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PROJECT CONCEPT NOTE

ON A  
PROPOSED GRANT  
IN THE AMOUNT OF US\$18.5 MILLION  
TO THE  
GOVERNMENT OF THE  
ISLAMIC REPUBLIC OF AFGHANISTAN

FOR A

TECHNICAL ASSISTANCE FOR THE  
AFGHANISTAN INDEPENDENT LAND AUTHORITY - ARAZI  
(P153932)

March 27, 2015

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**PCN DATA SHEET**  
**Afghanistan**  
**Afghanistan Independent Land Authority Support Project (P153932)**

**PROJECT CONCEPT NOTE**  
**SOUTH ASIA**

<b>Basic Information</b>			
Project ID	Lending Instrument	EA Category	Team Leaders
P153932	Grant	B - Partial Assessment	Asta Olesen
Project Implementation Start Date		Project Implementation End Date	
January 17, 2017		January 16, 2021	
Joint IFC			
No			
Practice Manager	Sr. Practice Director	Country Director	Regional Vice President
Maria C. Correia	Ede Jorge Ijjasz-Vasquez	Robert J. Saum	Annette Dixon
<b>Project Financing Data</b>			
<input type="checkbox"/> Loan	<input checked="" type="checkbox"/> Grant	<input type="checkbox"/> Guarantee	
<input type="checkbox"/> Credit	<input type="checkbox"/> IDA Grant	<input type="checkbox"/> Other	
<b>For Loans/Credits/Others (US\$M):</b>			
Total Project Cost: 18.50		Total Bank Financing: 18.50	
Financing Gap: 0.00			
<b>Financing Source</b>		<b>Amount</b>	
BORROWER/RECIPIENT		00.00	
Grant (ARTF)		18.50	
Total		18.50	
Borrower: Islamic Republic of Afghanistan			
Responsible Agency: Afghanistan Independent Land Authority (Arazi) District # 7, Opposite to Darulaman Palace, Kabul – Afghanistan <a href="http://www.arazi.gov.af">www.arazi.gov.af</a>			
Contact: Jawad Peikar		Title: Chief Executive Officer	
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<b>Institutional Data</b>				
<b>Sector Board</b>				
Social, Urban, Rural and Resilience				
<b>Sectors / Climate Change</b>				
Sector (Maximum 5 and total % must equal 100)				
Major Sector	Sector	%	Adaptation Co-benefits %	Mitigation Co-benefits %
General public administration sector		80		
General agriculture, fishing and forestry sector		20		
Total		100		
<input checked="" type="checkbox"/> I certify that there is no Adaptation and Mitigation Climate Change Co-benefits information applicable to this project.				
<b>Themes</b>				
Theme (Maximum 5 and total % must equal 100)				
Major theme	Theme	%		
Environment and Natural Resources	Land administration and management	70		
Public Sector Governance	Other public sector governance	10		
Rule of Law	Judicial and other dispute resolution mechanisms	10		
Social Development / Gender	Participation and civic engagement	10		
Total		100		
<b>Private Capital Mobilized</b>		No		
<b>Gender Tag</b>				
Does the activity plan to undertake any of the following? Please select Yes or No for each: Gender analysis and/or consultation on gender related issues. Yes Specific actions to address the distinct needs of women and girls, or men and boys, or positive impacts on gender gaps.				

Yes

Mechanisms to facilitate monitoring and/or evaluation of gender impacts.

Yes



## **I. Introduction and Context**

### **A. Country Context**

1. Afghanistan continues to struggle to overcome almost three decades of war and civil strife. Its political context remains complex and dominated by the Taliban insurgency, narcotics production, and weak governance and rule of law. After twelve years of state building Afghanistan remains a fragile state. Elections in 2013 have resulted a new President and a unity government committed to address the country's political and economic challenges.

2. Afghanistan's development depends to a large extent on the efficient use of its land resources. Demand for agriculture land and for commercial development is high, while at the same time, the Government puts a lot of efforts into developing Afghanistan's physical infrastructure. Natural resources and agriculture are the only sectors with the potential to drive the required growth to cope with fiscal and demographic pressures. While Afghanistan's growth is projected at an average annual rate of 4.9 percent during the period of the transformation decade 2014-25, there is a potential to increase it to 6.7 percent, depending on an appropriate enabling environment, including security, and good progress in the two key drivers of growth, agriculture and the resource sector. In a high-growth scenario, the latter will directly contribute 3 percent to growth during 2014-17, and then 1.6 percent in 2018-25. However, this growth will not be inclusive unless it is leveraged to create broader benefits and growth breaks out of "enclave" investments.

3. The delivery of basic government services, especially for land administration and management including land registration and dispute resolution, has not met the expectations of citizens, while mechanisms to hold the government accountable for delivery of such services have been undermined by corruption and lack of capacity. The Government of the Islamic Republic of Afghanistan's (GoIRA) strategic vision for the Afghanistan Independent Land Authority (Arazi) is to achieve this through the provision of a balanced approach between (a) pro-poor land administration services in support of individual and collective tenure security through land registration, and (b) land allocation and the provision of land to support private sector investment in infrastructure, natural resources, agriculture and industry.

4. There is a strengthening global trend towards improved governance of land tenure, as reflected in the dissemination and adoption of the United Nations' Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries (VGGT).<sup>1</sup> It is critical that Afghanistan develops an effective and transparent land administration and management system with the capacity to respond to users' demands in order for the state to provide a stable and secure land and property rights system for citizens and investors. While recognizing that outcomes from investments in the land sector are long-term in nature, GoIRA will also face increasing pressure to show progress in service delivery. An effective, efficient and transparent land administration and management system is crucial to the establishment of stable conditions necessary for peace, economic growth and poverty

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<sup>1</sup> The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment. They were officially endorsed by the Committee on World Food Security on 11 May 2012. Since then implementation has been encouraged by G20, Rio+ 20, United Nations General Assembly and Francophone Assembly of Parliamentarians.

reduction. However, the establishment of services will have to be undertaken within the context of decreasing external resources for investment in all areas: from infrastructure, to equipment, to personnel and operating and maintenance capacity.

## **B. Sectoral and Institutional Context**

5. More than 85 percent of the Afghan population is living in rural areas, and with 80 percent of the workforce in the agricultural sector that comprises 60 percent of its GDP, the Afghan population is decidedly dependent upon land and natural resources. Investments and growth in agriculture and agriculture-based industries heavily depend on a transparent policy and regulatory framework. Equitable growth and employment generation in the agriculture sector, agribusinesses and extractive industries depend on clear and secure land rights that protect the resource access of the poor, prevents land grabbing, and balances the interests of investors and in particular small landholders. Land was flagged as a major unmet issue for private sector development in the current Interim Strategy Note (ISN) and noted as warranting more attention.

