Combined Project Information Documents / Integrated Safeguards Datasheet (PID/ISDS)

Appraisal Stage | Date Prepared/Updated: 15-Jan-2019 | Report No: PIDISDSA24982
BASIC INFORMATION

A. Basic Project Data

<table>
<thead>
<tr>
<th>Country</th>
<th>Project ID</th>
<th>Project Name</th>
<th>Parent Project ID (if any)</th>
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</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>P164762</td>
<td>Afghanistan Land Administration System Project</td>
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<tr>
<th>Region</th>
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<td>SOUTH ASIA</td>
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<td>07-Mar-2019</td>
<td>Social, Urban, Rural and Resilience Global Practice</td>
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<tbody>
<tr>
<td>Investment Project Financing</td>
<td>Ministry of Finance</td>
<td>Ministry of Urban Development and Land</td>
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Proposed Development Objective(s)

The Project Development Objective is (a) to support the development of the Afghanistan land administration system; and (b) to provide the population in selected areas with improved land registration services, including issuance of Titles and Occupancy Certificates.

Components

Land Policy and Institutional Strengthening
Developing Technological Capacity, Information and Systems for Land Administration
Project Management, Monitoring and Evaluation

PROJECT FINANCING DATA (US$, Millions)

SUMMARY

<table>
<thead>
<tr>
<th>Total Project Cost</th>
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DETAILS

World Bank Group Financing
**International Development Association (IDA)**

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<table>
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**Non-World Bank Group Financing**

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**Environmental Assessment Category**

B-Partial Assessment

**Decision**

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**B. Introduction and Context**

**Country Context**

1. **Afghanistan is a deeply fragile and conflict affected state.** It has been in almost constant conflict for over 35 years. This has had a destabilizing effect on the social cohesion of the country, exacerbating ethnic divisions and weakening government institutions and rule of law. This has resulted in competing claims to land, and conflicts between individuals, communities, and citizens and the state.

2. **Falling economic growth, high incidence of poverty**¹ and sharp inequalities drive the country’s developmental challenges and have contributed to Afghanistan remaining among the least developed in the world. The political context of Afghanistan remains complex and dominated by the Taliban insurgency, narcotics production, weak governance and rule of law. The real GDP growth fell sharply to 1.5 percent in 2015, with signs of growing inequality, influenced in part by the deteriorating security, declining external financial aid and certain demographic and geographic factors. Real GDP growth accelerated to 2.7 percent in 2017 and is projected to 2.4 percent in 2018 amid growing political and security concerns around the parliamentary and presidential elections².

3. **Afghanistan’s development depends, to a large extent, on the efficient use of its land resources.** Agriculture is particularly important because of its relative resilience to conflict. Improving the functioning of land markets can help bolster both private sector confidence and state legitimacy. Insecure land tenure

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¹ The poverty rate in Afghanistan has increased from 38 percent in 2011-12 to 55 percent in 2016-17. Poverty here refers to the poverty headcount rate which measures the share of the population whose monthly per capita expenditure falls below the poverty line (Source: NSIA, World Bank staff estimates, NRVA 2007, 2011 and ALCS 2016 as cited in World Bank. 2016. Trends in Poverty and Inequality 2007-17. © World Bank)

² Parliamentary elections were held on October 22 and 23, 2018. Presidential Elections are scheduled for April 20, 2019
and registration are a serious drag on investors. Afghan cities have witnessed rapid urban growth, estimated at 4.7 percent per annum (2010-2015) which is increasing the pressure on land. Today an estimated 8 million people (25 percent of total population) live in cities and it is projected that half the country’s population will reside in urban areas by 2060. This growth is, in part due to the influx of returnees and Internally Displaced Persons. Today 18 percent of Afghanistan's poor now live in urban areas with urban poverty concentrated in Kandahar, Kabul, Herat, Balkh, and Kunduz. The delivery of basic government services is challenged by corruption and lack of capacity. Strengthening of institutions and improving revenue policies and administration is critical. Given this context, the proposed project is intended to support achievable and important reforms within a difficult environment.

4. According to the Global Climate Risk Index, Afghanistan ranks in the top fifth of countries with substantial climate change vulnerabilities. The country is likely to be negatively affected by higher and more frequent extreme temperatures, drought, and higher frequency of precipitation and flooding anticipated in the western and central regions of the country. Afghanistan faces many stresses that impact food, water and energy security, including those linked to its arid/semi-arid climate and vulnerability to droughts and floods. In the past 30 years, the country has ranked 24th globally for climate risk and 15th for weather-related disasters. The country’s vulnerability is expected to continue — Afghanistan is ranked 8 of 170 countries for its vulnerability to climate change in the next 30 years. The high poverty rate, exposure to climate change events, and reliance on flood/drought prone agricultural land are significant contributing factors. In areas affected by increased precipitation, there is a greater risk for urban flooding and landslides, particularly in informal settlements located in flood plains, embankments and hillsides. In areas expected to receive higher extreme temperatures and greater incidence of drought, the impact on agriculture may induce greater urban migration, and exacerbate existing violent conflicts. Efficient land management and improved land administration services would play a key role in adaptation efforts to tackle vulnerabilities arising out of climate change.

