



Land Management Strategy Executive Summary April 2013

ARAZI was created in 2010 by consolidating several government units dealing with land administration. Yet its current capacity is too limited to deal with land management across the Resources Corridor. The reforms that have taken place at the Kabul headquarters have not been fully disseminated to regional offices, and ARAZI still faces significant challenges:

Political: Afghanistan lacks a coherent vision to reform land administration. Political considerations continue to play a major role in shaping land management. In addition, the legitimacy of the central administration is often being challenged in rural areas.

Policy: ARAZI lacks the capacity to translate the 2007 National Land Policy into action.

Legal: informal and customary land practices dominate and are disconnected from the confusing and contradictory legislation, which is largely ignored.

Recommendations for ARAZI:

1. *Adopt the longer-term convergence and simplification of the Afghan land administration legal framework as a strategic goal.*
2. *Actively seek custodianship of the Land Management Law and Land Expropriation Law consultation processes and planned enactment.*
3. *Undertake a detailed legal review and identify opportunities to deliver or facilitate legal reform in relation to land administration and management.*
4. *Actively integrate Afghan customary practice in relation to land and devise methodologies and practices that complement or follow existing Afghan custom.*

Organisational: ARAZI is heavily dependent on donor-funded contractors. A deliberate transfer of skills and institutional knowledge is yet to be articulated and implemented.

Recommendations for ARAZI:

5. *Compile operational manuals and detailed job level instructions for each contractor and civil service post.*
6. *Undertake deliberate, on-going training of civil service staff to ensure an effective transfer of skills from the contractor work force.*

Financial: ARAZI is heavily dependent on external donor funding and faces competing pressures within the Afghan government for donor resource allocation.

Recommendations:

7. *Seek a stable financial solution for a minimum of 12 months from MAIL (potentially with donor support) to obtain a degree of certainty for the future.*
8. *With the short-term solution in place, secure a more sustainable financial position.*

Operational: Authority and decision-making are not delegated, detracting the CEO from focusing on strategy and policy.

Recommendations for ARAZI:

9. *Develop departmental actions plans for each of ARAZI's directorates and key function areas.*

Documentary infrastructure is limited and fragmented

Recommendation for ARAZI:

10. *Develop documentary infrastructure detailing the full spectrum of necessary information, both internal and public.*

Monitoring and evaluation: ARAZI's original monitoring and evaluation framework, contained within the 2009-2014 Strategic Plan, was far too ambitious and abstract.

Recommendation:

11. *Develop and adopt simplified key performance indicators.*

Land acquisition and dispute resolution: current practices appear to be top down, inconsistent and therefore prone to result in disputes, as illustrated in the Aynak mining project.

Recommendations:

12. *Adopt the following principles:*
 - *Land acquisition is a last resort rather than a first option*
 - *Ensure constitutional and legal compatibility of acquisition processes*
 - *Acquisition processes should be applied in a consistent manner*
 - *Wherever possible, Afghan customary practices in dispute resolution should be employed to ensure social legitimacy and acceptance*
13. *Regularly review the land clearance and acquisition processes to ensure constitutional and legal compatibility.*
14. *Develop and maintain a comprehensive land acquisition and expropriation procedural manual and publish information to inform the general public about their rights, reasonable expectations and likely outcomes of the processes.*
15. *Actively pursue the integration of Afghan customary practice in relation to land expropriation and devise methodologies and practices that complement or follow existing Afghan custom.*

Cadastral services: One of ARAZI's core functions is to establish for the government, the class of title, type, volume and location of all land in Afghanistan. The current strategy has been to try to record and classify all land, to map everywhere at the highest available resolutions and to resolve all competing ownership claims to land. This strategy is unrealistic given the Afghan context and ARAZI's current capabilities. For now, ARAZI only needs to develop a pool of suitable government investment land at a rate that is sufficient to exceed the dynamic demands of the emerging market.

Recommendations:

- 16. Digitize as much core data as possible to facilitate geo-referencing of information and the devolution of processing and authority to provincial and district levels.*
- 17. Concentrate efforts on a demand-led registration model until additional resources become available.*
- 18. Explore options for simplified cadastral registration including seed point and a blended seed point / polygon approach.*

NRRCP: Much of the high-value demand for land is expected to come from the National and Regional Resource Corridor Program (NRRCP), which should therefore be the focus of the land clearance and cadastral registration activity. ARAZI's function in the NRRCP centers on leasing state land to private investors, and to acquire or identify governmental lands to support the leasing process. The Aynak copper mine project highlighted bottlenecks that resulted in significant delays. For ARAZI to have a successful involvement in the NRRCP, existing administrative processes need to be streamlined and made more transparent, and inter-ministerial cooperation strengthened.

Recommendations:

- 19. Improve ARAZI's general operational capability to provide an appropriate level of service to NRRCP-related work without detracting from the agency's wider institutional remit.*
- 20. Establish an NRRCP Task Force physically embedded within ARAZI that include members of related departments and ministries.*