

Policy Matrix

**Please note that the list of issues and indicators is not exhaustive. The issues and corresponding policy recommendations were selected based on the priorities identified during the Technical Validation Workshop.*

	Policy issue	Proposed action	Responsible agency	Monitoring indicator
Recommendations on Panel 1				
<i>LG1: Recognition of continuum of rights</i>				
1	Customary and undocumented rights recognized only into certain extent, hence the majority of people do not possess valid ownership documents.	<p>The minimal limit of continued ownership and cultivation of the land needed in order for the long term unchallenged possession be formally recognized should be decreased through the amendment of current LML.</p> <p>Customary deed documents prepared after August 1975 and meeting all the other requirements as per Art. 5 of LML 2008 should be formally recognized through the amendment of current LML.</p> <p>The efforts of various NGOs (such as TLO and Checci) to capacitate Afghan citizens on what information a customary deed document should include in order for it to be formally recognized should be further enhanced involving the government in these efforts.</p> <p>Creation of centralized (gradually computerized) system at ARAZI as one-stop-shop for land registration.</p> <p>As an interim measure, community-based land recording system should be developed, which will be later on connected to ARAZI registering system (when transferred from courts to ARAZI) and their Principal Books.</p>	ARAZI, MoJ and parliament (if not possible through Presidential Decree), CDCs, shuras, jirgas, religious figures, civil society, media	Increased % of land recognized and registered.
	Extensive land grabbing and lack of measures to prevent and/or punish it compromises land tenure security, particularly in urban areas.	<p>Relevant authorities should work together to operationalize already existing effort to incorporate a provision on land usurpation into the Criminal Code. Where appropriate donors and civil society stakeholders should provide technical assistance to the drafting process.</p> <p>Approval and support of the draft Restitution Policy on Land Grabbing.</p> <p>Prosecution of land grabbers should be made a priority within the Attorney General's office. Similarly investigation and technical capacity to do so should be enhanced within the Afghan National Police (ANP).</p>	Ministry of Justice and ARAZI; international donor community, civil society; Attorney's General Office, ANP	The increased number of cases of land grabbing resolved in courts
<i>LGI 2: Respect for and enforcement of rights</i>				
4	Land clearance process (<i>Tasfia</i>) allowing for land registration in ARAZI Principal Books is	ARAZI's plans to restart the land clearance process on large scale should be materialized. The judge should be included in <i>Tasfia</i> delegation to deal with the land disputes, if necessary. In case of more complex land disputes, the fact that the ownership of land is disputed, should be indicated on the	ARAZI, MoF (for budget allocation), courts	Increased % of land cleared

	conducted rarely.	Tasfia report and forwarded to courts. Adequate financial resources should be allocated for this purpose from the national budget. The support in form of financial means, as well as technical expertise should be sought with international community and civil society. The possibility of a first-stage land clearance done by communities to enable nationwide land identification should be explored.		
Recommendations on Panel 2				
<i>LGI 1: Rights to Forest and Common Lands</i>				
	Management of forests in Afghanistan faces a number of issues.	Identifying mechanisms to promote forest management in areas which are currently out of reach of the government such as developing and empowering community based adjudication groups (comprising of elders and influential figures in the community) to address rural land use restrictions violations Raising awareness of the local population about the importance of forests and the negative impacts of deforestation in order to encourage communities to take part in maintain the forests particularly in the areas where the presence of the central government is limited.	MAIL, ARAZI, IDLG, NEPA, MoBTA	Mechanisms for promotion for forest management in areas out of reach of government control devised including establishing of community-based adjudication groups
<i>LGI 2: Effectiveness and equity of rural land use regulations</i>				
	There are no rural land use plans existing in Afghanistan.	The development of the rural land use plans by the MRRD through the participatory and transparent process, where public voice can be heard and the burdens are shared.	MAIL, IDLG, MoF, NEPA, MRRD	% of rural land covered by rural land use plans
	The lack of enforcement of protective regulations leads to the degradation of protected rural lands.	Identifying mechanisms to promote protected areas management in areas which are currently out of reach of the government such as developing and empowering community based adjudication groups (comprising of elders and influential figures in the community) to address rural land use restrictions violations Prioritising surveying of natural resources, which are identified as in high risk of degradation. Expediting the process of land change to protected area by mainstreaming the steps and organizations responsible.	NEPA, MAIL, IDLG, Cadastral Department of ARAZI	% of rural land brought under NEPA protection regime
Recommendations on Panel 3				
<i>LGI 1: Restrictions on rights</i>				
	Restrictions on the land use prescribed by the Kabul Master Plan are often not enforced.	Clear mechanism for use change of each type of urban land should be devised including the requirement of permits to do so. Municipalities should establish a monitoring mechanism for this purpose, as well as a database of land used changes, which will be updated regularly with new spacial information. Municipality Law should be amended and unified practices of each municipality should be anchored in the law.	MUDA, Kabul Municipality, ARAZI, IDLG, MoJ	% of land used in line with Kabul Master Plan