Sectoral and Institutional Context

5. Weaknesses in Afghanistan’s land governance environment are a major source of conflict and poverty. The post-Taliban period has seen strong political will from the government, as well as international donors, for land reform. Efficient use of land resources is a critical factor for Afghanistan’s development. There is high demand for land for agriculture, commercial development as well as physical infrastructure, housing and urban development. This depends on a legal and institutional framework that allows efficient and effective allocation of land, provision of land for public infrastructure, the resolution of conflicts over access and usage of land, and the establishment of a comprehensive land information database. Recent analytical work, including a World Bank Land Governance Assessment Framework study (year) shows that 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, have created weak property rights, inequitable distribution, and widespread land-related conflict. Limited availability of undisputed farmland and tenure insecurity have contributed to the

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3 More than 1.7 million Afghans are internally displaced, and more than 2 million have been returning to Afghanistan – mostly from Pakistan and Iran – since 2015
6 Interestingly, it is estimated that disputes over pasture lands represent up to 60 percent of all land disputes. Although there
increasing number of land-poor and landless families. Moreover, land-grabbing has been a recurrent issue, with almost 240,000 hectares of state lands having been grabbed by powerful people and warlords.

6. **Land registration has been a major challenge to systematic land administration.** This is related to the role of courts in the registration process. More than 80 percent of lands in the country are unregistered. Less than 30 percent properties in urban areas, and less than 10 percent of properties in rural areas have been registered by official institutions of the state, mostly by the primary courts, which are the lead custodian for property and land transactions in the country. Land registration and land data management is regarded as a judicial process, which is lengthy and perceived as corrupt. Ambiguous and high costs dissuade landowners from registering their land with courts. Less than 20 percent of land is formally titled. Courts are not only engaged in the registration and titling process but also adjudicate land disputes, many which are pending in Afghanistan. This can lead to a conflict of interest. The situation is compounded by blurring lines between the scope (jurisdiction) of the formal and informal systems when it comes to land dispute resolution. 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.

7. **Poorly functioning land markets.** Legal and regulatory impediments to the sale and purchase of land, combined with a lack of transparent land records and an efficient land administration system, prevent the development of an efficient land market. Lack of access to land is a key barrier to private sector development, which is crucial to provide an alternative, sustainable path for development for Afghanistan. Land registration and land data management is considered more of a judicial process and this has led to a fragile and ambiguous land market and land sector in the country. For instance, based on the World Bank Doing Business Indicators, it takes on average 155 days for a property to be transferred in a legal way with the current established court system. The process is associated with high cost which has discouraged both land registration and acquiring land and property by the private sector in the country through the formal/legal processes. The Investment Climate Survey of 2008 listed access to land as the third major obstacle for businesses in the country. Thus, access to land is one of the major constraints for private and public investments across all sectors.

8. **Rapid urbanization since the overthrow of the Taliban in 2001 has dramatically reshaped the spatial and demographic profile of Afghanistan.** As noted above, it is estimated that a quarter of Afghanistan’s population currently lives in cities. Rapid urban growth is increasing the pressure on land and posing challenges to urban policy and planning. Much of the urban population growth has been driven by IDPs and refugee returnees, over 5.8 million of whom returned to Afghanistan between 2002 and 2015. Since 2015, moreover, the number of Afghan refugees returning from Pakistan and Iran have significantly increased. Land tenure insecurity in urban areas is a significant issue, while the majority (61 per cent) of the housing stock consists of unplanned, informal housing. The 2013–2014 Afghanistan Living Conditions Survey estimates that 74 percent of the urban population lived in underserved, informal settlements.

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*are 30 million hectares of pasture lands in the country, nomadic livestock breeders find it difficult to access grazing lands, leading to conflicts with sedentary farmers

*According to the United Nation’s High Commission for Refugees in 2011 74.3 percent of returnees in the country did not have access to land.

*Matthew French, Abdul Popal, Habib Rahimi, Srinivasa Popuri and Jan Turkstra, Institutionalizing participatory slum upgrading: a case study of urban co-production from Afghanistan, 2002–2016*
9. **The legal and policy framework for land is still being developed.** The National Land Policy 2018 was endorsed by the Afghanistan Cabinet on May 03, 2018. Moreover, the President endorsed a couple of new land-related laws, including the Land Management Law (LML), on April 03, 2017, during the summer recess of the House of Representatives. The LML is still under discussion by the National Assembly. New laws after endorsement by the President acquire the force of law. However, legislative decrees shall be presented to the National Assembly within thirty days of convening its first session, and if rejected by the National Assembly, they become void, according to the constitution. Next step for the LML would be making it fully operational in terms of requisite implementing rules and regulations. An Outside Courts Land Dispute Resolution law is also being prepared. It is critical to continue completing and clarifying the legal framework for land in Afghanistan as critical areas require new laws and regulations, including land survey, land registration, geodetic services, and valuation. This effort would be consistent with Afghanistan’s goal of establishing a comprehensive Land Code.

