



Memorandum of Understanding

Between

The Ministry of Mines and Petroleum

And

SALAH Consortium

November 2017



This Memorandum of Understanding (“MoU”) is entered into and effective upon signing between:

The Ministry of Mines and Petroleum of the Government of Islamic Republic of Afghanistan (the “Ministry”) having its office at Abdul Haq Square, Kabul, Afghanistan, and

The SALAH Consortium (the “Consortium”) a Consortium consisting of seven organizations namely; Afghan Women Education Center (AWEC), Afghan Women Skills Development Center (AWSDC), Cooperation for Peace and Unity (CPAU), Equality for Peace and Democracy (EPD), Peace Training and Research Organization (PTRO), Sanayee Development Organization (SDO) and The Liaison Office (TLO), registered as non-governmental organizations with the government of Afghanistan having its representative office at House 185, Street 2, Khwaja Mullah Area, Kart – e – Se , Kabul, Afghanistan, hereinafter referred individually as “Party” and jointly as “Parties”.

ACKNOWLEDGING the desire of the Parties to broaden and deepen further the Ministry-Civil Society collaboration and joint efforts in the field of extractive sector in Afghanistan in particular among those organizations with reach to the country’s rural areas;

NOTING the opportunities for enhanced community engagement in the extractive sector;

RECOGNIZING the importance and benefits of establishing a format forming a basis for a long term partnership where organizations would build on each other’s strengths in terms of skills, capacity and geographic reach;

DESIRING to raise and extend voice of silent rural majority through research, advocacy, awareness, conflict resolution, protection of community and labor rights and capacity building, and thus to contribute to peace and an equitable development process in Afghanistan and explore non- violent strategies to effect social change; and

PURSUANT to the prevailing Laws and Regulations of the country;

Now, therefore, the Parties hereby agree as follows:

Article 1. Objectives

- 1.1. To improve coordination, information sharing and collection to build peace and enhance development efforts among diverse communities in rural Afghanistan, focusing on alleviating human suffering and population protection.
- 1.2. To provide a forum for and actively support members to promote dialogue, collaboration, learning experiences and information exchange.



- 1.3. To function as multiplier by enhancing the reach outside urban areas, where most NGOs primarily operate.
- 1.4. To function as a bridge between modern and traditional civil society and the Afghan government.
- 1.5. To articulate views and concerns of rural population at local, national, regional and international levels and within key coordination and policy making for and vis-à-vis the local and national government.
- 1.6. To ensure evidence-based advocacy by conducting frequent joint research and consultations in areas of operation.
- 1.7. To undertake advocacy initiatives on behalf of constituency concerns as arising from frequent research and consultations in areas of operation.
- 1.8. To collaborate with other civil society structures on joint advocacy and other initiatives at the national and international level.
- 1.9. To enhance public awareness at international, regional, national and local levels on the security and peace context in Afghanistan.
- 1.10. To develop peace building and leadership skills, especially at the grass-roots level.
- 1.11. To raise awareness for communities on the extractive sector.
- 1.12. To channel information on government policies and plans for the extractive sector and garner local support for transparency and accountability in extractive sector.
- 1.13. To establish desirable relations with the rest of civil society organizations, the government and international community.

Article 2. Areas of Cooperation

2.1. Research and Advocacy- the Consortium will identify key areas of research upon the request of the membership and in consultation with the Ministry to conduct and/or facilitate research and analysis on subjects and areas of interest and the subsequent production of research reports. The research findings will turn into advocacy messages on the basis of which the Consortium will do advocacy at subnational, national and international levels and shall also be shared with the Ministry.

2.2. Awareness Raising and Community Mobilization- the Consortium will raise awareness among the Afghan citizens on extractive industries sector, in particular mining, together with the Ministry's strategies, policies and plans is crucial to garner public support. The Consortium will also facilitate the process to enhance public awareness on the sector and potentially mobilize communities in support of legal mining operations and an equitable development process.



