Arfaa, Ehsanullah Shamsi, Mohammad Haroon Naim, Angela Walker, Gabriela Aguilar, Josephine Bassinette

October 6, 2011

Email: Subject: "Mes Aynak Afghanistan/ Bamiyan Project representative wants to meet with Bank"

From: Ehsanullah Shamsi

CC: Michael Stanley, Andre Ufer, Mohammad Haroon Naim, Noora Arfaa

October 21, 2011

Email: Subject: "World Bank activities for Mes Aynak"

From: Andre Ufer

October 21, 2011

Email: Subject: "World Bank activities for Mes Aynak"

To: Andre Ufer

CC: Yama Jewayni

October 27, 2011

Email: Subject: "World Bank activities for Mes Aynak"

To: Andre Ufer

October 31, 2011

Email: Subject: "World Bank activities for Mes Aynak"

From: Andre Ufer

November 2, 2011

Email: Subject: "World Bank activities for Mes Aynak"

To: Andre Ufer

November 2, 2011

Email: Subject: "World Bank activities for Mes Aynak"

From: Andre Ufer

January 17, 2012

Email: Subject: "Broadcast: Afghanistan – Mes Aynak - ARCH..."

From: Michael Stanley

To: Cheryl Benard, Karlyn Stanley, Noora Arfaa,

CC: Eshanullah Shamsi, Andre Ufer,

January 30, 2012

Email: Subject: "World Bank activities for Mes Aynak"

To: Andre Ufer

January 31, 2012

Email: Subject: "World Bank activities for Mes Aynak"

From: Andre Ufer

February 5, 2012

Email: Subject: "mutual introduction"

To: Andre Ufer, Erwin Emmerling

February 6, 2012

Email: Subject: "mutual introduction"

From: Andre Ufer

February 27, 2012

Email: Subject: "expert meeting"

From: Andre Ufer

February 27, 2012

Email: Subject: "phone call"

To: Andre Ufer

March 7, 2012

Email: Subject: "expert meeting"

To: Andre Ufer

March 8, 2012

Email: Subject: "expert meeting"

From: Andre Ufer

March 13, 2012

Email: Subject: "no luck with phone call"
To: Andre Ufer

March 14, 2012

Email: Subject: "expert meeting"
From: Cheryl Benard
To: Andre Ufer

March 15, 2012

Email: Subject: "expert meeting"
From: Andre Ufer

March 15, 2012

Email: Subject: "expert meeting"
To: Andre Ufer

March 16, 2012

Email: Subject: "no luck with phone call"
From: Andre Ufer

March 16, 2012

Email: Subject: "no luck with phone call"
To: Andre Ufer

March 17, 2012

Email: Subject: "expert meeting"
To: Andre Ufer

March 26, 2012

Email: Subject: "expert meeting"
From: Andre Ufer

March 30, 2012

Email: Subject: "expert meeting"
From: Andre Ufer

March 30, 2012

Email: Subject: "expert meeting"
To: Andre Ufer

April 2, 2012

Email: Subject: "expert meeting"

From: Andre Ufer

April 2, 2012

Email: Subject: "expert meeting"

To: Andre Ufer

April 3, 2012

Email: Subject: "Aynak contract monitoring"

From: Andre Ufer

April 3, 2012

Email: Subject: "expert meeting"

To: Andre Ufer

April 9, 2012

Phone Call & Email: Subject: "Kabul meeting dates"

To: Andre Ufer

Note: Telephone call asking the World Bank to participate in ARCH's expert meeting.

April 12, 2012

Email: Subject: "Big Tent"

To: Andre Ufer

April 13, 2012

Email: Subject: "Big Tent"

From: Andre Ufer

April 13, 2012

Email: Subject: "Big Tent"

To: Andre Ufer

April 19, 2012

Email: Subject: "Big Tent"

To: Andre Ufer

April 20, 2012

Email: Subject: "Kabul meeting"

To: Andre Ufer, Michael Stanley

May 16, 2012

Email: Subject: "June meeting"

To: Andre Ufer

May 17, 2012

Email: Subject: "Expert meeting June"

To: Michael Stanley

May 17, 2012

Email: Subject: "Expert meeting June"

From: Michael Stanley

May 22, 2012

Email: Subject: "Expert meeting June"

From: Michael Stanley

CC: Andre Ufer, Noora Arfaa

May 22, 2012

Email: Subject: "Expert meeting June"

To: Michael Stanley

CC: Andre Ufer, Noora Arfaa

May 23, 2012

Email: Subject: "Expert meeting June"

From: Michael Stanley

May 24, 2012

Email: Subject: "Mes Aynak Friday"

From: Michael Stanley

CC: Andre Ufer, Noora Arfaa, Ehsanullah Shamsi

May 24, 2012

Email: Subject: "Mes Aynak Friday"

From: Noora Arfaa

CC: Michael Stanley, Andre Ufer, Ehsanullah Shamsi

May 25, 2012

Phone Conversation: Cheryl Benard & Michael Stanley.

August 14, 2012

Email: Subject: Conference Report – Comments"

From: Andre Ufer

CC: Michael Stanley, Noora Arfaa, Ehsanullah Shamsi

August 17, 2012

Email: Subject: "Mes Aynak Post-Conference Report – Bank Comments"

From: Michael Stanley

CC: Noora Arfaa, Ehsanullah Shamsi, Andre Ufer

Overview of All Involved Parties

World Bank Staff & Officials:

Michael Stanley

Harjot Khaur (Kabul)

Alison Reeves

Andre Ufer

Ehsanullah Shamsi (Kabul)

Mohammad Haroon Naim (Kabul)

Gabriela Aguilar

Noora Arfaa

Angela Walker

Josephine Bassinette

Abdul Raouf Zia

Asta Olesen (Kabul)

Sophia Swire (Kabul)

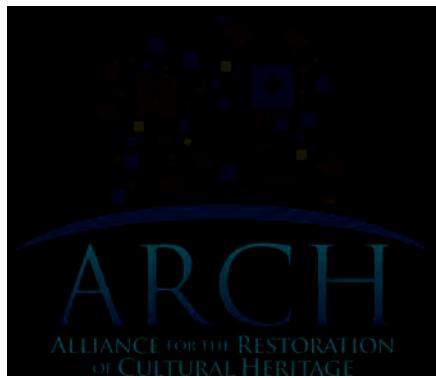
Helen Nguyen

Other:

Erwin Emmerling, Technical University, Munich

Appendix e

White Paper



WHITE PAPER: MES AYNAK



photo: Hamid Naweed

report prepared by Dr. Cheryl Benard

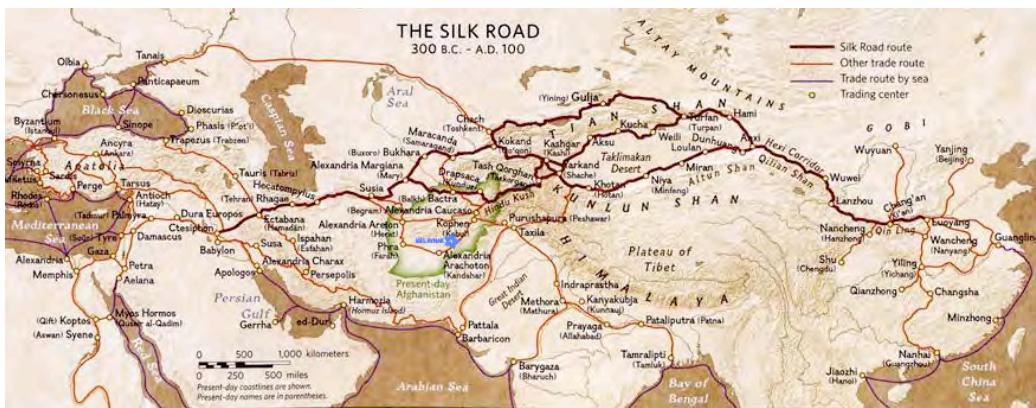
ARCH International, 2121 K Street NW Suite 620, Washington DC 20037

March 2012

Executive Summary:

This White Paper addresses a situation of urgency, the heritage site Mes Aynak in Logar Province, Afghanistan. The paper and its recommendations are based on research conducted by ARCH International, in consultation with international subject matter experts, throughout 2011.¹

Mes Aynak is an archaeological site of considerable value. Beneath its approximately 400,000 square meters are the remains not only of several Buddhist monasteries, but also of a fortress, urban dwellings and earlier remnants of human habitation going back 5000 years or more. Its multiple layers of habitation contain information about the technological, economic, religious and social history of Afghanistan and more broadly, of this key transit region between Asia and Europe. Mes Aynak was centrally located on the Silk Road.



Mes Aynak also holds a very significant copper deposit. This is not a coincidence – the area originally attracted human settlement because of its copper, and over time became prosperous for the same reason, inviting the construction of dwellings, a garrison, lavishly decorated monasteries and more. Recently, the contract to mine this copper was obtained by the Chinese company MCC.

Currently, MCC plans to harvest at least a portion of the copper through surface mining, a method that entails the use of explosives and typically leaves behind a deep crater that over time fills with toxic sludge. Contamination of the ground water is an associated hazard. Fears about the release of arsenic and sulfuric acid into the environment, with resultant danger to public health, have also been expressed by experts.

¹ - ARCH International is a registered non-profit 501©3 organization with headquarters in Washington D.C. It is dedicated to the support and restoration of physical and intangible cultural heritage endangered by conflict, post-conflict and war. A list of the consulted experts is separately available. Professor Hamid Naweef of ARCH conducted a site visit to Mes Aynak and held a series of conversations with the responsible authorities in Kabul in September 2011 and February 2012. The views expressed in this report are those of ARCH International. For more information, contact Dr. Cheryl Benard at cbenard@archinternational.org.



Berkeley Pit, Montana, is a toxic lake decades after the open pit mining ended

On the other hand, Afghanistan urgently needs the income from its natural resources, and it is hoped that the work opportunities associated with international mining projects will provide jobs, improve infrastructure and attract collateral investments. This poses a dilemma. The profits from mining are measurable and the expectation is that they will be received immediately. But historic patrimony and an intact environment are also critically important to the future prosperity and stability of Afghanistan.

In the case of Mes Aynak, two additional aspects need to be considered. The role of Afghanistan as a site of early technological innovation, and a wellspring of artistic and architectural achievements, promises to be a significant image change and a source of national pride and identity. Secondly, the possibility of preserving a valuable destination so close to Kabul holds the promise of touristic and educational travel and income for many years to come. To destroy this is a tangible and material loss.

In this paper, we identify a proposed way forward that maximizes the outcome on all fronts. It is our conclusion that creative application of modern mining technology, building on a constructive partnership between archaeologists and mining engineers and premised on a full and responsible analysis of the geological, geographical, economic and archaeological circumstances of each site in question, can make all of the above important goals possible: mining, jobs, and the preservation of portions of this historic site for future generations.

Indeed, this paper argues that if approached constructively, a partnership of cultural conservation, economic interests, and national development is possible and in Mes Aynak can become a model for the many projected future situations in Afghanistan and elsewhere, where archaeological remains and mineral deposits share the same physical location.

INTRODUCTION

Mes Aynak is located approximately twenty-five miles southeast of Kabul, in Logar Province. In 2007/2008, the Chinese mining company MCC (Metallurgical Corporation of China) won the contract to mine copper from this very rich deposit. However, the site also holds archaeological remains. Experts say these are significant, dating back 5000 years and spanning history from the Bronze Age through the Buddhist era and up to the early Islamic period.

The presence of important and large archaeological remains at this location has been well known since at least the 1960's² and preliminary excavations were conducted over the years by French, Russian and Afghan archaeologists. Nonetheless, the mining contract initially made no mention of archaeological finds. Indeed, some of the initial reporting stated that while conducting the initial mining exploration, engineers surprisingly happened upon these ruins. This is incorrect. Portions of the ruins were clearly visible at all times; their presence was known to inhabitants who in fact had been engaging in extensive looting over the years; the international archaeological community knew of this site and many famous archaeologists had worked there and published on the subject.

When their existence was finally taken note of in the context of the mining effort, a plan was developed to utilize the run-up to mining operations – i.e. the time period during which exploratory digging takes place, facilities are built, infrastructure is established etc. – to save some of the artifacts by removing them.

This approach is known as “salvage archaeology”, “rescue archaeology” or “mitigation.” In archaeology, this method is only chosen when there is no alternative, for example because an archaeological deposit is found in the middle of a heavily populated urban area during the construction of a subway station. Even then, city planners sometimes choose to build around them in order to preserve an original ancient portion of the site.



A section of Vienna's posh First District has been permanently sectioned off to display Roman ruins and a mural found during subway construction.

² Nicolas Engel, of the French archaeological association DAFA, dates the first exploration of Mes Aynak at 1963. “The Buddhist Monasteries and Settlement at the Mes Aynak Copper Mine, Logar Province,” in ICOMOS, *Heritage at Risk 2008-2010*, Berlin 2010. Later, work was conducted there by Tarzi and by the renowned Russian archaeologist Viktor Sarianidi, and others.



Many ancient cities wrestle with ways to reconcile their different epochs. Here, Roman ruins surround a mosque and church in Beirut, Lebanon.

It consists of limited documentation of the currently visible portions of the site and the removal of whatever artifacts can be taken away for conservation or placement in a museum – Kabul Museum - or a yet-to-be-built storage facility. The site itself, along with the still undiscovered and unexplored bulk of the historic remains - the buildings and structures themselves, the deeper layers of earlier habitation, the artifacts too large or too fragile to be moved, and most of those made in the locally typical manner from unbaked clay - is still slated for destruction.

Experts term this “one of the most intriguing ancient mining sites in Central Asia, if not the world;” they point out that the finds include “monumental statues of the Buddha that will have to be left in situ”(i.e. that cannot be moved); and that excavations would “almost certainly document” continuous habitation and economic activity over a period of many centuries, indeed millennia.³

THE MINING CONTRACT:

Mes Aynak, in Afghanistan’s Logar province, holds a very significant deposit of copper – an estimated six million tons. In 2007/2008, the Chinese company MCC won the mining contract for this site from the Afghan government. This was preceded by an elaborate bidding process overseen by international reviewers; nonetheless, allegations have persisted that corruption was involved and that the since-replaced minister may have received as much as 30 million dollars.⁴

³ Zemeryalai Tarzi and David Stronach, The Copper Mine at Mess Aynak, New Channel Media, undated online publication. Professor Tarzi is an Afghan-French archaeologist who conducted three official explorations in Mes Aynak in the 1970s.

⁴ See for example Dan Rather’s report, April 12, 2011, <http://www.prnewswire.com/news-releases/dan-rather-reports-looks-at-afghanistans-largest-foreign-investment-project---a-copper-mine-now-controlled-by-the-chinese-government-119612414.html>. The rumors have been sufficiently persistent that the Ministry of Mines, now under a different minister, took the unusual step of posting a reference to this matter on its official website. “Note: In 2009, there were some media reports of possible corruption in the form of bribes being taken for the award of the Aynak contract, although until now, any types of evidence in this regard has not been found but the position of the Government and the new management of the Ministry of Mines is that in case of any evidence found in this argument the government will seriously deal with the issue accordingly to country’s laws and other anti-corruption regulations.” <http://mom.gov.af/en/page/1392>, as per August 3, 2011.

At optimal extraction, 200,000 tons of copper are anticipated per year, which would generate an income of 450 million dollars for Afghanistan. There also are associated hopes for jobs, a railway, and a power plant.

Some independent observers and NGOs have questioned these expectations. Integrity Watch Afghanistan is concerned that the contract lacks binding timelines, and sees indications that despite contrary promises, MCC intends to largely employ Chinese workers. Doubts have also been expressed about the railway. Afghan authorities continue to hope for one, but there appears to be some uncertainty as to whether MCC has entered into a contractual obligation to build it or has only undertaken to explore its feasibility.⁵

As always with a mining project of this magnitude and nature, environmental concerns are also an issue. Copper mining carries risks to groundwater and to the long-term topography of the site. Some question whether Afghan authorities, given the overall uncertainties of their governance and the persistent instability in the country and in Logar in particular, are in a position to put adequate environmental safeguards in place and maintain oversight.⁶ The likelihood of self-regulation by the Chinese company is also in some doubt.⁷ To help with these issues, the World Bank has given the Afghan government a grant of over 50 million dollars to expand its capabilities for oversight and management of the project.

SIGNIFICANCE OF THE SITE

In the judgment of subject matter experts, Mes Aynak is a location with the potential to be declared a World Heritage Site. A request to this effect has already initiated by the renowned Afghan archaeologist Zemaryalai Tarzi, although his action is symbolic, because such requests must come from a national government.⁸ To garner attention, he has launched a signature campaign with over 10,000 signatories to date.

Mes Aynak is important not just for one, but for three reasons: 1) it is a Bronze Age site; 2) it was a religious/population center during Afghanistan's Buddhist era and contains several monasteries, the associated civilian dwellings and multiple structures and art works; and 3) it is believed to have been continuously inhabited from at least 3000 BC to the Early Islamic era.⁹

⁵ this according to cables from the U.S. embassy in Kabul and in Beijing, published by wikileaks.
<http://www.cablegatesearch.net/cable.php?id=09BEIJING2918> and
<http://www.cablegatesearch.net/cable.php?id=09KABUL3101>

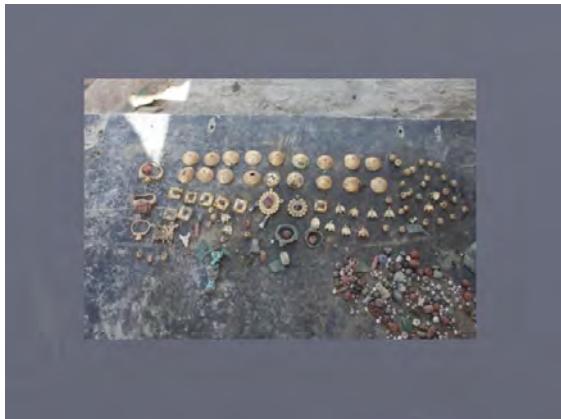
⁶ - "Gold, platinum, chrome and copper mining, pose a direct risk to groundwater pollution. The extraction of minerals requires blasting and, often, dewatering of mines. Mining wastes from underground activities pollute ground water. Pollutants are spread through the aquifers of the region. The de-watering of mines can transport these wastes to the surface and facilitate the spreading of the wastes."
http://www.nwpg.gov.za/Agriculture/NW_ENVIRONMENTAL_OUTLOOK/chapter.asp?CHAPTER=11&PAGE=2&TITLE=Part%202. In the case of surface mining, hazardous chemicals are used.

⁷ - conflicts and issues have arisen in Peru and Zambia, to name just two examples. These have involved large scale riots in protest of poor working conditions and low pay. <http://chinadigitaltimes.net/china/copper>.

⁸ - UNESCO can only make such a designation at the request of a national government. Professor Tarzi has launched an online signature campaign, presumably to attract attention as a public relations method.

⁹ - see for example Christoph Machat, Michael Petzet, John Ziesemer(eds.), "Heritage at Risk, ICOMOS World Report 2008-2010 on Monuments and Sites in Danger, ICOMOS, Berlin 2010.

The recent discovery of gold and gem jewelry items underscores the likelihood that this was a prominent settled area in the past, not just a residence for some monks and miners.¹⁰



jewelry items recently found on site

While the Buddhist aspect is important, what makes the site special is this continuity of habitation across millennia. In Central Asia, the Bronze Age is dated at 2300-1700 BC. During this epoch, many foundations of human civilization were developed: the ability to smelt and work ores such as copper, the invention of writing, agriculture, and early systems of law and social stratification. Over 5000 years old, this is a site where early technology and society unfolded.

A site of this caliber merits thorough mapping and exploration. This is a prerequisite for an informed decision on how, where, and when to conduct the mining operation. To date, such a survey has not been carried out.¹¹ Initially, there was not even any mention or consideration of the archaeological aspects of the site; that recognition came as an afterthought subsequent to the granting of the contract, even though the existence of massive archaeological remains at this location was well known. Until today, the site has not been properly surveyed or mapped and there appears to be no intention to do so. Small-scale surveys have taken place but in the view of subject matter experts, these were not comprehensive or adequately resourced and did not make use of available technological resources.

The scientific, historic and touristic value of Mes Aynak, as well as its potential qualification as a World Heritage site and segment of a World Heritage route (the Silk Road), have not been assessed. Options for mining in a way that preserves the site or at least its most valuable portions, have not been discussed or developed. Consequently, the relative costs and benefits have also not been explored, i.e., on the basis of present levels of information it is not possible to weigh the pros and cons of different mining outcomes against the possible advantages and disadvantages of leaving portions of the site intact for scientific and touristic use.

¹⁰http://www.scotsman.com/news/international/afghanistan_s_ancient_jewels_finally_see_the_light_of_day_1_1973845

¹¹ - DAFA has published a two part mini-survey. Mes Ainak, Archaeological Assessment Report, Transitory Document, DAFA assessment 15/XI/2010



In Pompeii, Italy, visitors can tour the ruins of the ancient city. Tourists bring in 20 million dollars each year just at this one site alone.

Instead, what is happening at present is “salvage archaeology.” Experts have been given funding to document and remove as many items as they can in the time allotted. This is better than nothing. But as the terms “salvage archaeology” and “rescue archaeology” indicate, this is a path of last resort, not a desirable or good outcome. This is especially true given the magnitude and importance of the site:

- Experts believe that layers of habitation, including towns and commercial complexes from varying periods of history are likely to lie beneath the surface of this site.
- Ancient statues, jewelry, coins and portions of murals all have value and deserve to be exhibited in a museum. But, as many UNESCO conventions and experts¹² attest, cultural heritage preservation is not a matter of just collecting and displaying individual statues and artifacts. It is their context that gives them meaning. The forum in Rome, or the city of Pompeii, convey the texture and the details of life and culture in a different era. The value would not be the same if one just removed the statues and some pottery shards from those two sites and put them in a museum. In sites that have historic continuity and where the remains are especially noteworthy, intact and extensive, the real value lies in keeping them in their historical placement.

It is fair to say that the stakeholders, for whatever reasons, have downplayed the archaeological and heritage aspects of this site. For example, the World Bank document “Mineral Resource Tenders and Mining Infrastructure Projects Guiding Principles, Case Study: The Aynak Copper Deposit, Afghanistan,” notes on page 51 that “the Aynak project area includes one of the most prominent new archeological sites in South Asia, Mes Aynak.” Yet the table of contents which is three pages long does not contain an entry for Mes Aynak or

¹² - see for example UNESCO documents “Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works”(1968); “UNESCO Recommendation Concerning the Safeguarding and Contemporary Role of Historic Areas”(1976); and the World Heritage Convention (1972) which states that setting is an attribute of authenticity and needs protection through the establishment of buffer zones. See especially also the “Xi’An Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas,” adopted in Xi’An, China by the 15th General Assembly of ICOMOS, October 2005.

archaeology; instead, the sentences about this acknowledged major site are subsumed under "Regulatory, Cultural and Social Issues at Aynak" and the text itself gives the impression that the matter has been successfully resolved and there are no outstanding concerns or issues.¹³

Mismanagement of Mes Aynak can have negative consequences for all parties involved. The procedures and the outcome will be judged by the international expert community in the decades to come, with potential fallout if it appears that due diligence was not applied for the protection of cultural heritage.

Afghanistan is a signatory to international conventions obligating it to protect such sites. Analogies to the Taliban's destruction of the Bamiyan Buddhas are already been drawn in the press reporting.¹⁴ commendably, China is spearheading an effort to have the Silk Road declared a World Heritage Route – pro-active steps to conserve portions of a Silk Road site such as Mes Aynak would contribute positively to this effort. This ancient site could potentially become a cutting edge model for mining that preserves antiquities.

¹³ - World Bank, Extractive Industries for Development Series 22, September 2011.

¹⁴ - Writing in Science Magazine, Andrew Lawler notes that "A decade after the Taliban destroyed the famous Bamiyan Buddhas...archaeologists are warning that Afghan antiquities are again at risk. This time the threat comes from a venture blessed by the Western-backed Afghan government." "Copper Mine Threatens Ancient Monastery in Afghanistan," Science Magazine, vol. 329, 30 July 2010. See also Heidi Vogt, "Chinese Copper Mine in Afghanistan Threatens 2,600 year-old Buddhist Monastery," The Huffington Post, 14 November 2010; "Afghan Buddhist Relics: Archaeologists Issue Warning," BBC News South Asia, 15 November 2010; Ann Marlow, "Rescuing Afghanistan's Buddhist Heritage," Wall Street Journal/wsJ.com, September 17, 2010; Alex Rodriguez, "Teams scramble to save Afghan artifacts before copper mining begins," Los Angeles Times, July 13, 2011; Joshua Foust, "How Chinese Mining is Destroying Afghanistan's Historic Ruins," The Atlantic, July 2011.

RECOMMENDATIONS:

1. First, an independent group of Afghan and international experts should conduct a proper assessment of the site, horizontally and vertically, to determine exactly what it holds and where its more important substrata are located. It should follow standard, state of the art procedures for a site of this importance and magnitude. This should culminate in the development of a master plan for the site.
2. Until this is completed, no further action should be taken at the site. Bearing in mind that both the destruction of heritage objects, and their removal to a storage facility, are irreversible, neither should occur before the assessment is completed and a responsible plan has been formulated.
3. Next, a technical and engineering committee should be convened to meet with the archaeologists and discuss and develop options for mining that allow for the preservation of the site or the most important portions of the site.
4. Fourth, a joint group consisting of members of the above two committees should oversee the mining project during all phases and be available for advice and consultation.
5. The approach should be documented with a view to creating a model for future comparable cases. The intersection of economic, social development, technological and cultural preservation goals is not unique to this site.

CONCLUSION:

Ideally, Mes Aynak can become a model case with a win-win outcome, pioneering methods for the extraction of resources in a way that is ecologically, culturally and historically responsible while meeting the needs of social development and the global economy.

Appendix f

Conference Report



CONFERENCE REPORT

Cultural Heritage vs. Mining on the New Silk Road? Finding Technical Solutions for Mes Aynak and Beyond

June 4-5, 2012
SAIS, Johns Hopkins University
Washington, D.C. 20036

sponsored by Ludus and ARCH Virginia



Photo by Hamid Naweef: Mes Aynak

TABLE OF CONTENTS

1. Summary.....	2-5
2. Acknowledgements.....	5
3. About Us.....	6
• The Alliance for the Restoration of Cultural Heritage	
• The Central Asia-Caucasus Institute	
4. Overview and Conference Objectives.....	7-10
• Mes Aynak: A Bridge to the Future or a Looming Environmental/Cultural Tragedy?	
5. Key Conference Assessments.....	11-18
• Global Mining Background	
• Significance of the Mes Aynak Site	
• Environmental Assessment of the Mes Aynak Site	
• Specific Mes Aynak Mining and Contract Information	
6. Recommendations.....	20-22
7. Appendix: Participant Biographies.....	23-27



Photo by Cheryl Benard: Conference Participants

1. SUMMARY

As the United States and NATO prepare to scale down their mission in Afghanistan, and with it the massive international funding that has subsidized the country and its government for the last ten years, how does Afghanistan keep afloat economically? The country possesses rich mineral resources. But due to its ancient history, these typically lie intertwined with priceless archeological remains. And mineral extraction carries serious ecological risks, which a country emerging from decades of conflict is only now gaining some experience in managing.

Mes Aynak, where the Chinese company China Metallurgical Group (“MCC”) obtained the contract to mine one of the world’s largest copper deposits, fully embodies these dilemmas. Copper is extremely lucrative for both the company and potentially for Afghanistan, the hope being that mining can catalyze development for the country. But project as currently planned foresees the destruction of a 5,000-year-old buried city at the same location, containing multiple monasteries and settlements believed to go back to the Bronze Age, a site at least as significant as the tragically lost Buddhas of Bamiyan. And mining copper, especially in such proximity to a densely populated capital city, and even more especially when the deposit is on top of the country’s two principal aquifers, is very risky. In such a situation, mistakes are consequential and some decisions are irreversible.

When the issue was first brought to our attention, we expected and anticipated that the domestic and international agencies in charge either had already, or were imminently preparing to, conduct a systematic study, i.e. that they would first make a thorough determination regarding the extent and value of the cultural heritage site; that they would next and on this basis review the available mining technologies; that they would then make a determination of the technical options and their respective pros, cons and costs; and lastly, that the findings would be shared with the local population and the concerned public. Equally, we anticipated the sharing of substantive information about the environmental hazards and the methods chosen to mitigate them. We discovered, however, that none of the above had occurred. Resources had not been made available for the kind of survey appropriate to a site of this magnitude. Even more alarmingly from a public health standpoint, mere months before mining was due to begin, there was yet no sign of an environmental impact plan. In the meantime, major and irreversible decisions were being made on the basis of two untested assumptions: first, that the heritage site would have to be sacrificed because the mining would necessarily destroy it; second, that the benefits to the country would make this worthwhile. As for the vast looming ecological dangers, these did not appear to have been taken note of at all.

In full understanding of Afghanistan’s pressing need for revenue, and the hoped-for role of minerals in providing funds for the country’s development, ARCH therefore endeavored to provide the missing step in this process: to convene a meeting of neutral,

world-class experts to objectively study the facts and identify the options for weighing and if possible reconciling mining, heritage and environmental safety.

Specifically, ARCH International and the Central Asia Caucasus Institute's (CACI) Silk Road Program at SAIS/Johns Hopkins, invited a group of prominent experts to study the situation in Mes Aynak. On June 4 and 5, 2012, the experts met at SAIS in Washington, D.C. to develop strategies to ensure real economic benefit to the Afghan population, safeguard their environment and health, consider livelihoods during and after the mining, and preserve the cultural treasures at Mes Aynak. The meeting was co-chaired by ARCH's President Dr. Cheryl Benard and CACI Silk Road Program Chairman, Fred Starr.

The participating experts included geologists; archeologists with a range of sub-specializations including emergency archeology, high tech ground penetrating survey technology, pre-historic and early mining archeology, and the restoration and management of heritage sites; mining engineers with field experience as well as academic credentials; historians and art historians specialized on pre-Islamic, Buddhist and Central Asian history; a documentary film-maker working on a report about Mes Aynak; a photographer engaged in a Silk Road project; development economists; and political scientists with regional expertise.¹

The group identified a very positive way forward. They found that the archeologists would be able to continue their work not just for the three year run-up that still lies ahead before mining can commence, but throughout the entire life of the mining project, without unreasonably impeding the mineral extraction; that the preservation of significant portions of the site is possible; and that the economic gain to the local population and to the country from an explored and developed heritage site will be significant in the future, providing revenue and jobs.

