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# LAND REFORM IN AFGHANISTAN (LARA)

QUARTERLY REPORT  
APRIL 1–JUNE 30, 2014



JULY 2014

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Principal Contacts:	Nigel Thomson Senior Technical Advisor/Manager Tetra Tech ARD Burlington, VT Tel. +1 802 495-0623 <a href="mailto:Nigel.Thomson@tetrattech.com">Nigel.Thomson@tetrattech.com</a>	Tom McCann Project Manager Tetra Tech ARD Burlington, VT Tel. +1 802 495-0570 <a href="mailto:Thomas.McCann@tetrattech.com">Thomas.McCann@tetrattech.com</a>
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Lida Nadery  
Acting Chief of Party  
Tetra Tech ARD  
Kabul, Afghanistan  
Tel. +93(0)796-777-105  
[Lida.Nadery@lara-af.com](mailto:Lida.Nadery@lara-af.com)

Implemented by: Tetra Tech ARD  
159 Bank Street, Suite 300  
Burlington, Vermont  
[international.development@tetrattech.com](mailto:international.development@tetrattech.com)

Photo: Survey Equipment Training at Arazi for newly merged former AGCHO Cadastral Department staff. The equipment was provided by USAID through the LARA Project. The training was provided by the LARA subcontractor Geo Planning.

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## **DISCLAIMER**

The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.



# CONTENTS

- CONTENTS ..... i**
- ACRONYMS AND ABBREVIATIONS ..... ii**
- PREFACE ..... iii**
- 1.0 Executive Summary ..... 1**
  - 1.1 Summary of results for the reporting period and key achievements ..... 1**
  - 1.2 Constraints and critical issues ..... 1**
- 2.0 Activity Implementation ..... 3**
  - 2.1 Activity Description by Task ..... 3**
    - 2.1.1 Activity 6: Legal Framework ..... 3
    - 2.1.2 Activity 7: Regulations ..... 3
    - 2.1.3 Activity 10: Gender ..... 5
    - 2.1.4 Activity 8: Institutional & Private Sector Strengthening ..... 6
  - 2.2 Performance Monitoring Plan ..... 8**
  - 2.3 Key Activities Accomplished during the Quarter ..... 17**
  - 2.4 Planned for Next Reporting Period ..... 17**
  - 2.5 Lessons learned ..... 18**
- 3.0 Collaboration with GIROA, other donor projects, or other USAID projects ..... 19**
  - 3.1 Links with relevant GIROA ministries ..... 19**
  - 3.2 Links with other donor agencies ..... 19**
- 4.0 Management and Administrative Issues ..... 20**
  - 4.1 Personnel ..... 20**
  - 4.2 Adaption of the activity ..... 20**
  - 4.3 Modifications and Amendments ..... 20**
- 5.0 Success Stories and photos ..... 21**
- 6.0 Finance ..... 23**
- Annex 1. Key Activities implemented during the reporting period ..... 24**

# ACRONYMS AND ABBREVIATIONS

ACSF	Afghan Civil Society Forum
AGCHO	Afghan Geodesy and Cartography Head Office
ALRMIS	Afghan Land Records Management System
Arazi	The Independent Land Authority of Afghanistan
BizCLIR	Business Climate Legal and Institutional Reform
CDMS	Cadastral Data Management System
CEO	Chief Executive Officer
DCOP	Deputy Chief of Party
GIRoA	Government Islamic Republic of Afghanistan
IT	Information Technology
LAL	Land Acquisition Law
LAL-TF	Land Acquisition Law Task Force
LARA	Land Reform in Afghanistan
LML	Land Management Law
M&E	Monitoring and Evaluation
NCE	No-Cost Extension
PIA	Public Information Awareness
PMP	Performance Monitoring Plan
USAID	United States Agency for International Development
USG	United States Government
WLRTF	Women Land Rights Task Force

# PREFACE

The United States Agency for International Development (USAID) Land Reform in Afghanistan (LARA) Project is managed by Tetra Tech ARD under USAID Contract No. 306-C-00-11-00514-00, with implementation assistance from its partners Tetra Tech DPK, International Land Systems, Development & Training Services, Inc., and Landesa (formerly the Rural Development Institute). The LARA project's primary government partners are Arazi (formerly the Afghan Land Agency), the Ministry of Urban Development Affairs (MUDA), the Independent Directorate of Local Governance (IDLG), and the Afghan Geodesy and Cartography Head Office (AGCHO), as well as the Supreme Court and the Municipality of Jalalabad.

The purpose of the LARA project is to develop a robust, enduring, and Afghan-owned and -managed land market framework that encourages investment and productivity growth, resolves/mitigates land-based conflict, and builds confidence in government's legitimacy, thereby enhancing stability in Afghan society. The project continues USAID/Afghanistan's support for land reform and land rights strengthening that began through the earlier Land Tenure and Economic Restructuring in Afghanistan (LTERA) Project.

The LARA project is designed to contribute to USAID's AO and Afghanistan National Development Strategy. Three influences will help shape the LARA project's contributions to this objective: (1) the foundations provided by the former USAID LTERA project that provides a starting point and methods that can be adapted; (2) USAID/Afghanistan management objectives including Afghanization and conflict mitigation; and (3) the following major LARA project objectives:

- Improve property rights delivery (land administration and formalization);
- Enable all citizens (women, minorities, and vulnerable populations) to exercise their rights through public information awareness (PIA);
- Strengthen land dispute resolution processes to reduce conflict and promote peace and stability;
- Promote economic development through clear and enforceable property rights, PIA, land rights delivery, and land dispute resolution; a
- Strengthen institutional, policy, and legal reform to secure property rights for Afghan citizens; and
- Provide assistance in the cross-cutting areas of gender, training, PIA, and private sector development.

These objectives are supported by the following three components that provide the overarching structure for programming activities and tasks in the work plan:

1. **Informal Settlements and Formalization** – Support MUDA, AGCHO, IDLG, and the Municipality of Jalalabad with informal settlements upgrading, formalization, cadastral mapping, laws for urban planning and land use regulation, and training in planning and enforcement. Also, strengthen tenure security by supporting the Supreme Court and communities with rights formalization and informal dispute resolution.
2. **Legal Framework** – Provide limited assistance to Arazi to identify, manage, lease, and obtain revenue from Afghan government lands and provide targeted technical assistance.