2.3. Dispute Resolution Mechanism/s - The Consortium will help the Ministry to establish credible dispute resolution structures, policies and mechanism/s both at national and sub-national levels to resolve conflicts arising among the communities, local authorities and investors and laborers during the mining operations.

2.4. Protect the Rights of the Communities and Laborers- The Consortium will mobilize local Civil Society Organizations (CSOs) and communities to protect their rights and conserve the environment and heritage in communities where mining operations is taking place. The Consortium will facilitate the process to organize laborers working in the extractive industries sector, and facilitate their access to the Ministry's leadership to raise their voice and protect their rights.

2.5. Capacity Building- the Consortium will build the capacity of local CSOs and involved communities to monitor the mining operations to ensure that the mining companies comply with the terms and conditions of the contract and their corporate social responsibility.

2.6. The Ministry will support the Consortium at national and provincial level by participating in the Consortium's advocacy, training and research initiatives, when required, and give access to information not being confidential on the extractive sector.

Article 3. Amendment

The provisions of this MoU may be amended by mutual written consent of the Parties and such amendments will be effective on the date of signing.

Article 4. Applicable Law

This MoU is subject to the applicable Laws and Regulations of Afghanistan and shall not affect the rights and obligations of the Parties arising out of such Laws and Regulations.

Article 5. Settlement of Disputes

Any differences arising out of interpretation or implementation of this MoU shall be settled amicably through consultation or negotiation based on mutual understanding and good will between the Parties.

Article 6. Entry into Force, Duration and Termination

6.1. This MoU shall enter into force on the day of its signing and shall remain in force for two (2) years and may be extended for a specified period by mutual written consent of the Parties.



6.2. This MoU may not be terminated unless either of the Party gives notice, in written, at least thirty (30) days before the termination of this MoU.

6.3. The termination of this MoU shall not affect the completion of cooperation activities initiated, unless otherwise mutually determined in written by the Parties.

This MoU is duly effective and signed on this ... day of ..., 2017 in English and two copies consisting of six (6) articles, whereas both the copies are deemed original.

For
Ministry of Mines and Petroleum

Nargis Nehan
Acting Minister of Mines and Petroleum

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For
SALAH Consortium

Mirwais Wardak
Managing Director, PTRO

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جمهوری اسلامی افغانستان
وزارت معادن و پترولیم



**Addendum
To
Memorandum of Understanding
Between
Ministry of Mines and Petroleum
And
Salah Consortium**

26 January 2020



This addendum (the “Addendum”) to the Memorandum of Understanding (the “MoU”) signed on October 19, 2017 between the Ministry of Mines and Petroleum (the “MoMP”) and SALAH Consortium (the “Consortium”), collectively referred as (“the Parties”), aims to improve and strengthen the existing cooperation and coordination mechanisms, broaden and deepen further the MoMP-Civil Society collaboration and joint efforts in Afghanistan’s extractive sector.

Now thereof, the Parties to the MoU and the Addendum hereby mutually agree as follows:

Objectives

Article One:

The objectives of the Addendum are:

1. To ensure implementation of the MoU agreed between the Parties;
2. To specify and fulfill further responsibilities of the Parties and areas of cooperation, by developing an action plan;
3. To further strengthen the existing cooperation and coordination mechanisms;
4. To establish a partnership-platform where the Parties would build on each other’s strengths in terms of skills, capacity and geographic reach;
5. To ensure that the combined and voluntary efforts of the Parties have contributed more effectively to the protection, management and sustainable use of natural resources; and
6. To establish and follow a standard reporting mechanism.

Role and Responsibilities

Article Two:

The Parties commit to mutually perform the following:

1. The Parties, within (3) three weeks after signing the Addendum, shall agree upon and develop an annual action plan articulating all activities and commitments under the MoU and the Addendum.
2. The Parties shall establish a joint technical working group to fulfill the responsibilities as per the action plan.
3. The Parties shall agree upon a comprehensive reporting and communication mechanism for the purpose of reporting, participation and publication of the information.
4. For the purpose of liaising between the Parties, DG Plan, Monitoring & Evaluation from the MoMP and (The Liaison Office - TLO) from the Consortium shall act as the focal point for coordination of activities and reporting;
5. The focal points shall promote a coherent communication, data and information sharing, outreach and dissemination of information between the Parties.