Their greatest concern was for the environmental risks, especially in light of the fact that no discernible serious measures to mitigate these are presently apparent. They stressed the need for absolute transparency on the part of the mining company and the project, and for project oversight centralized at the highest level of the Afghan government through a tripartite body of officials and stakeholders; independent experts; and the affected populace and civil society.

On the basis of these findings, ARCH International sees the necessity for a major public campaign to prevent the needless decimation of ancient Buddhist temples and ancient metal foundries at Mes Aynak, to educate and inform the local citizenry about the facts of the situation, and to create effective safeguards against an environmental disaster and the devastation of Logar province's economic future.

¹ For the participant biographies, see Appendix 1.

As the subject is controversial, it is perhaps necessary to state that it is neither the purpose nor the outcome of this conference to oppose mineral extraction either in general or for the particular instance of this copper mining project. Rather- because Mes Aynak is only one of many current and future mining projects that threaten antiquities and the environment – the collective goal and purpose is to work with engineers and other experts to find the means of balancing new methods of mining with the careful preservation of cultural heritage, the safety of public health and ecology, and the mid and long term economic future of local populations.



Photo by Cheryl Benard: Stupa at Mes Aynak

A summary of the conference and the group's key findings and recommendations follows below.

This Conference Report will be made available to the World Bank, MCC, the Afghan government, UNESCO and other heritage organizations, and other interested parties. It should be of interest to mining companies active or considering future investment in the region, governmental institutions dealing with mining, ecology and cultural preservation, to technical professionals working on new ways to mine responsibly through modern technology, and to civil society groups dealing with issues of environmental protection, heritage preservation, and mining in politically vulnerable states.



*Photo by Cheryl Benard: Kabul Museum,
Exhibition “Buddhism in Afghanistan”*

2. ACKNOWLEDGEMENTS

Many colleagues and experts gave generously of their time and knowledge during the preparation for this conference and in the context of our broader research about Mes Aynak, mining, and heritage preservation.² Special thanks are owed to our counterparts at ICOMOS Paris, ICOMOS Washington, the World Heritage Fund, the Global Heritage Fund and the World Monument Fund, to Professor John Grubb of the Colorado School of Mines, Professor Wolfgang Neubauer of Archeo-Prospections, and Professor Moser of the Mining School of Leoben.

Primary funding for the conference was generously provided by LUDUS. LUDUS is a Miami-based lifestyle brand of eco-conscious athletic wear for women. Additional information about LUDUS's philanthropy is available at: www.ludusathletics.com.

Members of the ARCH Virginia Group and the Afghan-American-owned restaurants Current Sushi and Café Bonaparte contributed material support to the conference.

² For more background information on Mes Aynak, see the White Paper at www.archinternational.org.

3. ABOUT US

The Alliance for the Restoration of Cultural Heritage (“ARCH”)

ARCH International is a 501(c)3 non-profit research and advocacy organization dedicated to the promotion and defense of cultural heritage in situations of crisis and war, its repair after a conflict, and the utilization of cultural values both tangible and intangible to help rebuild fractured societies after conflict. Our main goals include:

- The defense and restoration of cultural treasures and monuments threatened or destroyed by violence and war;
- The support of our fellow cultural activists especially in areas of crisis – poets, artists, writers and ordinary citizens who share our purpose; and
- The dissemination of stories and historical narratives that emphasize creative cultural achievements and universal values of civilization as a counter-force to chauvinism, sectarianism, and hate.

More information about ARCH’s activities is available at: www.archinternational.org.

The Central Asia-Caucasus Institute (“CACI”)

CACI is a primary institution in the United States for the study of the Caucasus, Central Asia and the Caspian Region. The Institute, affiliated with Johns Hopkins University-SAIS, forms part of a Joint Center with the Silk Road Studies Program, affiliated with the Stockholm-based Institute for Security and Development Policy.

Additional information about the Joint Center, as well as its several publications series, is available at www.silkroadstudies.org.

4. OVERVIEW AND CONFERENCE OBJECTIVE



Photo by Cheryl Benard: Seen from the top of the mountain, this shows the extent of the ancient city, note at least three separate "neighborhoods" that have been partially uncovered so far. One of them is a commercial area with workshops and jewelry stores.

Mes Aynak: A Bridge to the Future or a Looming Environmental/Cultural Tragedy?

Aynak is one of the largest copper deposits in the world. It is located 40 km south of Kabul in Logar Province. In November 2007, a 30-year lease was granted for the copper mine to the state-owned Metallurgical Corporation of China (“MCC”) for \$3 billion, making it the largest foreign investment and private business venture in Afghanistan’s history. There are high hopes it will soon become a major source of revenue for the Government of Afghanistan (GoA) and a driver of the country’s much-needed economic growth.

However, atop the mine sit a vast array of over twenty ruin sites, including several 4th to 8th century Buddhist monasteries, residential and commercial areas, and ancient fortifications – an area of ancient settlement known as Mes Aynak. Experts believe that the site may include rare Bronze Age remains. Archeologists from around the world agree that Mes Aynak represents a cultural heritage site of immense importance. In the words of Professor Deborah Klimburg-Salter, “The site contains a larger diversity of media than hitherto known at any site in Afghanistan: metal objects, glass, coins, mural paintings, wooden artifacts and sculptures. Because of the vast archeological area that is uniquely accessible – no modern city having been built on top of it – the excavation promises to provide much new information about both secular and religious life during

this region's past, and to document the close cultural and economic ties along the entire extent of the Silk Road encompassing China, India and Iran.”

In addition, Mes Aynak also sits atop two major aquifers and abuts agricultural areas and population centers, most notably Afghanistan’s capital and most populous city, Kabul.

Mes Aynak’s unique cultural sites coupled with its environmental characteristics and vast mining potential make it a complex project with huge potential but also huge risks. The stakes at Mes Aynak are hard to overstate – if the mine is not properly planned and managed, it could become a human and environmental disaster and result in the permanent loss to the nation’s wealth-generating potential, instead becoming an expensive liability.³

Everyone wants Afghanistan to obtain revenue. No one wants an ecological disaster to result. Nobody wants to be remembered in history alongside the Taliban as having presided over the destruction of priceless world heritage. Therefore, an optimized solution is in everyone’s best interest, and such an optimized solution can only be found on the basis of an exhaustive review of the facts and all possible options.

As shocking as it might sound, none of the involved parties has as of yet fully studied and assessed the environmental and cultural impacts of proposed operations at Aynak. Certainly, no one wants Mes Aynak to become Afghanistan’s Butte, Montana – formerly the U.S.’s most valuable hill, now turned into its most costly environmental cleanup effort at a price tag of billions of dollars. But how can risks be mitigated and the benefit to Afghanistan maximized?

To fill this void and focus expert attention on this pressing crisis, ARCH International and the Central Asia Caucasus Institute’s (“CACI”) Silk Road Program at SAIS/Johns Hopkins, convened a group of highly experienced experts in the fields of geology, mining engineering, archeology, history and economic development to study the specific situation in Mes Aynak. On June 4 and 5, 2012, the experts met at SAIS in Washington,

³ In the US, serious attention to the consequences of industrial and commercial pollutants followed the discovery, in the 1940’s, that the areas surrounding certain mining and construction sites were experiencing highly elevated instances of cancer, mental retardation, and birth defects. Mitigation was completely beyond the abilities of local government or industry, so the national government established a Superfund Trust. According to estimates, the cleanup of just the most egregious sites carries a price tag of about 35 billion dollars. One of the most prominent Superfund Sites is in Butte, Montana, where the since abandoned Berkeley open pit copper mine left behind an enormous open pit filled with an estimated forty billion gallons of acidic, metal-contaminated water. Persons needing to visit the site must first complete a 40-hour training session on hazardous materials, and workers must enter the water in fiberglass boats because the water can dissolve aluminum.

D.C. to develop realistic strategies to ensure real economic benefit to the Afghan population, safeguard their environment and health, consider livelihoods during and after the mining, and preserve the cultural treasures at Mes Aynak. The meeting was co-chaired by ARCH's founder Dr. Cheryl Benard and CACI Silk Road Program Chairman, Prof. Fred Starr.

Conference participants embraced not only the importance of protecting Afghanistan's cultural heritage, but also economic development for Afghanistan, and the use of its natural resources to advance that development.

After extensive discussion and review of the available information, they expressed strong concern that Mes Aynak is on a troubling path. They also identified clear steps that can prevent a negative outcome and create the conditions for this site to instead become a model.



Photo by Cheryl Benard: Mes Aynak

The essential prerequisite for a positive outcome is for all parties to approach it in a spirit of constructive and collaborative intent. This should be achievable because their goals are not inevitably in conflict. Everyone wants Afghanistan to obtain revenue. No one wants an ecological disaster to result. Nobody wants to be remembered in history alongside the Taliban as having presided over the destruction of priceless world heritage. Therefore, an optimized solution is in everyone's best interest, and such an optimized solution can only be found on the basis of an exhaustive review of the facts and all possible options.

Unfortunately, this is not the approach that so far has been pursued by the key parties, including the GOA, MCC, and World Bank. The archeologists at Mes Aynak have been

ordered to engage in salvage archeology and to remove whatever they can take from the site, because they will be ejected and the mining will commence in six months time. Yet the experts were clear on three points: the site is far too valuable to justify salvage archeology; salvage archeology is not necessary because conventional archeology will not obstruct the mining; and there is absolutely no way that mining can begin in six months, anyway. It is one thing to face an actual decision point, and to be obliged to make a painful choice between culture and commerce. But to make this decision without first checking your facts and your options, and to sacrifice cultural treasure when it is objectively not necessary, is blameworthy in the extreme.

If archeologists had been given a realistic timeline from the start, they could have planned accordingly and accomplished much more. Yet even today, they are under orders to depart the site at the end of the year, and this in spite of the fact that in the universal opinion of the conference experts, actual mining cannot possibly begin at the Aynak location before the end of 2015 because none of the necessary preparatory surveys and work have been completed or in many cases, even initiated.

In sum, the experts believe that the interests of different parties involved in this project can be reconciled, but if the project continues on its current course, a real disaster is also possible. With adequate planning and control mechanisms, Mes Aynak can become a bridge for Afghanistan's future and a model for other sites throughout Afghanistan and the region at large; in their absence, it may become a mining case study of human and environmental tragedy.



Photo by Cheryl Benard: Mes Aynak

5. KEY CONFERENCE ASSESSMENTS

Global Mining Background

Mining for precious resources dates back to antiquity. Today, mining is an immense global industry. Each year, billions of tons of metal and ore are mined from the earth. Unfortunately, along with the metal, mining also creates billions of tons of waste, some of it toxic. A delicate balance must be struck between mining for the resources needed to sustain and fuel the global economy, and mindfulness regarding the ecological impact and, as in the case of Mes Aynak, co-located heritage sites. Conference participants stressed that critical new thinking is called for in the area of heritage sites and mining.

There are examples, guidelines, international and national standards and multiple other resources available for the enlightened management of mining operations. In the past, there was often little or no effort made to consider the needs of environmental and ecological management, sustainable development, or preservation of heritage sites in mining operations. Unfortunately, it often took a catastrophe to draw public and political attention to irresponsible commercial and industrial practices such as the dumping of toxic wastes. However, the last decades have witnessed a considerable development towards responsible and regulated mining. This important new emphasis on sustainable development includes reduction of resource consumption, waste and pollution as well as the enhancement of health, economic opportunity, and quality of life for both miners and the communities affected by their work. This includes the responsibility to avoid compromising the land or cultural heritage for future generations.

Conference mining experts conclude that Mes Aynak will be both a long-term mining and archeological project. Contrary to expectations held in some quarters, mining and cash will not and cannot begin flowing immediately. Assuming a mine capacity of 200,000 tons, where mining has not yet begun but is still in the block-model phase, it will take at least three and probably five years to begin mining, and ten years to reach peak capacity.⁴

This has been further complicated by recently emerging infrastructure and security issues. A new study sheds doubt on the practicality of rail connections for the transport of ores.⁵

⁴ For a general introduction into the complexities of launching a mining operation see Kuipers, James R. "Characterization and Monitoring During Different Phases of Mining: Characterizing, Predicting and Modeling Water from Mine Sites." *Kuipers&Associates*. URL: http://www.waterboards.ca.gov/academy/courses/ard/day1/day1_sec4f_5a_characterizationphases_jk.pdf.

⁵ LeVine, Steve. October 5, 2012. "The Itty-Bitty, \$54 Billion Railroad Network Needed to Export Afghanistan's Mineral Wealth." *Quartz*. URL: <http://qz.com/12443/the-itty-bitty-54-billion-railroad-network-to-export-afghanistans-mineral-wealth/>; Nissenbaum, Dion. October 3, 2012. "Doubt Cast on Afghan Mining: U.S. Says High Cost of Railway May Quash a Pillar of Kabul's Economic Strategy." *The Wall Street Journal*. URL: <http://qz.com/12443/the-itty-bitty-54-billion-railroad-network-to-export-afghanistans-mineral-wealth/>.

The costs are assessed as prohibitive, with some experts citing a figure of \$54 billion for the construction and maintenance of a railway network. MCC is expected to conduct its own feasibility study and may come to a more optimistic conclusion; however, documents made public on Wikileaks seem to indicate that China does not seriously intend to move forward with railway construction in Afghanistan at least in the short term.⁶ Transport by trucks has its own problems both technical – the weight/load limit will almost certainly be an issue – and security-related, with trucking having proven particularly vulnerable to Taliban attacks and banditry.



Photo by Cheryl Benard: Watch towers surround the perimeter of Mes Aynak

The security situation is of serious concern and appears to have deteriorated since 2009. At that time, MCC officials described it as “better than expected,” and constructed a large residential and administrative compound. Since the spring of 2012, in response to increasing security incidents, all Chinese employees with the exception of a small skeleton staff have been evacuated. Obviously, this represents a further delay of mine site preparation.

⁶ Lawrence, Quil. April 4, 2012. “Dreams of a Mining Future on Hold in Afghanistan.” *NPR*. URL: <http://www.npr.org/2012/04/04/149611352/dreams-of-a-mining-future-on-hold-in-afghanistan>; see also the cable in question at Embassy Beijing. October 21, 2009. “PRC/Afghanistan: MCC on the Aynak Copper Mine Project.” *Wikileaks*. URL: <http://www.cablegatesearch.net/cable.php?id=09BEIJING2918>.



Photo by Cheryl Benard: The Chinese compound in the distance. There is another excavation inside which can no longer be worked on because the compound is closed.

With this in mind, there is time for exploration and ground penetrating study of the heritage site at Mes Aynak, and no need for salvage or emergency archeology. Even once the mining has begun, the experts concluded, archeology can work in parallel. There should be an archeological presence throughout.

The sequential approach favored by MCC, in which an emergency archeology phase concludes, the archeologists depart, the heritage site is shut down and mining commences, is neither advisable nor necessary – nor, given the enormous value both material and intangible that will be lost through such a proceeding, is it defensible.

Significance of the Mes Aynak Site

Mes Aynak's history is believed to span from the Bronze Age through the Buddhist era, and up to the early Islamic period. This continuity of habitation across millennia is virtually unparalleled. In Central Asia, the Bronze Age is dated at 2300 – 1700 BC. During this epoch, many foundations of human civilization were developed: the ability to smelt iron ores such as copper, as well as the invention of writing, agriculture, trade and early systems of law and social stratification. Accordingly, this is a site where early technology and society unfolded for over 5,000 years. The site is known to contain coins, glass, wooden elements, tools, Buddhist monasteries and many artifacts, including manuscripts that may date from the time of Alexander the Great.

Recent excavations inside one of the monasteries found the walls covered in early paintings. These paintings are invaluable illustrations of ancient life, including styles of dress from which conclusions can be drawn about patterns of migration and cultural influence. Many images and statues were found to be painted in gold, an indication of the wealth of the Mes Aynak area. Additionally, a large number of stupas, the dome-shaped monuments usually containing Buddhist relics, were discovered. Those on the surface had been previously looted of the relics inside, but the archeologists believe that many more remain underground, still intact.



Photo by Cheryl Benard: Mes Aynak

Geographically, Afghanistan and Mes Aynak represent a central point of the ancient Silk Road, whose culture was shaped by three ancient civilizations - China, India, and Iran. This location provides great value in terms of ancient art and architecture and the influences of these great cultures. During antiquity, Mes Aynak and greater Afghanistan were already centers for both copper and silver mining. In addition to the precious coins, jewelry and metal works recoverable at Mes Aynak, this site also presents a significant opportunity to learn about the development of ancient mining technologies.

All of this historical material is in imminent danger of destruction by the mining endeavor, which is allowing for only minimal salvage archeology. The plan will destroy the site and everything still buried beneath it, either directly or as a consequence of vibrations from the detonations, allowing only for the removal of whatever statues and artifacts can be carried away by a small archeological team supported by DAFA, the French archeological mission to Afghanistan.

The experts are in full agreement that this plan is not sufficient, not reasonable and most importantly, not warranted by the objective circumstances. If properly planned and coordinated, a full exploration and excavation of the site need not conflict with the mining project. This however requires certain steps and measures, which the experts articulated in two working group sessions that generated a set of specific recommendations.

The recommended approach designed by the expert group foresees an overall vision wherein the mining activities are consistent with Afghanistan's economic and social development in the near, mid and long-term. This model increases the probability of livelihoods and jobs throughout the entire mining process, which can be expected to go on for four to six decades. It includes a plan for the closing of the mine and for what the province should look like once that closing has occurred. In this vision, the mine becomes a bridge to the future, not just a pit to be excavated and then abandoned. This is clearly better for the country, but it is also in the best interest of the mining company, as it minimizes conflict, avoids recrimination and reduces the risks of a disastrous outcome.

The recommended approach designed by the expert group foresees an overall vision wherein the mining activities are consistent with Afghanistan's economic and social development in the near, mid and long term.

Environmental Assessment of the Mes Aynak Site



Photo by Cheryl Benard: Fertile landscape around Mes Aynak

While assessments are not fully complete at the Mes Aynak site, it is beyond doubt that the ecological impact of mining will be severe. The greatest subject of concern is water use, water depletion, and water pollution. Massive quantities of water are needed for copper mining operations. This can deplete the groundwater. Rivers and wells can dry up, impacting irrigation and farming networks. In addition, to mine one ton of copper, 100 tons of soil need to be removed from the land. This will distort the meteorological balance of the area and increase the risk of landslides, reduce soil fertility, and expose to the air heavy minerals and naturally occurring radioactive metals. Heavy metals can leach into ground and surface water, endanger nearby fisheries and make the water toxic for human consumption.

The sequential approach favored by MCC, in which an emergency archaeology phase concludes, the archaeologists depart, the heritage site is shut down and mining commences, is neither advisable nor necessary – nor, given the enormous value both material and intangible that will be lost through such a proceeding, is it defensible.

In addition to these environmental effects, which elsewhere, in some instances, have proven to be irreversible, there is also a real concern that mining activities could contaminate water, air, and food for nearby populations. The increase in heavy minerals and metals can lead to increases in asthma, lung disease, brain damage, and cancer as well as increased rates of mortality and morbidity particularly among children and the elderly.

Due to Mes Aynak's location adjacent to the country's most dense population center, these devastating health problems could affect the over three million inhabitants of Kabul. The people of Afghanistan have not been properly informed of the risks that accompany the benefits of mining. The fact that no Environmental Impact Plan for Mes Aynak has as of yet been developed and published is contrary to mining standards, and is of extreme concern.

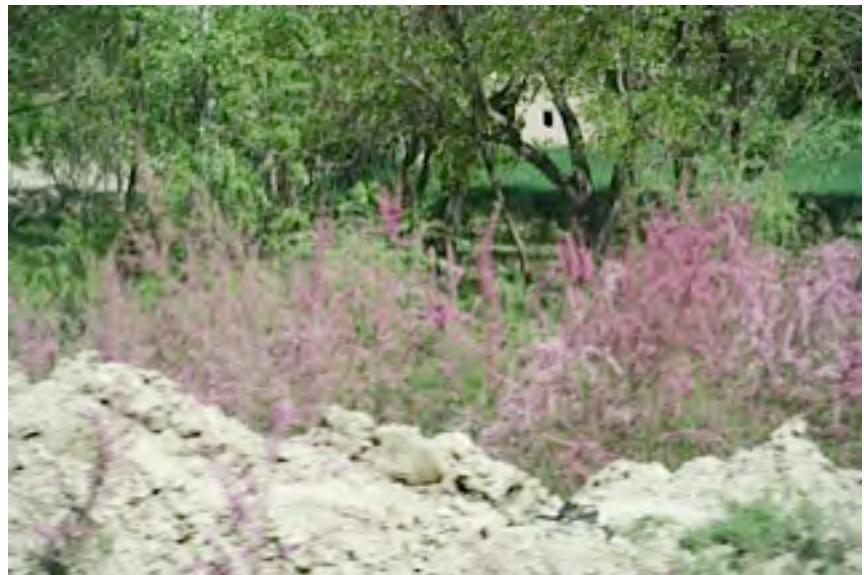


Photo by Cheryl Benard: Vegetation and orchards around the Mes Aynak site

The expert group strongly feels that it is essential for the citizenry to be made fully aware of environmental and health impacts, and to have the opportunity to learn about and review the mitigation plans, before any mining commences.

Specific Mes Aynak Mining and Contract Information

The experts group believes that the goal for Mes Aynak should be to achieve a partnership of cultural conservation, economic interests, and national development that can become a model for the many projected future situations in Afghanistan and elsewhere, where archeological remains and mineral deposits share the same physical location. In the words of one of the participating expert, “[i]f mining is the only game in town, at least make it a winning game.”

For Mes Aynak, the prerequisite for a positive outcome is absolute openness. Transparency has been completely lacking until now. All involved parties – the World Bank, the Afghan Government, and MCC – need to make information available to the public immediately. It is unconscionable to leave the public in the dark regarding the schedule and plan for the mining operation, the measures that have or have not been included for public safety, the feasibility studies that have or have not been conducted to

responsibly explore all options for mining so that the plan of least negative impact can be selected, the funds that have or have not been set aside for the relocation of displaced communities, the plans for avoiding an environmental disaster and for dealing with one if it should nonetheless occur, and the plan for closing and rehabilitating the site at the conclusion of mining. And the MCC contract needs to be released immediately.

The experts unanimously warned that if handled incorrectly, Mes Aynak could put both people's lives and the country at risk. The legal context requires that international standards be met, everyone must be clear about the direness of the consequences if things are handled poorly, and everyone must cooperate fully in ensuring that this does not occur.

Proper heritage preservation requires resources. The experts believe that in the context of a potential 110 billion dollars in mining revenue, putting aside some millions for heritage preservation would be reasonable. The Malta Convention can serve as an orientation; ratified in 1992 it lays out methods for determining the presence of archeological remains prior to construction and other commercial projects and requires funding to preserve them if they are found to be present. In Aynak, such funding could go towards training locals as archeologists, preservationists, tour guides and to provide other skills that, if the country preserves its heritage, can provide economic opportunities, jobs and revenue for the indefinite future.

There should also be put into place a trust fund or letter of credit to ensure that the mine winds down properly. As the experts noted, the closing of a mine is if anything, even more important than how the mine is opened.

As can be seen, this complex project will likely have a very significant impact on Afghanistan, positive or negative. In order to monitor and manage all aspects of the project throughout the multi-decade life of the mining project, and to ensure the collaborative sharing of information and the joint and coordinated development of solutions, a committee of officials, experts and civil society should be established immediately under the direct authority of the President.



Photo by Cheryl Benard: Kabul Museum, Exhibition “Buddhism in Afghanistan,” this head of a Buddha shows remnants of paint pigment on the face (pink) and hair (black)

6. RECOMMENDATIONS

The experts agreed upon a set of specific recommendations, which are summarized below:

1. Openness, transparency, and information sharing amongst all parties is absolutely critical.
 - With the current dearth of information and secrecy, it will not be possible to implement a constructive plan that encompasses mining operations, environmental protection, and respect for cultural heritage sites.
 - Much necessary information required by Afghan laws and international norms is not publicly available at this time and needs to be released immediately.
 - This includes the mining contract itself as well as various other operational and environmental assessment plans.
 - Maintaining transparency and complying with legal and regulatory requirements is the only way to ensure that all environmental and other dimensions of Mes Aynak are taken into account and that the interests of the Afghan people are protected.
 - The conference should be repeated in Kabul with broader participation and with Afghan experts, in order to launch a collaborative discussion among experts and to help inform and bring in the Afghan public.
2. A realistic timetable for mining operations, environmental impact assessment, and protection of heritage sites is needed.
 - A timetable is needed that clearly spells out MCC's plan on infrastructure, opening blocks of the site, etc. This can then be coordinated with plans for conserving all other resources, particularly the heritage sites.
 - The immense size and complexity of the Mes Aynak deposit means that it cannot and will not be exploited except through a phased mining approach.
 - Candor on this front – not repeated statements about an imminent start to mining – will open up the possibility of responsible archeology without impeding progress of the mining.

- Mes Aynak is a long-term mining project, and it requires a long term plan for ongoing collaboration between mining, environmental and heritage experts throughout the entire life of the mine.
3. New coordination mechanisms are needed. Ideally, a standing management group would be placed directly under the authority of the President. It would be a tripartite group consisting of the relevant administrators from the GOA and the mining company; neutral subject matter experts with the relevant scientific background in mining, geology, heritage preservation and ecology; and representatives of the citizenry and civil society.
- At present, the mechanism to coordinate is the Inter-ministerial Commission (IMC) of the Government of Afghanistan and the Aynak Authority under the Ministry of Mines.
 - The IMC is responsible for overseeing all minerals projects in the country and does not have the bandwidth to give adequate specific attention to Mes Aynak. The Aynak Authority and the IMC do not involve all stakeholders. Given the global scale of this project and its potential to break new ground in terms of modern mine management, these need to be included.
 - An overarching and integrative body is needed and we seek the urgent attention of the President of Afghanistan on this matter; we encourage him to propose how to coordinate MCC, GOA ministries, EPA, international cultural experts, etc.
 - This body needs a standing secretariat to support its activities.
 - Only by this coordinating body having the highest level of authority, will its conclusions reflect compromises on all sides that are implemented in a collaborative way.
 - The participating Citizen Group can serve as an active intermediary to the Afghan public. This group should obtain and disseminate information about the mining effort, the heritage preservation work, and the environmental plan and represent the interests and concerns of the affected local population.
4. Greater engagement by MCC
- It is also crucial that MCC play a more active role engaging with different stakeholders, especially those focused on the environmental and cultural dimensions of this project.

- This includes MCC dedicating long-term financial resources to the effort to protect cultural heritage sites. It also includes similar long-term financial support to establish archeology, heritage and tourism as an income stream for the local population.
- Such funding represents a very small percentage of overall revenue expected to flow from this immense mining project and reflects international best practices.

The scale of the project, the security and infrastructure complications inherent in the location, and a host of other circumstances specific to Mes Aynak, undeniably make this a challenging endeavor. The expert group, however, saw a positive way forward. Its principle requirement is an open, collaborative and transparent process, which is not currently in place but which should be instituted immediately in the interest of a good outcome.



Photo by Cheryl Benard: CACI's Fred Starr in conference session at SAIS, Johns Hopkins University

7. PARTICIPANTS BIOGRAPHIES

Paul Craddock is an expert on prehistoric archeology and on early mining, extractive metallurgy and metalworking. His PhD is in bronze metallurgy of the classical period. He joined the British Museum in 1966, and has conducted excavations and surveys at early mines and smelters around the world, including Bronze Age copper mines in Israel, King Croesus' gold refinery at Sardis in western Turkey, copper mines in Nigeria, Roman silver mines at Rio Tinto in southern Spain and in Serbia, zinc in India and China and crucible steel production sites in Central Asia and southern India. He has been Secretary of the Early Mines Research Group since its inception. Dr. Craddock has produced over 400 papers. Recent books include *Early Metal Mining and Production, 2,000 years of Zinc and Brass, King Croesus' Gold, Mining and Metal Production Through the Ages* and most recently *Scientific Investigation of Copies, Fakes and Forgeries*. He is currently completing books on Indian metallurgy.

Hans Curvers is an archeologist and heritage site expert with a strong background in fieldwork and numerous publications. He has 18 years experience in public and private heritage planning and urban design in Western Asia. He has a long-standing connection to the University of Amsterdam and since 1994 has worked with Solidere, the Lebanese company in charge of the reconstruction and development of Beirut's City Center. He recently completed the implementation of the Beirut Heritage Trail and continues to advise on the integration of archeological sites in public gardens of the Beirut City Center and the Beirut City History Museum. For seven months he coordinated the Mes Aynak Archeology Project in Afghanistan (2011-2012). Earlier excavations include Tell Hammam et-Turkman (1981-1986), Tell al-Raq'a'i (1986-1993), Tell Umm el-Marra (1994-to present) in Syria, and excavations and heritage planning at Tibnin Castle (1999-2002) in Lebanon.

Sabour Ferozan is an Afghan-American professor of geology and a regular contributor to professional and popular journals. After obtaining a degree in geology from Kabul University, Sabour first worked as a field geologist in Afghanistan, focusing on the study of seismic and tectonic plates, and participating in oil and gas exploration and geological survey research. Until 1992, he was professor of geology at Kabul University. Upon moving to the U.S. he became a professor at Raritan Valley College. His publications include The Geology of Uranium, The Geological Development of Kabul Block, and Seismo-Tectonic Properties of Katawaz Basin. Professor Ferozan has a strong interest in adult education and in publishing about environmental issues for lay audiences.

John Grubb holds a PhD in Mining and Earth Systems Engineering from the Colorado School of Mines. He is adjunct professor with the Colorado School of Mines, teaching classes on mine management, mineral resource development, mine planning, risk management and ethics. He is the primary investigator for a research program funded by NIOSH (National Institute for Occupational Safety and Health). Over the course of his

professional life, he has been President, COO and Mining Director of a range of companies including New Mexico Coal, BHP Minerals, Ok Tedi Mining, Sierra Coal and others, and has set up, managed or closed down mining operations in New Mexico, Kentucky, Brisbane, Melbourne and Harare. For a copper and gold mining project in Papua New Guinea, Grubb oversaw the resolution of serious environmental problems.