10. **The property registration system in Afghanistan is also evolving.** The country has a deed-based land registration system administered by the courts. The Government has been striving to transform this court-based deed registration system to an administrative function as well as to gradually move away from deed registration to title registration system. There is a memorandum of understanding between the relevant institutions to gradually transfer the deed registration function from the courts to the land authority to ensure the integration of the currently scattered registration system. Therefore, the future administrative framework for the registration system will have to be clearly conceptualized and designed as a matter of priority. More importantly, the transformation from deed registration to title registration should be conceived prudently and realistically in ways that will prevent unnecessary disruption in the land recording system.

11. **The Government has progressively consolidated land administration agencies, culminating in the establishment of the Ministry of Urban Development and Land (MUDL) in 2018.** In August 2009, The Government merged the AMLAK with the Independent Commission for the Restitution of Illegally Occupied Land, naming the new organization ARAZI and ascribing it under the Ministry of Agriculture, Irrigation and Livestock (MAIL). However, through a Presidential Decree in 2013, ARAZI became Afghanistan’s Independent Land Authority. At the same time, the Cadastral Survey Department of the Afghanistan Geology and Cartography High Office (AGCHO) was merged with ARAZI, with all structure and service transferred to ARAZI. The NLP, which as noted above, has been approved by Cabinet, governs ARAZI’s functions, while its 50 Year Roadmap describes its mandate. In general, ARAZI has an extensive mandate over land administration demanding a balanced approach between: (i) land administration services in support of individual and collective tenure security through land registration; and (ii) land allocation and the provision of land to support private sector investment in infrastructure, natural resources, agriculture and industry. While maintaining its mandate and basic structure, as of December 2018, ARAZI is part of the MUDL.

12. **MUDL faces many challenges in implementing its land administration mandate.** These challenges include limited capacity, lack of IT systems, limited availability of information and records, in addition to constraints

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9 One of these laws is the Land Acquisition Law, which includes provisions on resettlement, livelihood restoration, and clearer guidance on fair compensation. This law has recently received Parliamentary approval
10 AMLAK is another term for lands or property which in this context refers to the Land Management Department of Ministry of Agriculture, Irrigation and Livestock.
11 Resolution No. 11 dated 27 May 2013 (1392/3/6).
for field work and citizens outreach due to the prevalent security situation. MUDL’s mandate requires increased technical knowledge and skills in areas such as land mapping and survey, as well as modern and connected IT systems with up to date information. Poor documentation is compounded by the loss of many documents during the war years. As MUDL assumes increasing responsibilities in land administration, it needs to ensure transparency and accountability mechanisms. Formalizing community participation in all land governance matters would help counteract social exclusion, malfeasance and corruption in land and property matters. Capacity building to increase MUDL’s technical knowledge and performance and improve the quality of service delivery is key to the GoI’s goal of developing a modern land administration for the country.

13. Afghanistan’s vulnerability to natural disasters and climate change poses challenges for sustaining social gains and preventing people from falling into poverty. Increasing disaster risk and climate change knowledge and considerations in land management are essential for Afghanistan’s development and to improve sustainability and identify investments in adaptation and risk mitigation. In this regard, a training has already been carried out of staff from the former ARAZI on core DRM principles and the use of the existing risk screening tool (www.disasterrisk.af), which would allow staff to properly screen various land locations for disaster and climate risks. The Project will aim to further this work to support climate change and disaster risk adaptation through land administration and management.

C. Proposed Development Objective(s)

Development Objective(s) (From PAD)
The Project Development Objective is (a) to support the development of the Afghanistan land administration system; and (b) to provide the population in selected areas with improved land registration services.

As reflected in its underlying theory of change (Section D), in the medium to long term, the Project will contribute to the establishment of a modern land administration system that will secure land tenure rights for all citizens and the State, based on an adequate policy, legal, institutional and technological framework that is responsive to the country’s context, needs and aspirations.