6. The current institutional framework for land management and administration is not conducive to an inclusive, pro-poor economic development. Outdated systems, overlapping responsibilities, lack of capacity at local levels, conflicting systems for land ownership, and uncertain or incomplete legal frameworks, compounded by decades of conflict and widespread displacement, result in competing claims to land and conflicts between individuals, among communities, and between citizens and the state. The resulting lack of tenure security and the far majority of legal disputes are reportedly related to land issues, although still, a large proportion of people seek dispute resolution through informal justice mechanisms.

7. Conflict, vulnerability, and land disputes have been greatly heightened by the massive population displacement that has occurred in Afghanistan. Millions of refugees and displaced Afghans have returned to their homes since 2002 with thousands still arriving annually, and many citizens remain displaced within the country. United Nation's High Commission for Refugees (UNHCR) reported (in 2011) that 74.3 percent of returnees did not have access to farmland and there has been a definitive link between displacement and increase in land disputes, particularly between different ethnic and religious groups. Internationally, restoration of property rights is recognized as a major factor in enabling Internally Displaced Peoples (IDPs) and returning refugees to restore their livelihood.

8. The most potent of the communal land-related conflicts are between pastoral nomads and settled farmers, over access to contested pasture lands, and disputes over pasture lands represent up to 60 percent of all land disputes. Many of these conflicts are rooted in contesting groups' alignment with different and shifting power alliances at central level. Claims by different parties, including in particular the state, on non-farm lands, i.e. pastures has included the state as a major party in many conflicts over land.

9. Afghanistan lacks an effective, transparent, accessible administrative system of land registration. In only a relatively small proportion of the country, and primarily in urban areas, do landowners hold court-registered deeds. The judicial system of land administration is widely acknowledged as being corrupt, favoring the powerful and being not pro-poor. International good practice is to move to administrative systems for land registration and this

is the model preferred by Arazi, its cadastral department and many from civil society – and is reflected in the proposed amendments to the Law on Managing Land Affairs.

10. A National Land Policy was approved by the Cabinet in 2007, but the main land related laws are neither fully aligned with the National Land Policy, nor are they supported by proper regulatory frameworks. In addition, the limited and outdated land cadaster (covering only around one-third of total land) and land registration plus the prevalence of customary claims, and communal land rights pose substantial problems for resolving conflicts and disputes. As a result, access to land is one of the major constraints for private and public investments across all sectors. Agricultural development, and rangeland rehabilitation is severely hampered by the lack of clear tenure rights.

11. There is no country specific resettlement policy in Afghanistan, and both the draft Law on Managing Land Affairs. and the draft Law on Land Expropriation are yet to be approved and fully operationalized in terms of requisite implementing rules and regulations. Despite ongoing assistance and discussions, they will likely still fall short of good international practice in several areas. The lacunas in the regulatory framework are further compounded by the weak implementation capacity and coordination difficulties on the government side, and results in substantial inconsistencies in application of the law.

12. The Arazi leadership is aware of the issues and challenges and has responded by formulating an Operational Strategy that envisages improvements in governance and service delivery by establishing a transparent policy and regulatory framework building on the National Land Policy, moving to an administrative land registration system, and revising the Law on Managing Land Affairs and the draft Law on Land Expropriation to be more explicitly pro-poor. In May 2013, Arazi was designated as the independent government entity for land administration and management in accordance with the Cabinet Resolution # 11 dated 27 May 2013. Arazi currently has about 1,100 civil service staff, plus 200 contract staff. 300 are employed in the Kabul Central Office, 1,000 in 34 provincial offices. Capacity building to increase their technical knowledge and performance, and improve the quality of service delivery, will be key to the success of the proposed project.

13. Arazi as the government’s designated lead agency in the land sector will consult and coordinate with other land-related agencies, in particular Ministry of Mines, and National Environmental Protection Agency (NEPA).

### **C. Relationship to the Interim Strategy Note (ISN)**

14. The Arazi Support Project supports all three strategic pillars of the ISN (2012-14): (i) building the capacity of the state and its accountability to its citizens; (ii) promoting growth of the rural economy and improving rural livelihoods; and, (iii) supporting growth of the formal private sector.

15. The land sector and the judicial approach to land registration in Afghanistan are marred by corruption. The existing system is not pro-poor and is beyond the reach of almost all Afghan citizens. Only a very small proportion of the country is covered by registered deeds under the court system. Different projects have over the last ten years made efforts to digitize the courts’ land documents. However, even in the recent effort to this effect by the

Afghanistan Investment Climate Facility Organization (Harakat)<sup>2</sup> land records and documents are not verified in the process, nor has it any influence on the courts' performance on land issues. Arazi in its Operational Strategy emphasizes the preference of an administrative land registration system, which is facilitated by the establishment of Arazi as an independent authority. International good practice indicates that an administrative system is more efficient, effective, pro-poor and is more conducive to supporting business investment. However, the challenges for Arazi are enormous as a lot of pressure can be expected to retain the status quo, which favors the powerful and is prone to corruption.

16. The proposed project will especially address the Second ISN Pillar by supporting the tenure security of rural landowners and assisting with the formulation of a pro-poor land allocation policy. More than 85 percent of the Afghan population is living in rural areas and by occupying 60 percent of the working population, agriculture is by far the largest employer, which means that rural development will continue to play a crucial role for the sustainability of growth. The effective management of land is critical to Afghanistan's development particularly so as only about 12 percent of total land area is arable. The actual area under cultivation each year is substantially less than that, mainly because of shortage of irrigation water, which leads to most arable land being cropped on rotational basis.

17. Furthermore, the proposed project supports the Third ISN Pillar, by facilitating the access to land for private sector investment through the development of transparent procedures and monitoring land leasing. The proposed project complements the Afghanistan Resources Corridor Project (ARCP) but looks more broadly beyond the resources corridor to support private investment nationally. Under the third pillar, promotion of land access for private investment will provide for growth and development of mineral resources, infrastructure, manufacturing, communities and employment-creating sectors, viz. agriculture, construction and enterprise development.

#### **D. Rationale for Bank Engagement and Choice of Financing Instrument**

18. The proposed project would be complementing and expanding the land sector activities supported under the "Afghanistan Resource Corridor Project" (ARCP). Under the ARCP, the Bank is engaged in addressing the land-related constraints to the development of the mining sector in Afghanistan. The Project will also learn from and build on the results and processes of the Land Governance Assessment Framework (LGAF), currently ongoing. In addition, the Bank has provided technical assistance for the review of policies and laws. All past and ongoing assistance has laid the ground for a comprehensive support project to address the institutional constraints of ARAZI, which will subsequently further facilitate the implementation of also other infrastructure and economic development projects.

19. The Bank will be able to bring leading international experts in land, from within and outside the Bank, including the partnership with Food and Agricultural Organization of the United Nations (FAO), to inform the design and support the implementation of the proposed operation. The project design and implementation will benefit from lessons learned from other similar Bank-supported land administration projects in the region as elsewhere where

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<sup>2</sup> Harakat is an independent, non-profit, Afghan-managed organization that aims to improve Afghanistan's business environment. We provide grant funds to the private sector, government and civil society to implement activities to reduce or remove barriers that currently make it difficult to do business in Afghanistan

e.g. a fit-for-purpose approach<sup>3</sup>, the establishment and use of the national Land Information System (LIS), and other land sector issue have been successfully addressed. This will include the promotion and compliance with World Bank safeguard policies, facilitating future Bank and other partner-supported projects in the country.