Brent Huffman is assistant professor at the Medill School of Journalism, Northwestern University, and a filmmaker. His work ranges from documentaries aired on The Discovery Channel, The National Geographic Channel, NBC, PBS and Al Jazeera, to Sundance Film Festival premieres, to films made for the China Exploration and Research Society. Huffman has been making social issue documentaries and environmental films for more than a decade in Asia, Africa, and the Middle East. These films have gone on to win numerous awards including a Primetime Emmy, Best Conservation Film-Jackson Hole, Best Documentary-Fresno, three Cine Golden Eagle Awards, a College Emmy, and a Grand Jury Award at AFI's SILVERDOCS. He is currently completing a film about Mes Aynak, a site he has visited on five occasions.

Deborah Klimburg-Salter is Professor for Asian Art History at the Department of Art History and Director of the Research Platform CIRDIS (Center for Research and Documentation of Inner and South Asian Cultural History) at the University of Vienna. She also directs the National Research Network (S98) "Cultural History of the Western Himalaya" a program of the Austrian Science Fund. She received her PhD from Harvard University and her Habilitation from the University of Vienna. She has been a Fellow at the Institute of Advanced Studies, Princeton; the Wissenschaftskolleg Berlin; and Magdalen College, University of Oxford, among others. She has been Visiting Professor at the University of Pennsylvania, The Ecoles Pratiques des Hautes Etudes, Paris, and was the Mary L. Cornille Distinguished Visiting Professor in the Humanities at Wellesley College (2009-2010). She is an Associate of the Oriental Institute, University of Oxford and has served as President of the European Association for South Asian Archaeology and Art (2007-2010). Since 2003 she has been a member of the UNESCO coordinating committee for the Cultural Heritage of Afghanistan. Since 2004 she has directed a joint program between the National Museum of Afghanistan, Kabul, and the University of Vienna, providing training for the curatorial staff of Kabul Museum. In addition to numerous scientific articles, her books and catalogs include *Tabo Monastery. Art and History; Buddha in Indien. Die frühhindische Skulptur von König Aśoka bis zur Guptazeit; The Kingdom of Bāmiyān: The Buddhist Art and Culture of the Hindu Kush and The Silk Route and the Diamond Path: Esoteric Buddhist Art on the Trans-Himalayan Trade Routes.*.

Philippe Marquis is an archeologist with DAFA, the French government's Archeological Mission in Afghanistan. He has worked on numerous sites across the country including in Bamiyan and Balkh. In recent years most of his time has been spent

on the ground in Mes Aynak, where he conducted the official site survey and continues to take part in the ongoing excavations.

Said Mirzad holds degrees in applied geology and engineering geology. In the 1970's he was Director of the Afghan Geological Survey. Emigrating to the U.S. in the wake of the Soviet invasion, he was hired by the U.S. Geological Survey and presently works in their offices in Reston, Virginia. He was instrumental in the recent publication of a much-discussed data report regarding the projected extent of Afghanistan's mineral wealth.

Marla Mossman is an artist and photographer and founder of the nonprofit art project, The Peace Caravan. Since 1996, she has been traveling along segments of the Silk Road, recording places of historical and religious significance along that path, including a photo documentation of the Dalai Lama and the Buddhist traditions in the Himalayas. Besides a number of exhibits in Berlin, Moscow, Beijing, New York and elsewhere, she has published three photography books about this project, and created a documentary, "The Peace Caravan Project – Journey Along the Silk Road, Xinjiang, China."

Wolfgang Neubauer studied Prehistoric Archeology, Mathematics, Archaeometry and Computer Science at the University of Vienna and at the Vienna University of Technology. He specialized in archeological prospecting, digital documentation and virtual reality visualization of archeological heritage. He obtained a Ph.D. at the University of Vienna based on his thesis "Magnetic Prospecting in Archaeology".

Wolfgang Neubauer has conducted archeological research at sites all over the world for over 25 years. Together with the team Archeo Prospections® he developed equipment, logistics and software for the high-resolution geophysical prospecting of archeological sites, and directed more than 200 archeological geophysical field surveys in Austria and abroad. The main developments are in multisensor cesium-gradiometry, 3D processing and interpretation of ground penetrating radar. His most recent research focused on the applications of terrestrial 3D laser scanners in archeology and the complete digital recording of stratigraphic archeological excavations. He directed the "Scanning of the pyramids project 2004" focusing on the Great Pyramid and the Sphinx at Giza and over 30 national and international archeological documentation projects and 3D laser scanner surveys. Neubauer provided a video presentation to the conference.

Jack Medlin is the Afghanistan Project Lead at USGS, the U.S. Geological Survey. Before joining the USGS, Jack was a tenured Associate Professor of Geology at West Georgia College. He spent over five years there. He has received both his B.S. and M.S. degrees from the University of Georgia, his PhD, from Pennsylvania State University.

Hamid Naweed received his MA from State University of New York at Buffalo in Arts & Humanities. He was a Professor of Art History at Kabul University. He is also a Fulbright scholar and researcher. Currently he is a guest lecturer at academic institutions and universities, with frequent appearances on V.O.A Dari Service, Ariana Afghanistan

TV Network and Zarin TV. He is the author of numerous scholarly articles on the schools of art from classical Greek to post impressionism, but his specialty is in the Art History of Afghanistan and its neighboring countries. Hamid Naweed is also a poet and a novelist and member of “Arch International” as well as other cultural societies, such as “Sham-i-Erfan” and “Seven Cities of Arts.”

Raja V. Ramani is Emeritus Professor of Mining and Geo-Environmental Engineering at Penn State. He has held a range of academic positions including Chairman of the Mineral Engineering Management Section and Department Head of Mineral Engineering, and was elected to the National Academy of Engineering. He is a certified mine manager and mine safety professional and has led mining projects in the Subcontinent, as well as assessing mining operations in over 35 countries during the course of his research. He has been co-director of three research centers, Generic Mineral Technology Center on Respirable Dust, National Mined-Land Reclamation Research Center and the Standard Oil Center of Excellence in Longwall Mining. At Penn State, he directed the Miner Training Program and taught courses on underground and surface mining, mineral engineering management, mine operations analysis, mine systems engineering, exploration, geostatistics, and more. His research areas include innovative mining methods, simulation and mathematical programming, human resource development, environmental monitoring, land use planning and environmental site planning for underground and surface mining. He has published over 200 research papers and contributed to 25 books, encyclopaedias and handbooks. Dr. Ramani has served on a large number of technical and regulatory advisory groups for the U.S. government, international organizations and corporations including the World Bank, the United Nations, the U.S. Department of Energy and many others.

Douglas D. Walker, Ph.D., PH, is the Senior Advisor for Resource Management for the Offices of Afghanistan and Pakistan, in the Bureau of South and Central Asia, and has served at the State Department since 2010. He tracks and analyzes information and policy regarding water resources, agriculture and mining issues for the Offices of Afghanistan and Pakistan and provides on-call technical expertise in science and technology. He earned a B.S. in Watershed Science (1983), an M.S. in Civil Engineering (1986), and a Ph.D. in Agricultural Engineering (1994), all from Colorado State University. He is a registered Professional Hydrologist, the author or co-author of over 60 publications, and has over 25 years experience conducting groundwater studies and evaluating nuclear fuel and waste repositories in Sweden, Japan, and the United States. He was a member of the Peer Review Panel for studies of contamination resulting from underground nuclear weapons tests at the Nevada Test Site. He has been an American Association for the Advancement of Science (AAAS) Science and Technology Diplomacy Fellow, a Fellow at the National Center for Supercomputing Applications, an Associate Editor of the journal Ground Water, a member of the numerous national committees on water resources. He has served with the American Red Cross for nearly a decade, supporting six national-level disaster relief operations.

Mark Weber joined the World Monuments Fund in 1998 and is currently the Senior Field Projects Director for its Programs Department. Mr. Weber manages a range of WMF's field projects in regions including Central and Eastern Europe and South Asia; assists with the planning and review of WMF's country-wide initiatives in India and Turkey; and monitors the work of building conservation specialists on WMF projects. Prior to joining WMF, Mr. Weber worked for the Technical Preservation Services Center, the major public outreach program at the New York Landmarks Conservancy, New York, NY. Previously, Mr. Weber worked for the Preservation Society of Newport County, Newport R.I., and the Newport Restoration Foundation. While in Newport he co-authored the book *Newport Houses*, Rizzoli International Publications, New York, N.Y., 1989. Mr. Weber has a M. A. in Historic Preservation from Boston University's Preservation Studies Program and a B.A. in Economics from the Whittemore School of Business and Economics at the University of New Hampshire.

Hosts

Dr. Cheryl Benard is the President of ARCH, the Alliance for the Restoration of Cultural Heritage (www.archinternational.org). After undergraduate studies in International Relations at the American University of Beirut, Lebanon, she received her doctorate and later her Habilitation from the University of Vienna, Austria, where she subsequently taught for some years before becoming Research Director of the Boltzmann Institute of Politics. In 2001 she became a senior analyst and program director at the RAND Corporation, specializing in nation building and a range of issues related to societies in conflict and post-conflict. She directed the RAND Initiative for Middle Eastern Youth and the Alternative Strategies Initiative. Her current focus is on the role of cultural heritage in supporting stability and a positive national identity. Benard has published over thirty books and numerous scientific articles, as well as two novels. She is a board member of the Afghan American Chamber of Commerce, where she leads a working group on Culture and Tourism.

Dr. S. Frederick Starr is Chairman of the Central Asia-Caucasus Institute and Silk Road Studies Program. He is a Research Professor at the Paul H. Nitze School of Advanced International Studies, Johns Hopkins University. His research, which has resulted in twenty books and 200 published articles, focuses on the rise of pluralistic and voluntary elements in modern societies, the interplay between foreign and domestic policy, and the relation of politics and culture. Starr holds a Ph.D. in History from Princeton University, an MA from King's College, Cambridge University, and a BA from Yale University. He was appointed President of Oberlin College in 1983, a position he held for eleven years. In 1994-96, he served as President of the Aspen Institute.

Appendix g

Pictures



กรุงเทพธุรกิจ

D.DUS.ME

National identity is one of the most important factors in determining the outcome of elections. In the United States, national identity has been a major factor in determining the outcome of elections since the Civil War.

សារិយាយ និង សារិយាយ ក្នុង តម្លៃ
ប្រាក់បានរាយ ដែល បាន ចូល ជាប្រាក់
សារិយាយ និង សារិយាយ ក្នុង តម្លៃ
ប្រាក់បានរាយ ដែល បាន ចូល ជាប្រាក់

Mes Aynak
mehdi.khouschrouft
and others from Aynak South
Afghanistan, 1994-1995

तात्पुरा विद्या विद्या विद्या विद्या
विद्या विद्या विद्या विद्या विद्या विद्या
विद्या विद्या विद्या विद्या विद्या विद्या

Seitdem ist es keinem Menschen
zu gelingen, die Wahrheit zu ergründen.

నీచానికి వున్నారు నీవు కులు
పుట్టాడు నీకి వున్నారు నీవు కులు

ମନ୍ତ୍ରୀରେ ଶିଳ୍ପକାରୀଙ୍କ ଏହା
କାହାରକୁ କାହାରକାରୀଙ୍କ ମାତ୍ରରେ
ଲାଗିଥାଏଇ କାହାରକାରୀ ମାତ୍ରରେ
ଅଗ୍ରମରକ୍ଷଣକାରୀଙ୍କ ମାତ୍ରରେ ଏହାରେ
ଦେଖିବା କାହାରକାରୀଙ୍କ ମାତ୍ରରେ
ଏହାରେ କାହାରକାରୀଙ୍କ ମାତ୍ରରେ
ଏହାରେ କାହାରକାରୀଙ୍କ ମାତ୍ରରେ



▶ ទំនើបចេញថវិកថ្មី
ក្នុងការរំលែក
‘មេស ឡាបីក’



新編川諺大辭典
卷一

หน้ากากมหบง
ก้าวออกมานปักปี๙
อุ่นารักษ์ธรรมที่
กำลังถูกทำลายลง
เพื่องเพาะ
ผลประโยชน์
ทางเศรษฐกิจ
สำหรับพวกเชา
วิศิวกรรมปักป้อง
มนต์ขังชาวโลก
ให้ต่อเนื่องค่าความพูด

1940-1941 1941-1942 1942-1943
1943-1944 1944-1945 1945-1946

— vien, oggi è nata
la crisi, ho fatto del meglio ad
addestrare i miei ragazzi, ma
non so se ci saranno altri
addestratori che si metteranno
a fare lo stesso lavoro, e non
so se ci saranno altri che si metteranno
a fare lo stesso lavoro.

www.biblio.com

“**தென்னால் தென்றும் விடுவது என்ன?** என்று பிரபு அறிக்கை சொல்லுகிறார். மீண்டும் விடுவது என்ன? என்று பிரபு அறிக்கை சொல்லுகிறார்.

ก็ต้องการให้เป็นไปตามที่ต้องการ
แต่ไม่ใช่เรื่องที่ง่ายนัก

କାନ୍ତିରାମ ପାତ୍ରଚାରୀ



Save Mes Aynak

Peaceful Protest on 13 November 2012 at UN and UNESCO



Ancient site needs
saviment & destroying

Mes Ayauk
is for all?
Save it for all

Protection
Not destruction



เกิดอะไรขึ้น **SMP**
กับ “แมส อาณีค”

เรื่อง น้ำท่วม คราฟต์ ก็อย?

แมส อาณีค คือ นักศึกษาชั้นปีที่ 4 คณะมนุษยศาสตร์และสังคมศาสตร์ มหาวิทยาลัยธรรมศาสตร์ สาขาวิชาภาษาไทย ที่มีความสนใจในเรื่องการอนุรักษ์ภาษาไทย รวมถึงการศึกษาเรื่องความหลากหลายทางชีวภาพ ความหลากหลายทางวัฒนธรรม และความยั่งยืน จึงได้ตั้งตระหง่านว่า แม้ในยุคที่เทคโนโลยีและภาษาอังกฤษเป็นที่นิยมอย่างแพร่หลาย ภาษาไทยยังคงมีความสำคัญและมีบทบาทในการสื่อสารและการเมือง จึงต้องการให้คนรุ่นหลังได้รู้จักและเข้าใจภาษาไทยมากขึ้น ด้วยการทำกิจกรรมทางชุมชน เช่น การสอนภาษาไทยให้กับเด็กในชุมชน หรือการจัดกิจกรรมทางวัฒนธรรม เช่น การแสดงละครไทย หรือการจัดนิทรรศการเรื่องความหลากหลายทางชีวภาพ จึงได้ตั้งชื่อ “แมส อาณีค” ซึ่งเป็นชื่อเล่นที่มาจากชื่อตัวเอง อาณีค หมายความว่า “คนที่รักภาษาไทย” หรือ “คนที่รักภาษาแม่” แม้ในยุคที่ภาษาอังกฤษเป็นที่นิยมอย่างแพร่หลาย แต่ภาษาไทยยังคงมีความสำคัญและมีบทบาทในการสื่อสารและการเมือง จึงต้องการให้คนรุ่นหลังได้รู้จักและเข้าใจภาษาไทยมากขึ้น ด้วยการทำกิจกรรมทางชุมชน เช่น การสอนภาษาไทยให้กับเด็กในชุมชน หรือการจัดกิจกรรมทางวัฒนธรรม เช่น การแสดงละครไทย หรือการจัดนิทรรศการเรื่องความหลากหลายทางชีวภาพ จึงได้ตั้งชื่อ “แมส อาณีค” ซึ่งเป็นชื่อเล่นที่มาจากชื่อตัวเอง อาณีค หมายความว่า “คนที่รักภาษาไทย” หรือ “คนที่รักภาษาแม่”



**MES
AYNAK**



แสดงพลังปกป้อง
“แมส อาณีค”

ไลน์@ เฟสบุ๊ก

<http://www.facebook.com/SaveMesAyнакTH>

SMP

พาระนิยม
บุคคลค้ามากกว่า
พืชผล !!!

Contact: savemesayнак@gmail.com



ANNEX II

Management Response

**MANAGEMENT RESPONSE TO
REQUEST FOR INSPECTION PANEL REVIEW OF THE
AFGHANISTAN: SUSTAINABLE DEVELOPMENT OF NATURAL RESOURCES –
ADDITIONAL FINANCING (P116651), AND SUSTAINABLE DEVELOPMENT OF
NATURAL RESOURCES II (P118925)**

Management has reviewed the Request for Inspection of the Afghanistan: Sustainable Development of Natural Resources – Additional Financing (P116651), and Sustainable Development of Natural Resources II (P118925), received by the Inspection Panel on December 3rd and December 6th, 2012 and registered on January 4th, 2013 (RQ13/01). Management has prepared the following response.

February 8, 2013

CONTENTS

Abbreviations and Acronyms	ii
Executive Summary	iii
I. Introduction.....	1
II. Country Context.....	1
III. The Projects.....	4
IV. The Request	6
V. Management's Response	7

Maps

- Map 1. IBRD No. 39787: Afghanistan
Map 2. IBRD No. 39779: Physical Cultural Resources at Mes Aynak and Aynak Copper Deposits

Annexes

- Annex 1. Claims and Responses
Annex 2. Schematic of Regulatory Review Process
Annex 3. NEPA Environmental and Social Impact Assessment – Project Information Document
Annex 4. January 2013 Mes Aynak Advisory Panel Progress Report
Annex 5. Overview of Supervision Missions and Field Visits

ABBREVIATIONS AND ACRONYMS

ARCH	Alliance for the Restoration of Cultural Heritage
BP	Bank Procedures
CE	Common Era
DAFA	<i>Délégation Archéologique Française en Afghanistan</i> (French Archaeological Delegation to Afghanistan)
EI	Extractive Industries
EITI	Extractive Industries Transparency Initiative
EMP	Environmental Management Plan
EPP	Emergency Project Paper
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
FCS	Fragile and Conflict-affected State
FS	Feasibility Study
GoA	Government of the Islamic Republic of Afghanistan
ISN	Interim Strategy Note
MCC	MCC-Jiangxi Copper Consortium
MJAM	MCC-JCL Aynak Minerals Company Limited
MoIC	Ministry of Information and Culture
MoM	Ministry of Mines
MoUD	Ministry of Urban Development
NEPA	National Environmental Protection Agency
OP	Operational Policy
PAF	Project Affected Family
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SDNRP	Sustainable Development of Natural Resources Project
ToR	Terms of Reference
UNAMA	United Nations Assistance Mission in Afghanistan
UNESCO	United Nations Educational, Scientific and Cultural Organization

Currency Unit

Exchange Rate as of February 8, 2013

$$\begin{aligned}1 \text{ USD} &= 51.86 \text{ AFN (Afghani)} \\1 \text{ AFN} &= 0.01921 \text{ USD}\end{aligned}$$

EXECUTIVE SUMMARY

i. On January 4, 2013, the Inspection Panel registered two Requests for Inspection, IPN Request RQ 13/01 (“the Request”), concerning the Afghanistan: Sustainable Development of Natural Resources—Additional Financing (P116651), and Sustainable Development of Natural Resources II (P118925) (collectively, “the Project”), financed by the International Development Association (the Bank).

Background

ii. The Request raises social, environmental and cultural concerns with respect to the proposed exploitation¹ of the Aynak copper deposit (“Aynak”). Mes Aynak, (“copper well” in Dari), is located within the Aynak concession area in Logar province, one of the poorest provinces in Afghanistan. Copper resources were actively exploited at Aynak, from the first to ninth centuries CE, and possibly much earlier. Physical cultural resources at Mes Aynak have been documented since the early 1960s. There is evidence that the site includes a Buddhist monastic complex, town site, temples, ancient copper mining galleries and hundreds of sculptures. Security risks have made archaeological work at the site nearly impossible for much of the past thirty years, until security at the site improved in 2010. Up until that time, much looting and destruction had occurred.

iii. Recognizing that successful development of mineral resources (such as the Aynak copper mine) will significantly contribute to economic growth, diversification and job creation, and will help catalyze development in other sectors, Afghanistan requested Bank support for its oil, gas and mining sector development. Beginning in 2006, the Bank commenced a programmatic approach through the provision of three technical assistance projects (two of which are the subject of the Request) to provide support in the building of the institutions and frameworks necessary to ensure Afghanistan’s sustainable mineral resource development. These technical assistance projects support institutional capacity building activities to enable the Government of the Islamic Republic of Afghanistan (GoA) to regulate its mineral and hydrocarbon resource sector in a transparent manner, and to foster private sector development. These activities are ongoing and include, *inter alia*, the GoA’s preparation of a national sectoral Environmental and Social Management Framework (ESMF), consistent with the Bank’s relevant Operational Policies. Bank support *does not finance any commercial mining*.

iv. In 2007 the GoA granted a 30-year commercial concession to an international developer to explore and exploit Aynak’s resources. The developer is considering the potential environmental and social impacts related to the Aynak mine development through the preparation of its Environmental and Social Impact Assessment (ESIA), Resettlement Action Plan (RAP), and Environmental Management Plan (EMP). These instruments are governed by the ESMF. It is critical to note that to date, no exploitation has taken place since the necessary regulatory approvals are yet to be issued by GoA. In fact, this commercial investment for exploitation is still under preparation and unlikely to commence

¹ Exploitation is commonly referred to as mining, the process of extraction of minerals from rock taken from the earth.

for a few years. To best prepare for these activities, some initial resettlement activities are being carried out by the commercial developer and the GoA.

v. In preparation for future exploitation, the Project is supporting the GoA's institutional capacity building efforts that relate to commercial mining concession awards, licensing, and regulation and monitoring. Project support also includes the preservation of Aynak antiquities and support for alternative livelihoods through sustainable artisanal and small-scale mining. As a result, the GoA has initiated a coordinated, phased approach towards its commercial development of Aynak, together with its management of the Mes Aynak physical cultural resources through the development of appropriate mitigation measures. These mitigation measures, for which there is more time for further assessment, range from: (a) salvage archaeology in a "Red Zone,"² where physical cultural resources are assessed to be at risk of loss from first phase exploitation; to (b) archaeological options proposed by internationally recognized experts for the broader Mes Aynak site.

vi. In its Notice of Registration the Inspection Panel notes that the Request refers to Bank policies and procedures and that the claims presented in the Request may constitute policy non-compliance by the Bank. The Request is incorrect in its description of the plans for environmental and social management of the site and does not fully take into account the long lead time before exploitation. It also seeks to link the Bank to the proposed commercial development of Aynak by alleging that the Bank has not: (a) sufficiently considered potential adverse impacts, in particular with regard to water use, pollution, and impacts on agriculture; (b) provided for a transparent resettlement process; (c) provided for adequate consultations and access to information; and (d) appropriately protected the physical cultural resources at Mes Aynak.

vii. These allegations stem from the Requesters' failure to distinguish between the obligations of: (a) the Bank through its technical assistance support, under the Project; and (b) those of the GoA and the mine developer under the mining concession agreement. As such, the Request asserts harmful outcomes stemming from both the Bank's technical assistance support, and the investment mining of Aynak, the latter of which is *not financed under the Project*. As is called for under the Resolution establishing the Inspection Panel, this Management Response addresses all of the allegations that relate to the Bank's compliance with its operational policies and procedures under the Project. In addition, the Requesters incorrectly portray the timing and sequence of regulatory processes and events planned for the site.

² The Red Zone defines an area where physical cultural resources are to-date assessed to be at risk of loss from first phase exploitation. As noted in Map 2, the broader Mes Aynak site includes many other numbered sites for subsequent archaeological investigation – field security permitting. Areas 10 and 12 are being considered by the GoA for in situ preservation given extensive structures, monasteries, stupas, and possibly statues. Area 14 may represent options for in situ protection of antiquity mining technology; as sought by the Requesters.

Country Context

viii. ***Despite the economic progress of the past few years, Afghanistan remains an extremely poor, fragile state in conflict, with a high dependency on international support.*** The country lags behind on major social indicators, and living standards are among the lowest in the world. While there have been substantial improvements in the lives of Afghans over the past ten years, public spending, which has been supported by donor funding, will become fiscally unsustainable once those funds decline

ix. ***The resource sector has the potential to allow Afghanistan to move towards more sustainable and equitable growth and to reduce aid-dependency.*** Afghanistan has significant mineral resources, the development of which will significantly contribute to economic growth and job creation, and help catalyze development in other sectors. Recognizing this, the Government requested Bank assistance to build the institutions and frameworks necessary to ensure that when mineral resource development takes place it is environmental and socially sustainable. Such development is predicated on security, a sound and transparent regulatory environment, and responsible private sector partners.

x. ***Bank Project implementation support through its field work in Afghanistan is carried out under extreme and risky security circumstances.*** In spite of these difficult challenges, the Bank team has made numerous field visits to the Aynak area, on those occasions when security permitted. In light of the 2014 transition and upcoming national elections, the security situation requires continuous reassessment.

The Project

xi. ***As part of a programmatic approach to oil, gas and mining sector development in Afghanistan, the Executive Directors approved the following technical assistance operations:*** (a) Sustainable Development of Natural Resources Project (SDNRP) in 2006 (USD30 million); (b) SDNRP-Additional Financing (SDNRP-AF) in 2009 (USD10 million); and (c) Second SDNRP (SDNRP-2) in 2011 (USD52 million). All three³ are currently under implementation, however, only the latter two are the subject of the Request.

xii. The objectives of SDNRP-AF and SDNRP-2 (“Project”) are closely aligned:

- SDNRP-AF aims to assist the GoA in improving the capacity of the Ministry of Mines (MoM) to effectively regulate the mineral and hydrocarbon resource sector in a transparent manner, and to foster private sector development. SDNRP-AF pursues this objective through four components: (i) improving MoM’s internal efficiency and streamlining internal processes; (ii) developing regulatory capacity to effectively regulate and handle mining and hydrocarbon activities; (iii) supporting the development of mineral resources including enhancing the Recipient’s capacity in the tendering process of key mineral deposits and revenue management; and (iv) enhancing sector governance.

³ SDNRP is fully disbursed and will close on May 31, 2013.

- SDNRP-2 aims to assist the MoM and the National Environmental Protection Agency (NEPA) in further improving their capacities to effectively regulate the GoA's mineral resource development in a transparent and efficient manner, and foster private sector development. The activities supported under SDNRP-2 include, *inter alia*: (i) capacity building support to MoM in relation to the development of sector policy frameworks and the tendering process of the Hajigak iron ore deposit; (ii) strengthening the capacity of MoM and NEPA for regulation and monitoring of operations, including implementation of a licensing system, inspection and contract compliance monitoring functions; and (iii) support towards the preservation of Mes Aynak antiquities and support for alternative livelihoods through sustainable artisanal and small scale mining.

The Request for Inspection

xiii. Two Requests for Inspection were submitted to the Inspection Panel. The Panel is treating both as one. The first Request was submitted by one resident of the Mes Aynak area of Logar Province who has requested to remain anonymous. A second Request was sent by the Alliance for the Restoration of Cultural Heritage (ARCH) (a Washington, DC-based organization with representation in Kabul).

Management Response

xiv. ***Management notes that the Request fails to distinguish between the obligations of: (a) the Bank through its technical assistance support, under the Project; and (b) those of the GoA and the mine developer, MJAM.⁴*** As such, the Request asserts harmful outcomes stemming from both the Bank's technical assistance support, and the investment mining of Aynak, the latter of which is not financed under the Project. ***The Bank-supported Project comprises technical assistance that does not finance this or any commercial mining investment.***

xv. ***Management further notes that the Requesters have confirmed that no exploitation has taken place.*** One of the main reasons for this is that the regulatory authorities are waiting for the completion of the required safeguard instruments. The technical assistance is *inter alia* building the GoA's capacity to regulate its commercial oil, gas, and mining activities, which includes the regulation of MJAM's commercial mining investment for the exploration⁵ and exploitation of the Aynak copper resource.

⁴ The Aynak Mining Contract was signed between the GoA and the MCC-Jiangxi Copper Consortium (MCC-JCL), with an effective date of 8 September 2008. The MCC-JCL Aynak Minerals Company Limited (MJAM) is registered as a wholly-owned subsidiary of MCC. MCC assigned the rights of the Aynak Mining Contract to MJAM on 16 November 2008.

⁵ Exploration refers to geological mapping and geochemical surveys to determine the viability of a mineral prospect. Aynak is undergoing more detailed exploration which is characterized as the Feasibility Stage. This determines the quality and quantity of the resource. Common field surveys include surface mapping, sampling of rock core from drilling, geophysical surveys and computer 3D modeling.

xvi. ***In Management's view the Request for Inspection erroneously implies that no actions have been or will be taken by the Bank to address relevant issues raised by the Requesters.*** As mentioned above, the Bank's technical support includes assistance to the GoA in the preparation of its ESMF under the Project, consistent with the Bank's Operational Policies. In turn, MJAM is assessing the potential environmental and social impacts of its commercial investment through the preparation of the safeguards instruments that need to comply with the GoA's applicable laws. Specifically, the potential impacts stated in the Request are being addressed by MJAM in the preparation of its ESIA, RAP, and EMP (see Annexes 2 and 3). Local consultations will be undertaken on these documents, which will in turn, inform MJAM's Feasibility Study (FS). This process is still ongoing and the relevant documents will be disclosed when available, consistent with Bank policy.

xvii. ***Management confirms that resettlement activities are on-going.*** Currently underway are the resettlement activities for the first five villages impacted by proposed exploitation at Aynak. Initial land acquisition actions undertaken by the GoA and MJAM were corrected following Bank advice. The GoA prepared a RAP and undertook local consultations consistent with Bank policy. Payment of compensation is ongoing. The MoM has undertaken a preliminary study of the potential sites for tailings dams and access roads, and has disclosed the finding on the MoM website. An additional RAP will be prepared for these and other activities.

xviii. ***Management recognizes the significant value of the Mes Aynak archaeological site and has incorporated into the Project specific actions to aid the GoA in protection of physical cultural resources.*** Component C of the SDNRP-2 includes "Supporting the implementation of the Archaeological Recovery and Preservation Plan of the Aynak antiquities." Under this component, the GoA continues to undertake significant efforts to protect Mes Aynak, including deploying more than 40 archaeologists and over 450 local workers. GoA has assessed the Mes Aynak physical cultural resources issues and is working towards preparation of an archaeological management plan consistent with Bank policy. The Bank continues to engage relevant stakeholders, including ARCH, in support of the protection of Afghanistan's physical cultural resources.

xix. ***In this regard Management shares the Requesters' objectives for the protection of physical cultural resources at Mes Aynak, but disagrees with a number of specific assertions made in the Request.*** Such allegations refer specifically to the characterization of the GoA's approach to protect the physical cultural resources at Mes Aynak as salvage archaeology for the entire site. The GoA has initiated a phased approach to both archaeology and mineral exploitation that supports the coexistence of commercial mining activities and the management of physical cultural resources. The Minister of Mines has publicly stated that no mining exploitation can begin until the regulatory review processes are completed. Thus, the GoA approach will require the inclusion of a range of mitigation measures to be developed as part of the Mes Aynak Archaeological Management Plan for the broader Mes Aynak site. Moreover, the GoA has established a security perimeter to encompass and protect the Mes Aynak cultural property site from further looting and destruction. The French Archaeological Delegation to Afghanistan (DAFA), an independent agency under a Government-to-Government partnership (not funded by the

Project), is undertaking a lead role in coordinating (with GoA) the Mes Aynak excavation and has, since 1923, conducted significant archaeological work in Afghanistan. Management does not share the Requesters' concern about DAFA's competence to manage the archaeological work program.