Key Results

14. PDO Level Indicators

The proposed outcome indicators for outcome (a) are:

- LIS is operational and available to use centrally and in the Project area (modular development)
- Standard Operating Procedures (SOPs) and uniform service standards for ARAZI are adopted and effectively implemented through its everyday operations (evaluated through independent assessment)

The proposed outcome indicators for outcome (b) are:

- Number of population with use or ownership rights recorded as a result of the project (disaggregated by gender)
D. Project Description

15. The Project is designed within a programmatic framework, considering the land administration challenges faced by the country, which create the need to build over time a clearer and comprehensive policy and legal enabling framework, institutional and technical capacity, professional knowledge and experience, technology and systems, as well as adequate cadaster and property registry information. Drawing on the overall framework of the IDPL, the Project will focus on critical building blocks required to develop a modern land administration system in the country, while allowing MUDL and other relevant stakeholders, including communities, to gain experience in implementing land survey, registration and other land-market-related activities in two of the IDPL’s selected cities, namely Kabul and Herat. Moreover, the Project will support the issuance of land Occupancy Certificates (OCs) to informal urban populations ensuring a systematic approach to land tenure rights. Emphasizing modern technological approaches and global good practices suitable to the Afghan context, subsequent phases will help expand land survey and registration to other urban, and eventually rural areas, as MUDL capacity is strengthened at the provincial level. Also, the transition from the deed to title registration will continue as well as the development of national capacity for land survey and valuation. Eventually, the Land Information System (LIS) to be started under the project should contribute the establishment of a National Spatial Data Infrastructure (NSDI).

16. The Project builds upon over a decade of Bank’s engagement in the land sector in Afghanistan, while helping to deepen this engagement in close coordination with other development partner’s efforts. The Bank gave analytical advice during the development of a National Land Policy in 2007 and has since continued to provide technical assistance to the Government and its land agency (more recently ARAZI/MUDL) to strengthen the legal framework and institutional capacity. Through this support, the Bank has helped build the analytical basis for improving the legal framework for land administration and management, including through several assessments of existing laws, development of new legislation, and expert technical reviews of draft legislation. A specific effort was the application of the world Bank Land Government Assessment Framework (LGAF) in 2016 to identify weaknesses in the existing institutional and legal arrangements and provide recommendations for priority reforms. In tandem, the Bank has also supported key reforms through development policy financing and the ARTF incentive program. In 2017, two key laws, namely the Land Acquisition Law (LAL) and the Land Management Law (LML) were supported through the Inclusive Growth Development Policy Grant (P160544). The LML provides a vital foundation for the ongoing Land OC process which will strengthen land tenure rights of IDPs, returnees, and newly-urbanized populations. Technical assistance continues during Project preparation through a US$4.95 million grant (P156225), which has provided international expertise and additional capacity to MUDL, including during the development of the IDPL.

17. Project design has been developed in close alignment with ongoing operations financed by the Bank and development partners and informed by policy and analytical work. The Bank-financed operations include the Urban Development Support Project (P147147), the Citizen Charter Afghanistan Project (P160567), the Cities Investment Program (P160619), and the Kabul Municipal Development Program (P125597). Importantly, the project is aligned with the current UN-Habitat led assistance to MUDL under the City for All (CFA) Program, financed by USAID and EU, which supports under its Effective Land Management Component the issuance of OCs for properties of nearly 725,000 urban informal settlers in 8 cities of Afghanistan. In
addition to relying on the LGAF Report (2016), comprehensive policy and legal, and institutional assessments were also conducted as part of project preparation, and its recommendations reflected in project design.12 As detailed below, a gender assessment was also carried out, and its findings mainstreamed in relevant project activities. Broadly, project design applies the principles of land tenure governance reflected in the FAO Voluntary Guidelines for the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT).

18. **The project will cover the following selected areas:** (a) the cadastral surveying and land registration will focus on urban districts of Kabul and Herat. Kabul covers 22 districts with a total population of 4 million people, while Herat covers 12 districts with a total population of 1 million people;13 and (b) issuance of OCs in informal settlements, building on the survey and validation work carried out by UN Habitat, will focus on 8 cities, including in addition to Kabul and Herat, the cities of Jalalabad, Kandahar, Mazhar e Sharif, Nili, Farah and Bamyan.

19. **The Project includes three components**

*Component 1 – Land Policy and Institutional Strengthening ($5.5 million)*

20. This Component’s objective is to help consolidate and develop the policy, legal and institutional framework for land administration in Afghanistan. It will focus on the critical aspects of this framework to establish in the medium term an enabling environment for MUDL to meet its institutional mandate. The support for preparation and consultation of new laws, regulations and policies will contribute to the objective of developing a National Land Code (NLC). In general, activities under this component will require provision of consultancy and technical services, office and other equipment, and small works.

21. Accordingly, Component 1 will comprise the following subcomponents and activities:

22. **Subcomponent 1.1 – Strengthening the Land Policy, Regulatory and Institutional Framework** through (i) the analysis, development and consultation of new policies, laws and regulations for key areas such as land survey, land registration, land valuation, and geodetic activities, including consideration of disaster risk and climate change in land survey and information management; and (ii) supporting the development of standard operation procedures (SOPs) and uniform service standards for MUDL, as well as related technical procedures and field manuals.