20. In the current situation in Afghanistan, a grant-funded project is the only feasible solution to supporting the improvement of land sector public service delivery. Annex 3 contains a list of related Bank-supported projects.

## **II. Proposed PDO/Results**

### **A. Project Development Objective**

21. The Project Development Objective (PDO) is to support the Afghan Government to develop the policy and regulatory framework and build capacity to deliver transparent, pro-poor land services.

22. The project aims to support:

- a. the establishment of an affordable and accessible land registration system;
- b. raising public awareness, knowledge and understanding about laws and regulations governing the land sector;
- c. developing processes and service standards for Arazi's core functions;
- d. improving the implementation capacity of the Afghan Government to deliver its services;
- e. the effective and efficient use of state land for equitable socio-economic development.

### **B. Key Results**

23. Key results are:

- A. Administrative land registration system designed and approved.  
This will include the development of policy and regulatory framework and the development and testing of key processes and procedures to also enable registration of informal/customary claims and communal land rights (including usufruct rights).
- B. Land information system (LIS) developed and under implementation.  
This will include the design of a "fit-for-purpose" LIS, to support the land administration and management, with survey maps and plans computerized, stored and easily accessible.
- C. Administrative dispute resolution system operational and monitored.  
This will include the development and official recognition of community-based systems for land disputes resolution.
- D. Land access system and procedures for gender sensitive, pro-poor land allocations and investment developed and operational with monitoring.  
This will include the development and endorsement of a policy and implementation procedures for the allocation of state land to poor and landless families. The

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<sup>3</sup> Enemark, S., et al (2014) Fit-For-Purpose Land Administration, Joint publication by the International Federation of Surveyors and the World Bank, 2014. (FIG Publication No. 60).

development of transparent implementation processes and procedures for state land allocation for private investments will also contribute to growth and employment.

- E. Arazi is strengthened and with improved capacity to deliver its public sector functions in the land sector.

This will include the establishment of a training center and the development of processes for more efficient and effective service delivery.

24. The **key beneficiaries** of the project will be: (i) the individuals, families and communities who will receive secure tenure rights and better, affordable access to land administration services based on administrative rather than judicial processes; (ii) landless people who receive secure access to land for their homes and livelihoods; (iii) private investors who receive allocations of land for investment purposes in accordance with accountable and transparent land management; (iv) Arazi which will enhance its capacity, is strengthened to deliver services in accordance with agreed services standards; (v) citizens and businesses who will be able to access independent, accountable administrative procedures for land dispute resolution. Arazi, as the national authority responsible for land administration and management, must be strengthened to ensure it can serve the needs of both the poor and investors to support the socially responsible economic development of Afghanistan.

### **III. Project Context**

#### **A. Concept**

25. The project is designed as primarily a technical assistance (TA) project that will prepare and strengthen the newly independent Arazi for its tasks as a transparent and responsive service provider in the land sector. Development of policies, regulations and implementation procedures and respective staff capacity will be driven by a gender-sensitive and pro-poor approach, which will facilitate the role of the land sector in equitable economic growth and employment generation. The project will build on the assistance and earlier achievements of land sector support interventions. This particularly includes the assistance to Arazi provided under ARCP. The LGAF, currently being conducted will provide further guidance for the detailed project design. As part of the Lessons-Learned documentation, during preparation phase a comprehensive Social Assessment taking stock of earlier analytical work and pilots in dispute resolution, land registration, as well as identification of major stakeholder and political economy dimensions of land governance reforms will be conducted.

#### **1. Description**

26. The proposed project is envisaged as a the first phase of a longer engagement in the Afghan land sector, initially focusing on institutional strengthening, capacity building and policy development of Arazi in support of land sector reform. Addressing urban land issues will be part of the longer-term programmatic approach for the Bank's land sector support. The project will build upon the lessons and experiences of the Land Reform in Afghanistan (LARA) project and its predecessor, the Land Tenure and Economic Restructuring Activity (LTERA) (2004-09). Support under this project will be aligned with the assistance provided under the ARCP. It will also support the implementation of Arazi's operational strategy to become a modern public land services institution. Under ARCP, support will be provided to Arazi, to begin the process of "clearing" titles to land along the key resource corridor segments. "Clearance" refers to the surveying of land, cataloguing the claims to parcels of it, and resolving such claims to establish clear titles. ARCP is planning to fund the equipment

and staff needed to initiate this task, which is an urgent priority for the development of the resource corridor, since land acquisition will be on the critical path of many investments, and title clearance is a pre-requisite for socially responsible acquisition. The support for the Land Clearance process under this project, as well as all other support, will be guided by the urgent need for more transparency and stronger community involvement to protect the rights and livelihood of people affected by land acquisition. This will involve the design of country-specific processes that are also in line with Bank safeguard policies.

27. Specifically, the proposed project will consist of four components focused on institutional strengthening and capacity building of Arazi through the development of an administrative system of land registration, policy and land access, which are further described below. Activities under Component 1 and 2 are inherently interconnected. Component 3 responds to growing pressure on Arazi to address the growing problem of returnees and IDPs as well as the need for providing land for sustainable economic development. Activities will be calibrated in relationship to the Government's policy and supported by a public consultation process. This will be further shaped by ongoing analytical work. Policies and regulations will be subject to environmental and social impact assessments to analyze the potential downstream impacts.

### **Project Components:**

#### **Component 1: Development of a Modern Land Registration System (US\$ 8million)<sup>4</sup>**

28. This component will support the development of an administrative land registration system that draws upon relevant international good practice and modern technology and delivers affordable accessible services to individuals, the community and business in accordance with accountable, transparent services standards. The Cadastral Department under Arazi reports that by around 1970, it had surveyed around 34 percent of the country. There is a need to review and update these old plans and computerized records. Further, the current capacity of Arazi to cover the country, both rural and urban, using conventional field surveying, especially given security issues, will preclude the completion of a national mapping coverage of land parcels from being achieved in the short-medium term. New technology involving imagery acquisition from high resolution and aerial means will be tested and Arazi needs to adopt appropriate fit-for-purpose Information Communications Technologies (ICT) as a key element of its service delivery, including a national LIS, records management system, work-flow and communications.

29. Three subcomponents will deal with (i) the Land Registration System Development, (ii) Institutional Strengthening and Capacity Building for Arazi at national and subnational level; and (iii) Public Awareness Raising, including the development of Information, Education and Communications (IEC) material and training of facilitators.