3. **Capacity Building** – Build capacity of public (AGCHO, Arazi, IDLG, MUDA, Supreme Court) and private sector service providers to improve and streamline land tenure processes to Afghan private and public sectors.

# 1.0 EXECUTIVE SUMMARY

## 1.1 SUMMARY OF RESULTS FOR THE REPORTING PERIOD AND KEY ACHIEVEMENTS

### Component 2

During this quarter, the LARA project provided technical support for four regional consultative workshops on the draft Land Acquisition Law (LAL). Successfully pioneered in 2013 for the draft Land Management Law (LML), the goal of these workshops was to seek recommendations and comments from regional legal specialists from the government and civil society. The first one of four scheduled LAL consultative workshops was successfully conducted in Mazar-e-Sharif (Balkh Province) on May 11 and 12, 2014. Our attendance records indicate that the event was attended by 44 participants (4 female and 40 male) from Balkh and its neighboring provinces (Jawzjan, Kunduz and Sare-e-Pul). The second event took place in Herat and included participants from the neighboring provinces of Nimroz, Farah, Helmand, and Kandahar on May 18 and 19, 2014 (see the photo of the event under Section 2, Task 7.1.1). Our attendance records indicate that the event was attended by 44 persons, four of whom were women. In Nangarhar Province on May 25 and 26, 2014, the third consultative workshop included participants from the neighboring provinces of Laghman, Kunar, Kapisa, and Logar and was attended by 48 participants. The final LAL consultative workshop took place in Kabul on June 25 and 26, 2014, where 80 participants were in attendance.

### Component 1 – Crosscutting

The LARA Gender Unit coordinated a Women’s Land Rights Task Force (WLRTF) meeting at the Arazi main office (see photo under Section 2, Activity 10, Task 10.3). The purpose of the meeting was to strategize on the transfer of the WLRTF to Arazi or to a civil society organization to continue its advocacy activities after the completion of LARA project. Arazi CEO Mr. Jawad Peikar participated in the meeting and shared his suggestions for the sustainability of the WLRTF. He stated that different capacity building programs need to be designed for the WLRTF members in order to enable them to advocate effectively for Afghan women’s land rights. He added that the WLRTF should expand its outreach to all large provinces of Afghanistan such as Kandahar, Herat, Mazar, Bamyan, and Jalalabad (in addition to Kabul). He also stressed that 30% of task force members should be from the private sector, 30% from civil society, and 40% from governmental organizations in order to be inclusive of all main actors. Eligibility criteria for WLRTF members should be their specialization in lands rights and legal expertise. Mr. Peikar also mentioned that the chair of the WLRTF should rotate every year in order to include all constituent civil society groups. Each organization would have the responsibility of hosting the meetings and advocacy programs of the WLRTF for six months. Mr. Aziz Rafi, CEO of Afghan Civil Society Forum (ACSF), volunteered to host the first round of the six-month activities.

## 1.2 CONSTRAINTS AND CRITICAL ISSUES

A number of proposed activities have not been completed under the current no-cost extension period (ending 2 August 2014) because of unavoidable delays. These delays were primarily associated with: (1) vetting approvals for foreign consultants and local subcontractors; and (2) AISA business license

approvals, which impacted approvals for visas for non-U.S. consultants (e.g., precluding a valuation consultant from starting his assignment) as well as subcontractor ability to comply with LARA/USAID subcontracting requirements.

Security restrictions around presidential elections were another implementation challenge due to the Government of the Islamic Republic of Afghanistan (GIROA) slowdown, as well as restricted staff movements in the week prior to elections day.

Arazi still lacks the institutional capacity required to assume responsibility for active day-to-day management of staff and processes. Arazi continues to be a heavily centralized institution, often paralyzed by bureaucracy, with a lack of skilled staff and ineffective management. The LARA project continued to communicate with the Arazi CEO and department heads in order to address bottlenecks in project activities implementation. These challenges can be overcome with more active institutional management by the Arazi CEO and effective delegation of responsibilities and empowerment of Arazi's mid-level management.

# 2.0 ACTIVITY IMPLEMENTATION

## 2.1 ACTIVITY DESCRIPTION BY TASK

### 2.1.1 Activity 6: Legal Framework

OUTPUT 6.1: BIZCLIR REAL ESTATE REGISTRATION AND REAL PROPERTY LEGAL FRAMEWORK DIAGNOSTIC TO EVALUATE EXISTING AND PROPOSED LEGAL AND INSTITUTIONAL FRAMEWORK FOR REAL ESTATE; DRAFT CHANGES TO LAND-RELATED LEGISLATION (AS NEEDED FOLLOWING THE TWO DIAGNOSTICS), AND EXAMINE AND RECOMMEND CHANGES TO INHERITANCE LAWS TO SUPPORT WOMEN'S ACCESS TO LAND

#### **Task 6.1.1: Identify Amendments to the Laws Enabling Land Transactions and Efficient Land Registration**

Pursuant to a referral from the USAID Division Chief for Economic Governance, the LARA Project received a request from the Senior Intelligence Special Advisor to advise whether or not a squatter can obtain title to land in Afghanistan that has been occupied by the squatter for a long time with no color of title (commonly referred to as “adverse possession”). Citing Article 2280 of the Civil Code of Afghanistan, Official Gazette No. 353 (four volumes), published 15 JADI 1355 (January 5, 1977), the LARA legal team explained that the relevant statute in Afghanistan operates as a statute of limitations against claiming title from anyone who has occupied land or other real estate for 15 years. This does not apply to state properties, which is usual for these types of statutes. In other words, the rightful owner of a parcel of land is barred from making claim against someone who has occupied a parcel for 15 years, unless the rightful owner is the State.

LARA short-term technical consultant, Tom Jersild, arrived in Kabul in June 2014 to update the USAID BizCLIR Assessment he had completed in 2011. Mr. Jersild noted the progress that had been made in relation to the merger of Arazi and the Cadastral Department of AGCHO, as well as on the drafting amendments to the Land Management Law (LML; including a number of regulations relating to land leasing) and the Land Acquisition Law (LAL). The consultant noted, however, that there was still progress to be made in terms of land rights registration. Mr. Jersild's consultant report will be submitted early in the next quarter.