23. **Subcomponent 1.2 – Institutional and Technical Capacity Building** through (i) the preparation of a professional and training needs assessment related to land administration, including key areas such as land survey and land valuation; (ii) building on (i), the development of specialized curricula and learning modules for academic and training programs for technicians and professionals of MUDL and land agencies in general; (iii) provision of geo-spatial and training equipment to partner organizations (Polytechnic and Technical Institute) to be able to deliver training and professional development courses; (iv) carrying out of training for MUDL staff on basic principles of climate-induced disaster risk management and the use of available risk information; (v) undertaking South-South knowledge exchanges to facilitate relevant learning and sharing of experiences; (vi) preparation of a medium-term strategic staffing plan to support the operational needs of MUDL; and (vii) provision of support to the Afghanistan Surveyors Association for development of professional requirements.

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12 Copies of these assessments are available in Project files.
13 In Kabul, 770,000 parcels correspond to 464,902 properties, while in Herat 160,000 parcels correspond to 85,301 properties.
and certification.

24. **Subcomponent 1.3 – Public Awareness Raising, Communication and Citizen Engagement** through (i) the carrying out of project-related public awareness and communication activities, as reflected in MUDL’s Communication Strategy; (ii) the implementation of an institutional Grievance Redress Mechanism (GRM), including MUDL’s offices in the selected areas, with capability for tracking of cases and their resolution; and (iii) the assessment, design, implementation and training on guidelines and procedures on alternative dispute resolution mechanisms.

**Component 2 – Developing Technological Capacity, Information and Systems for Land Administration ($21.5 million)**

25. The objective of Component 2 is to provide the building blocks for a modern land administration system in Afghanistan. In part, this will be achieved by supporting the development of geo-information infrastructure, the design and implementation of a Land Information System (LIS), and cadastral surveying and land registration within the Project area. This component will also support the transformation of the court-based deed registration system to an administrative function and the move from deed registration to title registration system. Overall, activities under this component will require the provision of technical assistance, acquisition of high resolution imagery from satellites and aerial platforms, training, software and hardware, office and other equipment, vehicles, and civil works.

26. Specifically, Component 2 will include the following subcomponents and activities:

27. **Subcomponent 2.1 – developing geo-information infrastructure** through (i) supporting the establishment of a geodetic reference network, including permanent GNSS stations, equipment and related works, and the preparation of a technical and financial sustainability plan; (ii) the generation of orthophotography and vector base maps; (iii) the strengthening of MUDL’s information communications technology (ICT), including an ICT Feasibility and Design Study, communications network, and connectivity between central and offices in the selected areas, a data center, and adjustments to underlying physical infrastructure of offices in the selected areas.

28. **Subcomponent 2.2 – Designing and Implementing a Land Information System** through (i) the preparation of a user needs study, design and feasibility studies, and technical specifications; (ii) software development and testing of modules comprising the LIS; (iii) the integration of the Afghanistan Land Pricing Information System (ALPIS) into LIS; (iv) the incorporation of available disaster risk information by linking the existing disaster risk platform with the LIS, and (v) provision of hardware and training.

29. **Subcomponent 2.3 – supporting cadastral surveying and land registration in selected areas** through (i) the surveying, adjudication and registration of urban land parcels, including preparation of procedures, standards and technical manuals, field work, validation of results, and quality assurance; (ii) the incorporation of information from surveying and registration in the Land Information System; and (iii) the establishment of zonal land registration offices, including construction of facilities, equipment and training of personnel.

30. **Subcomponent 2.4 – supporting issuance of OCs in selected areas** through (i) strengthening of MUDL capacity for issuing OCs, including provision of technical and other expertise, training, and equipment; (ii) the carrying out of field work and collection and analysis of information; (iii) developing a database management system
and digital archive of OCs; and (iv) strengthening of capacity of MUDL and municipalities to carry out valuation to support the OC process.

**Component 3 – Project Management, Monitoring and Evaluation ($3.0 million)**

31. The objective of this component is to ensure adequate capacity for project implementation and oversight, monitoring and evaluation, compliance with fiduciary requirements, social and environmental safeguards, as well as adequate project risk monitoring and inter-institutional coordination. To achieve this objective, the Project will support the PIU personnel and related project management and M&E costs.

32. Specifically, this Component will include the following subcomponents and activities:

33. **Subcomponent 3.1 – Supporting Project Management** through (i) the carrying out of the coordination, administrative, and social, environmental and fiduciary aspects of the Project; and (ii) the provision of training and the carrying out of workshops.

