

# LARA

## LAND REFORM IN AFGHANISTAN PROJECT

### **BUSINESS AREA ANALYSIS**

MANATRON, INC. – A THOMSON REUTERS  
BUSINESS

ALARMIS (Afghanistan Land Registration Management Information System)

Arazi Ministry of Agriculture

February 11, 2013



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## **DATA PAGE**

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## **KEYWORDS**

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## 1 INTRODUCTION

### 1.1 PURPOSE

This document describes an ‘as-is’ preliminary assessment of the Afghanistan Land Authority (Arazi), carried out by the Thomson Reuters team to determine current business practices in the government land administration. Our analysis was based on discussions with the different directorates as well as the review, forms, deeds and relevant legislation available. This document is intended for use by TetraTech-ARD, Thomson Reuters Manatron and other partner business analysts under the LARA project.

This document contains information required for GRM Registry and GRM Cadastre customization by Thomson Reuters Manatron, which forms the basis of the Afghanistan Land Registration Management Information System (ALRMIS).

### 1.2 SCOPE

The document covers land administration principles, existing IT systems, workflows and transactions required for the configuration of ALRMIS; sample documents that are currently in use as well as numbering systems processes. The document does not cover recommendations on changes to existing business processes nor is it a report on issues and problems.

### 1.3 DEFINITIONS, ACRONYMS, AND ABBREVIATIONS

This section provides definitions for all the terms used in this document:

AfLIS	Afghan Land Information System
AGCHO	Afghan Geodesy & Cartography Head Office
AICRS	Afghan Integrated Cadastre & Registry System
AIMS	Afghanistan Information Management Systems
ALCO	Afghan Land Consulting Organization
ARTS	Afghanistan Reliable Technology Services
BAA	Business Area Analysis
BPR	Business Process Reengineering
CDMS	Cadastral Data Management System
COP	Chief of Party
CORS	Continually Operating Reference Station
COTR	Contracting Officer’s Technical Representative
GDMA	General Directorate of Municipality Affairs
GIROA	Government of the Islamic Republic of Afghanistan
GIS	Geographical Information System
GPS	Global Positioning System



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HR	Human Resources
ICT	Information and Communication Technology
IDLG	Independent Directorate for Local Government
ISAF	International Security Assistance Force
IT	Information Technology
LADM	Land Administration Domain Model
LARA	Land Reform in Afghanistan
LIS	Land Information System
LIS/PIMS	Land Information System/Parcel Information Management System
MC	(ILS) MultiCadastre – GRM Cadastre
MOU	Memorandum of Understanding
MUDA	Ministry of Urban Development Affairs
NGA	National Geospatial Intelligence Agency
PIMSS	Provincial Infrastructure Management Support System
RAMP-UP	Regional Afghan Municipalities Program for Urban Populations
SRS	Systems Requirements Specification
SUIS	Settlement Upgrading Information System
USAID	United States Agency for International Development
UNDP	United Nations Development Programme
VPN	Virtual Private Network

## 1.4 REFERENCES

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### 1.4.1 PERSONS INTERVIEWED

Aziz Bahram	Deputy Land Inventory Director
Wahidur Rahman "Rahmani"	Land Lease Director
Susan Ahmadi	Communications Director



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Haroon Zareef

Land Clearance Director



## 2 BACKGROUND INFORMATION

Responsibility for the management of Land in Afghanistan is divided between two entities: the Ministry of Agriculture (Arazi) and the municipal authorities. Arazi assigns, transfers, and leases state land; once the land is assigned to a municipality, that portion of land is no longer the responsibility of Arazi, and the land is managed by the municipal authorities<sup>1</sup>. Essentially, Arazi handles state and private land in rural areas, and the municipality is tasked with the administration and planning of the land in the urban areas. Judicial power plays a role in the land administration by issuing and validating title documents and maintain land ownership records. Land Registries (Makhzan) are the offices for registering and maintaining records for land ownership as well other governmental records.