	Urban planning in Kabul does not follow a clear reference for urban planning.	New Master Plan for Kabul has to be urgently devised by MUDA in cooperation with Kabul Municipality aiming to overcome their differences. Long awaited National Urban Policy has to be enacted.	MUDA, Kabul Municipality	% of land used in line with Kabul Master Plan
<i>LGI 2: Transparency of land use restrictions</i>				
	Unclear delineation of the responsibilities of the municipalities and MUDA	An inter-agency commission between MUDA and Municipalities should be established to clearly delineate the responsibilities between these two institutions in relation to the formulation, implementation and monitoring of the master plans. In future, this commission can serve as a forum for discussion various pressing issues such as status of informal settlements in Afghan cities.	MUDA, Municipalities (Kabul Municipality in particular)	% of land used in line with Kabul Master Plan
<i>LGI 3: Efficiency in the Urban Land Use Planning</i>				
	Currently, no clear commitment to low-cost housing and services for the poor exists.	A policy on low cost housing for the poor should be adopted. The policy should be developed in a consultative manner, with input from all stakeholders including civil society representatives, the government and the public in question itself. Additionally, anti-eviction laws should be designed with constitutional protections in mind and, in the case of eviction, a legal commitment to fair compensation should be established.	ARAZI, MoJ, MUDA	Increased number of low-cost housing
	Kabul urban expansion largely remain outside of the Third Master Plan.	The policy on Upgrading of Informal Settlements has to be approved and implemented. The Presidential Decree 104 has to be amended (or annulled and new law should be adopted) that tackles the shortcomings of the Presidential Decree 104 such as the allocation of non-viable land and cumbersome eligibility criteria. National IDP Policy has to be adequately implemented.	MUDA, Kabul Municipality	% of land used in line with Kabul Master Plan
	The carrying capacity of infrastructure has been long overloaded.	With the development of new master plans for biggest cities, the infrastructural needs of the population and the current state of the cities (considerably changed in comparison to 1990s) needs to be taken into account and adequate mechanism to provide necessary infrastructure have to be developed.	MUDA, Municipalities	% of land used in line with Kabul Master Plan (including necessary infrastructure)
	Four largest cities in Afghanistan, suffer from an outdated urban plan.	New Master Plans have to be developed for biggest cities in Afghanistan as per MUDAs commitments within “Big Cities Master Plan” initiative with the support of international community.	MUDA, UN-HABITAT and the World Bank	% of land used in line with new Master Plans for Afghan biggest cities
Recommendations Panel 4				
<i>LGI 1: Identification of public land and clear management</i>				
	Unclear definition of public land is resulting in illegal transactions and uses.	Newly proposed amended LML addressing the shortcomings of the public land definition and classifying 4 types of land including “land specific to village(s)”, containing a clear definition of “public interest” classifying types of public land and delineating responsibilities for different types of public land should be ratified. The plans of ARAZI to restart the cadastral survey of the remaining 66% of lands (including public lands) should be implemented promptly in stepwise	President, NUG; ARAZI, MAIL, MoJ; Cadastral Department, MoF; Governors Offices, international	% of public land surveyed % of public lands used according to the regulations