34. **Subcomponent 3.2 – Supporting Monitoring and Evaluation** through (i) implementation of an institutional M&E system with links to offices in the selected areas; (ii) the carrying out of surveys and other activities related to the measurement of the Project’s results framework; and (iii) the preparation of any required project reports, including the midterm review evaluation and final evaluation reports, as well as social assessments and required monitoring relevant to the OC issuance process.

**E. Implementation**

**Institutional and Implementation Arrangements**

35. The Project will be implemented by MUDL, particularly within the Deputy Ministry of Land which provides land-related services and information to citizens, institutions and investors. In line with IDPL implementation arrangements, the Minister of MUDL would provide general implementation and coordination oversight, while Project management would be delegated to the Deputy Minister of Land. Specifically, MUDL will implement the Project through a **Project Implementation Unit (PIU)** under the direct guidance and supervision of MUDL management. The PIU will be responsible for administrative and fiduciary functions, and for ensuring social and environmental compliance, as well as coordination and oversight of activities across the components, monitoring and providing all required progress reports on a regular and timely manner to ensure effective implementation.

36. The PIU will be led by a Project Coordinator, and its core team will include a Senior Technical Advisor, an Information and Communication Officer, a Monitoring and Reporting Officer, a Social and Environmental Officer, and Finance and Procurement officers. The Project coordinator will supervise the PIU team, keep MUDL management informed, and will coordinate implementation while ensuring that all aspects of implementation adhere to financial, procurement and other fiduciary aspects. The Project Operations Manual includes the PIU’s organizational structure and describes the duties and responsibilities of PIU personnel along with the Project’s technical, administrative, financial, procurement, safeguards, and M&E procedures.

37. The Project will be overseen and coordinated by the **Project Steering Committee**, which will include the senior
management of MUDL. The Minister of MUDL may also decide on inviting members from other relevant institutions for some or all the steering committee meetings. When considered relevant, project issues may be presented for overall guidance to the High Council for Land Water and Environment, which also functions as the Steering Committee for the IDPL.

38. In the selected areas of the project, MUDL through the PIU and provincial offices, will work in collaboration with local governments to ensure adequate Implementation of field activities, including specific processes of the systematic land survey and registration, and the potential access to relevant project outputs.

F. Project location and Salient physical characteristics relevant to the safeguard analysis (if known)

5. The project will cover the following selected areas: (a) the cadastral surveying and land registration of formal areas will focus on urban districts of Kabul and Heart, with an expected target of 100,000 parcels; and (b) issuance of OCs in informal settlements will focus on 8 cities i.e. Kabul and Herat, Jalalabad, Kandahar, Mazhar e Sharif, Nili, Farah and Bamyan, with an expected target of 150,000 parcels. In the case of OC issuance, the selected areas have been expended to make Project support consistent with the geographical scope under the CFA program. It will extend support to strengthen MUDL for its tasks as a transparent and responsive service provider on land administration.

G. Environmental and Social Safeguards Specialists on the Team

Mridula Singh, Social Specialist
Obaidullah Hidayat, Environmental Specialist

<table>
<thead>
<tr>
<th>SAFEGUARD POLICIES THAT MIGHT APPLY</th>
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<td>Safeguard Policies</td>
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<td>Environmental Assessment OP/BP 4.01</td>
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Land Policy, therefore the client will conduct and EA (Environmental Assessment) of these activities to ensure that the revision policy and other guidelines will pose no negative impacts critical habitat including forest and pasture land etc. Meanwhile, the client will adopt a framework approach and prepare an EMF which will have clear guidance and regulation to prepare environmental and social safeguards management instruments for the sub-projects based on the result of the screening.