### 2.1.2 Activity 7: Regulations

*OUTPUT 7.1: LEGISLATIVE DRAFTING: URBAN PLANNING, LAND USE REGULATION, AND FORMALIZATION OF INFORMAL SETTLEMENTS*

#### **Task 7.1.1: Support Arazi through the Land Acquisition Task Force in the development of Land Acquisition Law**

The LARA Legal Specialist took an active part in the review and drafting of the Land Acquisition Law, particularly those provisions covering the resettlement and rehabilitation of persons affected by the acquisition of land for government project. The purpose of these provisions is to protect the livelihoods and ensure that these persons are assured delivery of urban services. That latest draft of the Land Acquisition Law in English is dated June 16, 2014.

At the request of the Arazi CEO, the LARA project agreed to coordinate with, and provide technical support for, four regional Consultative Workshops regarding the draft Land Acquisition Law.

At these workshops, the LARA Legal Specialist explained the need for a new LAL by pointing out the shortcomings of the law draft. The draft:

- contains a preamble to justify the need for an LAL;
- puts resettlement and rehabilitation of people affected by land takeover in a special chapter, defines technical terms; designates Arazi as a responsible entity for implementation and enforcement of the law;
- provides compensation for those indirectly affected by a land takeover, establishes an appraisal committee;
- stipulates sanctions for those who act in violation of the law;
- incorporates international best practices.



Opening remarks by Arazi's CEO Jawad Peikar during the LAL Consultation Workshop in Herat Province.

Once signed into a law by the president, the LAL will pave the way for implementation of large public utility projects that will benefit the citizens of Afghanistan.

The consultative workshop facilitators encouraged participants to make comments and recommendations that will be further reviewed by the Land Acquisition Law Task Force (LAL-TF). When appropriate, the LAL-TF will incorporate revisions into the draft law.

### **Task 7.1.2: Training to the Arazi Regional Staff on Law and Procedures**

From April 12 to April 16, 2014, the LARA Project, coordinated an on-the-job training session on the law and implementation procedures for Arazi regional officials. This training was provided for nine staff members from the Directorate of Land Lease and Enforcement, Directorate of Land Rights Identification (*Tasfia*) and Planning, and Directorate of Land Inventory and Survey from the provinces of Herat, Kandahar, and Paktia.



LARA's Legal Specialist conducts on-the-job training on LAL and implementation procedures for Arazi staff.

The training focused on administrative steps for the leasing of government land (preparation of lists of available government land and prioritizing the parcels to generate government revenues, preparing the necessary documents, and conducting media announcements of the property available for lease, the

bidding process, and finalization of the leasing procedure). Concerning *Tasfia*,<sup>1</sup> the emphasis was on the makeup and role of the Land Rights Identification Delegation, completing the proper forms and submission to the delegation, preparing the delegation opinion, and monthly and annual reporting. Land inventory and survey training focused on measurement of land parcel boundaries, calculating area, preparing survey drawings, analyzing available documents, applying anti-corruption concepts, entering land rights and survey data in the appropriate records, and reporting.

### 2.1.3 ACTIVITY 10: GENDER

#### Task 10.3: Support to Development of Women’s Land Rights Task Force Advocacy Strategy

On May 13, 2014, LARA’s Gender Unit conducted a WLRTF meeting at the Arazi main office. This meeting dealt with the transfer of the WLRTF to Arazi or other civil society organization to continue its advocacy activities after the completion of LARA project



WLRTF members discuss practical aspects of group’s sustainability after the end of the LARA project.

The WLRTF members each agreed to send nominations for the next round of the WLRTF, which will include members from other provinces. With the help of the LARA team, Arazi will send *Maktobs* (official letters) to the Ministry of Women’s Affairs (MOWA), Parliament, and the Supreme Court to introduce their representatives to the WLRTF. Mr. Peikar

requested that the LARA Gender Unit conduct a follow-up meeting in one month in order to select new WLRTF members and officially hand over the first six months of responsibilities for the WLRTF to the Afghan Civil Society Forum organization (ACSFo), a nongovernmental organization (NGO) founded by key Afghan civil society actors back in 2001.

LARA’s Gender Specialist drafted a concept note and initial budget for the outsourcing of Gender Unit for ARAZI for two years. This Gender Unit comprises two staff members. The draft will be shared with Arazi’s CEO for his review.

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<sup>1</sup> Sometimes referred to as the ‘land clearance’ process. This is a process by which the ownership of rights to land are clarified before they are formalized

## 2.1.4 ACTIVITY 8: INSTITUTIONAL & PRIVATE SECTOR STRENGTHENING

*OUTPUT 8.1: PROVIDE TECHNICAL ASSISTANCE TO GIROA INSTITUTIONAL PARTNERS ON MATTERS RELATING TO THEIR OPERATIONS. SUCH ASSISTANCE COULD INCLUDE ADVICE ON INSTITUTIONAL ORGANIZATION, SUPPORT IN DEVELOPING AND TESTING METHODOLOGIES FOR INVENTORYING, RECORDING, AND CLASSIFYING STATE-OWNED LAND; DEVELOPMENT OF VALUATION MODELS TO SUPPORT FEES FOR LEASING OF GOVERNMENT-OWNED LANDS; ASSISTANCE WITH THE DESIGN, DEVELOPMENT, AND IMPLEMENTATION OF A LAND RECORDS MANAGEMENT SYSTEM TO STORE, PROCESS, AND MANAGE LAND RECORDS*

### **Task 8.1.1: Provide Support to the Institutional Merger of the AGCHO Cadaster Department into Arazi**

Pursuant to a request by Jawad Peikar (CEO of Arazi) and thereafter by Mr. Sultani (the Head of the Cadastre Department), the LARA project arranged for the movement of cadastral equipment, high-tech survey equipment, and information technology (IT) equipment procured during the LARA option period from AGCHO to a secure area at the Arazi premises.