#### **Subcomponent 1.1: Land Registration System Development**

30. This subcomponent will finance the necessary technical advice to develop an administrative land registration system and build capacity of Arazi personnel in the areas of surveying, mapping, adjudication, land registration, service delivery and land records management. It will review and revise the procedures for surveying and land clearance (Tasfiya, i.e. the collection and validation of evidence of land ownership and rights) and establish a more efficient and effective process through participatory community

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<sup>4</sup> A first estimate of project costs has been made. Total costs would amount to an estimated US\$ 18.5 million.

involvement. The subcomponent will build upon developments from the LARA and other projects and will harmonize with investments under the Afghanistan Resource Corridor Project (ARCP).

31. The subcomponent will also finance the further development of the national LIS and secure land records management system based on open-systems technology and train Arazi in the operation and maintenance of the system, including the necessary TA and advisors. The LIS will be land parcel based, and will be developed in accordance with defined standards for accuracy and conform to national standards for coordinate systems. The LIS would also support any future land use planning and monitoring of land investment requirements of GoIRA. The subcomponent will develop effective and efficient service delivery procedures, including manuals and also service delivery standards and tools for monitoring compliance with these standards. This subcomponent will also support procurement of the necessary communications systems and setup at both central and selected local offices. Also under this component old survey plans will be computerized and brought into the LIS. Further, some small pilots over several selected areas using satellite and/or aerial imagery will be undertaken to test alternative approaches to field surveying. This may utilize existing suitable high-resolution (0.5 meters or better) imagery from available and accessible sources.

### **Subcomponent 1.2: Institutional Strengthening and Capacity Building**

32. This subcomponent will finance the establishment of a Land Administration and Management Training Center under Arazi, taking over the current small training center established under the Ministry of Education that provides vocational training for surveyors. The training center currently provides technician-level training for cadastral surveying over two years (4 semesters) with the teaching provided by the Institute (three semesters) and a final semester of practical experience working under Arazi provincial offices. However, the current syllabus is outdated and requires a major review to reflect Arazi's new priorities, including development of an administrative land registration system. Under this subcomponent, technical advice will be provided to develop training courses, syllabi and training materials, which will be independently evaluated. The training center, placed under Arazi, will be provided with the necessary office equipment, and adequate equipment, including IT and software for surveying and geographic information systems. Opportunities to strengthen the center with linkages to leading international technical training university will also be explored. In addition, opportunities for South-South cooperation and training would be supported with possibilities to be explored in particular in the South Asia region. Support to build Arazi capacity could be provided through the centers in South Asia established with World Bank support under the Management of Land Acquisition, Resettlement and Rehabilitation (MLARR) Program. Specific cooperation possibilities could also exist with the Turkish Cadaster Agency. Support could also be provided by the FAO's Land Tenure Service to strengthen overall Arazi capacity drawing on relevant international experience. In addition training would be supported to develop Arazi's capacity to perform its functions as an independent state agency including human resources, procurement and financial management.

### **Sub-component 1.3: Public Awareness Raising**

33. This subcomponent will finance TA to develop procedures and IEC materials for public awareness raising and will provide training to Arazi staff. In addition, the subcomponent would train local community facilitators to support the outreach of knowledge of Arazi's services, including land survey using satellite imageries, Tasfyia and dispute resolution processes. It will particularly include public awareness raising about people's right in land

issues, including the awareness about grievance mechanisms to be developed by Arazi in line with international good practice and Bank standards, and which are to be applied specifically in Tasfiya and land dispute resolution processes. Particular emphasis will be on reaching out to women and other marginalized groups.

### **Component 2: Strengthening Land Policy and Regulatory Framework (US\$ 3million)**

34. There are numerous policies and laws, enacted or under preparation in different Ministries, that impact on the land sector, including the Forestry Law, Rangeland Law, Minerals Law, Environment Law and others. This component would support the review and where applicable the revision of the land policies and laws, including laws and implementing regulations to enable Arazi to implement its mandate under the Law on Managing Land Affairs and other laws, including the Land Expropriation Law, in a consistent framework and in accordance with pro-poor land policies and good land governance. Afghanistan's current Land Policy was approved by Cabinet on 3rd September 2007. This policy document is still relevant and provides the guidance for the institutions acting in the land sector. However, it is in need of update, and reflecting Arazi's new role and plans in the land sector. The project's policy program will draw upon priorities agreed under LGAF and associated policy dialogue with GoIRA funded under the ARCP. Assistance in operationalizing the 2007 Land Policy (and Forest Law) and the recommendations of the LGAF results are expected to provide the basis for improved process and gender-sensitive outcomes of community-based natural resource management, including climate change adaptations and climate smart (agriculture) resource management techniques. .

35. Two subcomponents will address: (i) Land Policy Development, including support of drafting laws and regulations and support for the establishment of the envisaged High Council for Land and Water; and (ii) Land Dispute Resolution, including the social assessment of experiences over the past ten years including the recent Arazi/United States' Institute of Peace (USIP) pilots, and the regularization of processes of local customs and traditions.

#### **Subcomponent 2.1: Land Policy Development**

36. This subcomponent would support the policy development, with policy priorities identified as: (i) administrative system of land registration; (ii) administrative dispute resolution; (iii) fair and just compensation for compulsory land acquisition; (iv) private sector land surveying; (v) land use planning and land classification. Gender-sensitive policy formulation will be complemented by support to the legal process of drafting of laws, regulation and implementation procedures. Policy development priorities would be confirmed during the LGAF policy dialogue process, which is supported under ARCP. Given the inter-ministerial engagement in the land sector, especially concerning land allocation for investment development, the establishment and functioning of a High Council for Land and Water, as envisaged in Arazi's Operational Strategy, will be supported, with a secretariat established under Arazi. This subcomponent funds technical advisors, and a comprehensive, participatory consultation and public awareness raising process as well as training of the policy secretariat staff and incidental costs for meetings of the council.

#### **Subcomponent 2.2: Land Dispute Resolution**

37. Land continues to be a major source of conflict, and for the main population access to judicial resolution of land disputes is neither affordable nor timely. The greater majority of the population, and indeed civil society, view the courts as corrupt and favoring the powerful. In accordance with international good practice, this component would develop administrative

dispute resolution procedures. The sub-component will assess the multitude of dispute resolution pilots of the last 10 years in Afghanistan, including the recent Arazi/USIP pilots in Khost and Kunduz, and the procedures prepared under LARA, develop procedures that will build on good practices and the consideration of local customs and traditions and train local facilitators and Arazi officials. In addition, this subcomponent would develop IEC materials to promote public awareness of dispute resolution and also support regular gender-disaggregated reporting of the outcomes of dispute resolution to foster transparency and public confidence.

### **Component 3: Land Access (US\$ 1.5 million)**

38. This component will support the formulation of a policy and the establishment of transparent and accountable procedures for the allocation of state land for (a) landless individuals and families to provide for secure tenure in support of housing and livelihoods in rural and urban areas; and (b) the allocation of land to support private sector investment in agriculture, natural resources, infrastructure and industry through land distribution, land leasing and establishment of industrial parks. This subcomponent will focus on the development of a land allocation policy and strategy with potential piloting of agreed approaches.