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<td>Natural Habitats OP/BP 4.04</td>
<td>No</td>
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<tr>
<td>This policy is not triggered, the policy and guidelines developed and laws adopted by Arazi under this TA project will not entail implication to Natural Habitats. The prevailing Environmental Law includes a negative list where all identifies Natural Habitats are listed and are declared as preserved area.</td>
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<tr>
<td>Forests OP/BP 4.36</td>
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<tr>
<td>OP/BP 4.36 (Forests Policy) is not triggered since, policies and procedures that are ultimately adopted by Arazi will have no applicability with the land under forest. The country has a Forest Law and clear guidelines and procedures are already applicable and in place, and under the mandate of Ministry of Agriculture and Livestock.</td>
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<tr>
<td>Pest Management OP 4.09</td>
<td>No</td>
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<tr>
<td>OP 4.09 (Pest Management) policy is not triggered because Project activities will not involve purchase, use or storage of pesticides, nor will it support the procurement, or use of, or lead to the increased use of other agricultural chemicals.</td>
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</tr>
<tr>
<td>Physical Cultural Resources OP/BP 4.11</td>
<td>No</td>
</tr>
<tr>
<td>The Project activities will not affect any physical cultural resources and the renovation activities will be strictly limited to upgradation of existing building</td>
<td></td>
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<tr>
<td>Indigenous Peoples OP/BP 4.10</td>
<td>No</td>
</tr>
<tr>
<td>The Project does not have any activity in any area of indigenous people</td>
<td></td>
</tr>
<tr>
<td>Involuntary Resettlement OP/BP 4.12</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| The OP is applicable. The potential adverse impacts with the implementation of the OC regulation are likely to arise from (a) The broad principles, eligibility criteria and cut off date will exclude people from accessing benefits on many accounts such as establishing that the settlement was 15 years prior to issue of the regulation (January 2017) and excluding those who
occupy public land and water source areas, (b) Leaving land that are included for planned development for 10 years without indicating the start and end date for considering the 10 years may create uncertainty during identification of which plot will fall within the planned area. (c) People may not be able to meet the cost towards documentation. (d) the occupant may not be able to pay the fair valuation or market valuation for land between 300 and 1,000 m², then the OC will be issued for the minimum 300 sqm. The status quo of the balance area (between 300-500 or 500-1000sqm) may either be maintained that creates a lot of uncertainty amongst the occupiers to bring it under any productive use. (e) Privately owned land may not have the traditional documents to establish ownership. (f) Occupiers of land above 1000 sqm will have to surrender land without compensation. (g) Structures may become unviable after surrendering the area beyond the threshold limit and lack of capacity of occupiers to meet the cost to purchase the area beyond the threshold limit. (h) The occupiers are required to surrender their right to be consulted if land in question is required for development purposes. This provision suggests that the occupiers will get “user rights”.

Small parcels of land may be required for the 6 zonal offices.

Accordingly, a Social Assessment was carried out to identify broader social impacts including resettlement and prepared SMF in addition to Resettlement Policy Framework (RPF). The RPF is to assess and manage risks and adverse impacts.

<table>
<thead>
<tr>
<th>Safety of Dams OP/BP 4.37</th>
<th>No</th>
<th>The Project does not have any activity involving dams.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects on International Waterways OP/BP 7.50</td>
<td>No</td>
<td>The Project does not involve any activity that will affect international waterways.</td>
</tr>
<tr>
<td>Projects in Disputed Areas OP/BP 7.60</td>
<td>No</td>
<td>The Project does not involve any activity in any known disputed area.</td>
</tr>
</tbody>
</table>
KEY SAFEGUARD POLICY ISSUES AND THEIR MANAGEMENT

A. Summary of Key Safeguard Issues

1. Describe any safeguard issues and impacts associated with the proposed project. Identify and describe any potential large scale, significant and/or irreversible impacts:

The project envisages setting up policy development, institutional strengthening and systems to improve land administration. In addition, the project will issue occupancy certificate to households occupying state land and living on private land. The OP 4.12 is applicable on two accounts (a) small parcels of land may be required for six offices, and (b) issues of OC builds on the community engagement processes for validation implemented by UN-HABITAT to firm up boundaries of informal areas and identification of households. However, the implementation of regulations to issue OC, may lead to social risks and challenges. These are likely to arise from the weak capacity of households to pay fair price and market rates for state land under possession that are beyond the threshold limit of 300 and 500 sqm. In addition, households on state land are expected to surrender areas beyond 1000 sq meters. Households in possession of land beyond these threshold limits will continue to live under uncertain environment. Moreover, there may be situation where households are expected to surrender the land beyond the threshold limit, it may have adverse impact on the structures that exist on the land, beyond the threshold limit and the structures may become unviable or unsafe. Other provisions of the regulations may lead to exclusion of owners of private property who may not be able to provide necessary document from receiving the OC, etc. The occupiers of state land are expected to surrender their right to be consulted if land in question is required for development purposes. This can have a significant impact on the Households, more specifically on women and vulnerable.

2. Describe any potential indirect and/or long term impacts due to anticipated future activities in the project area:

The project supports provisions to issue Occupancy Certificate which is a step towards secured title on private land and secured users’ rights on state land. The regulation excludes those settled on public land and water source areas and those who may be occupying state land or private land either set aside or required for planned development, respectively for a period of 10 years. Such measures may create uncertain environment amongst the community as they not be able to invest on the assets to improve their living standards in the event of being evacuated in the future.

3. Describe any project alternatives (if relevant) considered to help avoid or minimize adverse impacts.

This project supports issuance of Occupancy Certificates that may lead to loss of livelihood or part of shelter for which appropriate mitigation measures have been developed.

4. Describe measures taken by the borrower to address safeguard policy issues. Provide an assessment of borrower capacity to plan and implement the measures described.