Conclusion

xx. ***Management has carefully reviewed the issues raised by the Requesters and does not agree with the allegations of non-compliance and harm.*** The extremely difficult country and sector context, together with the GoA's first undertaking of commercial mining, presents many operational challenges to all concerned. In spite of this difficult operating environment, including severe security circumstances, the Bank has complied with all policies and procedures applicable to the matters raised in the Request. Management concludes that the Requesters' rights or interests have not been, nor will they be, directly and adversely affected by a failure of the Bank to implement its policies and procedures.

xxi. ***The Bank will continue to encourage the GoA to adequately implement the environmental, social, and physical cultural protection measures guided by global good practices.*** Given the importance of the mining sector to the country's broader economic strategy, Management will continue to provide adequate, timely, and high-quality implementation support to the GoA, addressing many of the concerns raised in the Request, including through a range of ongoing measures.

I. INTRODUCTION

1. On January 4, 2013, the Inspection Panel registered two Requests for Inspection, IPN Request RQ 13/01 (hereafter referred to together as “the Request”), concerning the Afghanistan: Sustainable Development of Natural Resources—Additional Financing (P116651), and Sustainable Development of Natural Resources II (P118925), financed by the International Development Association (the Bank).

2. ***Structure of the Text.*** The document contains the following sections: Section II describes the country context; Section III describes the two projects that are the subject of the Request; Section IV presents the Request; and Section V presents Management’s response. Annex 1 contains the Requesters’ claims, together with Management’s detailed responses, in table format. Additional annexes provide information on the regulatory review process and the Project’s environmental documentation; a progress report of the Mes Aynak Advisory Panel; and an overview of supervision missions and field visits.

II. THE CONTEXT

3. ***Afghanistan is a fragile state in conflict and is donor-dependent.*** Despite gains in building a central government, Afghanistan remains fragile and dependent on the international community. While there have been substantial improvements in the lives of Afghans over the last 10 years, the public spending that has been funded by donor inflows—both on and off budget—will be fiscally unsustainable once such funds decline. In addition, security conditions pose a formidable challenge to the country’s development and external partner support.

4. ***Afghanistan has low capacity and weak institutions.*** The conflicts over the years have had a highly destructive impact on state institutions and human resources. The international community has been supporting the Government of the Islamic Republic of Afghanistan (GoA) since 2001 through investments and building capacity for service delivery.

5. ***Despite the economic progress of the past few years, Afghanistan remains extremely poor.*** The country lags behind on major social indicators, and living standards are among the lowest in the world. Much of the Afghan population continues to be deprived of housing, clean water, electricity, medical care, and jobs.

6. ***The resource sector is a potential source of growth.*** Afghanistan’s biggest economic challenge is moving towards more sustainable and equitable growth to reduce aid-dependency. The resource sector offers a window of opportunity as well as challenges in this regard, including potential capture by political elites and other interest groups. Afghanistan has significant mineral resources, much of which is locked in the ground pending development of supporting infrastructure. Successful development of mineral resources will significantly contribute to economic growth, diversification and job creation, and will help catalyze development in other sectors. Such development is predicated on

security, a sound and transparent regulatory environment, and responsible private sector partners.

7. ***EITI: Laying the groundwork for inclusive growth and sustainable development.*** The GoA has endorsed the principles of the Extractive Industries Transparency Initiative (EITI) and has been designated by the Oslo-based secretariat of the EITI as a “candidate” country. Recognizing the need for a solid foundation, the GoA requested the Bank to assist in building the institutions and frameworks necessary to ensure the sustainable development of the country’s mineral resources, leading to inclusive growth. To realize the mining sector’s full potential, the GoA has embarked upon a multi-sectoral approach that will develop hard and soft infrastructure that is guided by sound environmental and social principles and practices.

8. ***Insecurity in Afghanistan significantly impacts aid delivery.*** The World Bank Independent Evaluation Group’s Country Program Evaluation 2002-2011 points out that the Bank’s Afghanistan country program operates under particularly difficult circumstances.¹ While Afghanistan is a Fragile and Conflict-affected State (FCS) it differs from most other FCSs in two significant ways. First, Bank engagement in a FCS usually occurs during the post-conflict phase; in contrast, Afghanistan’s post-conflict conditions, manifested during 2002-05, have since deteriorated markedly, with increasing attacks on civilians. Second, unlike in the majority of FCSs, in Afghanistan the international development community itself is a target of attacks. The seriousness of the conflict with regard to development support is underscored by the assassination of numerous government officials in recent years, as well as by the attacks on United Nations facilities in 2009 and 2011. In light of the 2014 transition and upcoming national elections, the security situation requires continuous reassessment. Insecurity and attendant restrictions on mobility as well as the insularity of the international development community have increased steadily in the past several years, affecting working conditions for staff and hampering the delivery and effectiveness of support. Despite the extremely difficult context, the World Bank Group has established and sustained a large program of support to Afghanistan.

9. ***Aynak commercial mining investment.*** In 2007 the GoA granted a 30-year commercial concession to MJAM,² an international developer, to mine the copper resources at Aynak. Mes Aynak, (“copper well” in Dari), is located within the Aynak concession area in Logar province, one of the poorest provinces in Afghanistan. The developer is considering the potential environmental and social impacts related to the Aynak mine development through the preparation of its Environmental and Social Impact Assessment (ESIA), Resettlement Action Plan (RAP), and Environmental Management Plan (EMP) (see Annexes 2 and 3). These instruments will be governed by a national sectoral Environmental and Social Management Framework (ESMF) that the GoA is preparing with Bank support. It is critical to note that to date, no exploitation activities have taken place

¹ Independent Evaluation Group (2012): *Afghanistan Country Program Evaluation 2002-2011*, The World Bank.

² The Aynak Mining Contract was signed between the GoA and the MCC-Jiangxi Copper Consortium (MCC), with an effective date of 8 September 2008. The MCC-JCL Aynak Minerals Company Limited (MJAM) is registered as a wholly-owned subsidiary of MCC. MCC assigned the rights of the Aynak Mining Contract to MJAM on 16 November 2008.

since the necessary regulatory approvals have yet to be issued by the GoA. In fact, this commercial investment is still in its preparation phase and it is anticipated that resource exploitation will not commence for a few years. To best prepare for these activities, some initial resettlement activities are being carried out by the commercial developer and the GoA.

10. ***Mes Aynak is an archaeological site that includes a Buddhist monastic complex, town site, temples, ancient copper mining galleries and hundreds of sculptures that date from the first to ninth centuries CE.*** The GoA has initiated a phased approach that supports the coexistence of mining and the management of physical cultural resources. This includes mitigation measures, for which there is more time for further assessment, that range from: (a) salvage archaeology in a “Red Zone,” where physical cultural resources are assessed to be at risk of loss from first phase exploitation; and (b) archaeology for the remainder of the broader site, to be further elaborated in the Mes Aynak Archaeological Management Plan to be prepared by the Ministry of Information and Culture (MoIC), with assistance from the French Archaeological Delegation to Afghanistan (DAFA)³ and the United Nations Educational, Scientific and Cultural Organization (UNESCO). The GoA’s ongoing engagement of UNESCO is an important step to increase capacity, analyze options for the protection of the broader Mes Aynak site, and receive input from a wider cohort of national and international experts on Mes Aynak. Based upon a number of critical facts, including the public commitments of GoA, exploitation is unlikely to begin before 2016, thus allowing time for more analysis and documentation of environmental, cultural and social measures, including guidance from independent experts, as part of the GoA’s capacity building activities.⁴

11. ***Mes Aynak is not an archaeological chance find resulting from any mining activities.*** The physical cultural resources of Mes Aynak have been documented since the early 1960s, although security risks made work at the site nearly impossible for much of the past thirty years, until the recent improvements in the security situation. In 2004, the MoIC started archaeological assessments. As a result of security concerns the work was suspended and systemic looting occurred, resulting in removal or destruction of many artifacts. In 2007 the GoA awarded the Aynak mining concession and established a security perimeter around Mes Aynak, protecting it from further looting and hostilities.

³ DAFA was established in 1923 at the request of the Afghan government to ensure archaeological research in Afghanistan. In 2002, in agreement with the Afghan authorities, the Ministry of Foreign Affairs decided to reopen and restart activities with DAFA in Afghanistan. DAFA belongs to the network of 27 French research institutes abroad. It has undertaken a lead role in detailed field investigation of Mes Aynak under a Government-to-Government agreement and is not funded under SDNRP2.

⁴ The GoA released a statement (January 2013) that “...the vitally important conservation work at the Mes Aynak archaeological site will continue alongside preparations for the Copper Mine in the vicinity. The Government wants to conserve the cultural site and the pieces of historical importance ...no work will be carried out by the Copper Mining company until we have prior approval and clearance from the Ministry of Information and Culture of the Islamic Republic of Afghanistan with regards to archaeological sites of Mes Aynak, as per Afghan law.”

III. THE PROJECTS

12. As part of a programmatic approach to oil, gas and mining sector development in Afghanistan, the Executive Directors approved: the: (a) Sustainable Development of Natural Resources Project (SDNRP) in 2006; (b) the SDNRP-Additional Financing (SDNRP-AF)⁵ in 2009; and (c) the Second SDNRP (SDNRP-2)⁶ in 2011. This support is purely technical assistance to assist GoA with, *inter alia*, strengthening its capacity to regulate its commercial oil, gas, and mining activities, including the regulation of MJAM's commercial mining investment for the exploration and exploitation of the Aynak copper resource. ***This technical assistance is not financing the Aynak investment.***

13. *Project⁷ Development Objectives and Components*

- ***The objective of SDNRP-AF*** is to assist the GoA in improving the capacity of the Ministry of Mines (MoM), and to foster private sector development in the sector. SDNRP-AF has four components and a series of related sub-components, including:
 - (a) *Improving MoM's Internal Efficiencies*, and streamlining processes within the MoM administration department.
 - (b) *Developing Regulatory Capacity*. Establishment of new departments within MoM to effectively regulate and handle mining and hydrocarbon activities.
 - (c) *Developing Mineral Resources*. This consists of: (i) supporting the sector policy unit of MoM in formulating extractive industry policy, undertaking market analysis and preparing sector laws, regulations and guidelines; (ii) supporting MoM's geological survey process; (iii) carrying out an inventory of the assets of mineral-based state-owned enterprises, conducting strategic sector studies and analyzing the functioning and comparative advantages of state-owned enterprises; (iv) provision of technical assistance, equipment and operating costs to enhance MoM's capacity in the tendering process of key mineral deposits and revenue management.
 - (d) *Enhancing Sector Governance*. This includes: (i) establishment of an international advisory council to: (1) review procedures for awarding licenses and contracts for all major transactions; and (2) conduct of an annual

⁵ The approval of SDNRP-AF was in response to advances in the oil, gas and mining sector, most notably the growing interest of international investors in Afghanistan's mining sector. The GoA requested additional financing under SDNRP to expand Project activities by including technical assistance support for the Aynak copper and Hajigak Iron Ore transactions. The overall objective of SDNRP remained unchanged.

⁶ The design of SDNRP-2 was firmly guided by the Extractive Industries Value Chain analyses and informed by the implementation results under the first SDNRP operation, and its scope was expanded to include an additional stakeholder, the National Environmental Protection Agency (NEPA) for Afghanistan.

⁷ For purposes of this Management Response, SDNRP-AF and SDNRP-2 are collectively referred to as the "Project" as these two operations are the subject of the Request.

audit of cadastre functions; and (ii) support for implementation of EITI principles through the establishment of a multi-stakeholder EITI committee.

- **SDNRP-2** aims to assist the GoA in improving the capacity of the MoM and National Environmental Protection Agency (NEPA) to effectively regulate the mineral and hydrocarbon resource sector in a transparent manner, and to foster private sector development in the sector. It has four distinct components with a series of related sub-components, including:
 - (a) *Preparation of Award of Contracts and Licenses*. This includes: (i) development of sector policy frameworks and data collection; (ii) provision of support to the MoM through: (1) establishment of a secretariat of the Inter-Ministerial Committee; (2) continued advisory assistance from the International Advisory Panel (IAP); and (3) assistance in the tendering process of the Hajigak iron ore deposit; (iii) provision of support to the Afghan Geological Survey.
 - (b) *Regulation and Monitoring of Operations*. This includes: (i) supporting the implementation of a licensing system; (ii) strengthening inspection and contract compliance monitoring functions of MoM and NEPA; (iii) supporting the establishment of the MoM Mining Institute; (iv) improving the business environment and commencing the corporatization process for state mineral enterprises; (v) supporting the implementation of the EITI; (vi) supporting the consultation processes for, and providing analytical input into, the development of policy frameworks for mineral revenue management.
 - (c) *Preservation of Aynak antiquities and support for alternative livelihoods through sustainable artisanal and small-scale mining*. This includes, *inter alia*, supporting the implementation of the Archaeological Recovery and Preservation Plan of the Aynak antiquities (the Mes Aynak Archaeological Management Plan).⁸
 - (d) *Project Implementation Support* to the PMU in Project implementation, particularly in the areas of monitoring and evaluating Project activities, complying with fiduciary and safeguards requirements, public information disclosure and public consultation processes.

⁸ Current archaeological activities are funded by: (a) the MoM through the SDNRP-2 and MoIC; and (b) the French Government through DAFA. Going forward, capacity building at MoIC will be supported by the MoM through continued use of DAFA under SDNRP-2, combined with UNESCO's global expertise, for which procurement is underway to support MoIC in capacity building, preparation of the Mes Aynak Archaeological Management Plan, and consultations and workshops.

14. **Both SDNRP-AF and SDNRP-2 are under implementation.** In December 2012, the closing date for SDNRP-AF was extended and it is now set to close on May 31, 2013. The closing date for SDNRP-2 is set for June 30, 2016.

IV. THE REQUEST

15. Two Requests for Inspection were submitted to the Inspection Panel for SDNRP-AF and SDNRP-2. The Panel is treating both as one. The first Request was submitted in Pashto by one resident of the Mes Aynak area of Logar Province who requested to remain anonymous. A second Request was sent by the Alliance for the Restoration of Cultural Heritage (ARCH), a Washington, DC-based organization with representation in Kabul. ARCH states that it is acting on behalf of “dozens of members of the local affected population, which, being fearful of repercussions,” have requested it to submit the Request on their behalf. The Request also attaches two online petitions launched by expatriate Afghans and refers to a campaign with similar goals launched by two Thai organizations. Management has engaged with ARCH over the last 18 months. Management notes that some Board members of ARCH also have business interests in the extractive sector in Afghanistan.

16. Attached to the Request are several annexes:

- (a) Signatures (Afghans living in Afghanistan)
[Names were removed for confidentiality purposes]
- (b) Signatures (Afghans living abroad)
- (c) International Petitions
- (d) White Paper
- (e) Conference Report
- (f) Illustrations.

No further materials were received by Management in support of the Request.

17. The Request raises social, environmental and cultural concerns with respect to the proposed commercial mining of Aynak. The Panel notes that the Request refers to a number of Bank policies and procedures in the context of the concerns cited in the Request and that the claims presented in the Request may constitute non-compliance with Bank Policies.

V. MANAGEMENT'S RESPONSE

18. The Requesters' claims, accompanied by Management's detailed responses, are provided in Annex 1.

19. ***Management has carefully reviewed the issues raised by the Requesters and does not agree with the allegations of non-compliance and harm.*** The extremely difficult country and sector context, together with the GoA's first undertaking of commercial mining, presents many operational challenges to all concerned. In spite of this difficult operating environment, including severe security circumstances, the Bank has complied with all policies and procedures applicable to the matters raised in the Request. Management believes that the Requesters have no basis to claim and are also not able to demonstrate that their rights or interests have been or will be, directly and adversely affected by a failure of the Bank to implement its policies and procedures.

20. ***Management notes that the Request fails to distinguish between the obligations of: (a) the Bank through its technical assistance support, under the Project; and (b) those of the GoA and the mine developer, MJAM, under the mining concession agreement.*** As such, the Request asserts harmful outcomes stemming from both the Bank's technical assistance support, and the investment mining of Aynak, the latter of which is not financed under the Project. The Bank-supported Project comprises technical assistance that does not finance the commercial mining investment. Instead, the Bank is providing financing towards, *inter alia*, building GoA's capacity to regulate its commercial oil, gas, and mining activities, which include the GoA's own and singular undertaking to license a commercial mining investment under its agreement with MJAM to explore and exploit Aynak. Several allegations of non-compliance raised in the Request ignore this distinction.

21. ***In Management's view the Request for Inspection is based on assumed harmful outcomes of Project implementation and wrongly implies that no actions will be taken to address relevant issues raised in the Request.*** The Request alleges that the Bank has not: (a) sufficiently considered potential adverse impacts, in particular with regard to water use, pollution, and impacts on agriculture; (b) provided for a transparent resettlement process; (c) provided for adequate consultations and access to information; and (d) appropriately protected the physical cultural resources at Mes Aynak. The Request is incorrect in its description of the plans for environmental and social management of the site and fails to take into account the long lead time before exploitation gets underway. The potential environmental and social impacts of the Aynak mine development are being assessed by MJAM for submission to the GoA, and the required safeguard instruments for mitigation and risk management are being developed, following Afghan law.

22. ***Management confirms that the GoA's ESMF being prepared under SDNRP-AF is consistent with the Bank's relevant operational policies and that the ESMF will guide exploitation activities.*** Management understands that specific questions raised in the Request about mining techniques and associated potential impacts will be covered in MJAM's ESIA and the EMP, and that local consultations will be undertaken on both documents, which in turn will inform MJAM's Feasibility Study (FS). This pro-

cess is still ongoing and the documents will be disclosed when available, consistent with Bank policy. Also ongoing are the resettlement activities for the first five villages impacted by proposed exploitation at Aynak. Inadequacies in the initial land acquisition actions undertaken by the GoA and MJAM were corrected following Bank advice. The GoA prepared a RAP and undertook local consultations consistent with Bank policy. Payment of compensation is ongoing. The MoM has undertaken a preliminary study of the potential sites for tailings dams and access roads, and has disclosed the finding on the MoM website. An additional RAP will be prepared for these and other activities.

OP 4.10 (Indigenous Peoples)

23. ***Management disagrees with Requesters' characterization of the pastoral nomads ("Kuchis") in the impact zone as "an indigenous minority population."*** The designation of the Kuchis by the United Nations Assistance Mission in Afghanistan (UNAMA) as "one of the principal vulnerable populations in the country," with which the Bank agrees, does not in itself result in the Kuchis falling within the definition of Indigenous Peoples as set forth in OP 4.10. This policy defines Indigenous Peoples based on four distinct socio-cultural criteria, none of which include economic vulnerability. Therefore this policy is not applicable to this Project.

OP 4.11 (Physical Cultural Resources)

24. ***Management recognizes the significant value of the Mes Aynak archaeological site and has incorporated into the support it provides to the GoA specific actions to aid the archaeological recovery and preservation.*** In addition to the specific actions to aid GoA in the archaeological recovery and preservation activities that are included under Component C of SDNRP-2, the GoA has made significant efforts to protect the resources at Mes Aynak, which were being looted or destroyed until recently. The GoA has assessed the Mes Aynak physical cultural resources issues and is working towards preparation of a management plan consistent with Bank policy. In the meantime, Management continues to engage relevant stakeholders, including the Requesters, in support of the protection of Afghanistan's physical cultural resources.

25. ***Management has been aware of the issues raised in the Request and has engaged with ARCH over the past 18 months, through correspondence, meetings and workshops, both at the task team level and at the level of Bank Management.*** Management met with ARCH on February 7, 2013 in the context of this Management Response to discuss its concerns.

26. ***Management shares the Requesters' objectives for the protection of physical cultural resources at Mes Aynak, but disagrees with a number of specific assertions made in the Request.*** Such allegations refer specifically to the characterization of the GoA's approach to protect the physical cultural resources at Mes Aynak. The GoA has initiated a phased approach to both archaeology and mineral exploitation that supports the coexistence of commercial mining activities and the management of physical cultural resources. The Minister of Mines has publicly stated that no mining exploitation can begin until the regulatory review processes are completed. Thus, the GoA approach will require

the inclusion of a range of mitigation measures to be developed as part of the Mes Aynak Archaeological Management Plan for the broader Mes Aynak site. In 2010, the MoM and MoIC signed a Memorandum of Understanding to ensure that the Aynak mine development conserves and preserves the physical cultural resources found on site, and that the two ministries continue to work closely together. The area of initial impact has been defined as the Red Zone (see Map 2). Since then the GoA and DAFA have been undertaking salvage archaeology and documentation in the Red Zone that will feed into the preparation of the Mes Aynak Archaeological Management Plan. The Requesters cite the salvage work in the Red Zone, while not acknowledging the phased approach for the broader Mes Aynak area for which the Mes Aynak Archaeological Management Plan will be prepared, with options including in situ preservation.⁹ The GoA has been coordinating inter-agency dialogue through the Mes Aynak Advisory Panel (see Annex 4).

27. ***Management understands that exploitation of the mine is unlikely to begin before 2016, which gives adequate time to carry out phased archaeological work at Mes Aynak.*** Initially, the GoA and MJAM had plans to begin exploitation as early as 2012. However, the GoA now recognizes the extent of work and time needed for MJAM to complete the preparatory technical work (ESIA and FS) and obtain regulatory approval.

28. ***Management does not share the Requesters' assertion regarding DAFA's qualifications and competencies.*** DAFA has been involved in significant archaeological work in Afghanistan since 1923. Since the Bank's engagement with the GoA on these issues, Management has not received communications from subject matter experts challenging DAFA's competence or capability to undertake this task, as characterized by the Requesters.

29. ***In Management's view the Bank has followed OP 4.11, taking into consideration the unique circumstances and exceptional security challenges at Mes Aynak.*** Management wishes to stress its strong concerns that disclosure and/or local consultation present serious challenges regarding the safety and integrity of the Mes Aynak cultural property site, as well as the lives of the national and international archaeologists, and communities providing workers. For this reason such consultations to date had to be restricted to Kabul.

OP 8.00 (Rapid Response to Crises and Emergencies)

30. ***Contrary to the assertion made in the Request, this policy correctly applies to the Project.*** Management confirms that OP 8.00 applies to all Bank financed operations in Afghanistan as noted in the successive Interim Strategy Notes (ISNs) considered by the Executive Directors. This approach was confirmed by the Bank's 2009-11 ISN for Afghanistan, considered by the Executive Directors in May 2009, which states that, "All

⁹ The January 2013 Mes Aynak Advisory Panel Progress Report (see Annex 4, and [MoM website](#)) outlines the first two phases of archaeological work within the prioritized Red Zone area, where physical cultural resources are assessed to be at risk of loss from first phase exploitation. As noted in Map 2, the broader Mes Aynak site includes many other numbered sites for subsequent archaeological investigation – field security permitting. Areas 10 and 12 are being considered by GoA for in situ preservation given extensive structures, monasteries, stupas, and possibly statues. Area 14 may represent options for in situ protection of antiquity mining technology; as sought by the Requesters.

projects are eligible for processing under the Bank's Rapid Response to Emergencies (OP 8.00)" (para 108), which confirms the continued use of OP 8.00. This was reaffirmed in April 2012 when the 2012-14 ISN was considered by the Executive Directors. This policy was, therefore, correctly applied to the Project. Management reiterates that the Aynak mine investment is not financed by the Bank, and therefore is not governed by OP 8.00, but rather by Afghan law and the ESMF of the Project.

31. ***Management notes that some of the Operational Policies cited in the Request are not applicable to the Project.*** The Request specifically cites: OP 4.00 (Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects); 4.04 (Natural Habitats); 4.07 (Water Resources Management); 7.50 (International Waterways), 7.60 (Projects in Disputed Areas). The rationale explaining why these policies are not applicable is set out in Annex 1 (Claims and Responses).

The Impact of the Security Situation on the Bank's Work in Afghanistan

32. ***The security situation profoundly affects the Bank's work in the Mes Aynak area.*** Bank Project implementation support through its field work in Afghanistan is carried out under extreme and risky security circumstances. In spite of these difficult challenges the Bank team has made numerous field visits to the Aynak area, on those occasions when security permitted. Within the past two years, three field missions to Mes Aynak had to be cancelled shortly before commencing, due to the dangerous security circumstances. Planned field missions on several occasions had to be aborted and returned to Kabul as instructed by security staff. During one Bank mission to the field, as the team returned to Kabul on the Logar Highway, an attack occurred behind the team resulting in the death of an individual associated with another organization. In light of the 2014 transition and upcoming national elections, the security situation requires continuous reassessment.

33. ***In this context Management is very concerned about heightened media and internet reporting about Mes Aynak, which could lead to further security consequences for the site.*** The GoA is responding to this increased risk, temporarily suspending some archaeological activities and implementing new security measures to protect consultants and safeguard physical cultural resources. As discussed in Annex 1 (see Item 5b), the prevailing security situation presents unique and profound concerns regarding local consultation, disclosure and long-term sustainability planning for Mes Aynak.

Conclusion

34. ***In Management's view, the Bank has followed the policies and procedures applicable to the matters raised in the Request.*** Management has carefully reviewed the issues raised in the Request and does not agree with the allegations of noncompliance. Management concludes that the Requesters' rights or interests have not been, nor will they be, directly or adversely affected by a failure of the Bank to implement its policy and procedures.

35. ***The Bank will continue to encourage the GoA to adequately implement the environmental, social, and physical cultural protection measures guided by global good practices.*** Given the importance of the mining sector to the country's broader economic strategy, Management will continue to provide adequate, timely, and high-quality implementation support to the GoA, addressing many of the concerns raised in the Request, including through a range of ongoing measures.

ANNEX 1**CLAIMS AND RESPONSES**

No.	Claim	Response
1.	OP 13.05: Project Supervision - Eight specific areas reflecting potential harm to the population of Logar province, and showing neglect on the part of the World Bank.	<p>The Project has been supervised adequately, meeting the requirements of OP 13.05, and takes a proactive approach in managing implementation risks.</p> <p>Management considers that it is important to distinguish between the roles, responsibilities and obligations of the Bank under the Bank-supported Project (SDNRP-AF and SDNRP-2); and those of the MoM and MJAM¹ under a commercial mining concession agreement. Management points out that the Request does not recognize this critical distinction.</p> <p>As more fully elaborated in the main text, the Bank is financing the SDNRP (including the Additional Financing) and SDNRP-2 (collectively the "Project"). The Project includes two broader sets of activities which aim to assist the MoM and NEPA in: (a) further improving their capacities to effectively regulate Afghanistan's mineral resource development in a transparent and efficient manner; and (b) fostering private sector development.</p> <p>The Bank is providing this assistance <i>inter alia</i> in support of the GoA's undertaking of a commercial mining investment (Aynak mine development) for the exploration and exploitation of the Aynak copper resource with MJAM.</p> <p>The Project is a Technical Assistance operation and is not financing commercial mine investments. Given the institutional capacity challenges faced by the MoM and significant efforts needed to build the capacity of the nascent NEPA, combined with an uncertain security environment, from the outset Bank Management provided sufficient resources needed for intensive supervision (well above the Bank wide average supervision coefficient for supervision). The Task Team Leader of SDNRP-2 is a Sector Leader within the Oil, Gas and Mining Policy Unit (SEGOM) and the Coordinator for extractive industries across the South Asia Region (SAR). The team has undertaken more than 45 missions since Project inception, and since 2010 has added an international senior social development specialist with knowledge of Afghanistan and conversant in Dari, and a project management specialist, both based in the field.</p> <p>The Project has also been financing several activities to complement regular supervision by Bank staff. For example, the Project is financing the services of an expert consultancy (GAF) to monitor and report to the GoA on contractual and regulatory compliance, including the preparation and implementation of the ESIA, EMP and Feasibility Study (FS) for the exploitation activities. Also, the Project was instrumental in obtaining the services of national/international archaeologists to support DAFA, MoM, MoIC and MJAM at Mes Aynak.</p>
2.	OP 8.00: Rapid Response to Crises and Emergencies The World Bank Project regarding Mes Aynak is designated as an Emergency Operation. This would allow the Bank	<p>OP 8.00 is correctly applied to this operation. OP 8.00 introduces the flexibility that typically is required for operations, such as this Project, in a FCS. Moreover, it does not contain provisions that bypass or waive safeguard requirements.</p> <p>It is important to stress that the investment component of the</p>

¹ MJAM is a joint-venture between two state-owned enterprises from China.