39. Two subcomponents are envisaged to address the need for (i) Land Allocation to Landless Poor, including the development of procedures for land identification, eligibility criteria and supporting services; and (ii) development of more transparent procedures for Land Access for Private Sector Investment, including improvements in accountability, compliance and reporting. Land allocation and land access procedures will focus on using undisputed public land for distribution and will include a strong public consultation process around intended uses of such land. Even though absolutely no involuntary resettlement should be envisaged, processes will include mechanisms for fair and just compensation should any land acquisition possibility be included in policies and procedures. All proposed law amendments, regulations and procedures will be subject to an Environment and Social Assessment (ESA), to assess potential downstream, including gender impacts.

#### **Subcomponent 3.1: Land Allocation to Landless Poor**

40. This subcomponent would evaluate past and current experiences in Afghanistan with land allocation approaches, in particular but not exclusively the experiences with returnees and IDP. Based on the assessment, support will be provided for the development of: (i) procedures for the identification of available lands for allocation; (ii) the eligibility criteria and processes for the selection of potential recipients of land to be allocated; and (iii) supporting instruments and conditions for land allocation to landless individuals and families. This subcomponent would draw upon relevant international good practices for land allocation to landless and post-disaster/post-conflict resettlement. In addition, this component would train Arazi staff and other relevant stakeholders in land allocation policy and procedures.

#### **Subcomponent 3.2: Land Access for Private Sector Investment**

41. This subcomponent would support the development of more transparent procedures for the allocation of land for private sector investment through state land identification and land leasing. In addition, this subcomponent would support the development and implementation of a monitoring system and procedures to ensure that all land allocated to private sector investment comply with prescribed conditions and covenants. Further, to improve accountability and transparency, procedures and a system for publication of all allocations would be established including annual reporting of compliance and cancellations and

variations of any investments. The subcomponent would support the preparation of public information materials and the training of staff.

#### **Component 4: Project Management (US\$ 6million)**

42. This component will support overall project management through: (i) providing necessary key contract staff in the Project Implementation Unit (PIU) to assist Arazi in managing project implementation including procurement and financial management; and coordination with other projects including the Afghan Resources Corridor Project; and (ii) monitoring and evaluation (M&E) of project implementation and impacts. As part of the advisory role on institutional strengthening, Arazi will be assisted in complying with Capacity Building for Results (CBR) principles and integrating into the CBR<sup>5</sup> program.

43. Two subcomponents will address: (i) Project Management, establishing and running a Project Implementation Unit (PIU) financing of advisors and critical equipment for implementation; and (ii) Monitoring and Evaluation, efficiently and effectively operating an M&E system. .

#### **Subcomponent 4.1. Project Management**

Under the project a PIU would be established with staffing to support project management, planning, financial management, procurement and specific technical staff. The operation of the PIU would also serve the purpose of strengthening Arazi's own administrative requirements as a government authority. This subcomponent would finance the hire of key contract staff for the PIU including a Project Implementation advisor, a Financial Management Advisor, a Procurement advisor, translators, as well as computing hardware and software and systems development to support the implementation of the project. Training will be provided in project management, reporting, planning, financial management and procurement. To enable TA to operate from within Arazi's central office, this sub-component would provide renovated office space, and office equipment. Also, the subcomponent would support translators, drivers and provide a small number of armored vehicles for transport.

#### **Subcomponent 4.2. Monitoring and Evaluation**

44. Effective implementation of this project will require the early implementation of an M&E system at all levels (central and regional). This subcomponent would also finance training, and systems development for the implementation of the M&E system. M&E will be implemented at national and local levels. This sub-component would also finance incremental operating costs (IOC) to support travel, office consumables, meetings and miscellaneous small expenses. This component would also support any necessary coordination and liaison with other donor support to Arazi and the Afghan land sector.

45. At the end of Year 2, a MTR will be conducted, including a review of the project's social impacts and clients' satisfaction to provide feedback, prepare support on sequencing and the preparation of a future programmatic approach. Support and funding will also cover the environmental and social impact assessments to be conducted on draft policies and regulations.

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<sup>5</sup> The Capacity Building for Results Facility (CBR) supports capacity and performance improvements of core line ministries. It helps finance the costs associated with technical assistance for preparation and implementation of capacity building programs; recruitment of managerial, common function and professional staff for key positions in selected line ministries; a management internship program; and training of civil servants.

## 2. Overall Risk and Explanation

46. The overall risk rating of the project is **High**.

### Risk Rating Summary (SORT)

<b>Risk Category</b>	<b>Rating</b>
1. Political and Governance	High
2. Macroeconomic	Substantial
3. Sector Strategies and Policies	Moderate
4. Technical Design of Project or Program	Moderate
5. Institutional Capacity for Implementation and Sustainability	High
6. Fiduciary	Substantial
7. Environment and Social	Substantial
8. Stakeholders	High
9. Other (Security)	Substantial
<b>OVERALL</b>	<b>High</b>

### Overall Risk Rating Explanation

47. Strengthening land governance and the main institution that will deliver land-related services is an important issue for the socio-economic development of Afghanistan. Arazi is a young institution in terms of its new roles and responsibilities and is still perceived as being clean. This offers an opportunity to engage with and support an agency that could make a difference in a sector that is dominated by powerful interests and increasingly marred by conflicts over land and resources. The main driver of the project within Arazi is the current head of Arazi. The agency's current leadership is committed to change but remains exposed to the high risks of potential political interference and the pressure to retain the exploitability of weak governance that allows rent seeking and nepotism. It is still unclear at the moment whether the new president and government will continue to assign land sector issues the necessary priority and long-term, sustained political support to enable reforms taking place.

48. For the moment significant pressure will probably continue on Arazi and its staff at all levels to bend to demands from powerful people and institutions. Temptations to allow fraudulent practices and cover land grabbing will remain a threat to Arazi and the project. The project will respond to this with a strong approach to transparency and public information sharing.

49. Arazi is still an only recently established independent agency that has still to work on its internal organizational challenges. Technical and managerial capacity of staff is limited and these limited capacities are absorbed by dealing with day-to-day issues. Many of these challenges will be addressed by specific project activities. The project, however, might still face problems when trained staff might leave Arazi for better-paid jobs in the private sector. Changing Arazi to an effective and efficient service provider will require a long time. Linking Arazi to the CBR will be part of project efforts to address this issue.

50. Security problems will for the time being limit both, what the project can do in terms of direct interaction with Arazi staff (training, capacity building, in particular in the provinces), and for Arazi to deliver the demanded services at grass-root level (surveying, Tasfiya, dispute resolution). Inaccessibility of areas will make it easier for fraud and corruption and the influence of powerful individuals to continue in places where change is urgently needed. If powerful people and vested interests cannot be brought to comply with policies and laws, continuing land grabbing and conflicts would undermine the credibility of the implementing agency (Arazi) and the associated partners, potentially posing also a reputational risk for the Bank.