The project has opted for a framework to develop Resettlement Policy Framework (RPF). It includes assessment of risks and adverse impacts; mitigation plan for relocation (if required) and to improve the livelihood; stakeholder engagement; grievance redress management (GRM); institutional arrangement, monitoring systems and budget. MUDL have no previous experience working with the WB or other multilateral agencies and therefore, their capacity is limited. Recognizing the need to strengthen the Institutional capacity, MUDL has mobilized a social development and a gender specialist responsible for coordinating the implementation of RPF and Gender strategy and action plan, respectively. Furthermore, the MUDL team members have already attended a number of trainings such as training in Management of Land Acquisition, Resettlement and Rehabilitation organized by BRAC University/World Bank. The project will continue to support specific training on safeguard management of the staff at the MUDL.
5. Identify the key stakeholders and describe the mechanisms for consultation and disclosure on safeguard policies, with an emphasis on potentially affected people.

Focus group discussion and key informant interviews were organized in four cities - Jalalabad, Mazar E Sharif, Herat and Kandahar. These were selected on the basis of region, geography, demography, socio-economic characteristics. The sample included people who had received occupancy certificate after land was surveyed, those who were yet to receive and others. The consultations focused on perception of the processes adopted for issuance of Occupancy Certificate for the land under their possession. Some of them recognized it as a process to establish them as legal owners of the land under their possession, whereas the rest were not fully aware of the benefits nor that MUDL was responsible to issue title deed. More specific recommendations suggested by the people was to reduce the time for issuance of occupancy certificate by MUDL, improving the dispute resolution mechanism, provide complete information on the documents to be furnished for issuance of OC and title deed. As part of the gender assessment, separate consultations were carried out with women where they expressed that MUDL should implement the laws that recognizes their rights over land. The project design includes citizen engagement (CE) through different platforms including GRM. It has set up a call/information center to strengthen Citizen Engagement (CE) and a robust and responsive GRM system. The procedure for GRM will include responsibilities of the client ministry to address concerns related to the project activities. A manual will be developed for the project to inform project’s beneficiaries on the grievance services established through multiple uptake channels including the hotline call center for grievance registration and tracking and review.

B. Disclosure Requirements

<table>
<thead>
<tr>
<th>Environmental Assessment/Audit/Management Plan/Other</th>
<th>For category A projects, date of distributing the Executive Summary of the EA to the Executive Directors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of receipt by the Bank</td>
<td>Date of submission for disclosure</td>
</tr>
<tr>
<td>06-Jan-2019</td>
<td>09-Jan-2019</td>
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</table>

"In country" Disclosure

Afghanistan
09-Jan-2019

Comments

<table>
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<tr>
<th>Resettlement Action Plan/Framework/Policy Process</th>
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<tr>
<td>Date of receipt by the Bank</td>
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</tbody>
</table>

"In country" Disclosure

Afghanistan
09-Jan-2019
Comments

The Social management Framework and Resettlement Management Framework will be translated and disclosed on MUDL’s website.

C. Compliance Monitoring Indicators at the Corporate Level (to be filled in when the ISDS is finalized by the project decision meeting)

OP/BP/GP 4.01 - Environment Assessment

Does the project require a stand-alone EA (including EMP) report?
Yes

If yes, then did the Regional Environment Unit or Practice Manager (PM) review and approve the EA report?
Yes

Are the cost and the accountabilities for the EMP incorporated in the credit/loan?
Yes

OP/BP 4.12 - Involuntary Resettlement

Has a resettlement plan/abbreviated plan/policy framework/process framework (as appropriate) been prepared?
Yes

If yes, then did the Regional unit responsible for safeguards or Practice Manager review the plan?
Yes

The World Bank Policy on Disclosure of Information

Have relevant safeguard policies documents been sent to the World Bank for disclosure?
Yes

Have relevant documents been disclosed in-country in a public place in a form and language that are understandable and accessible to project-affected groups and local NGOs?
Yes
All Safeguard Policies

Have satisfactory calendar, budget and clear institutional responsibilities been prepared for the implementation of measures related to safeguard policies?
Yes

Have costs related to safeguard policy measures been included in the project cost?
Yes

Does the Monitoring and Evaluation system of the project include the monitoring of safeguard impacts and measures related to safeguard policies?
Yes

Have satisfactory implementation arrangements been agreed with the borrower and the same been adequately reflected in the project legal documents?
Yes

CONTACT POINT

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Ministry of Finance

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APPROVAL

<table>
<thead>
<tr>
<th>Task Team Leader(s):</th>
<th>Shankar Narayanan</th>
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<td></td>
<td>Enrique Pantoja</td>
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</tbody>
</table>

Approved By

<table>
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<tr>
<th>Safeguards Advisor:</th>
<th>Maged Mahmoud Hamed</th>
<th>15-Jan-2019</th>
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<tr>
<td>Practice Manager/Manager:</td>
<td>David Seth Warren</td>
<td>15-Jan-2019</td>
</tr>
<tr>
<td>Country Director:</td>
<td>Abdoulaye Seck</td>
<td>16-Jan-2019</td>
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