6. The Parties may identify and propose other areas of collaboration for future cooperation, including those relating to the new and emerging issues in the extractive industry which may not have been articulated in the MoU and the Addendum.
7. The Parties shall extend full support to each other on implementation of activities undertaken under this addendum or original MoU.

Responsibilities of the Consortium

Article Three:

The Consortium shall:

1. Prioritize its activities based on recommendations and priority areas of the MoMP;
2. Participate in the Technical Working group established in the MoMP to develop the action plan;
3. Provide quarterly report consisting of work progress, activities newly started, accomplished and uncompleted activities within the time frame and in-line with the action plan;
4. Provide specific recommendations and establish reasonable benchmarks to be considered by the MoMP to establish periodic reporting obligations;
5. Provide the opportunities for the employees of the MoMP to participate in the relevant training programs; and,
6. Implement all of its activities in coordination with the MoMP and as per the applicable Laws, Regulations and Policies of the government, provisions of the MoU and the Addendum.

Responsibilities of the MoMP

Article Four:

The MoMP shall:

1. Extend its full support to the Consortium for better implantation of the MoU and the Addendum;
2. Coordinate with its central and provincial Directorates to take reasonable actions for facilitation of appropriate environment for the implementation of the action plan;
3. Introduce participants for the training and awareness programs conducted by the Consortium;
4. Strongly consider and attempt to fulfill all recommendations and benchmarks recommended by the Consortium;
5. Provide guidance to the representatives of the Consortium while visiting the mining areas; and,



6. Review reports and give constrictive and valuable Feedback and recommendations for the purpose of proper implementation of the action plan.

Confidentiality

Article Five:

The Parties shall ensure that any confidential information and/or data collected as a result of activities under the MoU and the Addendum are preserved as confidential and are not disclosed to any third party provided that the Parties have mutually agreed in written to share and/or disclose.

Dispute Resolution

Article Seven:

1. The provisions of the MoU and the Addendum are not binding in nature. The Parties may have same understandings with other organizations.
2. However, anys disputes arising from the MoU and the Addendum shall be resolved through negotiations and discussions.

Termination

Article Eight:

1. If either of the Parties fail to fulfill its commitment(s) stipulated in the MoU and the Addendum, other Party has the right to terminate the MoU provided that an advance (30) thirty days written notice is issued to the other Party.
2. In any event of the termination as per clause (1) of this Article, the effect of the termination shall apply only on the activities and the responsibilities within the MoU and the Addendum falling on/after the date of the termination notice.

Enforceability

Article Nine:

1. Upon signing the Addendum, the Addendum shall become effective and be integral part of the MoU.
2. Any provision of the MoU not added and/or amended by the Addendum remains effective and is governed as per the MoU.

Term

Article Ten:

1. The Addendum upon its signature by the Parties shall be in effect for a period of (1) one year.



2. Signing the Addendum automatically extends the period of the MoU for the period mentioned in clause (1) of this Article.

For:

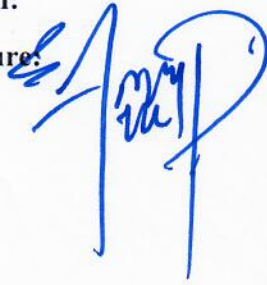
The MoMP

Name: *Enayatullah Momand*
Acting Minister.

Position:

Signature:

Date:



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For:

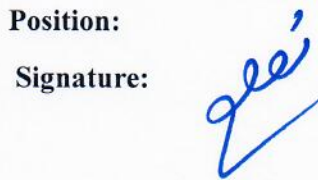
The Consortium

Name:

M. Tawab

Position:

Signature:



Date:

26 / January / 2020