		manner and adequately financed. The survey, as planned by ARAZI should start in Bamiyan province no later than end of 2015. A community-based management of public lands should be put in place (potentially thorough shuras, jirgas, CDCs), when the definition of public lands is clarified including a raising awareness of the public about the public land, laws and regulations associated with its use.	community	
<i>LGI 2: Justification and Time-Efficiency of Acquisition Processes</i>				
	There is no accurate statistical information on lands that have been acquired.	A database system where all acquired land will be recorded should be developed and kept with ARAZI	ARAZI, Municipalities, MUDA	% of acquired land entered into the database
<i>LGI 3: Transparency and fairness of acquisition procedures</i>				
	In majority of cases, paid compensation is not sufficient for the individual to be able to maintain his/her previous status of life.	Prompt ratification of the amended LAL containing clear provision on fair and just compensation process.	ARAZI, MoJ	% of land acquisition cases where the adequate and timely compensation was provided
	There is no deadline for the payment of compensation for land acquisition.	Prompt ratification of the amended LAL containing compensation paid prior to the project start.	ARAZI, MoJ	% of land acquisition cases where the adequate and timely compensation was provided
	No provision on compensation for the loss of grazing rights exists.	Adoption of the proposed LAL, that provides for the compensation of grazing and other rights, which incurred losses due to acquisition.	ARAZI, MoJ; MAIL	% of land acquisition cases where the adequate and timely compensation was provided
Recommendations on Panel 5				
<i>LGI 1: Transfer of state land to private use</i>				
	State land sales are happening in unregulated manner.	The possibility for state land sales should be clarified through the Presidential Decree superseding current legal provisions on this matter. Clear categorization should be developed based on which the restrictions on transferability will be applied. The status of AISA and its activities should be clarified by clear rules of engagement interlinked with ARAZI Investment Policy.	ARAZI, Ministry of Commerce and Industries, AISA, Municipality	% of state land sold
	State Land Leases are not always happening through the public auction.	Increased financial resources, coupled with on the job long-term trainings should be provided to High Office of Oversight and Anti-Corruption to be able to better perform its duties such as verifying the usage of public auction for every land lease procedure.	ARAZI, Council of Ministers, HOOAC	% of state land leases which happened based on public auction
	Land valuation encounters delays and	Devising mechanism for assessing performance of members of the valuation commission, with poor performance being addressed immediately.	ARAZI, President, NUG,	% of land valuations happening in timely and transparent manner

	the results are not made public.	Addressing corruption in land valuation process. The results of land valuation for land lease purposes and the information about the land leases for various projects particularly where it concerns the public should be made publicly available.	Municipalities,	
<i>LGI 4: Contracts involving state land are public and accessible</i>				
	No ARAZI, nor third monitoring of land lease contracts currently exists.	A clear monitoring system of application of lease contracts and benefit-sharing mechanisms conducted at least every six months with participation of local communities and venues for dealing with non-compliance should be clearly established.	ARAZI	Third party monitoring conducted at least once a year per each lease contract.
Recommendations on Panel 6				
<i>LGI 1: Mechanisms for recognition of rights</i>				
	The registration with court while acquiring the title deed during land transactions is lengthy and complex process.	Different registries in Afghanistan should be mainstreamed and interlinked (more details below) in order to prevent overlaps, outdated and missing information. ARAZI should be established as “one-stop-shop” for registering the land (both within or outside of the Master Plan): The land clearance process <i>Tasfia</i> should be done on large scale and should always include the members of the Cadastral Department to conduct the survey. Then the land is recorded to ARAZI Principal Books and formal title deed is given to the owner. Technical and financial support to ARAZI’s pilot project in Herat that, if successful, will be extended to all 34 provinces, should be accorded. This process should be later computerized to allow for the inter linkages with other registries such as in courts and MoF tax books. An Independent monitoring body should be created that will monitor the process of land formalization in order to maintain the process effective, consistent and transparent. In-house procedures and anti-corruption policies of ARAZI should be reviewed to prevent lengthy and costly process of land registration.	ARAZI; courts; MoF, MoJ, courts, international community; High Council on Land and Water	Increased % of land registered
<i>LGI 2: Completeness of Registry</i>				
	Cadastral surveying information, have not been updated since 1978 and took place only on 34% of Afghan land.	ARAZI’s plans, based on their Operational Strategy, to establish national comprehensive cadastral registration programs should be technically and financially supported. Cadastral records have to be connected to both ARAZI Principal Books and courts title deed registration in consistent manner. Furthermore, uniform and standard format of circular form including the verification of the Cadastre should be developed stating all the personal information of the buyer and seller, photos, signatures (or fingerprints), physical specification of land etc. As an interim measure, all cadastral maps should be scanned, to expedite the manual search happening at present in the Cadastral Department,	ARAZI - Cadastral Department, MoF, NUG, international community, courts	% of land surveyed