The surveying equipment was all moved to Arazi, and the LARA project conducted a practical field course for members of the Arazi Cadastre Directorate in the use of this equipment. The course was taught by Tetra Tech ARD subcontractor Geo Planning Survey and Designing (refer to this Report's Cover Page photo).

From June 17–July 10, 2014, the LARA project conducted a practical field course for members of the Arazi Cadastre Directorate in the use of this equipment. Twenty-two Cadaster Department staff participated, including eight from Herat, Nangrahar, Balkh, and Kandahar provinces. This course also was taught by Geo Planning.

The survey equipment technical training comprised the following learning modules:

1. Global Positioning System (GPS)
2. Total Station Set
3. Digital Theodolite
4. Trimble M3 Mechanical Total Station
5. Geographic Information Systems (GIS)
6. Automatic Level
7. Global Navigation Satellite System Receiver (GNSS)
8. Automatic Level
9. All related software setting, input, downloading, and uploading.

During this quarter, LARA's Registry/Cadastre/Information Systems Specialist, Noel Taylor, completed an STTA assignment to: (1) examine the requirements associated with developing land registration within Arazi, and prepare a series of recommendations for its eventual realization; and (2) conduct a high-level review of the status of IT systems operationalization and sustainability for those solutions provided to Arazi and AGCHO, particularly in the context of the merger of the AGCHO cadastral team into Arazi. Some of Mr. Taylor's key findings from this assignment were:

- Further legislative reform in the land administration sector may be required if current changes proposed by Arazi/LARA cannot pass through Parliament;

- LARA-installed IT systems to facilitate improved land administration systems for Arazi are largely dependent on greater commitment and management oversight within Arazi; and
- There is a general lack of ownership of IT issues within Arazi, and the Arazi Executive needs to address areas of conflicting responsibilities.

LARA's Senior Technical Adviser/ Manager, Nigel Thomson, also undertook an STTA assignment to assist with the completion of technical and operational matters as the project approached closeout. In addition to these activities, he developed a draft "*Arazi Core Competency Framework*" that outlines the core competencies expected of Arazi staff and the Arazi institution as a whole, drawing from the Arazi Strategy Plan of March 2014. The framework is currently with Arazi CEO, Jawad Peikar, for review and comments before finalization.

### **Task 8.3.2: Facilitation of IT Systems (ALRMIS & CDMS) Support**

The LARA project assisted specialists at Arazi to enter data into ALRMIS. In addition, the LARA IT Specialist provided assistance with Arazi's IT system and developed an IT policy (which is currently with the Arazi IT Manager for comments before finalization).

The LARA project continues to work with the Arazi staff with data entry in the ALRMIS system and has assisted Arazi in communicating with Thomson Reuters to ensure Arazi can access assistance under its Support and Maintenance Agreement. The Arazi staff is in direct communication with technical support with Thomson Reuters, and Thomson Reuters is in the process of changing certain Dari terms in the interface.

The LARA project continues to work with members of the directorates of Arazi in the use of ALRMIS. The LARA project is also assisting Arazi coordinate with Thomson Reuters on making improvements in the system to better meet Arazi's needs.

## 2.2 PERFORMANCE MONITORING PLAN

The table below provides actual achievements for this reporting period as well as no-cost extension (NCE) achievements (Q2–Q3 2014) versus targets for each performance indicator. It is important to note that because of reduced scope of work during the NCE, only a limited number of indicators reflect results and targeted achievements for this time period. In the cases where there is a variance of +/- 10% between target and result, a detailed explanation has been provided. As the LARA project is scheduled to close on October 15, 2014, future fiscal year targets are not applicable.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
1: Percentage of surveyed Afghan community members that report satisfaction with land tenure security in targeted informal settlement communities	LARA Project Objective: Improve land tenure security of Afghans by strengthening and supporting GIRoA institutions dealing with land, and create Afghan capacity to successfully design, manage, and implement land reform	58.1% <sup>3</sup>	20% above baseline	TBD	TBD	----	N/A	N/A	----
1.0.1: Revenues to GIRoA from leases of government land [% increased]	IR 1: Management of Government-Owned Property Improved	235 Million AFS	10% above baseline	TBD	TBD	----	N/A	N/A	----

<sup>2</sup> The Socio-Economic and Housing Baseline Survey (SES) for Jalalabad was conducted by Peace Humanitarian Organization (PHO). It covered approximately 25 informal settlements within an 8-km radius of the city of Jalalabad. The survey findings are based on data collected in the field between December 15, 2011, and January 15, 2012, through quantitative survey research complemented by qualitative interviews.

<sup>3</sup> Source: SES, p.36. The raw data for Araban and Campoona (including "Araban 2") indicates that the average percentage of residents being "very satisfied" is 58.1% (revised due to a previous error mentioning 56%). For the entire sample group (25 informal settlements), this value was 73%.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
1.0.2: Number of policy and procedural reforms improving tenure security for informal settlers, and enhancing revenue collection capabilities	“	0 <sup>4</sup>	2 <sup>5</sup>	1 <sup>6</sup>	2	0%	N/A	N/A	N/A
1.1.1: Milestone index based on a competency framework for MAIL/Arazi to fulfill its mandate, based on negotiated phased performance standards (milestone index is to be determined, and number of milestones is to be assessed during the baseline survey)	Sub-IR 1.1: Institutional Capacity of MAIL/Arazi Enhanced	N/A	TBD <sup>7</sup>	Service Delivery Targets <sup>8</sup>	TBD	----	N/A	N/A	----
1.1.2: Service delivery management and monitoring systems established and operational	“	No <sup>9</sup>	Yes	Yes	Yes <sup>10</sup>	0%	N/A	N/A	N/A

<sup>4</sup> Poor existing policies and procedure for land revenue were in place.

<sup>5</sup> It is anticipated that this target will incorporate policy and/or legislative changes/drafts in respect of the proposed Land Acquisition Law and Valuation Policy.

<sup>6</sup> Land Acquisition Law.

<sup>7</sup> The index has not been established at this time but will be reviewed during the NCE phase of the project. This is because from the project's inception, Arazi's institutional status has been in a state of flux. This was reflected in the loss of key Arazi staff after the cessation of DFID funding and the transition of institutional leadership to Mr. Jawad Peikar.