### Arazi

The GIROA has been engaged in land administration, primarily as a means of collecting taxes, since the early 1900's and this activity has historically been the responsibility of the Ministry of Interior Affairs and the Ministry of Finance respectively, subsequently transferred to the Ministry of Agriculture, Irrigation and Livestock (MAIL). There continues to be a presumption that the tax rolls contain the names of the true owners of the land, and this has been codified in the Land Management Law of 2008.

Attempts to improve the accuracy of the tax rolls and increase tax revenues from time to time, by relying on voluntary declarations by landowners (Land Declaration Law of 1960), met with little, if any, success leading to additional attempts to improve revenue generation. In 1963 Amlak (Land Affairs) and Cadastre Directorates were created under the supervision of the Ministry of Finance resulting in the first accurate multi-purpose land inventory. However, this land inventory did not involve the document registration of the courts. In 1973 the Cadastre was separated from the Ministry of Finance and merged into the Afghan Geodetic & Cartographic Head Office (AGCHO) leaving Amlak without direct access to cadastre maps.

Land reform was assigned to Amlak, which completed a survey and collected information regarding 800,000 landowners and established new land quality classifications. Amlak was transferred from the Ministry of Finance to the MAIL in 1978, and thereafter, under Soviet influence, land reform focused on expropriation of large land holdings and redistribution to poor and homeless persons, which was generally unpopular. In 1991 land reform came to a halt and Amlak lost most of its personnel and support. Nevertheless, Amlak Department had limited operation until it was merged in 2010 with the Afghan Land Authority (ALA) which had been created in 2009 within MAIL. The merged organization was named Arazi.

Within the framework of the Government of Afghanistan, and as a trusted legal autonomous entity Arazi aims to remove major national economic barriers by improving access to governmental lands for commercial activities.<sup>2</sup> The access to the public land was almost inaccessible because the barriers on policies and procedures: *"It is well known that access to land is one of the most frequently cited obstacles for investors. The lack of workable mechanisms for making land suitable at market cost*

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<sup>1</sup> (Norwegian Refugee Council, 2005)

<sup>2</sup> Arazi Strategic Plan 2009 – 2014 (Afghanistan Land Authority (Arazi), 2010), p10



significantly discourages existing and potential businesses from undertaking new investments and effectively impedes new investors from entering the market.”<sup>3</sup>

## 2.1 COUNTRY INFORMATION

Question	Answer
Country Name	Islamic Republic of Afghanistan
Official Language	Afghan Persian or Dari & Pashto <sup>4</sup>
Currency	Afghan Afghani (AFN) 1 USD = 48.32 AFN (24th January 2012); Code: AFN (ISO 4217)
Estimated Population, Total: Urban: Rural:	30,419,928 (July 2012 est.) Urban population 23% of total (2010)
Number of Administrative Provinces (1st Level – Provinces)	34 (as of 2012)
Number of Administrative Provincial Districts (2nd Level – Provincial Districts)	Provinces are divided into about 398 smaller provincial districts, each of which normally covers a city or a number of villages
Number of Cities	34
Number of Towns	
Total Land Area, sq. km.	652,230 sq km
Total Water Area, sq. km	0 sq km
List of Official Holidays	February 4 <sup>th</sup> (variable) – Mawlid March 21 <sup>st</sup> - New Year's Day April 28 <sup>th</sup> - Mujahedeen Victory Day May 1 <sup>st</sup> – May Day August 19 <sup>th</sup> - Independence Day August 20 <sup>th</sup> -22 <sup>nd</sup> (variable) – Eid ul-Fitr October 25 <sup>th</sup> (variable) – Day of Arafat October 26 <sup>th</sup> – 29 <sup>th</sup> - Eid al-Adha

<sup>3</sup> id

<sup>4</sup> Afghan Persian or Dari (official) 50%, Pashto (official) 35%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%, much bilingualism