		however with aim to be later included in the computerized system.		
LGI 3: Reliability of Registry Information				
	Afghanistan does not have one single registry. Additionally, changes in land records are not necessarily forwarded from the provinces to the centre. Hence no centralized database of land records exist in Afghanistan.	Before the creation of ARAZI as one-stop-shop is fully operationalized, as an interim measure, various registration books should be compared and the proper linkages should be developed including with the central level. This will also help to establish full database of land information, when ARAZI takes over as one-stop-shop.	High Council on Land and Water, ARAZI	Increased % of land registered
	The synchronization of data from various registries does not happen in consistent manner hence the registries contain out-dated information.	A formal mechanism has to be developed for courts to inform ARAZI and MoF about the new titled deeds they have accorded to new owners of the land. A formal mechanism has to be developed to connect MoF taxation books to ARAZI Principal Books.	ARAZI, courts, MoF	Increased % of land registered
	Informal payment is widespread within government institutions.	Mainstreamed process (in form of ARAZI as one-stop-shop) of land registration and computerized land register will decrease the opportunities for corruption. Increased financial resources, coupled with on the job long-term trainings should be provided to High Office of Oversight and Anti-Corruption to be able to better perform its duties, in particular to provide external audit of courts' land registration procedure.	ARAZI, HOOAC	Increased % of land registered
Recommendations on Panel 7				
LGI 1: Transparency of valuations				
	Process of land valuation for different purposes does not happen with each transaction	Mainstreaming of land valuation for different purposes should be performed and the land valuation process should happen regularly, with each transaction.	High Council on Land and Water, MOF, ARAZI, Municipality, MAIL	% of land valuations happening with each transaction
	The process of land valuation for various purposes is mirrored with shortcomings.	A clear mechanism should be developed for the activities of various valuation commission to expedite the valuation process. Additionally, performance-based evaluations should be introduced for the members and corresponding monitoring mechanism should be established to verify the compliance.	High Council on Land and Water, ARAZI	% of land valuations happening in timely and transparent manner
	People take various pre-	Land valuation for acquisition should be done before the acquisition process	High Council on	% of land valuations happening in