<sup>8</sup> “Appropriately qualified staff recruited and in place for ALRMIS systems administration” in accordance with Service Delivery Targets as contained in the Draft Arazi Core Competency Framework which was developed in June 2014 and submitted to USAID as part of project STA/M Nigel Thomson's Trip Report on July 15, 2014.

<sup>9</sup> MAIL/Arazi lacked a professional system for land management and monitoring.

<sup>10</sup> This is the ALRMIS IT system, but also the recently introduced CDMS as part of the physical merger of AGCHO Cadastral Department into Arazi. Both systems are currently been operationalized with further training anticipated during the NCE.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
1.2.1: Government/private land dispute mechanism developed and refined <sup>11</sup>	Sub-IR 1.2: Land Dispute Resolution Mechanisms between MAIL/Arazi and Private Individuals/Businesses Augmented	No <sup>12</sup>	--	--	Est- ablished in Oct- Dec 2012	----	N/A	N/A	----
1.2.2: Number of training courses provided to government and private sector on use of land dispute mechanism	"	0	--	--	--	----	N/A	N/A	----
1.2.3: Percentage of private sector indicating satisfaction with the dispute mechanism	"	43% <sup>13</sup>	--	--	--	----	N/A	N/A	----
2.0.1: # of properties paying sanitation/property tax revenues at the municipal level for targeted communities increased	IR 2: Municipal Land Management and Planning Capacity Strengthened	38% (2,057) <sup>14</sup>	--	--	--	----	N/A	N/A	----
2.0.2: Number of properties registered/recorded with municipal registration offices	"	0	--	--	--	----	N/A	N/A	----
2.1.1: Number of persons trained observed to be using skills gained through training	Sub-IR 2.1: Core Urban Planning and Management Skills of Key Municipal Property Stakeholders Strengthened	0	--	--	--	----	N/A	N/A	----

<sup>11</sup> ALRMIS

<sup>12</sup> Government (MAIL/Arazi) lacked specific procedures for land case management.

<sup>13</sup> Source: SES, p. 44.

<sup>14</sup> Source: SES, p. 64. Note this figure is based on a sample size of 13,960 across 25 informal settlements in Jalalabad.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
2.1.2: Number of persons trained in key technical land management skills	"	0	--	--	--	----	N/A	N/A	----
2.1.3: Number of urban development guidelines approved	"	0	--	--	--	----	N/A	N/A	----
2.2.1: Number of community upgrade development plans approved	Sub-IR 2.2: Urban Formalization and Upgrading Procedures for Informal Settlements Established and Implemented	0	--	--	--	----	N/A	N/A	----
2.2.2: # of informal settlements upgraded	"	0	--	--	--	----	N/A	N/A	----
2.2.3: Urban Steering Committee reestablished and functioning	"	No	--	--	--	----	N/A	N/A	----
2.2.4 (F) 4.7.4-5: Number of households who have obtained documented property rights as a result of USG assistance	"	0	--	--	--	----	N/A	N/A	----
2.3.1: Number of private sector firms and public institutions receiving institutional capacity building training (related to business functions) <sup>15</sup>	Sub-IR 2.3: Private and Public Sector Management of Key Land Management Areas Enhanced	0	1 <sup>16</sup>	1 <sup>17</sup>	1	0%	N/A	N/A	N/A

<sup>15</sup> Private sector capacity building activities were phased down in 2011 at the request of USAID.

<sup>16</sup> This target relates only to Arazi (including the newly merged former AGCHO Cadastral Department).

<sup>17</sup> The newly added Cadaster Department of Arazi.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
2.3.2: of private sector firms/public institutions receiving capacity training in land reform-related programs (technical) <sup>18</sup>	“	0	1 <sup>19</sup>	1 <sup>20</sup>	1	0%	N/A	N/A	N/A
2.3.3: Number of private sector/public sector employees trained in GIS and Land Records for formalization support activities	“	0	40	54 (46M; 8F)	54	+35%	N/A	N/A	The target was exceeded due to stakeholder demand for post-Arazi/AGCHO merger additional training
2.3.4: Number of private sector firms bidding on donor-funded requests for application <sup>21</sup>	“	0	--	--	--	----	N/A	N/A	----
2.3.5: Number of people employed by private sector partners as a result of project activities	“	0	--	--	--	----	N/A	N/A	----
2.3.6: Number of people trained in organizational development disaggregated by gender	“	0	20	18 <sup>22</sup> (18M; 0F)	--	-10%	N/A	N/A	See footnote 22.

<sup>18</sup> Private sector capacity building activities were phased down in 2011 at the request of USAID.

<sup>19</sup> This target relates only to Arazi (including the newly merged former AGCHO Cadastral Department).

<sup>20</sup> The newly added Cadaster Department of Arazi.

<sup>21</sup> Capacity-building activities focusing on proposal development skill building for private sector were phased out in 2011 at the request of USAID.

<sup>22</sup> These 18 Arazi officials were trained in land-related technical training (land lease, land clearance, and land survey and cadaster). The indicator for technical trainings is no longer in the NCE work plan because the data is incorporated under this indicator. The reason for variance is the small sample size.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
2.3.7 (F) 4.7.4-6: Number of land governance actors receiving USG-funded training or upgraded facilities/equipment	"	0	--	--	--	----	N/A	N/A	----
2.4.1: Land Management Law (LML) improvements agreed and drafted by government (BizCLIR)	Sub-IR 2.4: Essential Urban Planning Legislation and Regulations Identified, Revised, and Adopted	No <sup>23</sup>	LML before Parliament	Pending <sup>24</sup>	Pending	Pending	N/A	N/A	
3.0.1: Percentage increase of surveyed Afghans that report satisfactory land service delivery by the Makhzan	IR 3: Legal and Procedural Environment for Afghan Land Issues, Especially for Women, Improved	40% <sup>25</sup>	--	--	--	----	N/A	N/A	----
3.0.2: Percentage increase of surveyed Afghans that report satisfactory service delivery by municipality	"	22% <sup>26</sup>	--	--	--	----	N/A	N/A	----
3.0.3: Percentage increase in women's inclusion in new deed registrations and leases/Occupancy Certificates		0%	--	--	--	----	N/A	N/A	----

<sup>23</sup> LML has multiple gaps (BizCLIR Report).