No.	Claim	Response
	<p>to exempt the project from certain of the requirements related to Physical Cultural Resources (Point 13). However, this project does not satisfy the requirement of an Emergency Operation and is improperly categorized as such.</p> <p>OP 8.00 defines an Emergency Operation as a "rapid response policy to address major adverse economic and/or social impacts resulting from an actual or imminent natural or man-made crisis or disaster" (Point 1.) Point 2 states that "the Bank may provide a rapid response to a borrower's request for urgent assistance in respect of an event that has caused, or is likely to imminently cause, a major adverse economic and/or social impact associated with natural or man-made crises or disasters."</p> <p>None of this applies to the mining of copper at Mes Aynak, which is a routine and long-term commercial project. Mining copper at Aynak requires a lead-in phase of at least three years. Indeed, two years have passed already without any serious infrastructure preparation (such as road-building, power generation etc.) having occurred. In what way does the mining of copper represent an emergency? We fear that this designation only serves the purpose of circumventing protections and regulations that by rights should apply. Afghanistan – like many countries where the WB operates – indeed suffers from security challenges, but that does not justify jettisoning the WB's well-crafted rules.</p>	<p>Aynak mine development is not financed by the Bank, and therefore is not governed by OP 8.00, but rather by Afghan law and the ESMF of the Project.</p> <p>The May 2009 Interim Strategy Note (ISN) was considered by the Bank's Executive Directors and authorizes the use of OP/BP 8.00 for processing operations in Afghanistan. Operating in a conflict situation requires a heightened level of flexibility in order to move rapidly under difficult conditions and to take advantage of windows of opportunity that emerge in these contexts. OP 8.00 may be used in conflict situations to provide this flexibility as conflict is a "man-made crisis" specifically authorized under the policy. This is confirmed by the Bank's Operational Policy on Development Cooperation and Conflict (OP/BP 2.30) which governs the Bank's activities in conflict countries. In discussing the Bank's strategy in conflict countries which are governed by ISNs, it states, "Emergency Bank assistance under the ISN is provided in accordance with the policies and procedures set forth in OP/BP 8.00, Rapid Response to Crises and Emergencies." In light of the fact that Afghanistan is severely impacted by ongoing conflict, all projects in Afghanistan are considered eligible under OP 8.00. The May 2009 ISN for Afghanistan states that, "for the period of this new ISN, the Bank intends to use OP/BP 8.00 for processing operations in Afghanistan" (para 108). This ISN provides the framework under which SDNRP-2 was prepared.</p> <p>This approach was confirmed by the Bank's 2012-14 ISN for Afghanistan, considered by the Executive Directors in April 2012, which states that "All projects are eligible for processing under the Bank's Rapid Response to Emergencies policies (OP 8.00)" (para. 105) which authorizes continued use of OP 8.00. Notwithstanding this, the Emergency Project Paper (EPP) recognizes the need to assist the GoA to address environmental and social issues emerging from any commercial mining investment.</p> <p>Management notes that the Requesters state that no infrastructure preparation has taken place yet. One of the main reasons for this is that the regulatory authorities are waiting for the completion of the required safeguard instruments.</p>
3.	OP 4.00, Table A1: Environmental and Social Safeguards Policies The operational principles listed in this document include: a screening process that should commence as early as possible; assessment of potential impacts; assessment of compliance of the project with international obligations; feasibility studies to include siting alternatives; disclosure of the draft Environmental Assessment ("EA") "in a timely manner...in an accessible place and in a form and language understandable to key stakeholders."	OP 4.00, "Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects" is not applicable to the Project. SDNRP/SDNRP-2 were not prepared under OP 4.00.
4.a.	OP 4.01 Environmental Assessment/Disclosure	The potential environmental and social impacts of the Aynak mine development are being studied and the required safeguard

No.	Claim	Response
	<p>To date, no EA has been made public. As far as we have been able to determine, no feasibility studies have been conducted by the WB, Government of Afghanistan, or other stakeholder, or if they have been conducted, they are not known to any independent advisors or key stakeholders. This is despite the fact that active mining is supposed to commence in 2013. If a plan exists, which does not seem to be the case, then its publication has not been timely but is, indeed, long overdue.</p>	<p>instruments for mitigation and risk management are being developed. This process is still ongoing and therefore the relevant documents will be disclosed, consistent with Bank policy.</p> <p>Active mining (exploitation) at Aynak was originally scheduled to commence in 2013. However, Management points out that exploitation is unlikely to commence before 2016 given the time required to complete engineering, procurement and construction. Management understands that prior regulatory approval will take approximately one year. This gives MJAM adequate time to consult with key PAPs and stakeholders and prepare and disclose the ESIA, EMP, and FS for regulatory approval by the GoA. The Bank will remind MoM to ensure that development takes place only after the reports are prepared, reviewed and disclosed. The ESIA Terms of Reference (ToR) were reviewed by the Bank and the FS will be informed by the ESIA.</p> <p>Stages of ESIA development: MJAM is preparing the ESIA and EMP in accordance with Afghan law. This includes five steps: (1) submission by proponent of "Screening Report,"² (2) preparation of ESIA ToR; (3) ESIA process and Report preparation; (4) ESIA approvals and permit; and (5) monitoring. The Environment Law (Article 13) states that no ministry may grant authorization for the execution of an activity that is likely to have significant adverse effect on the environment unless an environmental permit has been issued by NEPA.</p> <p>Relevant legal provisions under Afghan Law: Article 19 of the Environmental Law requires affected persons to participate in each phase of ESIA, which includes meaningful opportunities through independent consultations and participation in public hearings. Moreover NEPA will not reach decision on any application for a permit until MJAM has satisfactorily demonstrated that the document is available for public review and has submitted proof of public hearings. NEPA shall publicize its decision and make available any relevant documentation for public review (sections 1-4).</p> <p>Responding to the Requesters' statement that the ESIA was long overdue, MJAM procured Hagler Bailly to prepare the ESIA and EMP in early 2009. The "Screening Report," dated December 24, 2009, was received by the MoM and NEPA. For a variety of internal reasons, the review of the Screening Report took nearly 10 months to complete. The final review process took place through collaborative workshops and bilateral meetings among the MoM, NEPA, Hagler Bailly, MJAM and other stakeholders.</p> <p>Further delays may occur. MJAM has expressed to the Government concern over security and is citing this as a prerequisite to undertaking all Project activities and preventing further delays.</p> <p>Management will follow up with the GoA to ensure disclosure of the relevant documents in line with the ESMF, which is being prepared following Bank policy.</p> <p>Beyond the requirements laid out in the relevant Laws, the MoM has made concerted efforts to ensure that sufficient information dissemination activities have taken place, including the sharing of information through its website.</p>
4.b.	OP 4.01	Management recognizes the environmental and social risks as-

² The EPP inadvertently states that (para 37) the Aynak ESIA was prepared and ready for submission during the drafting of the EPP. The reference should have been to the ESIA Screening Report.

No.	Claim	Response
	<p>Copper mining is associated with a number of significant risks to human health and to the natural environment. These risks can extend far into the future and can continue even after the closing of the mine; impacting the soil, air and water. Copper mines also permanently alter the landscape and the terrain, due to the high ratio of waste to ore – one ton of ore typically produces two tons of waste. The Environmental Protection Agency Report on Copper Mining provides an extensive summation of the risks and hazards, from which we cite only briefly the following:</p> <p>“Mine pits and underground workings; waste rock piles; tailings and other ponds; spent leach piles are of particular concern in the copper industry, because these are the areas in which toxic contaminants are most commonly found...they have the potential to present harm to the environment... Contaminants associated with these areas may include heavy metals and, from some, acid drainage. These contaminants may degrade ground water, surface water, soil, and air quality during mine operation and after mine closure...toxic to humans and to aquatic life and are known to accumulate in the environment and concentrate in the food chain.”</p> <p>Copper mining produces an inordinate amount of waste. It is not uncommon for the resultant waste piles to be 400 hectares in size. Clearly this represents a significant alteration of the terrain of Logar Province. We have seen no plan that explains how this will be mitigated, and what livelihoods or habitation will be possible following the closure of the main. And this pertains only to the physical terrain. These waste piles also frequently contain toxic and at times, radioactive materials. In the U.S. increasingly stringent regulations have been put in place. Most recently, permits are only issued if it can be demonstrated that the aquifer on the site is not used for drinking water. The enormous challenges associated with managing the tailings associated with copper mining are well</p>	<p>sociated with mining. All potential impacts related to the Aynak mine development are required to be considered in the preparation of the relevant safeguard instruments by MJAM. Specific questions raised in the Request about mining techniques³ and associated potential impacts will be covered in the ESIA and EMP. Local consultations will be undertaken on both documents and thereafter inform the FS.</p> <p>The Bank's extractives industries (EI) sector work is guided by the World Bank Group Management Response to the Extractive Industries Review (EIR Management Response, 2005). This includes: (a) strengthening governance and transparency; (b) proposing measures to mitigate mining impacts on the community and ensuring that the poor benefit from extractive industries; (c) developing capacity in agencies having jurisdiction over mine development to identify and assess risks; and (d) protecting the rights of people affected by EI investments. These guiding principles have subsequently been captured within the EI Value Chain (World Bank, March 2009), upon which the SDNRP-2 design is based. The EI Value Chain is an integrated, comprehensive approach to managing the full EI value chain including all steps of development and impact. In line with the above stated principles, the Project has several actions to assist the MoM and NEPA to build their capacity to manage environmental and social impacts and risks. These include strengthening the GoA's mining and environmental laws and regulations and the capacity to enforce them, both at the sectoral level and at the individual transaction level.</p> <p>One of the key outputs under the Project is the preparation and implementation of the ESMF, consistent with the applicable safeguard policies of the Bank. Finalization of the ESMF has been delayed because of capacity constraints within the Government relating to key elements of the ESMF. The draft Resettlement Policy Framework (RPF) was received by the Bank earlier this month. The ESMF including the RPF will undergo consultation by the GoA. It is intended that the MoM and NEPA will use the ESMF on a sector-wide basis while the Government continues to strengthen its guidelines and standards to better manage the environmental and social impacts associated with mining.</p> <p>Notwithstanding the delay in finalizing the ESMF, the SDNRP-2 continues to support capacity building for regulatory oversight of the ESIA and EMP implementation for the mine development, consistent with applicable Bank operational policies and national law, including the ESMF.</p> <p>Aynak mine development: The potential mining-related impacts referred to in the Request are being taken into account in the preparation of the relevant safeguard instruments as noted above. As part of Project supervision, the Bank will continue to advise the Government and monitor the situation. Post-mining landscaping will be covered within the FS under the mine closure plan section.</p>

³ E.g., drilling, blasting, earth works, use of chemicals and water.

No.	Claim	Response
	<p>known, for one instance we may refer to the case of the Marindique Islands, Philippines, where tailings contaminated rivers, ground water and the marine environment.</p> <p>Mitigation processes for the above-mentioned risks are possible but complicated, often only partly satisfactory, expensive and they require competent continual monitoring. We have not seen a responsible plan for Mes Aynak and there is no indication that monitoring can be successfully accomplished, given the prevailing levels of non-transparency.</p> <p>Examples of dramatic consequences that can result from the improper management and insufficient precautions at copper mines abound. These can lead to an area becoming permanently uninhabitable. For example, the Anaconda Copper Mine in Montana had to be declared a Superfund Site. Levels of arsenic found in the water, soil and in medical testing of local residents made it necessary for them to be permanently removed from their homes and resettled, because even after mitigation measures the continual return of hazardous materials into the environment was deemed likely by the health authorities.</p> <p>From 2nd request: How do they extract the minerals? Would they explode the parts where minerals are expected? Would poisonous chemicals be used there? Is it possible that these (poisonous) chemicals would get mixed into the bottom of underground water reservoirs? What if it is harmful for the people's lives and health in the surrounding localities?</p> <p>And the most important question is how the area will look like after the project is completed? Will its natural beauty remain the same or not? At present, Mohammad Agha area of Logar is entirely green. It has a lot of fruit trees. Will such produce not be affected after the mines start to be produce harmful materials?</p>	
4.c.	<p>Regarding Mes Aynak, sources close to this project inform us that the World Bank has attempted to comply with environmental protection requirements by hiring an independent monitoring agency, but that a lack of access, in-</p>	<p>Independent Monitoring</p> <p>As a responsibility of the GoA, the MoM has awarded a contract, under SDNRP-2, to an independent monitoring agency, GAF, to monitor compliance with the contractual and regulatory obligations under the</p>

No.	Claim	Response
	formation, and transparency has made it impossible for these consultants to fulfill their mandate.	<p>mining concession agreement.</p> <p>GAF has been operating for the last year and will continue to do so for the next three years. As noted above, the ESIA, EMP, and FS have yet to be submitted by MJAM to the GoA for regulatory review.</p> <p>GAF supports the work of the Government Mining Inspector and collaborates with the MoM, NEPA, its advisors, and national counterpart staff. GAF assumes the responsibility for auditing, monitoring, overseeing and assisting the Government in enforcement of MJAM's regulatory and contractual obligations.</p> <p>As part of Project supervision, the Bank engages with the MoM and NEPA on compliance monitoring issues, including those related to commercial mining transactions.</p>
4.d.	Given the known and significant risks associated with copper mining, it is hard to understand why this project was initially given an Environmental Category "C" designation by the World Bank. We would like to know the reason for this classification. While it has since been upgraded to a "B" designation, the lower classification during the early phases of the project affected decisions and chosen directions of effort at a critical juncture, just as the hasty and unfounded decision for "emergency archeology" has set a disastrous course for the piecemeal destruction of the cultural heritage site.	<p>Environmental Categorization</p> <p>The EA Category was changed from "C" to "B" for the SDNRP Additional Financing and SDNRP-2 because of the change in Project scope and the potential to realize inbound investments. This reclassification is required under BP.4.01.</p> <p>SDNRP was designed to build regulatory capacity within the country and no investment proposals had been received by the Government at that time; it was therefore classified as a Category "C" project. The SDNRP EPP noted that reclassification could take place as follows: "... <i>In the event that a specific transaction leads to a potential direct investment by either the Government of Afghanistan or resources provided through IDA, an application for reclassification of the project will be considered</i>" (paragraph 40).</p> <p>Once investor interest and potential for private sector participation grew, the Government sought additional financing from the Bank for an expanded scope, which included investment facilitation support for private sector participation; thus the Additional Financing operation was placed in Category "B." Given the sector development potential and investor interest, the subsequent operation, SDNRP-2, was also categorized as "B" and the following safeguard policies were triggered: (a) Environmental Assessment (OP/BP 4.01); (b) Physical Cultural Resources (OP/BP 4.11); and (c) Involuntary Resettlement (OP/BP 4.12).</p>
5.a.	<p>Loss of a heritage site with strong future tourism income potential; destruction of irreplaceable cultural heritage due to a mine plan based on insufficient data, and a neglect to study available options for reconciling mining and heritage preservation. (see OP 4.11 "Physical Cultural Resources")</p> <p>World Bank policy requires that the cultural impact of a project be assessed, among other methods, through collecting baseline data, an impact assessment, design of mitigating measures and formulation of a management plan.</p>	<p>Overall Compliance with OP 4.11 on Physical Cultural Resources</p> <p>The Bank has followed OP 4.11, taking into consideration the unique circumstances and exceptional security challenges at Mes Aynak.⁴ Based on advice provided by the Bank, the GoA has made significant efforts to protect the physical cultural resources at Mes Aynak.</p> <p>The GoA has regulatory and administrative responsibility for addressing the impacts on physical cultural resources (see Law on the Preservation of Afghanistan's Historical and Cultural Artifacts, 2004). The intersection of mining and management of physical cultural resources is common in the South Asia region and expected at select proposed mines across Afghanistan. The Bank provided guidance to the GoA regarding physical cultural resource protection, by seeking out the expertise of international experts. The Bank responded to the requests of GoA for technical assistance: (a) in addressing immediate</p>

⁴ Mes Aynak refers to the broader archaeological site which is located in and around the Aynak copper deposit.

No.	Claim	Response
		<p>emerging issues concerning cultural protection and mining; and (b) in developing measures for capacity building to close skills gaps and undertake more systematic preparation and implementation of cultural property management plans. SDNRP-2 has allocated USD5 million to archaeological and artisanal and small scale mining issues. The EPP notes that an additional USD30 million will be needed for full recovery and preservation of cultural artifacts for the Mes Aynak site (see Item 5.c. below).</p> <p>The Bank does not agree with the Requesters' statement that there is destruction of irreplaceable cultural heritage due to a mine plan based on insufficient data. While considerable damage was reported prior to the security perimeter being established, in 2010, the MoM and the MoIC signed a MOU to ensure that the Aynak mine development conserves and preserves the physical cultural resources found on the site, and that the two ministries would continue to work closely together for the safe removal and/or in situ preservation of the resources.</p> <p>Current archaeological activities are funded by: (a) the MoM through the SDNRP-2 and MoIC; and (b) the French Ministry of Foreign Affairs through DAFA. Going forward, capacity building at MoIC will be supported by the MoM through continued use of DAFA, combined with the global expertise of UNESCO under SDNRP2, for which procurement is underway to support MoIC's preparation of the Mes Aynak Archaeological Management Plan. This plan will provide options for reconciling mining and cultural protection by informing the ESIA prepared by MJAM. When MJAM begins exploitation, it will be a staged activity providing opportunity for continued archaeology on priority areas within in the Red Zone and implementation of the management plan for the broader Mes Aynak site. The management plan will be prepared through collecting baseline data, undertaking an impact assessment, and formulating mitigating measures.</p> <p>Management notes that GoA capacity requires further strengthening to manage the intersection between mining and management of physical cultural resources. In response to this, SDNPR2 is supporting broader capacity building, using the joint expertise of DAFA and UNESCO. Capacity building within the MoIC to monitor and track the progress of cultural resource protection activities forms the core of the proposed UNESCO work program.</p>
5.b.	<p>This is ARCH's key area of competency; and to ensure that our conclusions are accurate,, we have solicited the views of many independent subject matter experts. We have obtained and reviewed the archaeological survey conducted under the auspices of the World Bank (Delegation Archeologique Francaise en Afghanistan, Mes Aynak, A comprehensive assessment of the archaeological issue). Despite its name, this document cannot by any objective measure be described as "comprehensive." Rather, it is rudimentary at best and the survey was, of necessity, superficial and cursory. State of the art technical means and technological resources for collecting baseline data (for example through ground penetrating aerial photography</p>	<p>Assessment of Physical Cultural Resources</p> <p>The GoA has undertaken an adequate assessment of the physical cultural resources issues related to Mes Aynak and is working towards preparation of a Mes Aynak Archaeological Management Plan guided by OP 4.11.</p> <p>DAFA has been involved in significant archaeological work in Afghanistan since the 1920s, and is globally recognized for its expertise. Management has not received communications from subject matter experts challenging DAFA's competence or capability to undertake this task, as characterized by the Requesters.</p> <p>DAFA, as a partner of the GoA, undertook an initial assessment of archaeological issues at Mes Aynak in late 2010, and prepared a preliminary excavation plan and proposed budget, schedule, resource needs, and a strategy for archaeological activities.</p> <p>The Requesters have misinterpreted the intent of the DAFA report and its study.</p> <p>DAFA's work was not intended to comprise a comprehensive assess-</p>

No.	Claim	Response
	<p>and laser-based remote scanning technology) were not utilized, and the survey does not represent current international best practice. The archeologist who conducted the survey (Philippe Marquis of DAFA) has no doubt given this his best personal effort, but he was not provided with the time, resources, technical materials, manpower or mandate to conduct a proper survey; also, conducting such a survey is not his area of expertise, as he is a salvage archeologist. ARCH can provide several international experts who will attest to this conclusion. The failure to properly map, explore and evaluate the site is especially alarming given the magnitude and importance of this deposit.</p> <p>Second request</p> <p>Another important thing I came to know through the electronic and online media is that there are ruins of the ancient and historical city of Aynak. According to that, thousands of years ago, copper had been extracted from this part, as a result of which a civilized city came into being. The ruins of the city still exist under the ground. The remains of the said heritage could be dug up by geologists so that the tourists could be attracted to this place. This tourism will benefit Afghanistan in terms of revenue. This historical city is very important from an archeological standpoint as it can give us deep insight (information) about thousands of years-old Afghan history. The related world is very interested in the subject, and I am also aware about the petition which was signed by thousands of people demanding the historical ancient city of Aynak be preserved for future generations. I also have heard about a godown which has been used for the storing statues found during excavation of these historical sites. I wonder and feel sorry how such a historical city could be preserved in a godown. Keeping some statues and ancient remains in the museum is not</p>	<p>ment. Instead, DAFA embarked on a multi-year phased approach to evaluate the site in consideration of phased exploitation of by MJAM. This phased approach is reflected in one of the major outputs of DAFA's work, the distinction of the Red Zone from the wider Mes Aynak area. Within the Red Zone itself, the Mes Aynak Archaeological Project Progress Report (January 2013) denotes two phases of work; again reflecting the phased mining approach. Going forward, DAFA, in cooperation with UNESCO (currently under procurement) will continue its work in the field and will explore options for GoA management of physical cultural resources of the broader Mes Aynak site (see Map 2 and Item 5.c. below).</p> <p>West of Area 14 is expected to contain additional significant cultural resources as is the area 10 km east of the MJAM concession area; DAFA tried unsuccessfully in 1974 to undertake a field program for the latter, under inadequate field security. These areas away from the Aynak Central Copper Deposit still require security strengthening and have been scheduled for archaeological work in later phases.</p> <p>This recent work complements the earlier work at Mes Aynak, in which DAFA prepared: (a) a spatial data base of the archaeological artifacts with maps superimposing the location of the archaeological sites and the proposed mining and infrastructure; (b) short and long term plans for the management of the archaeological site; (c) a practical operational plan; and (d) future archaeological areas.</p> <p>As noted above, DAFA and UNESCO will use this initial assessment to inform the preparation of the Mes Aynak Archaeological Management Plan. Management understands that the time allocated for the assessment of issues was set by the GoA in the expectation that mining would commence in 2012 (discussed further in Item 5.c. below). In December 2011, the Bank proposed that the GoA host a consultative meeting (Mes Aynak Big Tent Meeting) to gain further input from national/international experts on this issue (see Item 5.d. below). That meeting, reduced in scope by the GoA, and the ARCH Washington Workshop form a basis for broader consultations to be undertaken by MoIC, as defined within the ToR for UNESCO.⁵ Given the delay in the ESIA and FS, more time is available for preparation of the Mes Aynak Archaeological Management Plan including continued assessment (as discussed in Item 5.c. below).</p> <p>In Management's view it is paramount to take into consideration the unique circumstances and exceptional security challenges at Mes Aynak. Management wishes to stress its strong concern that disclosure and/or local consultation present serious challenges to the safety and integrity of the Mes Aynak cultural property site, as well as the lives of the national and international archaeologists, and communities providing workers.</p> <p>Regarding the Requesters' assertion that more information to the public is needed, one of the tasks of the UNESCO ToR is to assist the MoIC in developing and organizing workshops, training, study tours, communication campaigns, conferences, etc.</p>

⁵ The draft UNESCO ToR include “....workshops, training, study tours, communication campaigns, conferences, etc. to support the preservation of cultural heritage around mining and large infrastructure development sites in Afghanistan UNESCO should lead in setting up a committee of national and international advisors to meet regularly and provide scientific advice to archaeological operations and the related management of cultural assets. Actions of the Committee will be facilitated through a Secretariat, which would officially be housed under MoIC.”

No.	Claim	Response
	<p>enough. The whole city cannot be preserved like that. It is almost impossible to transfer and place all the ruins somewhere else. We already have lost Buddha statues of Bamiyan and this destruction was condemned throughout the world, and now the approximately 5,000-year-old city of Aynak, which is much more significant than the Bamiyan statues, is being ignored. The world is silent as nobody cares about its excavation and preservation</p>	
5.c.	<p>The World Bank is funding and supporting the work of laborers and archeologists on the site. The goal is to salvage objects from the upper strata of the deposit, an approach termed emergency archeology or salvage archaeology.</p> <p>This is a procedure which on the one hand rescues some of the objects but only at the cost of simultaneously destroying the site. Any objects that cannot be moved are sacrificed, and even those that are removed are often damaged in the process. The possibility of maintaining a heritage site is eliminated by this process, and the lower levels of the historical deposit – which often are more valuable than the surface layers that have already been looted or damaged by the elements - can then never be excavated or explored. Buildings and structures, fragile objects, items too large to remove, and anything still below the surface, all of that is sacrificed. This mode of archeology is justified only when no other alternatives exist, for example because an ancient deposit is accidentally uncovered in the middle of a modern city during the construction of a subway system.</p> <p>This approach is highly prejudicial. The proper procedure according to international best practices and standards for cultural preservation would have been as follows: first, the deposits needed to be surveyed, mapped and evaluated. Next, the feasibility studies and mining plan needed to be reviewed to discover the extent to which the site could be responsibly excavated, documented and preserved in harmony with the</p>	<p>Mitigation Measures (Full-site Protection vs. Selective Mitigation – salvage/documentation)</p> <p>The combined measures of selective mitigation (including salvage archaeology and documentation) and preservation of the broader Mes Aynak site are appropriate under OP 4.11 (para 8). Hence, ARCH's assertion that "goals" have been set for salvage archaeology applies narrowly for the Red Zone.</p> <p>The GoA has initiated a phased approach to both archaeology and mineral exploitation that supports the coexistence of mining and the management physical cultural resources and includes a wide range of mitigation measures. These measures, for which there is more time for further assessment, range from: (a) Red Zone⁶ salvage archaeology where physical cultural resources are assessed to be at risk of loss from first phase exploitation; and (b) archaeological options proposed by DAFA for the remainder of the broader site, to be further elaborated in the management plan to be prepared by MoIC (with assistance from DAFA and UNESCO).</p> <p>Elaborating on (b) above, the coexistence of mining and the management of physical cultural resources is common globally. Sustained mitigation and management of the physical cultural resources requires a tripartite partnership among the company, the Government and Civil Society.</p> <p>The assertion that the possibility of such a heritage park has been eliminated is not correct. The option for an in situ preservation (e.g., a heritage park) will be analyzed as part of the GoA's preparation of the Mes Aynak Archaeological Management Plan for the broader site and is envisioned by the Bank and recorded within the EPP (para 96). Within the broader Mes Aynak site, Areas 10 and 12 are being considered by DAFA for in situ preservation given extensive structures, monasteries, stupas, and possibly statues. Area 14 may represent options for in situ protection of antiquity mining technology. DAFA reports continued analysis regarding options, costs and security considerations for such an archaeology park.</p> <p>After 60 percent completion of archaeological activity within the Red Zone (down to virgin soil), DAFA reports that no evidence of Bronze Age cultural resources have been found. Ongoing archaeological activities supporting the preparation of the Mes Aynak Archaeological Management Plan would inform as to "deeper layers" of Bronze Age physical cultural resources across the broader Mes Aynak site. The assertion that deeper layers have not been studied to date therefore is</p>

⁶ See also Map 2

No.	Claim	Response
	<p>mining effort. Finally, a joint plan for heritage preservation and for mining should have been developed, inclusive of timelines. This did not happen; instead the decision was immediately presumptuously made (with support of the World Bank) that the site would be sacrificed and salvage archeology was to take place. The possibility of site preservation was never even considered. A plan was never developed and no reliable timeline was provided; instead, the archeologists have continually been given incorrect estimates of how short a time they only had available to rescue whatever they could before mining commenced.</p> <p>This false state of urgency has now gone on for years. In other words, there was in fact more than enough time for a responsible survey to be conducted and options to be discussed, and this had to be known to the World Bank mining department from the start, as they must be able to assess and predict how long it takes for a mine to be opened and they had to see and be able to evaluate the pace of preparations and therefore, the likely earliest start to mining – which at the present time, years into the contract, is still at least three and probably five years away according to independent mining experts. A prominent archaeological expert, who had been hired as the site manager, was summarily fired when he attempted to raise some of these issues. He is willing to give his name and to speak with the Inspection Panel. An extensive description and assessment of the site, its history and significance, is attached and substantiates the need for a proper archaeological survey (White Paper, Appendix d.)</p>	<p>not correct.</p> <p>The archaeological approach is not “highly prejudicial” as stated in the Request. The GoA approach is supported by a 2010 DAFA assessment of Mes Aynak issues including a preliminary excavation plan and proposed budget, schedule, resource needs, and a strategy for archaeological activities. The above actions complemented DAFA’s earlier work (see Item 5.b. above).</p> <p>Documentation of Mes Aynak is extensive. The Mes Aynak Archaeological Project Progress Report, January 2013 notes that 10,000 “contexts”(a wall or floor) have been recorded; each with drawings, photographs and written descriptions. This stands in comparison to a typical site for which DAFA reports 400-500 contexts would be recorded, 500 photographs and perhaps 100 drawings. A comprehensive digital plan of all the archaeological physical cultural property in the Red Zone is completed and forms the basis for a geographic information system for presentation. Surveyors have recorded 15,000 points to map the site. Procurement for 3D imaging is nearly complete. DAFA will return with the drone in May to complete high resolution (10 cm) aerial images, subject to security and local village approval. Management understands that exploitation of the site is highly unlikely to commence before 2016 given the time needed for MJAM to complete the preparatory technical work (ESIA and FS) and obtain regulatory approval, but using even that date impacts in the Red Zone would commence more than two years earlier. Therefore, Management does not agree that there has been a false sense of urgency. The timeline for the mining operation has been adjusted for a number of reasons including security, regulatory compliance and archaeology and general project preparation. Management has been advised by the GoA⁷ that mining operations will only start once clearance has been received from MoIC as per Afghan law. Management will continue to monitor this commitment of the GoA and achievement of the agreed milestones, and undertake appropriate measures.</p> <p>MoM maintains an open exchange with MJAM on phased exploitation and mining technologies. MoM has confirmed that the first phase of exploitation will have an impact zone whose boundaries have been used to define the Red Zone. Management understands that MJAM as part of the FS is considering mining technology options for deeper portions of the deposit; this leaves open the possibility of mitigation and protection measures to be further explored under the broader Mes Aynak Archaeological Management Plan (discussed above).</p>
5.d.	After the World Bank's failure to organize a serious meeting consisting of independent experts (see Chapter I) ARCH convened an expert meeting on our own, the findings of which are attached (Appendix e.) This meeting	<p>Use of Experts</p> <p>Management has been well aware of the issues raised in the Request and the positions that ARCH takes on these. The Bank has repeatedly reached out to ARCH and has had the opportunity to listen to and discuss thoroughly the issues raised in the Request in its interactions</p>

⁷ MoM released a statement (January 2013) that “...the vitally important conservation work at the Mes Aynak archaeological site will continue alongside preparations for the Copper Mine in the vicinity. The Government wants to conserve the cultural site and the pieces of historical importance ...no work will be carried out by the Copper Mining company until we have prior approval and clearance from the Ministry of Information and Culture of the Islamic Republic of Afghanistan with regards to archaeological sites of Mes Aynak, as per Afghan law.”