	emptive measures after the process of acquisition is announced.	is announced to prevent rapid increase of the land price and possible land grabbing by powerful individuals.	Land and Water, ARAZI	timely and transparent manner
	Valuation rolls are not made public.	Valuation rolls should be compiled in one national database and made public only after the adequate actions against land grabbing are implemented to prevent empowering the land usurpers from benefiting from this action.	High Council on Land and Water, ARAZI	% of valuation rolls made public
LGI 2: Collection Efficiency				
	MoF tax rolls are often outdated and not all the property/land holders are on the tax rolls.	A study should be conducted on the current state of tax collection in Afghanistan and its deficiencies. Clear policy recommendations and guidelines should be devised to establish a well functioning system that is suitable for Afghan context. Lessons learned from other countries should be used as a guideline. As an interim measure, formal mechanism has to be developed for courts and ARAZI to inform MoF about the changes in ownership and land sizes and adequate enforcement mechanism have to be devised aiming to pursue possible tax evaders.	MoF, ARAZI, courts	% of all eligible tax payers included in tax rolls
	Not all the taxes are collected.	The formalization of largely informal land tenure in Afghanistan is a prerequisite for successful tax collection efforts (see the sections above for more details on land tenure recognition). The Land Taxation Law of 1988 should be reviewed, drafted by MoF and approved by MoJ taking the findings of the study into account. The improvement of security situation is rather essential for the functioning of tax collection.	NUG, High Council on Land and Water, ARAZI, courts, MoF, MoJ, Mol, MUDA, Municipalities, international community	% of taxes land and property taxes collected
Recommendations on Panel 8				
LGI 1: Assignment of responsibility				
	Although land disputes constitute the majority of disputes in the country, they seem to proceed to the formal justice system infrequently.	Computer Management System (CMS) - implemented by the USAID is already being rolled out, however this system needs internet and it does not connect all the conflict resolution bodies such as police. The adequate solutions for remote areas should be found to be able to benefit from this system. Additionally, the access to this system should be granted to all conflict resolution institutions such as Huqooq and ARAZI. Computer databases such as Orcles that are cheaper and take less time to implement, should be considered as an interim measure before fully operational computerized system is in place to create a database of all land disputes within each conflict resolution body's central office.	ARAZI, MoJ, MoF, international community	% of land disputes in formal justice system
	Alleged corruption in courts and consequently costliness is most	Fighting corruption, particularly in courts, should become the priority of the NUG. The Anti-Corruption Strategy established by the President Karzai in 2008 should be implemented through the stronger engagement of the	NUG, President, HOOAC, MEC, international	% of land disputes in formal justice system

	commonly cited among Afghan population, preventing them from reaching to formal justice system.	President himself and increased results-based support of the international donor community. Additionally, the past and yet unaddressed cases of corruption should be the priority of the Attorney's General Office. The auditing capacities of the High Office of Oversight and Anti-Corruption should be increased and internal audits should be conducted to prevent corruption within formal justice system. Internal audits of all land administration institutions should be conducted on regular basis.	community, Attorney's General Office	
	Men from marginalised population groups and women face barriers to accessing conflict resolution services.	Mechanisms to encourage women to approach formal justice system should be devised while sensitising the rest of the community about the right of women to equal access to justice.	MoJ, MoWA	% of land disputes including women in formal justice system
	Informal justice system does not enjoy full legal recognition.	The law devising more effective linkages between formal and informal conflict resolution mechanisms (taking into account lessons learned from projects like NRC's Information and Legal Assistance Centers (ILACs), PEACE, LC Project and USIP/ARAZI sponsored pilot) should be broadly and inclusively consulted with the public and approved.	MoJ, ARAZI	% of land disputes resolved by the informal justice system registered in the formal justice system
Recommendations on Panel 9				
<i>LGI 1: Clarity of Mandates and Practice</i>				
	Greater clarity over the role over dispute resolution between ARAZI and other dispute resolution bodies is needed.	The role of ARAZI as a dispute resolution body has to be decided making sure not to replicate the same conflict of interest as currently courts inhibit (being the issuer of title deeds as well as the adjudicator of land conflicts)	ARAZI, MoJ, courts	Roles of ARAZI and courts clearly defined
	Complicated, costly and time-consuming processes render the access to information difficult for private persons.	Creation of centralized (gradually) computerized system at ARAZI as one-stop-shop for land registration and information to mainstream the access to land information.	President, ARAZI, courts, MoF, international community	Increased % of land registered
<i>LGI 2: Equity and Non-discrimination in the Decision-Making Process</i>				
	Most of the pledges of the National Land Policy of 2007 have not yet been 'absorbed' into the legal framework of the country.	The current draft of LML 2014 should be promptly ratified by the Afghan Parliament and enforced by the Afghan National Unity Government because it builds on the National Land Policy 2007.	ARAZI, MoJ	% of National Land Policy pledges turned to laws