51. Developing an accountable service delivery institution is not only a question of technical and managerial skills but requires a respective mind-set. Pressure from customer side is still low. Unless people know what they can demand from Arazi (i.e. understand Arazi's mandate and the basic land regulatory framework) there is little opportunity for potential civil society engagement and monitoring of Arazi and other land sector actors. Addressing this through the projects awareness raising and public information campaigns will require long and sustained efforts.

52. The key risks to achieving the PDO, and mitigation measures that the project will apply are further elaborated in the Systematic Operations Risk-Rating Tool (SORT) provided in Annex 1.

## **B. Economic Analysis**

53. Establishing a transparent and efficient land management and administration system will improve tenure security and facilitate investment decision. The quantifications of directly attributable economic benefits will be difficult. However, expected economic benefits include an increase in household and farm level investments in improved and sustainable farming practices with the potential to increase incomes. The benefits of tenure security will not only accrue to the agriculture sector and in particular small and impoverished farmers and livestock breeders. Transparent process to access residential property will benefit also urban and peri-urban development. Qualitative improvements in service delivery and a pro-poor and gender-sensitive tenure regime will ease tensions and the often-violent conflicts about land. The project will incorporate in its M&E system the assessment of tangible and intangible, quantifiable and qualitative changes in the land sector.

## **C. Implementing Agency Assessment**

54. Implementing agency for the project will be the Afghanistan Independent Land Authority, Arazi. Arazi has primarily been established to support the land development needs of Afghanistan through leasing and the acquisition of land to support investment but has increasingly and successfully expanded its role to shape the policy and legal framework governing the land sector. Formerly a Directorate under the Ministry of Agriculture, Livestock and Irrigation (MAIL), it has gained independence by Presidential Decree and the Cabinet Resolution # 11 in May 2013.

55. The merger between Arazi and the Afghan Geodesy and Cartography Head Office's (AGCHO) Cadastral Survey Department added resources to an expanding and independent Arazi. However, as a newly independent agency with an increasing portfolio of task and responsibilities, Arazi is struggling to both deal with the development of internal systems and

working procedures and the challenges raised by having to cope with daily work flow and the increasing land administration and management responsibilities. Afghanistan as a whole faces a dearth of highly skilled technical staff in areas such as land mapping, survey and land information system and this will mean further challenges as Arazi tries to recruit sufficient technical personnel to continue to perform and increasing number of tasks as demand for its services grows. A solid staff basis is a prerequisite for the success of the capacity building activities envisaged for Arazi under the project. Arazi is struggling to get an adequate number of staff approved for funding through its core budget. Staff selection and capacity building will be of even larger importance with a limited number of personnel having to work in a highly effective and efficient manner.

56. To support the delivery of the policy and legal documents envisaged under the project, and to draft and guide implementation based on international good practices, Arazi will need the support of an experienced consulting firm to provide the technical assistance necessary for Arazi to improve its performance and build the capacity of its staff to deliver the quality services customers demand. In the current security environment in Afghanistan, identifying such high caliber institution willing and able to work with Arazi will be challenging.

#### **D. Project Stakeholder Assessment**

57. Key stakeholders, including Arazi as the prime beneficiary, as well as local communities struggling for sustainable tenure arrangements are overall supportive of the Bank engagement in the land sectors. Private sector firms and investments are also looking forward to see transparent land administration and management procedures developed and implemented that provide the required security for long-term development. Rent seeking powerful individual and institutions are likely not supportive of pro-poor, equitable reforms and strengthening of Arazi.

58. Awareness raising and outreach has started with Arazi conducting a series of regional consultations on the proposed amendments to the Law on Managing Land Affairs and the Law on Land Expropriation. The participatory process strengthens a broad and supportive stakeholder base for development activities in the sector. The project will further strengthen this through its public information and awareness raising work. At the end of Year 2, a review of the project's social impacts and clients' satisfaction will be conducted providing feedback on the project. The environmental and social impact assessments to be conducted on draft policies and regulations will also capture stakeholder interest and potential downstream impacts on these.

#### **Gender**

59. The USAID-funded LARA project conducted a gender assessment regarding women's property rights (USAID: Land Reform in Afghanistan (LARA) Gender Assessment: Legal Framework for Women's Property Rights, Field findings from Jalalabad, and recommendations for possible interventions (January, 2012).

60. Under the Constitution, the Civil Code and Shari'a law, women and men may equally own and transact in land. Women are thus legally entitled to hold property, but in view of women's limited access to capital under the prevailing social and cultural norms in Afghanistan, the typical way for a woman to obtain property rights to land is through

inheritance, where a daughter according to Shari'a inherits half the share of a son. However, even this reduced access right for women is further curtailed by customary law, which in many cases negates daughter's right to inherit land. And even where a daughter is granted her inheritance, social customs often dictate that she renounce this right completely or transfer it to her brothers in order to retain the property within the patrilineal family. In some cases, land can also be part of the mahr ("marriage portion" of property) that must be paid to the bride. If the mahr is not paid at the time of marriage, then it is noted as a debt in the marriage contract.

61. Women's property rights are thus primarily negated by prevailing norms, and the proposed strengthening of the legal framework relating to land and land rights would benefit women, and will also to be supported by community awareness raising in order to change current customs. Further, the amendments to the Law on Managing Land Affairs, currently awaiting cabinet approval, proposed that wherever land is part of mahr and stipulated in the marriage contract (nikah khat), this will constitute legally valid proof of ownership.

### **Citizen Engagement (CE)**

62. Citizen engagement has been absent so far in the land management and administration. The proposed amendments to both Law on Managing Land Affairs and to Law of Land Expropriation both incorporate elements of citizen's participation and consultation. The proposed project further consolidates this approach through the community-based land rights identification and development and official community based land dispute resolution. In order to strengthen CE even further and utilize this to mitigate corruption, a systematic citizen feedback mechanism will be established for all land transactions.

63. The Project itself will support CE by ensuring a participatory and transparent process in developing new policy directive and legal documents and procedures. The currently ongoing LGAF is considered an example for CE that will be continued to disseminate, raise awareness, and get feedback on land sector issues.

**Annex 1 – Systematic Operations Risk-Rating Tool (SORT)**

**Annex 2 – Preparation Schedule and Resource Estimate**

**Annex 3 – List of Related Projects**

**Annex 4 - Land Related Laws and Regulations**

## Annex 1 – Systematic Operations Risk-Rating Tool (SORT)

### Risk Rating (SORT)

Risk Category	Rating
1. Political and Governance	High (H)
2. Macroeconomic	Substantial (S)
3. Sector Strategies and Policies	Moderate (M)
4. Technical Design of Project or Program	Moderate (M)
5. Institutional Capacity for Implementation and Sustainability	High (H)
6. Fiduciary	Substantial (S)
7. Environment and Social	Substantial (S)
8. Stakeholders	High (H)
9. Other (Security)	Substantial (S)
<b>OVERALL</b>	<b>High (H)</b>

1. Political and Governance (H). Strengthening land governance and the main institution that will deliver land-related services is an important issue for the socio-economic development of Afghanistan. Arazi is a young institution in terms of its new roles and responsibilities and is still perceived as being clean. This offers an opportunity to engage with and support an agency that could make a difference in a sector that is dominated by powerful interests and increasingly marred by conflicts over land and resources. The main driver of the project within Arazi is the current head of Arazi. The agency's current leadership is committed to change but remains exposed to the high risks of potential political interference and the pressure to retain the exploitability of weak governance that allows rent seeking and nepotism. Arazi as an independent agency is directly reporting to the President and is potentially prone to political interference and left with little accountability. Internal procedures and processes for checks and balances are not yet defined. There is no functioning "governance framework" defined and in place (yet). It is still unclear at the moment whether the new president and government will assign land sector issues the necessary priority and long-term, sustained political support to enable reforms taking place.