No.	Claim	Response
	<p>surfaced a high level of concern on the part of independent experts regarding the environmental dangers facing Mes Aynak, given the nature of the ore deposit and the fact that so far, the effort lacked any transparency and did not meet minimal common standards of practice such as publication of an Environmental Impact Assessment and Environmental Impact Mitigation Plan, Mining Feasibility Studies, or a Water Master Plan. The historians and archaeologists attending were uniformly of the view that it would be highly irresponsible to continue with rescue archaeology when a prior proper exploration of the historical deposits had not yet been undertaken to determine the age, extent, value and exact location of these deposits.</p> <p>We have attempted for well over a year to work with the relevant World Bank representatives in Afghanistan and the U.S., holding many meetings, presenting many facts and reports from affected persons and from experts, both locally in Afghanistan and at headquarters in the U.S., but we must now conclude that no satisfactory response or reaction is forthcoming, and therefore we now turn our hopes to the Inspection Panel.</p> <p>What we find especially insupportable is that options and alternatives were never explored. We have implored the World Bank for well over a year now to investigate whether mining methods and technologies were available that could save the site or portions of the site. We proposed that independent experts from the fields of mining and archaeology should compare the maps of archaeological remains vs. mineral deposits to see if a lower impact mining plan might perhaps be feasible. We asked that at the very least, a proper map of the antiquities should be obtained so that one could make an informed judgment in regard to what one was proposing to destroy – this is, with current technology, possible in non-invasive ways through ground-penetrating methodologies. Our suggestions were acknowledged to be sensible but they were not implemented. Instead the Bank has continued to support hasty salvage archaeology at this site. This is a method that archae-</p>	<p>with ARCH over the past 16 months. These interactions have included correspondence, meetings and workshops; both at the task team level and at the level of Bank Management. Management has also reached out to the Requesters in the context of this Management Response, beginning January 15, 2013, and ARCH agreed to meet on February 7, 2013. While Management shares the Requesters' objectives for the Mes Aynak site and strives to cooperate to this end with all relevant stakeholders, including the Requesters, Management disagrees with a number of allegations that the Requesters have raised in this Request. (A detailed list of interactions with ARCH is attached in Annex 3.)</p> <p>Regarding ARCH's dissatisfaction with consultation of national / international experts, the GoA has responsibility for consultation on the protection of physical cultural resources. Two meetings provided input towards strengthened GoA consultations: (a) the GoA April 2012 Mes Aynak Big Tent Meeting; and (b) the ARCH Washington Workshop. Additionally, a consultative approach led by MoIC will benefit from forthcoming technical assistance by UNESCO and DAFA (as discussed in Item 5.a.).</p> <p>The Mes Aynak Big Tent Meeting In April 2012 to consult on options for Mes Aynak was hosted by GoA and supported under SDNRP-2. Ahead of the meeting, the GoA restructured the meeting format, to focus on more information dissemination across a smaller number of representatives from across MoM, MoIC, Afghan Institute of Archaeology, DAFA, international archaeology experts, ARCH and UNESCO. Meeting recommendations included: (a) establishment of an advisory committee to provide broader archaeological guidance on Mes Aynak and sector-wide mining/cultural protection issues; (b) greater attention to documentation of the Mes Aynak site; and (c) selection of the archaeological plan given the length of time allocated by the MoM for the Red Zone (reported in AM April / May 2012). This would also allow for further consultations as discussed below.</p> <p>Civil Society: ARCH has been the most visible civil society organization on Mes Aynak cultural protection, engaging with the Bank for the past 16 months. In December 2011, the Bank included ARCH as the civil society partner for a Mes Aynak Grant Proposal that would have strengthened the role of civil society on the intersection of extractive industries and cultural protection. While the grant proposal was not successful, the Bank and ARCH have continued to maintain an exchange of views.</p> <p>ARCH 2012 Washington Workshop: The Bank and MoM participated in the ARCH Workshop in May 2012. Findings included: (a) deficiencies in logistical support had impeded archaeological progress and (b) uncertainty around available time was influencing the selection of the archaeological methodology in the Red Zone.</p> <p>The ARCH Workshop recommended: (a) establishment of a Scientific Committee for input and guidance on Mes Aynak activities; and (b) a National Committee to create advocacy and ownership of the value of the cultural resource. These points were aligned with the findings of the Mes Aynak Big Tent Meeting. So too were recommendations regarding tripartite dialogue; more inclusion of local stakeholders on archaeological issues, and procurement of key specialists. After the workshop, the Bank provided comments on the ARCH draft report.</p> <p>As noted in Item 5.a., strengthening of consultation to input the opinions of a highly varied group of national / international experts will be achieved through building capacity at MoIC. This capacity building process has begun through the Mes Aynak Archaeological Project</p>

No.	Claim	Response
	<p>ologists typically employ as a “last resort.” It consists of hurriedly removing anything that is portable and can be relocated to a museum or storage facility. It assumes that there is no alternative to the destruction of the site itself. The typical use of salvage archaeology would not be in a context such as Mes Aynak, where one finds an isolated buried city. Rather, salvage archaeology is more often used when, in the middle of a heavily populated modern urban area, a company constructing a new subway unexpectedly finds some ancient ruins.</p> <p>ARCH's Meetings with World Bank Officials and Staff</p> <p>There were multiple meetings between ARCH and responsible World Bank officials and staff in the period from September 27, 2011 to the present. These meetings, contacts and communications took place in person, via email, by phone, via teleconference, in D.C. and in Kabul with World Bank staff based in the U.S., Germany and Afghanistan. Among other recommendations, we urged the convening of an Expert Meeting of independent geologists, archaeologists and mining engineers to objectively review the situation and attempt to develop solutions. We were assured that such a meeting would occur. Instead after multiple postponements the meeting was first downgraded from a "big tent meeting" at which the representatives of the local population and civil society were supposed to be present and able to pose questions to a small press conference (with only one press outlet included, the official government one) and then held in exclusion of the local populace and civil society. No independent experts were invited, civil society was not included, and no discussion took place. We feel that all avenues have been exhausted and we must now appeal to the Inspection Panel.</p>	<p>Progress Report (January 2013) whose aim is to safeguard environmental assets, enabling and regulating extractive industries, while avoiding impacts on archaeological resources.</p> <p>Furthermore, Management notes achievements with regard to civil society engagement. The GoA's implementation of the EITI includes multi-stakeholder groups consisting of government, industry and civil society/local NGOs. Achievements to date are the product of over four years of effort, and strong donor support of a professional Secretariat. Even so, Afghanistan has yet to achieve EITI Validation status. ARCH's frustration after sixteen months of effort underscores the challenges facing broader inclusive tripartite processes.</p> <p>The ARCH recommendation for the use of independent civil society archaeologists, geologists and mining engineers is shared by the Bank. SDNRP-2 has deployed more than fifty engineers, geologists, environmental / social specialists and archaeologists, and more will be mobilized for capacity building at MoIC. The GoA Mes Aynak archaeological efforts are currently supported by more than 20 international archaeologists (eight from Tajikistan, six from the UK, two from Poland, and others from Germany, Turkey, Syria, Lebanon, Hungary, France, Greece, and Mexico), over 40 national archaeologists and over 450 local workers in support of the fieldwork (numbers fluctuate according to individual contracts).</p> <p>The Bank has been actively discussing the issue with relevant UN agencies, and bilateral donors (US, Egypt, China, Japan) with expertise in the subject matter. Further, Management has proactively advised the GoA to involve the MJAM in this discussion of the long term sustainability of the Mes Aynak archaeological site.</p>
5.e.	<p>The “consultation with relevant non-governmental organizations” as required in Point 11 (of OP 4.11) has also not taken place. The most prominent experts on the subject of Mes Aynak, such as Professor Zemaryalai Tarzi, the internationally renowned Afghan archaeologist who worked on</p>	<p>Consultations/Disclosure</p> <p>Management is concerned that disclosure and/or local consultation may compromise the safety and integrity of Mes Aynak physical cultural resources, as well as the lives of the national/international archaeologists, and communities providing workers. (See previous discussion in the main text entitled “The Impact of the Security Situation on the Bank’s Work in Afghanistan.”)</p>

No.	Claim	Response
	<p>the site during the 1960's and has urgently pressed for measures to properly study and assess the site and develop a mitigation and management plan commensurate with its value, and to earnestly consider options for in situ preservation, has been ignored. The World Monuments Fund and ICOMOS were not included in any discussions of the issue; both are on public record regarding the unique importance of this site and the necessity to consider with all due earnest any possibility to avoid its destruction.</p> <p>Nor were representatives of Afghan cultural organizations consulted. Mes Aynak contains information about at least 4000 years of Afghan history. If the current plan goes forward, its lower levels will never be excavated and all the information contained therein will be lost forever. This loss affects all Afghans, which is why a number of Diaspora Afghan professionals have joined in signing this request. Arguably, it is also a loss to the history of science, since the lower levels of the site include artifacts and data about the history of early mining – copper has been mined at this location for thousands of years, but the methods and tools utilized in earlier millennia are not known.</p> <p>We have attempted for well over a year to work with the relevant World Bank representatives in Afghanistan and the U.S., holding many meetings, presenting many facts and reports from affected persons and from experts, both locally in Afghanistan but and at headquarters in the U.S., but we must now conclude that no satisfactory response or reaction is forthcoming, and therefore we now turn our hopes to the Inspection Panel.</p> <p>ARCH's Meetings with World Bank Officials and Staff</p> <p>There were multiple meetings between ARCH and responsible World Bank officials and staff in the period from September 27, 2011 to the present. These meetings, contacts and communications took place in person, via email, by phone, via teleconference, in D.C. and in Kabul with World Bank staff based in the U.S., Germany and Afghanistan. Among other recommendations, we urged the convening of an</p>	<p>The GoA has established a security ring around Aynak that has: (a) stopped looting of physical cultural resources; and (b) protected Mes Aynak archaeologists among others. Management advises that further disclosure should be predicated upon an acceptable security environment. Even with the security ring, Aynak remains a relatively soft target having high media value.</p> <p>DAFA suggests to continue its approach of open, regular exchange with local Maliks and Elders, progressively extending their knowledge of the broader Mes Aynak site, and the opportunities that have resulted for over 450 local workers. This exchange in return is informing DAFA on local security dimensions. See Item 5.d. above on the Kabul based Mes Aynak Archaeological Project Progress Report (January 2013), the GoA Mes Aynak Big Tent Meeting and ARCH Washington Workshop.</p>

No.	Claim	Response
	<p>Expert Meeting of independent geologists, archaeologists and mining engineers to objectively review the situation and attempt to develop solutions. We were assured that such a meeting would occur. Instead after multiple postponements the meeting was first downgraded from a "big tent meeting" at which the representatives of the local population and civil society were supposed to be present and able to pose questions to a small press conference (with only one press outlet included, the official government one) and then held in exclusion of the local populace and civil society. No independent experts were invited, civil society was not included, and no discussion took place. We feel that all avenues have been exhausted and we must now appeal to the Inspection Panel.</p>	
6.	<p>OP 4.07: Water Resources Management</p> <p>Loss of livelihoods as a result of water depletion, pollution, loss of agricultural lands. (see OP 7.50 "Projects on International Waterways," OP 4.07 "Water Resources Management")</p> <p>Logar is a heavily agricultural province. The population consists largely of farmers, who grow wheat, maize, potatoes, onions, alfalfa, clover, tomatoes and okra, as well as maintaining orchards of apples, apricots, almonds and grapes. Agriculture relies on an extensive, traditional irrigation system (kareze system).</p> <p>The mining project will draw down aquifers, reducing the water available for drinking by humans and animals, and for farming and irrigation.</p> <p>We are also concerned about water safety. Already in 2005, a UNICEF study found arsenic contamination of well water in Logar Province, which it attributed to earlier small-scale copper mining. What will happen once huge commercial mining begins?</p> <p>We are further concerned that the apparent negligence of the World Bank in not ensuring that environmental safeguards are in place, imminently endangers the health of the population living there, the quantity and safety of their water supply and through the</p>	<p>OP 4.07 does not apply to the Project since the Bank's support does not comprise any water resource-related investments.</p> <p>Nonetheless, Management recognizes the challenges that mining can introduce to water resource quality and quantity. These potential impacts will be assessed under the ESIA with mitigation measures proposed under MJAM's EMP. (see also above Item 4 on OP 4.01).</p> <p>The Bank, under a broader programmatic approach, also provides support to the GoA on water policy and capacity building for regulatory oversight through separate technical assistance support.</p> <p>Similarly, OP 7.50 does not apply to the Project as it does not comprise any of the activities covered under that policy, hence the Requesters' claim of harm linked to this policy is erroneous.</p> <p>Management is unable to understand the relevance of the Requesters' reference to OP 7.50 in the context of loss of livelihoods as a result of water depletion, pollution, or loss of agricultural lands. The only technical assistance support to which OP 7.50 applies is set out below, and the Project does not contain any of these activities:</p> <ul style="list-style-type: none"> • "detailed design and engineering studies of projects" relating to "hydroelectric, irrigation, flood control, navigation, drainage, water and sewerage, industrial, and similar projects that involve the use or potential pollution of international waterways," (OP 7.50, para 2) for which a riparian notification is required; and • water resource surveys and feasibility studies on or involving international waterways (OP 7.50, para 7(b)), for which no riparian notification is required.

No.	Claim	Response
	<p>aquifers and the river, that of Kabul and the Kabul River with potential consequences even cross-border into Pakistan.</p> <p>From 2nd Request:</p> <p>Is it true that this project requires a great amount of water, so much so that later on the resources of water could have been exhausted for the local population. They will be unable to find drinking water or to provide water to their animals and agricultural needs? ... Would you be able to tell us that underground water resources, streams and wells would not be consequently dried out?</p>	
7.	<p>OP 4.12: Involuntary Resettlement</p> <p>Loss of their homes and farms on the part of displaced local residents due to an inadequate resettlement plan and risk of local unrest. (see OP 4.12 “Involuntary Resettlement”)</p> <p>WB policies on resettlement are clearly stated. Involuntary resettlement is to be avoided where possible and if it is unavoidable, a set of precautions are to be taken to safeguard the rights and the future of the affected population. This includes “informing and consulting” those affected, offering them choices and viable alternatives, providing them with housing and with replacements for infrastructure they have lost. So far this has not happened in Aynak. According to a report by the Afghan Analysts' Network, the situation violates the policies of the WB in many particulars. The residents' land was expropriated by government decree without prior consultation. The decree promised them “compensation” but did not specify what this would consist of. There have been allegations of corruption in regard to the registration of land ownership in the new location, as well as resistance by the population of the area of relocation who did not want the newcomers and disputed the availability of the land they were to be granted. There are</p>	<p>The RPF for the Project is currently being finalized, including undergoing consultations, and will be part of the GoA's ESMF. The issues raised in the Request will be addressed in the RPF. Therefore Management disagrees with the alleged non-compliance with the policy.</p> <p>The Project is providing support to the Government to strengthen its regulatory, licensing and monitoring capacity. The delays experienced by the Project are due to the significant operational and security related challenges in the context of a FCS.</p> <p>The Requesters' concern relates to the proposed commercial mining activities. Resettlement is a shared responsibility between the MoM and MJAM. The MoM takes the lead on preparation and implementation of RAPs, while the MJAM finances the cost of resettlement including monetary compensation for loss of land and assets. The project affected families (PAFs) are being provided with adequate information on compensation methodology, social mobilization and the grievance redress mechanism with support from the International Rescue Committee. The Bank is providing technical assistance as part of the Project's objective to strengthen regulatory and monitoring oversight of the MoM, including resettlement and land acquisition.</p> <p>The MoM began its engagement with the affected PAFs in Aynak at the end of 2008. In September 2010, before the SDNRP-2, the MoM relocated PAFs in Wali Killai, and paid them a partial compensation for loss of housing and rent. Upon learning of this the Bank advised the GoA of the need to employ appropriate procedures in line with national law and applicable safeguard policies. The MoM agreed and proceeded accordingly, including preparing the first RAP for the Project in January 2012.</p> <p>This RAP also addressed the gaps in the previous work done by MoM between 2008 and 2010, details the resettlement process, including compensation for the affected families, and is consistent with the RPF of the ESMF.⁸ The RAP documents the meetings and consultations held with the stakeholders and PAFs (including the above mentioned</p>

⁸ The RPF of the ESMF for the Bank funded Irrigation Restoration and Development Project, approved by the Afghan Land Authority and subsequently cleared by the Bank in December 2010.

No.	Claim	Response
	<p>also tribal issues bearing with them the danger of violence erupting if members of one tribal group are forced to settle in an area considered by another tribal group to be their property.</p> <p>Consultation.</p> <p>Lack of consultation with local population.</p> <p>Logar Province is an underdeveloped part of an impoverished country. People are not educated and no attempt has been made by the World Bank to properly inform them of the plans, how these affect them, or the risks. The initial resettlement efforts have been fraught with many problems and even with violent incidents. All of this, and how it relates in our opinion to violations of World Bank policies, is further detailed below.</p> <p>From 2nd Request:</p> <p>What is the deadline for this project? A number of people have already been evacuated from the surroundings of mines and are still homeless. The rest of the population in neighborhood is even unable to find space for the burial of the dead bodies of their relatives, and they are requesting others to let their dead relatives be buried on their property.</p> <p>... Even after two years have been passed, the area reserved by the government for such settlements is yet to be developed. The development process has been stopped altogether. We don't see any chance of further work on it in future. Every family is being given 400 square meters of land so that they will build their homes at their own expenses. This assumption that the families have enough resources that they can build their homes is not just right.</p> <p>... And the targeted land had been measured to be utilized only for 512 families. In fact, the number of affected people is much more than the estimated number. On the top of that, some of those refugees based in Iran and Pakistan who belong to Aynak area are not listed in it, and also those residing in other parts of Afghanistan might not be able to get listed.</p>	<p>PAFs) with respect to compensation issues (Annexures 8,14,15,18 and 24 of the RAP). The land clearance process by the Afghan Land Authority also involved extensive consultations with the PAFs to validate ownership claims to land. Since the disclosure of the RAP in February 2012, the MoM has been conducting regular meetings with the communities and with Civil Society Organizations regarding the RAP.</p> <p>Additionally, the MoM has undertaken a preliminary study of the three potential sites for tailing dams and access roads, and has disclosed the findings on MoM websites. An additional RAP will be prepared for the tailing dam site and access roads.</p> <p>At this juncture, the Aynak mine development impacts 62 PAFs and 55 non-resident PAFs who were displaced during the conflict in 1979-1989. All these PAFs are entitled to receive compensation and resettlement assistance.</p> <p>The compensation framework under the RAP comprises compensation for loss of agricultural land, loss of structures, loss of fruit trees, land-for-land compensation in lieu of claims to land without any legally recognized justification, lump sum and shifting allowance. In addition, all PAFs will receive a plot of land for houses at the resettlement site that is under preparation by MoM. Additionally, the RAP provides for rehabilitation and employment and livelihood restoration to more vulnerable families, and MJAM is obliged to offer skills training and to provide 240 days of man-days of work annually.</p> <p>RAP Implementation: MJAM has deposited the amount of compensation to be paid to the PAFs in Bank of Logar. Resident PAFs have opened individual Bank accounts while for the non-resident an escrow account has been opened.</p> <p>The PAFs in Wali Killai, relocated in September 2010 by MoM ahead of the RAP, were paid interim compensation before they moved. The remaining families are still in their houses.</p> <p>Delay in issuing compensation is a systemic problem and a result of an incomplete and outdated land registry system in Afghanistan. Pending clarification of land title issues, the payments are waiting in escrow as cases are resolved in court to determine the legal heir within a family for payment for agricultural and residential land.</p> <p>The allotment of housing plots in the resettlement site is planned for March-April 2013 (after the winter). Regarding the land-for-land compensation of 10 jeribs (2 hectares or 20,000 sq. m) of land per PAF, two sites have been identified for allotment of land, Kalai Daulat and Abba Zali in Mohammad Aga district. The process of land clearance (the Land Authority process of determining ownership) of these areas is ongoing and may take an additional three months.</p> <p>Host community acceptance. The Afghan Analyst Network Report referenced (10-03-2012) describes land disputes in the area around the resettlement site. The Ministry of Urban Development (MoUD) in February 2011 notified the MoM that the proposed resettlement site was planned as a greenbelt and cemetery for the existing Ashab-Baba town and that resettlement would not be allowed. After a series of meetings, the MoUD and MoM resolved the issue, as confirmed in a MoUD letter dated December 12, 2012 and the work to develop the resettlement site is in process.</p> <p>The GoA is developing a framework of social and environmental norms and standards, and the Bank is providing assistance as issues emerge. As an example, during one of its supervision missions for the Project in May 2012, it was brought to the Bank's attention that MOM</p>

No.	Claim	Response
	The declared land for 512 families is in the As-haab Baba city. It is an area for cultivation. The land allotted to these 512 families is also claimed by the Stanakzai tribe. They have warned the residents of Aynak area not to enter their land or else they will face the consequences. This is the reason why the people of Aynak will not wish to settle there even if they are forced to do so.	had forcibly evicted the unlicensed miners in Bamyan Province from the Ishpushta coal mining site covered under the MJAM contract for fuel supply. Coal has been commercially mined by the Afghan state in Ishpushta at least since the late 1940s, but years of conflict have led to disintegration of the state-run mining operation and encroachment by unlicensed miners. As part of its proactive approach, the Bank advised the Government on global good practices on this issue and recommended that an independent Social Assessment be undertaken of the impacts in order to prepare a detailed mitigation plan for the restoration of livelihoods of all the affected people. The MoM has responded that the evicted miners will be employed in coal mines of the area either by MJAM or the GoA. The MoM has sent an internal mission to carry out impact assessment of the livelihood impact of the eviction in order to develop further action towards livelihood restoration. The MoM assessment report has not yet been received.
8.	OP 4.10 “Indigenous People,” OP 7.60 “Projects in Disputed Areas Special risk to a vulnerable indigenous minority population, the Kuchis (a nomadic group designated as a vulnerable population by UNAMA.) (see <i>OP 4.10 “Indigenous People,” OP 7.60 “Projects in Disputed Areas”</i>) One of the affected groups is a vulnerable minority, the Kuchis (a nomadic group). The Kuchis have been designated by UNAMA, the United Nations Assistance Mission in Afghanistan, as one of the principal vulnerable populations in the country. All of this has led to fear and reluctance on the part of those to be relocated, some of whom have fled to unknown destinations rather than put themselves at risk in their designated new location, while others returned home but were forcefully removed by the police. Information to those affected has been lacking, adding to the uncertainty and fear. There has been no authoritative statement on how many villages and which ones are to be relocated during which phase of the process.	In Management’s view OP 4.10 does not apply for the reasons discussed below. Management agrees with UNAMA’s designation of the Kuchis as “one of the principal vulnerable populations in the country.” However, Management disagrees with Requesters’ characterization of the Kuchis as “an indigenous minority population” based on the above designation. OP 4.10 (para 4) defines Indigenous Peoples based on four distinct socio-cultural criteria, none of which include economic vulnerability. Pashtun pastoral nomads are referred to as “Kuchis.” Kuchis speak Pashto, one of the two official national languages. Many tribal sub-groups have over centuries gradually moved from pastoral nomadism to settled agriculture as their livelihood. Among the Pashtuns and other ethnic groups in Afghanistan, there is no clear-cut socio-cultural distinction between settled and migrating groups. This resonates with contemporary anthropological studies conducted in Afghanistan which conclude that collective and individual self-identification are not permanent qualities but are changing over time. ⁹ During the consultations conducted for the preparation of the above-mentioned RAP, no indication was found of the presence of pastoral nomads (Kuchis) among the resident PAFs. The concern regarding host population issues is addressed under OP 4.12 above. OP 7.60 is not applicable to the Project. This policy applies to a territorial dispute between two member states.

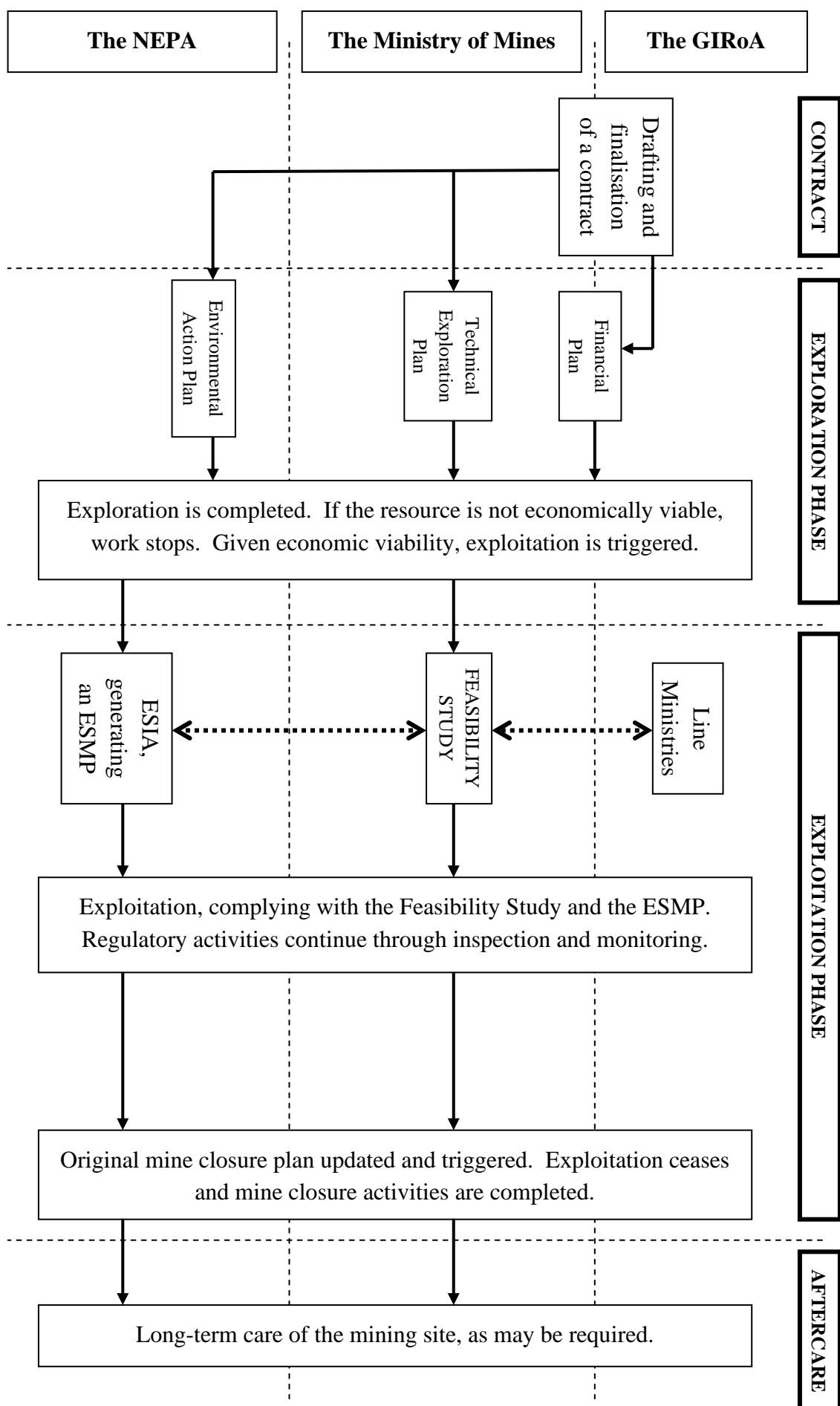
⁹ Erwin Orywal, *Die Ethnischen Gruppen Afghanistans* (Wiesbaden: Ludwig Reichert, 1986), pp. 18-19. See also Pierre Centlivres, “La nouvelle carte ethnique de l’Afghanistan,” *Les Nouvelles d’Afghanistan* 47 (1990), pp. 4-11. See Pierre Centlivres, “Les groupes ethniques et les ‘nationalités’ dans la crise afghane,” in Riccardo Bocco and Mohammad-Reza Djalili, eds., *Moyen-Orient: migrations, démocratisation, médiations* (Geneva and Paris: PUF, 1994), pp. 161-170; and “Tribus, ethnies et nation en Afghanistan,” in Hosham Dawod, ed., *Tribus et pouvoirs en terre d’islam* (Paris: Armand Colin, 2004), pp. 115-143. Pierre Centlivres and Micheline Centlivres-Demont, “State, National Awareness and Levels of Identity in Afghanistan from Monarchy to Islamic State,” *Central Asian Survey*, Vol. 19, Nos. 3-4 (2000), pp. 419-428. ; Canfield: Faction & Conversion in a plural society: Religious alignments in the Hindu Kush, Ann Arbor 1973; 'Tribe and Community among the Ghilzai Pashtun' from Anthropos Vol 70, 1975.

No.	Claim	Response
9.	<p>The current Afghan Minerals Law and associated Regulations contain a number of provisions relating to environmental protection, protection of cultural heritage, and protection of infrastructure, notably Chapter 7, Chapter 8, Chapter 9 and Chapter 15, and Articles 78, 81, 86, 87 and 90. These state among other things, that the initial bid for a minerals contract must contain an Environmental Screening Report/Environmental Impact Assessment, an Environmental Management Plan, a Mine Closure Plan.</p> <p>Monitoring Program. The Environmental Management Plan is termed to be the “main condition” for the intended activity. These documents do not, so far as we can determine, exist. This would mean that the World Bank is in violation of Afghan national law, by proceeding with a project that does not meet the initial criteria of said law.</p>	<p>Compliance with Afghan Law</p> <p>This issue is not relevant to whether the Bank is in compliance with its policies and procedures. The Requesters' concern focuses on the GoA's actions under its laws. In Management's judgment, the appropriate process for determining the issues raised by the Requesters may be through the Afghan legal system.</p> <p>Nonetheless, the documentation provided by the GoA is consistent with what Management understands to be the applicable legal process for mining operations. Management understands that the Afghan Minerals Law and the Environment Law, cited in the ARCH submission, govern transaction-related activities of investors.</p> <p>As noted above, the ESIA, EMP, and FS are currently being prepared. Hence, it is premature at this stage to speculate about potential impacts of the nature stated in the Request.</p> <p>Also as noted above, MJAM has the contractual obligation to comply with Afghan Law regarding the EA (ESIA) Scoping Report, EA (ESIA), EMP, and FS. Mine development cannot be authorized ahead of the submission, review and approval of these documents.</p>

ANNEX 2.

SCHEMATIC OF REGULATORY REVIEW PROCESS

Figure 1. The general process and responsibilities involved in triggering extractives industry operations in Afghanistan.



ANNEX 3.

NEPA ESIA PID

BACKGROUND INFORMATION DOCUMENT ON THE ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT OF THE AYNAK COPPER PROJECT

Introduction

The Aynak Copper Project (the 'Project') involves the development of a copper mine in the Logar Province of Afghanistan and the transportation of refined copper to Torkham, on the border with Pakistan, for export. The project proponent is MCC-JCL Aynak Minerals Company Ltd. (MJAM). MJAM is a company founded through joint capital contribution by China Metallurgical Group Corp and Jiangxi Copper Company Limited in a share ratio of 75% and 25%, respectively. MJAM holds 100% of the Aynak exploration license.

The Project is currently the subject of a feasibility study, which will evaluate the technical, environmental and socioeconomic factors influencing and arising from the Project. In parallel with the feasibility study, MJAM has initiated an Environmental and Social Impact Assessment (ESIA) for the Project. The impact assessment will be documented in the form of an ESIA report. MJAM has hired specialist consultants to undertake the ESIA and produce the report. The consultants are Hagler Bailly Pakistan (Pvt.) Ltd (HBP) and SRK Consulting (Australasia) Ltd (SRK).