<sup>24</sup> The Law has been drafted as a result nation-wide public consultation workshops and is now awaiting Cabinet approval before getting to the Parliament.

<sup>25</sup> This figure represents the baseline conducted in Jalalabad across 25 informal settlements. Note this percentage comprises respondents who indicated that they were "very satisfied" with the *makhzan*. It is important to note that only 18% of people surveyed were even aware of the *makhzan* services (SES, pp. 74-75).

<sup>26</sup> The baseline survey identified four categories as to the level of satisfaction expressed by the sample about municipal services: very satisfied, 6%; almost satisfied, 16%; not satisfied at all, 70%; no answer, 8%. Combining those who responded "very satisfied" and "almost satisfied," 22% of those surveyed between December 2011 and January 2012 expressed some degree of satisfaction with municipal service delivery.

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
3.1.1: Reduction in average time in days from submission of paperwork to issuance of registration/certification documents related to private land and property rights <sup>27</sup>	Sub-IR 3.1: Land Registration and Record-Keeping Systems Streamlined	250	--	--	--	----	N/A	N/A	----
3.1.2: Reduction in number of land transaction steps from the LRMD implemented to streamline operations <sup>28</sup>	"	59	--	--	--	----	N/A	N/A	----
3.2.1: Number of proposed improvements in laws and regulations affecting property rights of the urban and rural poor enacted with USG assistance	Sub-IR 3.2: Inheritance Laws Reviewed and Revised to Support Women's Access to Land	0 <sup>29</sup>	2 <sup>30</sup>	1 <sup>31</sup>	1	-50%	N/A	N/A	
3.3.1: Number of public information campaigns/messages promoting women's rights to land	Sub-IR 3.3: Awareness of Afghan Property Rights and Formal Transactions Processes Improved	0	--	--	--	----	N/A	N/A	----
3.3.2: Number of public information campaigns targeting Afghan property rights and procedures	"	0	--	--	--	----	N/A	N/A	----

<sup>27</sup> Measures are based on the USAID Biz-CLIR Property Assessment Report issued in September 2011 and the Registering Property Working Group Interim Report issued in April 2011.

<sup>28</sup> Measures are based on the World Bank's Doing Business Registering Property Indicator.

<sup>29</sup> The existing property rights related laws and its procedures have gaps.

<sup>30</sup> It is anticipated that this target will incorporate policy and/or legislative changes/drafts in respect of the proposed Land Acquisition Law and Valuation Policy as noted above.

<sup>31</sup> The Land Acquisition Law

Indicator Name and Number	DO & IR that the project supports	Baseline Value (April 2011) <sup>2</sup>	FY Target (NCE Q2-Q3 2014)	Q3 2014 Result (April-Jun, 2014)	FY Result (NCE Q2-Q3 2014)	% variance between target and result	Next FY Target	Two FY Out Target	Reason for +/- 10% variance
3.3.3: Percentage of public in targeted areas aware of public information messages related to land management improvements	"	0	--	--	--	----	N/A	N/A	----
3.3.4: Number of student clubs established	"	0	--	--	--	----	N/A	N/A	----

No.	Indicator	Target Option (December 2013)	Result (Jan 2013–Dec 30, 2013)	Result (Jan 2014– Mar 2014)	Result (Apr-Jun 2014)	LOP Total
AE2	# of Afghan personnel employed	20 (15M; 5F) by 2012	5 (4M; 1F)	3 (2M; 1F)	1 (1M; 0F)	88 (70M, 18 F) <sup>32</sup>
AE4	# of American personnel employed	0	1 (0M; 1F)	0	0	20 (13M, 7F)
AE5	# of local firms under subcontract	25	17	1	0	38
AE8	# of TCN personnel employed	0	2	0	0	23 (16M, 7F)
AE9	\$ value of local procurements (subcontracts, goods, services)	11,508,592	8,855,779	456,710	262,686.75	18,648,359
AE10	\$ value of non-local procurements (subcontracts, goods, services)	3,634,292	6,024,222	731,503	476,330	19,328,956
AE11	\$ value of procurements (subcontracts, goods, services)	15,142,884	14,880,001	1,188,213	739,016.75	37,238,299
AE12	# of Afghan personnel employed providing security functions	0	0	3 (3M; 0F)	0	53 (52 M, 1F)
AE13	# of American personnel employed providing security functions	0	0	0	0	0
AE14	# of TCN personnel employed providing security functions	0	6 (6M; 0F)	1 (1M; 0F)	0	11 (10M, 0F)
AE17	\$ value of all security costs	N/A	1,864,193	194,186	106,099	4,050,533 <sup>33</sup> (rounded)

<sup>32</sup> The cumulative figure for the second quarter of 2012 was mistakenly reported (158). For the fourth quarter of 2012 two male and two female were not included. The correct figure is 80 (62M; 18F).

<sup>33</sup> Includes security and logistics.

No.	Indicator	Target Option (December 2013)	Result (Jan 2013–Dec 30, 2013)	Result (Jan 2014– Mar 2014)	Result (Apr–Jun 2014)	LOP Total
AE18	\$ value of local salaries	N/A	1,270,245	191,063	84,892	4,723,862
AE19	\$ value of all Afghan security staff salaries	N/A	547,372	40,374	4,480	3,956,356 (rounded) <sup>34</sup>

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<sup>34</sup> Includes security and logistics.

## 2.3 KEY ACTIVITIES ACCOMPLISHED DURING THE QUARTER

Some of the key activities implemented during the reporting quarter are:

- Technical support for four regional Consultative Workshops regarding the draft Land Acquisition Law;
- Continued support on the IT systems (Afghan Land Records Management System [ALRMIS] and Cadastral Data Management System [CDMS]), primarily by reviewing the status of IT systems' operationalization toward sustainability;
- Continued support to the Women's Land Rights Task Force;
- Support for the development of a system of land rights registration in Afghanistan, and assistance to Arazi in the development of a strategy for the institutional merger of the AGCHO Cadastral Department into Arazi;
- On-the-job training session on the LAL and implementation procedures for Arazi regional officials from Herat, Kandahar, and Paktia provinces;
- Support offered to move high-tech survey equipment from former AGCHO Cadastral Department to the Arazi Cadastre Department; practical training course in the use of equipment, through a subcontract to Geo Planning Survey and Designing, conducted for 22 members of the Cadaster Department, including staff members from Herat, Nangrahar, Balk, and Kandahar provinces; and

For a more detailed list of activities, see the Table in Annex 1.