2. The potential to influence this risk through project measures is very limited and mitigation will have to rely on a continued dialogue of Bank and other donors with government. Transparency and public information provision will be the key project features that will mitigate to the extent possible the risk of extensive and systemic corruption prevailing. Policies, laws, and implementation procedures will specifically address the issue. To the extent possible enforcement will be supported.

3. Macroeconomic (S). Sound macroeconomic policies are both a prerequisite for a conducive environment for the project to produce its benefits as well as an outcome of a land and resource sector that is governed in a transparent and efficient way. Temptations to allow fraudulent practices and cover land grabbing will remain a threat to Arazi and the project. The project will respond to this with a strong approach to transparency and public information sharing.

4. Sector Strategies and Policies (M). A National Land Policy was approved by the cabinet in 2007. The document describes a pro-poor approach to land administration and management. However, up to now the main land related laws are neither fully aligned with the National Land Policy, nor are they supported by proper regulatory frameworks.
5. Arazi's Operational Strategy is based on the 2007 Land Policy. At the center of project support are activities that will ensure that laws, regulations and procedures are developed in the spirit of the Land Policy and following international good practices.
6. Technical Design of Project (M). The project is structured for a minimum of possible risk to and from design and implementation. Core of the project is the TA for the formulation of a coherent and transparent policy and institutional framework that, when implemented and enforced, will reduce or mitigate most of the currently pressing risks. Institution building and capacity improvements will take time and initial problems are likely and will be unavoidable. Transparency initiatives and staff incentives will be planned and implemented to keep disruptions at a minimum.
7. Institutional Capacity for Implementation and Sustainability (H). Arazi is still an only recently established independent agency that has still to work on its internal organizational challenges. Technical and managerial capacity of staff is limited and these limited capacities are absorbed by dealing with day-to-day issues. Many of these challenges will be addressed by specific project activities. The project, however, might still face problems when trained staff might leave Arazi for better-paid jobs in private sector. Changing Arazi to an effective and efficient service provider will require a long time. Linking Arazi to the CBR will be part of project efforts to address this issue.
8. Fiduciary (S). The slowdown in aid exerts a drag on the overall economy and on government's fiduciary position at a time when growth is vitally needed to cope with fiscal and employment pressures. Government's service delivery in key sectors, in particular in the land sector through Arazi, depends on a motivated and well-remunerated work force. For the time being, donor support, e.g. through the CBR allows for the provision of competitive salaries for key staff. The project will support the access of Arazi to the CBR project. In the long-term, sustainability will depend on reforms and developments outside of the project's control.
9. Environment and Social (S). Environment and social risks are moderate. The project is strengthening governance of the land sector, which includes the promotion of policies, laws and regulations that are in line with international good practices for resource protection and environmental management. All legal amendments, regulations and procedures developed under the Project will be subject to an Environment and Social Assessment to assess potential downstream impacts. The Project will facilitate future Bank and other partner operations by having commonly accepted standards in place. Broad consensus on these issues will be sought through inter-ministerial cooperation, in particular through the High Council of Land.
10. A pro-poor land policy is in place with implementation through Arazi's Operational Strategy supported and expected to result in equitable, gender-sensitive and culturally acceptable laws, regulations and processes. The project's M&E system will pay particular attention on documenting these developments.

11. Stakeholders (H). The primary stakeholders are: (i) Arazi as the implementing institution, and its staff as the beneficiaries of capacity building activities; (ii) related ministries and government agencies as landholders (e.g. MAIL) or service providers (MOJ/Courts, AGCHO), (iii) land owners and the general public (who demand land related services); (iv) farmers and livestock breeders (who require secured access to land); (v) investors in agriculture and the extractive industry. Secondary stakeholders include civil society organizations, NGOs and donors who are supporting and monitoring transparent reforms in the land sector. Interests of stakeholders are not all coherent, transparent or unified in terms of favoring of reforms. Those benefitting from the current status can be expected to try to defend the benefits they derive from their position and from a weak policy and legal framework. However, risks are considered moderate, with overall benefits for stakeholder outweighing the socioeconomic costs to all stakeholders.

12. Other - Security (S). Security problems will for the time being limit both, what the project can do in terms of direct interaction with Arazi staff (training, capacity building, in particular in the provinces), and for Arazi to deliver the demanded services at grass-root level (surveying, Tasfiya, dispute resolution). Inaccessibility of areas will make it easier for fraud and corruption and the influence of powerful individuals to continue in places where change is urgently needed.

13. To support training and capacity building based on international good practices, Arazi will need the support of an experienced consulting firm to provide the technical assistance necessary to improve Arazi's performance and build the capacity of its staff to deliver the quality services customers' demand. In the current security environment in Afghanistan, identifying such high caliber institution willing and able to work with Arazi will be challenging.

**Annex 2**  
**Preparation Schedule and Resources**

<b>Preparation Schedule</b>				
<b>Milestone</b>	<b>Basic</b>	<b>Forecast</b>	<b>Actual</b>	
AIS Release	Feb 2, 2015		Feb. 2, 2015	
Concept Review	Mar 26, 2015		Mar 26, 2015	
Auth Appr/Negs (in principle)	Sep. 1, 2016			
Bank Approval	Oct. 17, 2016			
<b>Sector Unit Estimate of Resources Required from Preparation through Approval</b>				
Source of Funds	Preparation Expenses to Date (USD)	Estimate of Resource Requirements (USD)		
		Fixed	Variable	
<b>Bank Budget</b>		140,000	60,000	
<b>Trust Funds</b>	20,000			
<b>Team Composition</b>				
<b>Bank Staff</b>				
<b>Name</b>	<b>Title</b>	<b>Specialization</b>	<b>Unit</b>	<b>UPI</b>
Asta Olesen	Senior Social Development Specialist	TTL	GSURR	239085
Keith Clifford Bell	Senior Land Policy Specialist	Land Administration and Management; LIS; Geospatial	GSURR	264660
Andreas Groetschel	Consultant	Land Management; Project Preparation	GFMDR	184452
M. Yasin Noori	Social Safeguards Specialist	Social safeguards, land acquisition, social accountability	GSURR	
Obaidullah Hidayat	Environmental Safeguards Specialist		GENDR	
Asha Narayan	Senior Financial Management Specialist		GGODR	
Asif Ali	Lead Procurement Specialist		GGODR	

Juan Carlos Alvarez	Country Lawyer	Legal	LEGES	
<b>Non Bank Staff</b>				
<b>Name</b>	<b>Title</b>	<b>Office Phone</b>	<b>City</b>	
Neil Pullar	LIS and Data Management Specialist	FAO	Rome	

### **Annex 3 List of Related Projects**

#### **Afghanistan Resource Corridor Project (ARCP)**

The ARCP's objective is to prepare a platform of "hard" and "soft" infrastructure that will enable Afghanistan to derive broader economic benefits from the development of its extractive industries. The project aims to support the accelerated realization of private sector anchor investments in the resource sector, and leverage those investments for broader benefits. One of the key results concerns land sector issues and Arazi as the responsible Land Agency. The ARCP is expected to enable effective land acquisition along proposed road, rail and transmission routes through land title clearance. Support to Arazi is one of the components of the ARCP.