As part of the ESIA process, consultations will be undertaken with potentially affected communities and other stakeholders. During the consultations, background information on the Project and the ESIA process will be made available to the

stakeholders in the form of the Background Information Document (BID). The BID is subject to changes as further information on some aspects of the Project becomes available during the course of the ESIA.

Project License Area

According to the mining contract signed between MJAM and the Government of Afghanistan, the Aynak copper deposit license area consists of an exploitation license over an area of 28 km² that includes the Central Deposit and the West Deposit of the Aynak copper mine.

Project Setting

The Aynak mine area is located in the north of Logar Province close to the Logar-Kabul provincial boundary. The mine area is to the southeast of the centre of Kabul city, at a distance of approximately 30 km. The elevation of the mine area is between 2,275 m and 2,675 m and it falls close to piedmont alluvial plain of Logar River. The mine site is surrounded on three sides by hills and mountains (**Figure 1**).

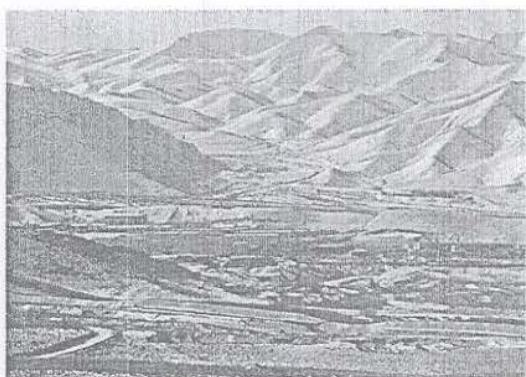
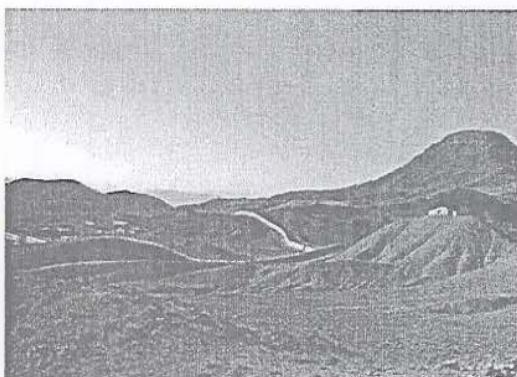
The western side of the mine site opens in the Logar River valley. The proposed source of water for the Project is the Logar River basin, which is located about 15 km from the mine area. The river flows in a south-to-north direction. The elevation of the riverbank in the Project area is about 1,840 m.

For more information on the ESIA contact

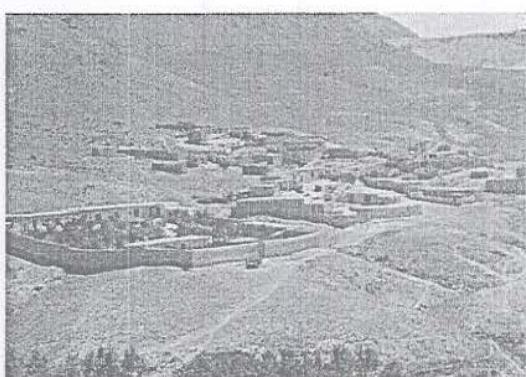
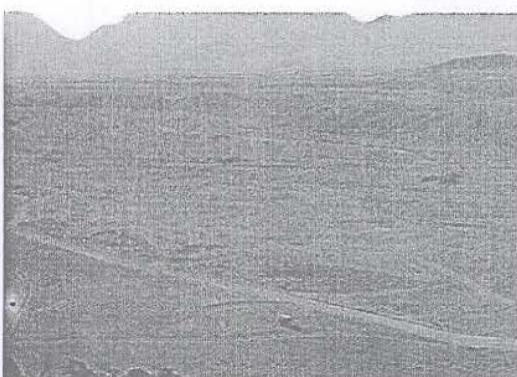
Hidayat Hasan
Hagler Bailly Pakistan
Pakistan Office
Tel: +92 51 261 0200
Fax: +92 51 261 0208
Email: hhasan@haglerbailly.com.pk

Noor Kamal Khan
Hagler Bailly Pakistan
Pakistan Office
Tel: +92 51 261 0200
Fax: +92 51 261 0208
Email: nkamal@haglerbailly.com.pk

Figure 1: Aynak Mine Area

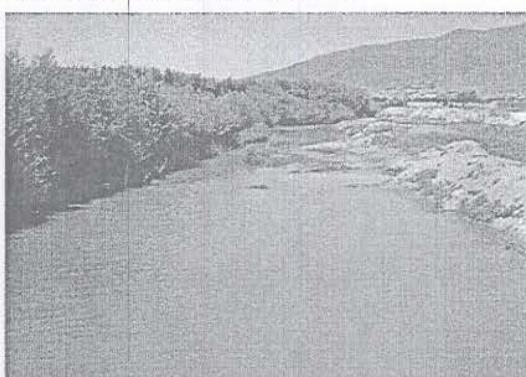
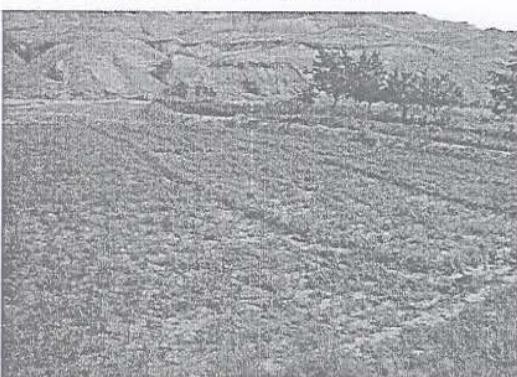


Views of the Aynak mine site



View of the access road to the mine site

View of typical village in Project area



View of agricultural fields in the Project area

Logar River

For more information on the ESIA contact

2

<p>Hidayat Hasan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: hhasan@haglerbailly.com.pk</p>	<p>Noor Kamal Khan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: nkamal@haglerbailly.com.pk</p>
---	---

Project Outline

Project facilities will be developed for extraction of copper ore, its processing to produce copper metal, and for the transportation of the product. Current project planning contemplates development of an open-pit and an underground mine, concentrator facility, a smelter, a heavy-oil fired power plant, a maintenance workshop, utility area, a water source site and other ancillary infrastructure (includes access roads). Mine operations will start with open-pit mining in the Central Deposit. Upon the 16th year, the production in Central Deposit will be shifted from open-pit mining to underground mining with a service life of 17 years. Underground mining in the West Deposit will be started about three years after the start-up of production in the Central Deposit, with a service life of 25 years.

The major components of the Project are described briefly in Table 1. Figure 2 shows the geographic location of the Project.

A framework management and monitoring program to mitigate potential negative

impacts, optimize positive impacts and assess ongoing performance will be developed by MJAM. The management and monitoring will be an ongoing activity that will continue throughout construction, operation and beyond closure of the Project.

Approach to the ESIA

Afghanistan Environment Law 2007 makes it obligatory on the state to adopt necessary measures for safeguarding proper exploitation of natural resources, and improvement of ecological conditions. In the absence of detailed environmental standards and regulations in Afghanistan, MJAM is contractually bound to follow the World Bank Environmental and Social Policies to the extent possible, in implementing the Project.

The ESIA for the Aynak Project will be undertaken in a phased manner. The ESIA process is outlined in Table 2. List of specialist investigations that will be undertaken as a part of the ESIA are presented in Table 3.

For more information on the ESIA contact

Hidayat Hasan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: hhasan@haglerbailly.com.pk

Noor Kamal Khan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: nkamal@haglerbailly.com.pk

Table 1: Principal Components of the Aynak Project

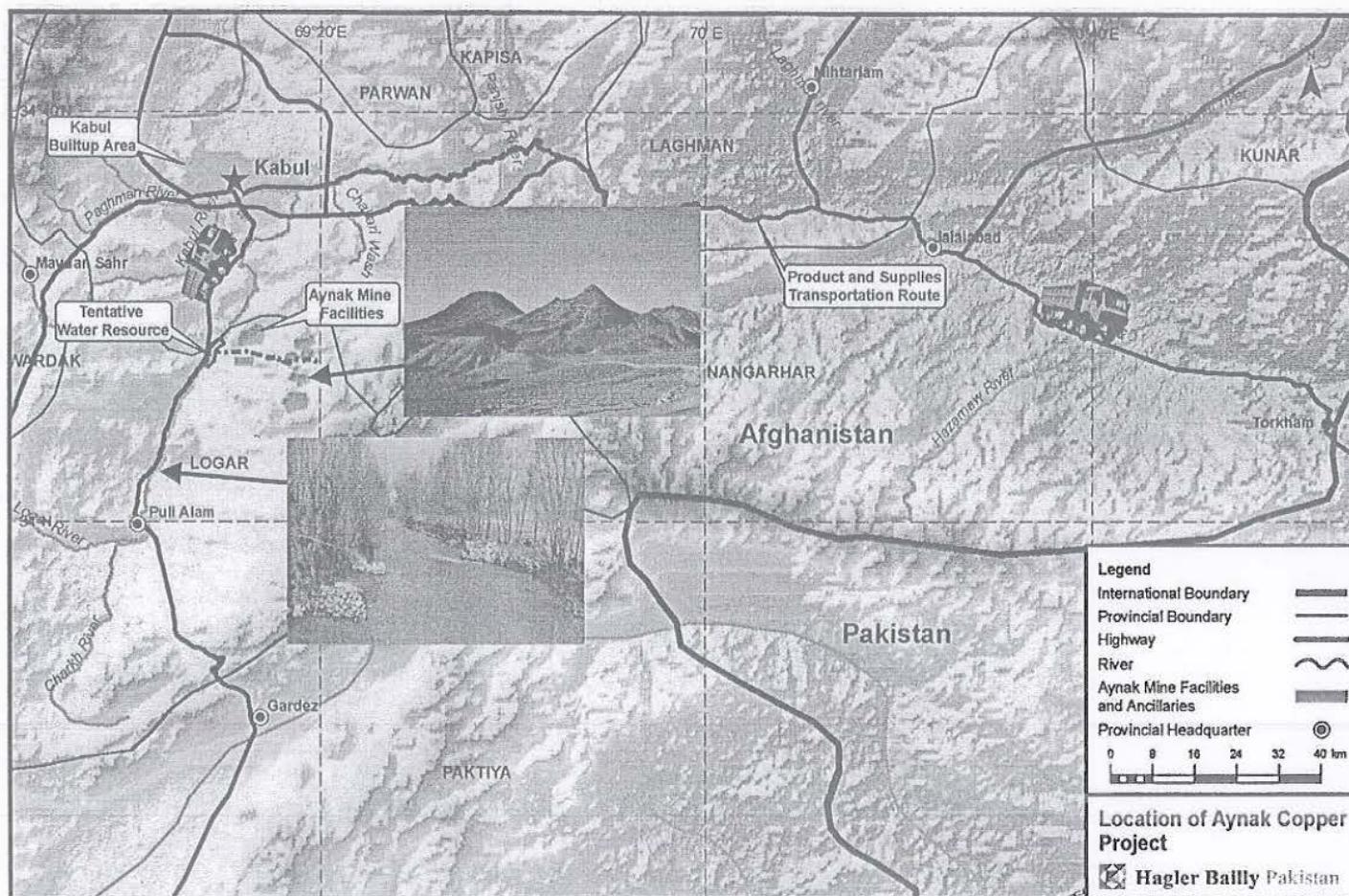
Mine
<p><i>Open-pit mining</i> shall be adopted for the Central Deposit. The surface dimension of the open-pit mine is likely to be 2,170 m × 1,840 m. The maximum depth (from the top of the pit to the pit floor) is expected to be 660 m. The volume of ore and rock within the pit is estimated to be 1,305.5 million tonnes (Mt). Waste rock is expected to be 1,156.54 Mt. In order to improve the extracted ore grade and reduce the stripping ratio (ratio of total excavation to the ore), mining in different phases of pit shall be adopted as per the pit and ore conditions.</p>
<p><i>Underground mining</i> shall be adopted for the West Deposit and all ore bodies outside the open-pit limit of Central Deposit. Main development works in West Deposit will include main shaft, personnel and materials shaft, ore pass and crushing system, air intake and return shafts, ramp, loading level, undercut level, haulage level, and chambers.</p>
Water supply
<p>The proposed source of water is the Logar River basin, about 15 km distant from the deposit area. The total water consumption of the Project is estimated to be 584,000 m³ per day during the first 16 years and 573,000 m³ per day thereafter. The reuse rate of water for the beneficiation plant will be 77%, and for smelter about 96%. Thus, the total water requirement will be of the order of 69,000 m³ per day and 64,000 m³ per day, during the first 16 years and thereafter, respectively.</p>
Tailings Storage and Disposal
<p>Dam of permeable rock and gravel-fill construction will be built with total storage capacity of about 400 million cubic meters, sufficient to store all tailings produced from the concentrator during the life of the mine. Geotextile liner will be provided on the inner side of the dam. Dry block stone will be laid at inner and outer slopes of the dam for slope protection. In order to prevent the dam shoulder at two banks from being washed away by rain water, a cut-off drain will be provided at dam shoulder for draining water from mountain slopes.</p> <p>About 250 m downstream of the main dam, a concrete dam will be constructed to avoid water seepage from the tailings pond, prevent contamination of groundwater, and increase the rate of water reclamation from the tailings pond.</p> <p>The site of the tailings pond is yet to be decided. .</p>
Smelter
<p>The copper smelter will be designed to produce 200,000 tonnes of electrolytic copper from primary ore annually. The main equipment includes rotary steam drier, flash smelting furnace, slag cleaning furnace, Kaldo converters, and rotary anode furnaces. The process for acid making from smelting gas will have a gas cleaning efficiency of 98%, conversion efficiency of 99.8%, absorption rate of 99.95%, and sulphur recovery and utilization rate of 97.76%.</p>
Power supply
<p>The main source of power for the mining activities will be a coal-fired power plant at an off-site location. The total installed generation capacity of the coalmine power plant will be 405 MW, with three 135 MW units. Until the development of the coalmines, which can take several years, the Project will generate power from a heavy oil-fired power station, which will be constructed at the Project site. The heavy oil-fired power station will have ten 8 MW power generators, of which 9 will be in operation and one will remain on standby. The total installed capacity will be 62 MW.</p> <p>The coal-fired power plant will be subject of a separate ESIA.</p>
Transportation
<p>All external transportation will take place utilizing the existing highway system of Afghanistan. Local logistics subcontractors will transport copper concentrate and equipment spare parts and consumables. For transportation of prime ore and waste rock from the open-pit, 218 tonnes electric wheel self-dumping trucks will be used.</p> <p>An access road will connect the deposit and the external transit system. Over 31 km of roads of different classes will be built as part of the project.</p>

For more information on the ESIA contact

4

Hidayat Hasan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: hhasan@haglerbailly.com.pk	Noor Kamal Khan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: nkamal@haglerbailly.com.pk
---	---

Figure 2: Location of the Aynak Project



For more information on the ESIA contact

Hidayat Hasan
Hagler Bailly Pakistan
Pakistan Office
Tel: +92 51 261 0200
Fax: +92 51 261 0208
Email: hhasan@haglerbailly.com.pk

Noor Kamal Khan
Hagler Bailly Pakistan
Pakistan Office
Tel: +92 51 261 0200
Fax: +92 51 261 0208
Email: nkamal@haglerbailly.com.pk

Table 2: ESIA Process and Corresponding Consultation

ESIA process		Corresponding Stakeholder ¹ Consultation Steps	Associated Documents
Phases	Main Purpose		
Scoping	Identify the issues that require attention during the ESIA.	Scoping Identify government and non-government stakeholders. Notify stakeholders of the ESIA process and give them information to facilitate their input. Engage stakeholders – listen to them and record issues raised (concerns, comments and questions).	<ul style="list-style-type: none"> • Public consultation and disclosure plan and a stakeholder database • Modification of Terms of Reference for the ESIA, if required • Background information document (BID) for stakeholders • Records of stakeholder consultation
Baseline investigations	Collect background information on the environmental and social setting of the Project by means of literature review and field investigations	Follow up consultation Discuss specific procedural and/or substantive matters that become apparent during scoping as required.	
Impact assessment, management planning and report compilation	Investigate specific issues raised (by stakeholders, specialists and the ESIA team). Define the potential impacts of the Project and identify measures for the management of the impacts. Determine the significance of the potential impacts with and without management measures. Evaluate the overall acceptability of the Project (from environmental and social perspectives). Develop an environmental and social management system framework for the Project.	Feedback where required Provide relevant stakeholders with an update on progress with Project planning, expected impacts and proposed mitigation. Acknowledge issues raised by stakeholders and tell them how MJAM proposes to address these. Where there is insufficient feedback or where there are substantial changes in the project, engage stakeholders – listen to them and record additional issues raised.	<ul style="list-style-type: none"> • Reports by specialists • Records of stakeholder consultation • ESIA report
ESIA report review by regulatory authorities and decision making	Review of ESIA report by regulatory authorities and other interested stakeholders. The review will inform the Government's decision on the acceptability of the Project (from environmental and social perspectives) and the conditions of approval of the development.	Public hearing The Government will use the public hearings to check whether there are any outstanding stakeholder concerns that need to be addressed before it takes a decision.	<ul style="list-style-type: none"> • Government record of decision and conditions of approval

¹ Relevant stakeholders to the ESIA process include: government and regulatory authorities; non-governmental organisations; communities that could be affected by the project; representatives of tribes occurring in the project area; industry; goods transporters; and communications media

For more information on the ESIA contact

6

Hidayat Hasan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: hhasan@haglerbailly.com.pk	Noor Kamal Khan Hagler Bailly Pakistan Pakistan Office Tel: +92 51 261 0200 Fax: +92 51 261 0208 Email: nkamal@haglerbailly.com.pk
---	---

Table 3: Preliminary List of Issues to be Addressed During the ESIA and Specialist Investigations

Subject		Detail
Issues that attention will need to be focused on during the ESIA These issues will be further defined during the stakeholder consultation process for the ESIA. Additional issues could also be raised	Potential issues where positive impacts need to be enhanced	<ul style="list-style-type: none"> • Provision of employment to people. • Capital investment and revenue generation. • Money paid out locally in the form of the company payroll. • Payments to the government in the form of local, regional and national taxes and levies. • Creation of service-sector jobs, procurement of consumables and the outsourcing to local service providers.
	Potential issues where negative impacts need to be avoided or at least reduced to acceptable levels	<ul style="list-style-type: none"> • Transformation of landscape • Decline in water quality and availability • Contamination of soil • Impacts on biodiversity and/or ecological function • Releases to air causing decline in air quality • Disturbances due to noise and vibrations • Disturbance of sites of archaeological, historic or cultural interest • Increase in traffic due to Project related transportation • Pressure on existing infrastructure as a result of influx of job seekers • Changes to existing social and cultural norms • Physical displacement resulting in disruption of existing socioeconomic setup
Specialist investigations to be undertaken during the ESIA The need for additional specialist investigations may become apparent as a result of stakeholder consultation.	Baseline investigations Predictive modelling for the impact assessment	<ul style="list-style-type: none"> • Ecology • Climate, meteorology and air quality • Soils • Resource economics • Noise • Socio-economics • Traffic • Archaeology and cultural resources <ul style="list-style-type: none"> • Dust and emissions • Noise • Traffic • Geochemistry in the mine area • Drawdown of groundwater near water supply areas

For more information on the ESIA contact

Hidayat Hasan
Hagler Bailly Pakistan
Pakistan Office
Tel: +92 51 261 0200
Fax: +92 51 261 0208
Email: hhasan@haglerbailly.com.pk

Noor Kamal Khan
Hagler Bailly Pakistan
Pakistan Office
Tel: +92 51 261 0200
Fax: +92 51 261 0208
Email: nkamal@haglerbailly.com.pk

ANNEX 4.

JANUARY 2013 MES AYNAK ADVISORY PANEL PROGRESS REPORT

Islamic Republic of Afghanistan
Ministry of Mines
Sustainable Development of Natural Resources Project
Project Management Unit

Mes Aynak Archaeological Project
Progress Report
January 2013

By Farhad Yavazi
Director of MAAP



Mes Aynak Archaeological Project - MAAP

MAAP-Mes Aynak Archaeological Project**Progress Report****Table of Contents**

Introduction	1
About Mes Aynak.....	1
Mes Aynak Archaeology	1
The Project	3
Rescue Excavation and Resources at Mes Aynak	4
Status January 2013	5
Future plans	7

Annexes

Annex 1: National Staff	9
Annex 2: International Staff	11
Annex 3: MAAP Advisory Panel Term of Reference	13
Annex 4: Mes Aynak Lower Town Image	16
Annex 5: Mes Aynak Master Image	17
Annex 6: Summary of Procurement by MAAP	18
Annex 7: Summary of Procurement by DAFA	19

Introduction

This report provides general information on Mes Aynak, Mes Aynak Archaeological Project including progress up to January 2013, nature of support by The World Bank and DAFA, National Support Staff, International Archaeologists and support staff, procurement and others.

About Mes Aynak

Mes Aynak is a site 40 km southeast of Kabul, located in a barren region of Logar Province. The site contains the world's second largest copper deposit which looms as major revenue source for Afghanistan.

The Aynak is also a vast complex of over twenty ruin locations, including numerous 5th-6th century Buddhist monasteries, as fortress and evidence of even older Bronze Age settlements buried beneath the rubble of ancient copper mines.

In 2008 MJAM-MCC a Chinese company was awarded a contract to recover the copper resources for the government of Afghanistan. It is a major project for Afghanistan in terms of employment, training, revenue and infrastructure development.

Mes Aynak Archaeology

Mes Aynak Archaeological site covers an area of 450,000 square meters, encompassing several separate monasteries and commercial area. It appears that Buddhists who began settling the area almost two millennia ago were drawn by the availability of copper.

Archaeologists believe that Mes Aynak is a major historical heritage site. It has been called "one of the most important points along the Silk Road" by French archaeologist Philippe Marquis. In addition to the Buddhist monasteries and other structures from the Buddhist era that have already been identified, Mes Aynak also holds the remains of prior civilizations likely going back as far as the 3rd century BC. Historians are particularly excited by the prospect of learning more about the early science of metallurgy and mining by exploring this site. It is known to contain coins, glass, and the tools for making these, going back thousands of years. Archaeologists have already unearthed manuscripts that may provide evidence regarding the presence of Alexander the Great's troops.

The initial archaeological assessment of DAFA in 2011 is the starting point for references to the activities of the Mes Aynak Archaeology Project.

The work plan submitted by MCC is the basis for organizing a strategy and schedule for the archaeological operations at Mes Aynak. According to these their enabling works would be carried out in 3 staggered phases.

The first phase of works at Mes Aynak covers an area of approximately 230 000 m² (The 'Red Zone'). Within this 8 blocks of extensive archaeological remains have been identified covering 150 000 m².

As stated above the first phase of archaeological operations are centred on 8 separate zones covering 150 000 m². After some initial excavations it is possible to elaborate on the nature of these remains and the site can be divided into 3 archaeological zones from a functional perspective. The first two of these archaeological zones are contained within one the eight zones mentioned above. The remaining 6 are more peripheral to this central core. These three zones are:

- **Aynak Mountain**

A series of sites along the crest of Aynak Mountain, which generally speaking appear to be defensive in nature, focused on two complexes of building at a northern and a southerly flank of the mountain. The mid slope is dominated by terrace walls and probable mining galleries. This zone also includes a large area on the lower slopes of the mountain which are dominated by the slag heaps resulting from the copper production

- **Lower Town**

At the base of Aynak Mountain are found a distinct cluster of sites located on the tops of the tepe features in the area. These sites all consist of domestic mud brick architecture and can be generally classed as the settlement area of the site. A high density of coin finds and fragments of manuscripts found in this area may point to an administrative function for some buildings. Some examples of small scale metal working, or other elements of craft workshops at a domestic scale, are also found in this area. Smaller stupas are attached to some of these complexes.

- **Peripheral Monastic Sites**

This is a dispersed group of 6 sites that appear to be peripheral to the cluster of predominantly domestic sites of the Lower Town. These sites appear to generally either occupy higher very visible ground, or the lower ground to the north of Mes Aynak. Their function appears to be largely religious or monastic in nature. They form an arc from the north of Aynak Mountain (003 Kafiriat Tepe) through to Site 013 to Shah Tepe (006 – a possible fire temple) and Shahmar Tepe (007) and are separated by a distance of approximately 300m from each other.

One smaller site, 042 is included in this group as although it is smaller in scale and located in the vicinity of Baba Wali it fulfils the criterion of being intended for a religious or monastic use, and may indeed have served as a 'gateway' to the religious complex at Site 013 located on the hilltop above Site 042.

The Project

Mes Aynak Archaeological Project is financed by The World Bank IDA-financed Second Sustainable Natural Resources Project (SDNRP2) and supported by the Delegation Archeologique Francaise en Afghanistan (DAFA) in coordination with Archaeology Directorate of Ministry of Information and Culture.

The DAFA is working on MAAP since April 2009 at the request of the MoIC and providing a constant technical support to the project. DAFA is intended to continue supporting MAAP in following areas

- Monitoring
- Restoration, conservation and Museum Project
- Scientific research and publications

The World Bank through IDA-finance Second Sustainable Natural Resources Project (May 2011) supports the implementation of the Archaeological Recovery and preservation plan of the Aynak antiques for the recovery and preservation of the cultural resources of the Aynak with emphasis on integration of the artifact recovery plan with the Aynak mining plan, and ensuring recovery in high-priority areas.

National Support Staff

The national support staff is a team consists of 23 people led by the Director of MAAP under direct supervision of the Executive Director of PMU.

(Annex 1: National Support Staff)

International Staff (Archaeologist, Logistics/ Security Advisor and Documentarians)

The Archaeological Team of MAAP consists of 25 International Archaeologist led by Archaeological Coordinator under the supervision of the Director of MAAP. The Logistics/ Security Advisor and Documentarians are also part of the International Team.

(Annex 2: International Staff)

MAAP Coordination Advisory Panel

The Advisory Panel is composed of members from different stakeholders whom shall meet once every month in Mom/PMU or Mes Aynak International Camp.

The aim of the panel is to facilitate MoM implementing its legislative role in safeguarding Afghanistan's environment and the nation's environmental assets and encouraging, enabling and regulating extractive industries and associated infrastructure, while avoiding impacts on the archaeological resource.

(Annex 3: MAAP Coordination Panel Term of Reference)

Rescue Excavations and Resources at Mes Aynak

Initial rescue excavations led by DAFA at Mes Aynak began in 2009 with the excavation of the monastic site at Gol Amid. In 2010 a second monastic site was excavated at Kafiriat Tepe.

Archaeological excavations increased in scale and intensity in 2011, when teams from the Institute of Archaeology and the Academy of Sciences were joined by a team of International Archaeologists. After 3 months stood down from site work (January – March 2012), excavation resumed towards the end of April 2012. At this point DAFA in cooperation with the international team were asked by the Ministry of Mines and the World Bank to supply a series of work plans detailing the projected results from a 9, 14, and 21 month excavation programme. The 9 month work plan was issued in conjunction with a proposal document detailing the resources needed to complete this schedule.

From May 2012 the workforce at the site has consisted of:

- 25 archaeologists from the Institute of Archaeology
- 26 international archaeologists including 7 experts from Tajikistan, a Geomatics Officer and Assistant
- 20 recent archaeology and social science graduates from the University of Kabul
- Approximately up to 450 labors.

Typically the individual excavations are carried out under the supervision of an archaeologist, assisted by a recent graduate with up to 25 workmen. Hand digging is carried out by the workmen under the supervision of an archaeologist.

Status - January 2013

Mes Aynak Archaeological Project is a large scale rescue project started in 2009. In 2010 an archaeological assessment of the site had been done and based on it a working plan had been proposed. Looking at the results of the excavation it is apparent that in terms of extent of the excavation we have more than completed the target set out in the work plan proposal in April 2012.

According to DAFA's recent explanation, "more than half of the red zone can be now considered as of very low archaeological value. It is mainly the periphery of the zone.

On the remaining half, two/third may be considered as poorly built during antiquity and deserve mainly a stratigraphical exploration which had been already done for part where the deposits are important.

The remaining part is the more densely occupied and heavily built we may consider that half of it had been already excavated and documented. The areas 6-13-45 had been already almost completely excavated and may start the removal of the elements worth to be removed. The more critical areas are the portion which is located on the slope of the mountain and the core zone the site."

During the last season the focus has been on excavation and recording of the archaeological remains. This has produced a vast quantity of data in the form of photographs, drawings, survey data and written records. Also an extremely considerable quantity of artifacts has been recovered. The majority of the artifacts recovered consist of pottery, but also a very significant number of coins and objects.

Below is the summary

- A high percentage of sites in the Lower Town area (**annex 4: Mes Aynak Lower Town Image**) are now nearing completion, from this area large amounts of data are being collected in the form of drawn plans and elevations, and photographs. *Archiving of this data is ongoing*
- A comprehensive digital plan of all the archaeological remains in the Red Zone has been carried out and is up to date (**annex 5: Mes Aynak Master Image**). This will form the basis for a Geographic Information System (GIS) where all digitized archaeological information will be presented.
- The digitization of individual site plans has begun. These will be used alongside site photography to illustrate the interim site reports which are in the process of being produced.
- Provision of protective roofing over rooms with fragile relics such as stupas, wall paintings and statuary has been completed.
- With a change in the weather work on site has mostly focused on removal of snow from the excavated areas of the site. This will help prevent any damage this might cause to the archaeological remains.

- A source of conservation chemical, tools and other items has been identified by a team composed of people from MoIC and MAAP traveled to India and the procurement process is underway.
- Experienced conservators identified, terms and conditions negotiated and will be soon on boarded. This will allow for the successful conservation and removal of the structural relics on the site.
- Work plan for each archaeological site and each individual archaeologist prepared which will be the base for checking the progress.

The winter months are an ideal opportunity to: quantify, organize, interpret and report on the archaeological discoveries to date.

Future Plans

Each member of the team will produce interim site and finds reports for the 16 sites currently active. Other aims include the production of a database for each of the sites, Organising and editing of each of the sites written, drawn and photographic archives. The quantification, recording and research of the ceramics, coins and other objects will be carried out. The geomatics team will produce a master plan and a digital archive of site records.

The above work represents an essential part the archaeological process, especially considering the different recording methods used during the early history of the excavations.

The best way to indicate the scale of Mes Aynak is with the archaeological term, "context". A context is a defined archaeological unit, such as a wall or floor, each with drawings, photographs and written descriptions. I would estimate that upward of 10,000 contexts have been recorded so far. The surveyors estimate that around 15,000 points have been taken to map the site. A typical site produces around 4/500 unique contexts, 500 photographs and 100 drawings.