## 2.4 PLANNED FOR NEXT REPORTING PERIOD

Contingent upon LARA receiving a 90-day NCE from USAID, the project would complete the following tasks during the next quarter:

1. Valuation training (requiring STTA support);
2. End-line monitoring and evaluation study of work in two informal settlements in Jalalabad, to be implemented through a subcontract to Eureka Research;
3. Basic refurbishment of Arazi Cadastral Room (and ancillary improvements) to enable the CDMS to function (the recent physical merger of the former AGCHO Cadastral Department with Arazi has been only partially completed);
4. Additional IT systems training to Arazi (ALRMIS and CDMS systems);
5. Support to Arazi staff with:
  - a. Implementation of amended workflows within ALRMIS as recently developed by Arazi;
  - b. Fine-tuning ALRMIS and CDMS based on working experience and facilitating maintenance and support activities under the Maintenance & Support Agreement with Thomson Reuters;
6. Support to Arazi to implement the IT Sustainability Plan developed with Arazi in mid-2013; and
7. Continued support for Arazi-led legislative reform (Land Management Law and Land Acquisition Law).

## 2.5 LESSONS LEARNED

As part of the moving of equipment from the former AGCHO office to the Cadastral Department of Arazi, poor communication with the LARA project and among AGCHO and Arazi leadership has caused delays. In the future, the project will monitor services more closely and provide more hands-on assistance to Arazi to ensure that physical relocations and use of computer systems are more effective.

As part of the capacity-building efforts with respect to Arazi, the LARA project will need to work more effectively with the CEO of Arazi to ensure institutional plans are executed on time. An important case in point is the Sustainability Plan for the IT systems installed by the LARA project. It will be of the utmost importance to build Arazi's management capacity so that they are less reliant on international support for systems functionality and sustainability.

In addition to the significant technical capacity issues, Arazi lacks planning, budgeting, and procurement expertise. The LARA project recommends that future projects focusing on technical assistance to Arazi pay special attention to these aspects and to the existence of qualified human resources.

### **Evaluations, Assessments, or Audits**

No evaluations, assessments, or audits were conducted during the quarter.

# 3.0 COLLABORATION WITH GIROA, OTHER DONOR PROJECTS, OR OTHER USAID PROJECTS

## 3.1 LINKS WITH RELEVANT GIROA MINISTRIES

On April 13, 2014, LARA Legal Specialist Habibullah Hotak met with the Arazi CEO regarding printing the Arazi five-year Strategic Plan in Dari and English and Arazi file folders. LARA printed 1,500 of the Dari version and 500 of English version of the Arazi strategic plan.

LARA's Deputy Chief of Party (DCOP)/Technical and Legal Specialist met with the Ministry of Justice (MoJ) Acting Minister, Sayeed Yousif Agha, to follow up on the Land Management Law approval. Mr. Agha said that the law is currently under review by the minister's advisors and that the MoJ is planning to have the law finalized and adopted by the end of the current year.

## 3.2 LINKS WITH OTHER DONOR AGENCIES

On May 22, 2014, the LARA DCOP/Technical and Chief of Party (COP) Justin Holl attended the monthly meeting of the Policy Advisory Group on Land (PAGL), chaired by Patricia Wildermuth, UNAMA Rule of Law project. As part of the agenda, the LARA COP presented an initial memorandum entitled "Policy Regarding Role of the Courts" in land registration. In the context of the Arazi five-year strategy, he referenced the current law and procedures for the issuance of deeds by the courts, deficiencies in the legal framework for land registration, and issues regarding possible violations of separation of powers and conflicts of interest, where courts are expected to exercise judicial functions and at the same time are responsible for the executive/administrative function of maintaining land record archives. At least one Afghan member of the advisory group stated the importance of having several different registration books. Mr. Holl pointed out that this is inconsistent with international best practices, and that none of the books, ledgers, or logs are reliable. There are significant disincentives for the Afghan citizenry to make a record of transactions using any of the "registration" mechanisms set out in Afghan legislation, and the people have little confidence in the courts.

# 4.0 MANAGEMENT AND ADMINISTRATIVE ISSUES

## 4.1 PERSONNEL

During the reporting quarter, the LARA COP Justin Holl left the project. As agreed with the project Contracting Officer's Representative, the DCOP/Technical Lida Nadery took over as Acting COP.

## 4.2 ADAPTION OF THE ACTIVITY

In April, the project team conducted a walk-through of the Cadastral Department premises at Arazi to assess readiness to host the CDMS, which was about to be transferred from the old AGCHO building. The team found that the building was unsuited to host the CDMS-related computer network. The team put together Scopes of Work (SOWs) for future upgrading works to the building. These upgrading works are critical in order to allow CDMS to continue to function and USAID's investment in training and equipment is not lost. This is key to IT systems sustainability.

The project team moved forward with the contracting process but did not enter any contract for upgrading works due to the lack of time. Should LARA be granted an NCE, the contracting process will resume as planned.

## 4.3 MODIFICATIONS AND AMENDMENTS

In June, USAID approved a small budget modification to the LARA contract. The purpose of this budget modification was to allow for the reallocation of obligated funds among contract lines (\$46,000 were reallocated from the Subcontract/Consultants line into the Allowance Budget line).

Because of the constraints mentioned under Section 1.2, Constraints and Critical Issues, the LARA project formally requested a 90-day NCE for the completion of key project activities. For a detailed list of these activities, see section 2.4, Planned for Next Reporting Period.

# 5.0 SUCCESS STORIES AND PHOTOS

## LAND ACQUISITION DRAFT LAW FINALIZED AS A RESULT OF NATION-WIDE PUBLIC CONSULTATIONS

Early in 2014, the LARA project legal team with the Arazi technical team finalized the first draft of the Land Acquisition Law. The law main chapters focus on: Types of the Acquisition; Transfer of Government Land for Project; Appraisal, Pricing, and Calculation of Compensation; and Resettlement and Rehabilitation.