#### **Arazi / Land Component under the ARCP**

The Arazi support component under the ARCP will have a volume of US\$ 8 million to support establishment of Arazi's capacity to provide the necessary land-related services in the geographical areas of the resource corridor project. This will include the development of respective policies and procedures in line with Arazi's Strategy and the demand from stakeholders / clients in the resource corridor areas. 3 subcomponents are envisaged

- Component 1: Build capacity to undertake land survey, land clearance and land acquisition;
- Component 2: Provide technical assistance to merge with the AGCHO Cadastral Survey Department;
- Component 3: Provide technical assistance to support institutional strengthening.

The shortlist of companies who have expressed interest in assisting in the implementation of this ARCP component has been compiled by the Resource Corridor Secretariat.

#### **Land Governance Assessment Framework (LGAF) for Afghanistan**

The World Bank is currently supporting the assessments of land governance in Afghanistan. The Land Governance Assessment Framework (LGAF) for Afghanistan is under implementation under the lead by an Afghan institution, AREU. The objective of LGAF is to assess the status of land governance at country level and build consensus around priority recommendations amongst key stakeholders to improve land governance. This participatory and locally driven assessment process will help to establish a consensus on the status of land governance and identify priority actions regarding (i) gaps in existing evidence; (ii) areas for regulatory or institutional change, (iii) for piloting of new approaches and interventions to improve land governance on a broader scale (iv) opportunities for south/south learning to take advantage of experiences from other countries in dealing with land sector issues, and (v) indicators to assess the effectiveness of these measures. LGAF thus also helps put in place a benchmark and process to systematically track progress in improving land governance over time. Results are expected in 2015, in time to influence and guide the design /review/revision of policy and regulatory framework for the land sector.

## **Afghanistan Geodetic and Cadastral Head Office (AGCHO) Support**

With merger of AGCHO's Cadastral Survey Department with The Afghanistan Independent Land Authority, Arazi has strengthened its leading role in land administration and management. The Afghanistan Geodetic and Cadastral Head Office (AGCHO) remains the custodian of Afghanistan's spatial data and information. After the "loss" of its Cadastral Survey Department AGCHO will have to concentrate on its core competencies and tasks as a repository and provider of spatial data. Such function is vital for the development of the country, in particular for planning purposes in the field of infrastructure development, extractive industries, and emergency planning. In support of AGCHO re-fostering its role and responsibility, the World Bank has started to discuss with AGCHO the support needs and how they could be met.

Priority needs identified include:

- Formulating a "Policy on National Spatial Data Infrastructure"; bringing the government back into the driver seat regarding spatial data and mapping/maps;
- Do a stocktaking of core spatial data sets for Afghanistan and preparing a comprehensive metadata directory that conforms to ISO/TC 211 Geographic information/Geomatics; ISO 19115:2003 – Geographic information -- Metadata
- Establish (at first along the resource corridor(s)) a GPS- Continuously Operating Referencing Stations (CORS) to provide the basis for future survey, mapping, monitoring activities.
- support for topographic mapping (around US\$2.5 m) - to produce reliable, current digital topographic geospatial data that also includes all reliable place names (toponymy) and map cultural features for use in mapping systems and geographic information systems, for reporting and planning

The required short and long-term TA support, and the provision of necessary equipment would require estimated financial commitments of about US\$ 3.5 million. So far no funding partners has been identified but potential partners include the World Bank, under the ARCP; and the Norwegian Government, through a twinning arrangement with the Norwegian Mapping Authority.

## Annex 4

### Land Related Laws and Regulations

1. Constitution (2004)
2. Law on Organization and Structure of Courts (30/6/2013)
3. Government Cases Law (21/9/2013)
4. Law on Managing Land Affairs (31/7/2008)
5. Law on Obtaining Rights (5/8/1999)
6. Civil Code (4/1/ 1977)
7. Civil Procedure Code (22/8/1990)
8. Commercial Code (1955)
9. Commercial Procedure Code (Compilation of Official Gazette entries: 7 March 1964, Art. 01- 22; OG 2, 24 March 1964, Arts. 23 – 37; OG 3, 04 April 1964, Arts. 38 – 74; OG 3 Annex, 04 April 1964, Arts. 75 – 295; OG 4, 18 April 1964, Arts. 296 – 324; OG 273, 20 May 1974 (amending Article 320)).
10. Penal Code (10/1976)
11. Criminal Procedure Code (5/5/2014)
12. Law on Pasture and Grazing Land (2000)
13. Property Dealers Law (1999) (OG 786)
14. Law on Survey Verification and Registration of Lands (21/9/1976)
15. Cadastre Law (12 September 1988) (OG 674)
16. Land Expropriation Law (9/10/2000, amended 2005, 2009)
17. Municipality Law (8/10/2000) (OG 794)
18. Procurement (Tadarokat) Law (29/07/2008)
19. National Land Policy (2007)
20. Executive Decree 99 (24/4/2002)
21. Executive Decree 83 (9/11/2003)
22. Executive Decree 89 (30/11/2003)
23. Executive Decree 638 (2/4/2010)
24. Executive Decree 45 (26/7/ 2012)
25. Executive Decree (Resolution) 11 (27/05/2013)
26. Executive Decree 220 (24/6/2013)
27. Islamic Jurisprudence (Feqh-i-Islami) from Wahba Zuhaili, Hedaya, Mojalatul Ahkam (First Edition 1984, 2nd edition 1985)
28. Supreme Court Directive 79 (2013)
29. Handbook entitled “Registering Documents and Title Deeds”, Judge Atiqullah Raofi (2011)
30. Land Settlement Commissions/Communication of Notification (2010)
31. MAIL, Arazi, Regulation on Addressing Disputes and Land Usurpation, (26/09/1390) (20/12/2011)
32. MAIL, Arazi, Order 4695 (14/12/2011)
33. Forest Law (10/09/2012)
34. Environment Law (25/01/2007)
35. Minerals Law (9/8/2014)