To complete the excavation process and clearing the Red Zone to the satisfactory point may need more work until July 2013, this involves:

- An extension of excavation areas to find the architectural limits of certain sites already begun.
- The excavation of 3 areas on the mid slopes of the mountain side where architectural remains are known to exist – not yet started due to the danger of material falling from excavations higher up the mountain.
- Some limited trenching between the individual excavations in the Lower Town to understand the inter-relationships between these sites.
- An investigation of the caves and galleries already encountered on the site

According to DAFA's recent work plan, heavy equipments specifically, excavators, trucks, loaders and bulldozer should be used more frequently on the site. Specially if we consider the enormous quantity of dumps which had to be removed.

DAFA proposes a strategy which indicates work to be determined in two phases

1. Phase I- from Med January 2013 up to end of March 2013
2. Phase II- from the end of March to July 2013

Phase I

During this phase the team should focus on the mechanical removal of the dumps which are scattered on the site. As long as the weather is cold enough it will be possible to remove a substantial part of these dumps. As soon as it will be cooler these kinds of work had to be stopped as it's going to create a lot of mud.

During this period it is possible to clear a good part of the slag deposits in order to check what is left underneath. This also should be done with excavators. Excavation can go in the central area of the site and again it is suggested to connect the different area by trenches in order to have a good preview of what may be expected in those areas.

Removal of stupas is also possible as the use of chemical for this process is lower than for the clay status and the wall paintings.

Phase II

Clearing of the unexcavated areas, documenting of the finds and removal of the left artifacts should take place during this period. Bye the end of May DAFA is planning an additional aerial survey to get the more precise topography of the site and of the remains.

During this period a team of conservationist should e permanently on the site in order to undertake the removal of the statues and the wall paintings.

Annex 1: National Staff

**Ministry of Mines
Program Management Unit/Mes Aynak Archaeological Project
Contract Management
National Staff**

No	Name	Position	Permanent Address	Starting date of Contract	Ending date of Contract
1	Mr. Farhad Yavazi	Director	Nangarhar	1-Dec-12	30-Nov-13
2	Mr.Mohammad Iqbal Zurmati	Project Manager	Paktia	17-Jun-12	16-Jun-13
3	Mr.Aimal Hakami	Logistics Manager	Nangarhar	19-Aug-12	18-Aug-13
4	Mr.Mohammad Rahman Fazli	Finance Manager	Panjshir	20-Aug-11	18-Aug-13
5	Mr.Habibullah Naseri	HR Manager	Kunduz	19-Aug-12	31-Mar-13
6	Mr. Abdullah	Logistics Assistant	Badakhshan	6-Oct-12	5-Oct-13
National Support Staff (Field Staff)					
1	Mr. Sayed Sikandar Sadat	Field Officer	Baghlan	1-Jun-12	30-Jun-13
2	Mr. Timor Shah	Field Assistant	Logar	13-Aug-12	12-Aug-13
3	Mr. Hanzala Mujaddidi	Storekeeper	Nangarhar	12-Aug-12	11-Aug-13
4	Mr.Khan Mohammad	Heavey Vehicles Mechanic	Maidan Wardak	22-Dec-11	21-Dec-12
5	Mr.Taj Mohammad	Excavator Operator	Paktia	22-Dec-12	21-Dec-12
6	Mr.Najibullah	Driver	Logar	22-Dec-12	21-Dec-12
7	Mr.Rahimullah	Truck Driver	Logar	22-Dec-12	21-Dec-12
8	Mr.Herat Gul	Driver	Paktia	22-Dec-12	21-Dec-12
9	Mr.Mohammad Shapoor	Driver	Logar	22-Dec-12	21-Dec-12
10	Mr.Fazil Rahman	Driver	Maidan Wardak	22-Dec-12	21-Dec-12
11	Mr.Mohammad Gul	Project Attendant	Logar	22-Dec-12	21-Dec-12
12	Mr. Abdul Qader	Armor Vehicle Driver	Kabul	13-Sep-12	12-Sep-13

13	Mr. Yaqin Ali	Chef	Kabul	1-Jan-12	31-Dec-13
14	Mr.Faiz Ali	Cook	Kabul	1-Jun-12	31-May-13
15	Mr.Fahim	Cook	Logar	22-Dec-12	21-Dec-13
16	Mr. Nazar Mohammad	Cook	Logar	22-Oct-12	21-Oct-13
17	Mr. Sadam	Cleaner	Logar	14-Aug-12	13-Aug-13
18	Mr. Rohullah	Cleaner	Logar	1-Aug-12	31-Jul-13

Annex 2: International Staff

Ministry of Mines
Program Management Unit/Mes Aynak Archaeological Project
Contract Management
International Archaeologists

No	Name	Position	Starting date of Contract	Ending date of Contract
1	Mr.Guy Cockin	Archaeological Coordinator	10-Apr-12	13-Apr-13
2	Marek Lemiesz	Senior Archaeologist	20-Sep-12	19-Sep-13
3	Mr. Paul Murray	Senior Archaeologist	25-Oct-12	24-Oct-13
4	Ms.Eva Nadia Haupt	Junior Archaeologist	7-Sep-12	6-Sep-13
5	Mr. Emre Hakan Demiraslan	Junior Archaeologist	5-Dec-12	4-Dec-13
6	Mr. Saad Ismail	Junior Archaeologist	8-Jan-12	7-Jan-13
7	Mr. Rehaim Jamil	Junior Archaeologist	14-Nov-11	13-Nov-12
8	Ms. Agnieszka Dolatowska	Junior Archaeologist	2-Oct-12	1-Oct-13
9	Mr. Tibor Paluch	Junior Archaeologist	4-May-12	3-May-13
10	Mr. Damian Podlinski	Junior Archaeologist	27-Jun-12	26-Jun-13
11	Ms. Roberta Marziani	Junior Archaeologist	17-Jul-12	16-Jul-13
12	Mr. Andrew Ginns	Junior Archaeologist	17-Jul-12	16-Jul-13
13	Ms. Vydhegi Brice	Junior Archaeologist	21-Jul-12	20-Jul-13
14	Mr. Richard Humphrey	Junior Archaeologist	21-Jul-12	20-Jan-13
15	Mr. Thomas Eley	Junior Archaeologist	22-Jul-12	23-Jul-13
16	Ms. Kostantina Romantzi	Junior Archaeologist	5-Aug-12	4-Feb-13
17	Mr. Rafael A. Seueira Garza	Junior Archaeologist	16-Aug-12	15-Aug-12
18	Mr. Dovutov Davlatkhoja	Junior Archaeologist	18-May-12	17-May-13
19	Mr. Safoev Farrukh	Junior Archaeologist	18-May-12	17-May-13
20	Mr. Eshonqulov Usmon	Junior Archaeologist	18-May-12	17-May-13

21	Mr. Saydaliev Jomkhan	Junior Archaeologist	18-May-12	17-May-13
22	Ms. Firuza Abdul Vokhidova	Junior Archaeologist	28-Jun-12	27-Jun-13
23	Mr. Rahmatjon Salomov	Junior Archaeologist	26-Jul-12	27-Jul-13
24	Mr. Rahmatsho Mohammadshoev	Junior Archaeologist	26-Jul-12	27-Jul-13
25	Mr. Yusufsho Yakubov	Junior Archaeologist	26-Jul-12	27-Jul-13
International Archaeologists not employed anymore				
1	Mr. David Fallon	Junior Archaeologist	7-May-12	6-May-13
2	Ms. Anne Mortimer	Junior Archaeologist	24-Jul-12	23-Jul-13
3	Mr. Dr. Hans	Archaeological Coordinator	15-Aug-11	14-Aug-12
4	Ms. Barbara Faticoni	Senior Archaeologist	1-Sep-11	31-Aug-12
5	Ms. Samara	Junior Archaeologist	15-Aug-11	14-Aug-12
6	Mr. Damon Ashley	Junior Archaeologist	1-Sep-11	31-Aug-12
7	Mr. Salam Raad	Junior Archaeologist	14-Nov-11	13-Nov-12
8	Mr. Li Tao	Junior Archaeologist	17-Aug-11	16-Aug-12
9	Rakotozonia	Junior Archaeologist	11-Sep-11	10-Sep-12
10	Mr. Jiri Unger	Junior Archaeologist	8-Sep-11	7-Sep-12
.	International Staff (Consultants Daily wage)			
1	Ms. Sohpie Barry	Filming & Photography expert	12-Jul-12	11-Jan-13
2	Ms. Ellisa Bogos	Filming & Photography expert	daily wage based on need	
3	Mr. Donald Huw Butts	Logistics and Security Coordinator	17-Nov-12	7-Feb-13

Annex 3: MAAP Coordination Advisory Panel

Mes Aynak Archaeological Project

(MAAP)

COORDINATION ADVISORY PANEL

Background

The Mes Aynak Archeological Project is a project directed by Ministry of Information and Culture and Ministry of Mines of the Islamic Republic of Afghanistan.

The World Bank supports the project with the IDA-financed Sustainable Development of Mineral Resources Program. Other sponsors have contributed technical and financial support.

The company who acquired the lease for the exploitation of the mine at Mes Aynak is the MCC-Jiangxi Copper MJAM consortium. On site the MAAP coordinates closely with the consortium.

The archeological assessment of DAFA in 2011 is the starting point for references to the activities of the Mes Aynak Archeology Project

Goals of the Panel

- 2: To facilitate MoM implementing its legislative role in safeguarding Afghanistan's environment and the nation's environmental¹ assets.
- 3: To facilitate MoM implementing its legislative role in encouraging, enabling and regulating extractive industries and associated infrastructure, while avoiding impacts on the archaeological resource – but when that is not possible then to minimize and mitigate the unavoidable impacts.

Mandate of the Panel

- 4: The mandate of the Panel is purely advisory, and the power will derive solely from the quality of its advice and its relevance to the needs of MAAP and MoM.

Structure of the Panel

Chairman – Senior official MoM (HE Minister or HE Deputy Minister)

Secretariat –MoM-based SDNRP- PMU

General Members – standing invitations by the Panel Secretariat to the following:

- (i) PMU Executive Director or Director of Operation
- (ii) MoM representative (Mes Aynak Unit)
- (iii) MoM archaeological Advisor (DAFA representative)
- (iv) MCC representative
- (v) WB representative
- (vi) USAID representative

¹Including social, archeological and paleontological assets in the strict context of the EIA/SEIA regulations.

- (vii) MoM archaeological Adviser (MAAP International Team)
 - (viii) Institute of Archaeology Team Leader
 - (ix) UNESCO Representative (Kabul Office)
 - (x) Team Leader, Aynak Mine Compliance Monitoring Project
 - (xi) Archaeological Adviser, World Bank Country Office
 - (xii) Up to 2 additional member on the initiative of the MCC
 - (i) Up to 2 additional member on the initiative of the MoM
 - (ii) Observers may also be invited with the prior permission of the Chairman
- Quorum – the Panel shall be considered quorate if 5 or more members attend

Panel Meetings and Duration

- 1: Panel meetings shall be held In Mom/PMU or Mes Aynac International Camp every 1 month on (TBA), ending promptly at 4pm.
- 2: The Panel Secretariat shall ensure that a schedule for 6 consecutive meetings is maintained and circulated as routine attached to 'Reminder of Meeting / Call for Agenda Items' 'Circulation of Agenda' and 'Circulation of Minutes'.

Specialist Advisory Groups

The Panel shall establish a number of Specialist Advisory Groups to consider selected topics in more detail on behalf of the Panel. These groups are expected to include:

- 'MAAP Scientific Advisory Committee', which will contribute to issues such as a research agenda and conservation strategy for the Project and the procurement and use of specialist technologies such as 3D scanning.
- 'Mes Aynak Museum Committee', in order to begin to address the
- 'MAAP Health and Safety Group' covering issues of security (on site and in the International camp), demining, workers compensation/insurance.
- 'MAAP Logistics Group', to coordinate and facilitate the procurement and provision of equipment, logistical needs and human resources promptly as required.

Membership of each Group shall be decided upon by the Panel Chairman in consultation with the Secretariat.

Each Group shall meet as often as its member so decide, at a venue agreed with the Secretariat (e.g. MoM/ PMU, DAFA etc).

To ensure consistency and communication, the Secretariat (or his nominee) shall attend each meeting of each Group, and report verbally on progress to the next Panel meeting.

Each Group shall report back to the Panel at a special Panel Meeting every 2 months, at which all Groups shall make 10-minute presentations.

Panel Secretariat Responsibilities

- 1: Circulate notification of meeting, one week in advance of each meeting, requesting attendance and items for Agenda.
- 2: Prepare and circulate Agenda 2 days in advance of each meeting.
- 3: Prepare and circulate Minutes (+ Action List) day after each meeting.

Minutes, Agenda and Attached Reports

- 1: Minutes and Agenda shall be so written that they do not contain any information that is confidential, in the opinion of either the Chairman or the MoM/PMU.
- 2: Confidential material will often need to be circulated with the Minutes, Agenda or Attached Reports, and the Panel Secretariat will only do so in PDF, and the PDF shall be password protected, and each page shall be highlighted as CONFIDENTIAL in RED.

Appropriate Organizations

The following entities shall be deemed “appropriate organisations” for considering inviting representatives to Panel or Group Meetings by the Chairman in consultation with the Secretariat, and additional organisations may be considered from time-to-time:

National Environmental Protection Agency (NEPA)

Government organisation, supreme in all environmental matters, and approval of EIA before which mining projects cannot commence, and compliance with environmental monitoring, environmental management and mine closure.

Afghanistan National Standards Authority (ANSA)

Government organisation, supreme in preparing national standards on environment, health, safety etc.

Ministry of Mines (MoM)

Ministry responsible for mineral resources (including oil/gas and industrial minerals), and for encouraging investment in mining and associated infrastructure.

Afghanistan Geological Survey (AGS)

MoM Agency responsible for geological surveying of all types.

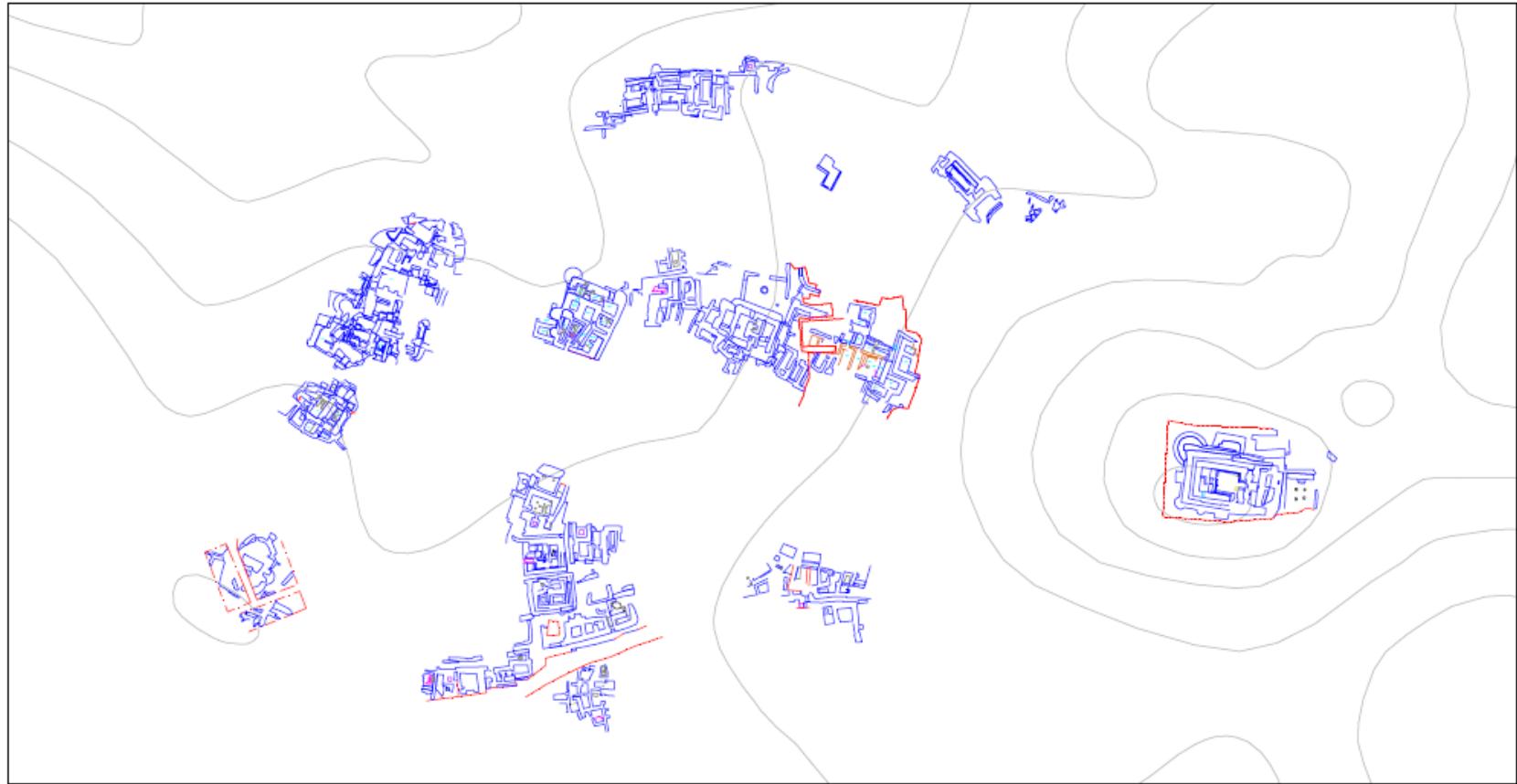
Institute of Archeology (IOA) of the Ministry of Information and Culture

Government organisation, supreme in all cultural heritage issues, including ‘chance finds’ and archaeological screening of mining and infrastructure sites.

Archeological Delegation of France (DAFA)

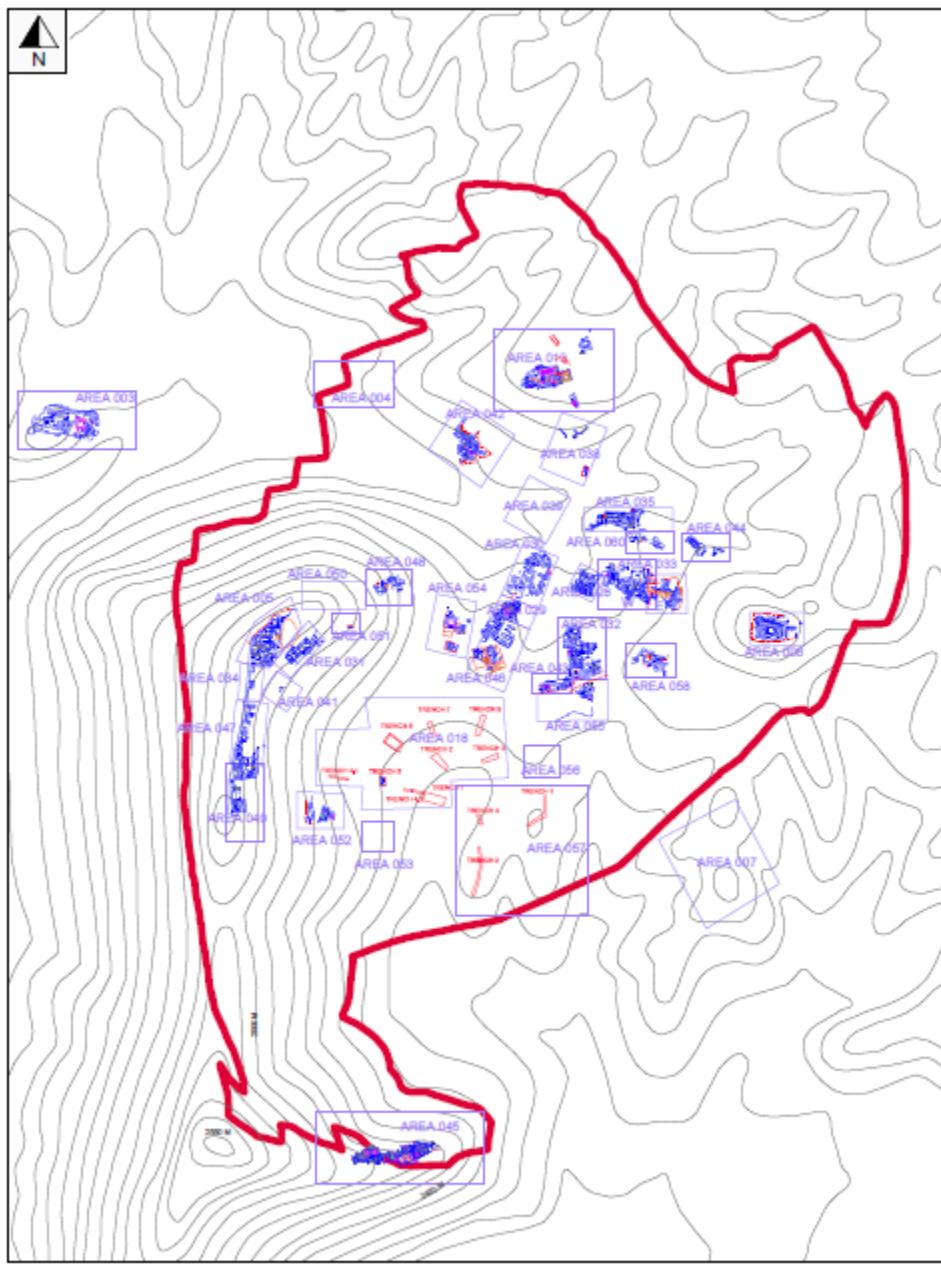
Donor expertise support for Government regarding cultural heritage over the last 90 years.

Annex 3: Mes Aynak Lower Town Image



MES AYNAK LOWER TOWN

Annex 4: Mes Aynak Master Image



MES AYNAK
SURVEY DATA PROVIDED BY R.MARZIANI & K.ROMANTZI

Annex 5: Summary of Procurement by MAAP

A. Summary for Logistics Section:

Description	Total Amount in USD
Field Equipments	164,310
It Equipments	34,115
Diesel Fuel	28,389
Shelter and containers	133,089
Total	360,903

B. Summary for Procurement Section:

Total Transportation Costs	205,340
Total Containers/Accommodation Costs	140,880
Total Rental Heavy Machineries and Trucks Costs	189,256
Field Works (Electricity, Plumbing and proper placement of containers)	30,409
Plywood and Timbers for conservation and removal of Architics	49,626
Total	615,511

Grand Total Amount A + B = USD 976,414

Annex 6: Summary of Procurement by DAFA

Rapport 2010

Shipment of equipment	€ 131.35	Conservation
Restoration equipment	€ 8,839.90	
Plane ticket Conservationist	€ 1,524.61	
Equipments	€ 658.64	
Salary conservationist 3 months	€ 18,044.00	
Fuel for the cars	€ 2,044.00	
Drivers per diem	€ 809.99	
Salary Topographer 1month	€ 2,500.00	
Visas fees	€ 170.00	
Food for the experts	€ 944.24	
Afghan archeologist per diem	€ 2,390.00	
Plane ticket pottery specialist	€ 1,013.00	
Plane ticket topographer	€ 832.00	
Plane ticket Topographer 2	€ 832.00	
Plane ticket conservationist 2	€ 1,069.00	
Plane ticket conservanionist 3	€ 1,069.00	
Car rental	€ 2,520.00	
Salary pottery specialist	€ 1,320.00	
Excavator rental	€ 413.00	
Total depenses a Mes Aynak en 2010	€ 47,124.73	

Rapport 2011	
Chemicals	€ 5,337.00
Conservationist 1	€ 5,420.00
Conservationist 2	€ 5,420.00
Aerial Photographer 1	€ 8,360.00
Aerial Photographer 2	€ 8,360.00
Drivers per diem	€ 597.00
Equipment	€ 1,206.00
Computer	€ 1,496.95
Camera	€ 533.00
Little equipment	€ 592.00
Food	€ 375.00
Fuel	€ 3,406.00
car rental	€ 3,600.00
Plane ticket Aerial photographer 1-2	€ 2,280.00
Plane ticket Aerial conservationist 1-2	€ 2,565.00
Eid gift to INA	€ 1,890.00
Security for the heavy equipement given by DAFA to MoM	€ 6,485.00
Conservationist 3	€ 6,479.00
Plane ticket conservationist 3	€ 1,051.00
Misc	€ 1,532.00
Total depense Mes aynak en 2011	€ 66,984.95

Rapport 2013

Rapport 2013		
Chemicals	€	9,794.73
Construction	€	1,405.31
Main d'oeuvres pour Mes aynak (Prime Eid + Mullah Mira Jan)	€	2,707.80
aerial photographer 1	€	23,625.00
aerial photographer 2	€	23,625.00
Drivers per diem	€	594.20
Conservationist 1	€	6,071.57
Conservationist 2	€	5,967.00
Equipment	€	17.80
Food	€	598.31
fuel	€	1,082.40
car rental	€	1,345.40
Plane ticket aerial photographer 1-2	€	2,644.20
Plane ticket conservationist 1-2	€	2,800.20
Total depense Mes aynak en 2013	€	82,278.92

Total 2010, 2011 et 2012 à MES AYNAK

€ 196.388,60

ANNEX 5. OVERVIEW OF SUPERVISION MISSIONS AND FIELD VISITS

Summary of Bank Missions 2009 - 2012

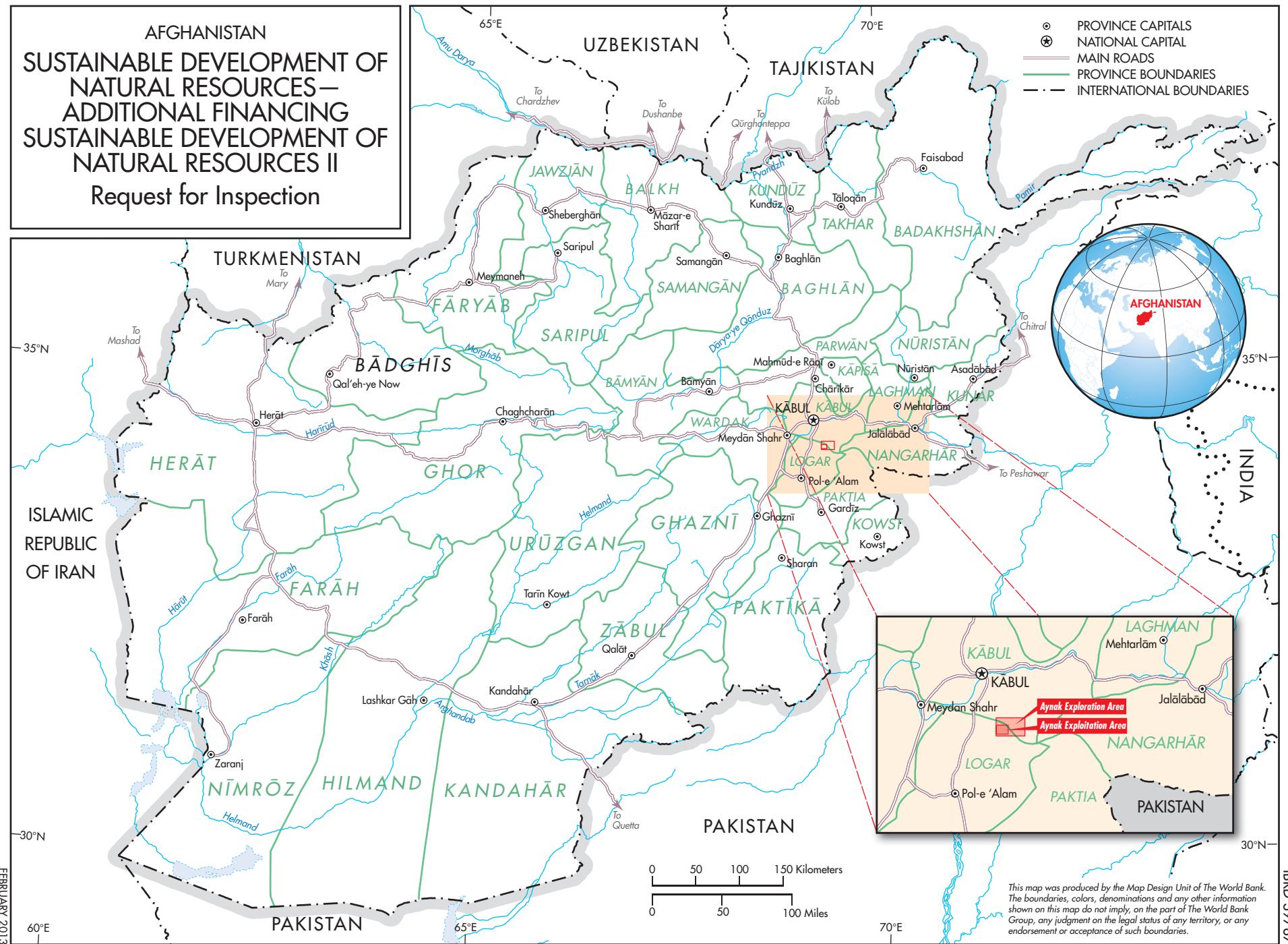
SDNRP-AF and SDNRP2

TTL / Team	Supervision Missions	# Days
		In Afghanistan
1	2009 Dec	7
2	2010 Jan	15
3	2010 April	11
4	2010 May	11
5	2010 Sept	19
6	2010 Oct	12
7	2011 Jan	13
8	2011 Mar	13
9	2011 May	9
10	2011 July	11
11	2011 Oct	9
12	2011 Nov	7
13	2012 Jan	10
14	2012 March	1
15	2012 March	7
16	2012 April	9
17	2012 June	13
18	2012 Sept	9
19	2012 Dec	5
		<hr/>
		191

Additonal Supervision Missions by Team

2012 April	7
2012 October	5
2012 December	6

AFGHANISTAN
SUSTAINABLE DEVELOPMENT OF
NATURAL RESOURCES—
ADDITIONAL FINANCING
SUSTAINABLE DEVELOPMENT OF
NATURAL RESOURCES II
Request for Inspection



AFGHANISTAN
PHYSICAL CULTURAL RESOURCES (PCR)
AT MES AYNAK AND
AYNAK COPPER DEPOSITS

- IDENTIFIED PCR AREAS
- MES AYNAK RED ZONE
- BED ROCK - NO EXCAVATION POSSIBLE
- COPPER DEPOSITS
- CHINESE COMPOUNDS
- WADIS