The currently enforced Land Acquisition Law has many short comings. It cannot respond to the current needs of the acquisition process. As a result, several national-scale large development projects (such as New Kabul, Shah, Aros Dam, Ainak Coffe Mine, or Hajigak Dam) are waiting for a more responsive revised Law. The new draft is the result of consultations not only with national and international experts, but also with civil society actors as part of nationwide public consultation workshops. It also relies on international best practices that take into account social and humanitarian aspects. The key amendments to the first draft are as follows:

- The draft law covers all of the country’s land acquisition processes—including rural and urban areas—whereas the current law is limited to the urban areas;
- The draft law outlines proper compensation strategies for acquisitions by the government pursuant to the law and resettlement procedures. A special chapter (Chapter 8) is dedicated to resettlement and relocation of inhabitants affected by public utilities projects. The draft law proposes that compensation should be the responsibility of the “acquiring company” implementing infrastructure and public utilities projects. Also, the draft law proposes that in addition to monetary compensations, the respective companies check and recommend suitable areas for relocation before any project commences;
- Emergency and urgency-type acquisitions have been considered;
- Special provisions on resettlement and rehabilitation have been introduced;
- Arazi is added as the third overseeing body for the whole process;
- Fair compensation should not only be paid to directly affected people, but also to the indirectly affected populations (such as tenants, shared crops farmers, people losing their jobs as a result of businesses relocation);
- Just, fair, and market value compensation shall be paid before implementation of the project;
- As part of the acquisition process, occupants are eligible for compensation, in addition to the owners. Short term occupants (10–15 years) also qualify for compensation.
- Public participation must be considered in the acquisition process;
- Public hearings in order to collect objections regarding the acquisition process have been introduced;

The draft law was finalized in June 2014, and is to be sent to the Ministry of Justice for further approvals.

# 6.0 FINANCE

Contract Number 306-C-00-11-00514-00-LARA Project							
Budget Line Items	Approved Budget for Base Period	Apr-14	May-14	Jun-14	Total Quarter 3	Total Invoiced To Date	% Budget Spent
Salaries & Wages	\$5,729,376	\$41,316	\$56,293	\$62,732	\$160,341	\$5,597,505	98%
Fringe Benefits	\$1,016,643	\$10,293	\$9,386	\$13,269	\$32,948	\$985,185	97%
Travel, Transportation & Per diem	\$697,760	\$4,032	\$1,295	\$8,459	\$13,786	\$613,318	88%
Procurement Equipment and supplies	\$532,975	\$206	\$230	\$1,340	\$1,776	\$505,303	95%
Communications	\$395,361	\$1,031	\$3,247	\$2,179	\$6,457	\$356,417	90%
Subcontracts/Consultants	\$12,015,106	\$0	\$24,200	\$27,417	\$51,617	\$11,657,165	97%
Allowances	\$1,626,763	\$26,623	\$9,479	\$32,221	\$68,323	\$1,585,853	97%
Direct Facilities Costs	\$377,972	\$0	\$0	\$0	\$0	\$340,803	90%
Other Direct Costs	\$6,727,136	\$32,103	\$68,535	\$83,914	\$184,552	\$6,378,630	95%
Security	\$4,962,768	\$36,435	\$35,290	\$36,435	\$108,160	\$4,835,555	97%
Grants Under Contract	\$110,191	\$0	\$0	\$0	\$0	\$110,191	100%
Indirect Costs	\$4,872,112	\$32,155	\$44,119	\$57,295	\$133,569	\$4,661,235	96%
Indirect Rate Adjustment	\$0	\$0	\$0	\$0	\$0	-\$169,312	0%
Sadat & Saifi Credit	\$0				\$0	-\$19,574	0%
Total Estimated Costs	\$39,064,163	\$184,194	\$252,073	\$325,262	\$761,529	\$37,438,276	96%
Fixed Fee	\$2,735,837	\$12,894	\$17,646	\$22,770	\$53,310	\$2,633,866	96%
Total Estimated Costs + Fixed Fee	\$41,800,000	\$197,088	\$269,719	\$348,032	\$814,839	\$40,072,142	96%

# ANNEX 1. KEY ACTIVITIES IMPLEMENTED DURING THE REPORTING PERIOD

Project Component	Activity Description	Target of Activity	Expected Outcome of Activity	Dates of Activity	Location information				
					Province	District	Village	Lat	Long
Legal Component	Amendments to the Land Acquisition Law	Public consultation workshops on Land Acquisition Law in four regions	Draft Law is amended	April-June 2014	Herat	Herat	Herat City	34.35	62.2
					Balkh	Mazar-e-Sharif	Mazar-e-Sharif	36.70	67.10
					Nangharhar	Jalalabad	Jalalabad City	34.42	70.45
					Kabul	Kabul city	Kabul city	34.53	69.16
Training Component	Land Survey Equipment Training (GPS, Total Station Set, Digital Theodolite, Trimble M3, GIS, GNSS)	22 Cadaster Department staff trained in new cadaster technology	Improved skills of cadaster staff, both in Kabul and provinces	Jun 16-July 09, 2014	Kabul	Kabul city	Kabul city	34.53	69.16
	On-the-job training on ALRMIS: GRM Registry, Administrator and Editor	Arazi Cadaster Department staff received on-the-job training on ALRMIS	Arazi staff is able to enter data into system.	12, April-10, Jun, 2014	Kabul	Kabul	Kabul City	34.53	69.16
	Land-related technical training: on-the-job training on land clearance, land lease and survey, and cadaster procedures	Arazi Central and provincial staff on-the-job training on land-related technical issues	Arazi Cadaster Department staff is able to operate technical surveying equipment	19-23, April, 2014	Kabul	Kabul	Kabul City	34.53	69.16



**USAID/Afghanistan**

U.S. Embassy Cafe Compound  
Great Masood Road  
Kabul, Afghanistan  
Tel: 202.216.6288

<http://afghanistan.usaid.gov>