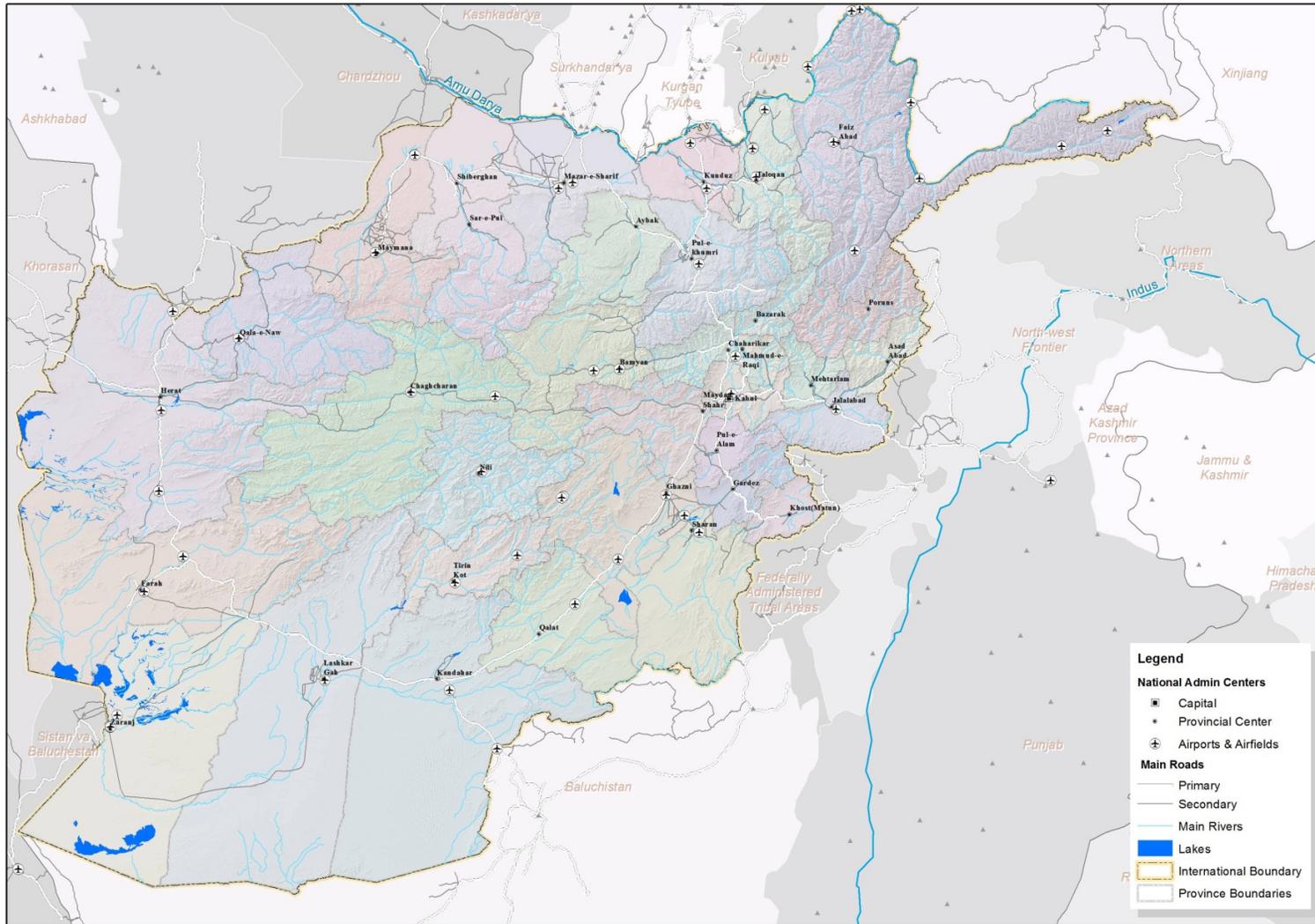


Figure 1 - Provinces and Province Districts of Afghanistan



### 3 INSTITUTIONAL INFORMATION

#### 3.1 GENERAL OFFICE INFORMATION

This section provides information about the structure and organization of the Afghanistan land Authority:

Question	Answer
Address of Main Office	District # 7, Opposite to Darul-Aman Palace, Kabul - Afghanistan
Official office working hours	8am – 4pm
Which agency does the institution report to (e.g. Ministry of Justice, independent statutory agency)?	Ministry of Agriculture, Irrigation and Livestock
Total number of office branches in the country	34
Total number of staff in the registration authority	N/A
Can there be more than one registry office for the same region?	No
Is the registry unified across types of property (e.g. rural vs. urban, industrial vs. agricultural)? In other words, the information is stored in one registry/book/system or in separate registries?	No, the registration is made in different places and Urban and Rural land have different registration books, same with Government and Private Land
Is the register of property rights itself is computerized in any of the following areas:	
Business systems (transaction management, revenue collection, management information, etc.)?	No
Maintenance of indices (owner, parcel, etc.) and cross-indices for the various types of land records?	Partially
Imaging/Document Scanning?	Partially
The registry uses unique reference numbers for each property recorded	Yes
The registry is privately owned	No



Question	Answer
The registry is part of the same institution as the cadastre (maps/surveys)	No
The registry is part of the same institution as the fiscal cadastre (tax authority)	No

Arazi was granted the authority and the responsibilities of Amlak, ALA, and the Independent Commission for the Restitution of Illegally Occupied Land and has a primary role in carrying out many of the mandates of the Land Management Law. Specifically, Arazi has responsibilities in the areas of:

1. Land Inventory and Registration,
2. Land Clearance and Planning,
3. Land Lease,
4. Land Dispute Resolution (due to the merger of the Independent Commission for Illegal Occupied Land with Arazi),
5. Media and Communication
6. Administration and Finance,

The Land Management Law of 2008 delegates authority to administer government and public land to MAIL and Amlak was responsible for this administration. Currently Arazi is largely responsible for carrying out this mandate. Thus, Arazi concerns itself with issues for government and public land that is not within the jurisdiction of municipalities. Through the *Tasfia* process Arazi is registering public and private land. In creating a land inventory, Arazi asserts a right to survey all of Afghanistan to a resolution of 10 meters in order to ascertain the extent of government land.

### 3.2 MISSION

On June 21<sup>st</sup>, 2010 Arazi approved a Strategic Plan for the period 2009 – 2014 in which defines the objectives, organization structure and long-term goals. The mission statement was defined:

*“To act as a trustworthy public entity known for its exemplary transparent, professional and outstanding land management services, enabling investors to gain full and equal access to suitable land.*

*To enact reforms and direct the land management services by focusing on land inventorying, land clearance, land registration, land zoning, and commercializing activities.”<sup>5</sup>*

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<sup>5</sup> Arazi Strategic Plan 2009 – 2014 (Afghanistan Land Authority (Arazi), 2010), p9



### 3.3 ORGANIZATIONAL GOALS

Arazi long-term goal is to establish a new legal entity by 2014, which will offer a single point of access to land management services with international standards. Arazi is developing core competences related to its programs and building up competencies for program related goals in<sup>6</sup>:

- Land Information System
- Land Lease Services
- Land Registry System

The functional related long term goals in development includes:

- Operations
- Communications
- Internal Audit

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<sup>6</sup> (Afghanistan Land Authority (Arazi), 2010)



## 3.4 LAND INVENTORY AND REGISTRATION DIRECTORATE

A principle demand of Arazi is to advise the government with regard to how much land exists for each different class of land in Afghanistan and where that land is located. Accordingly, the Directorate of Land Inventory and Survey has been assigned the role of classifying over 800,000 hectares (8,000 sq. km) of land during the next 10 years, with the specific goal of identifying areas that are undisputed and not already occupied and are available for potential lease to Afghan citizens and businesses.

The Directorate is to work with other government agencies, including local governments, other line Ministries and independent directorates with the objective of establishing a nationwide inventory of all lands, particularly to identify and inventory government and public lands available for the land-leasing program to be established pursuant to the Land Management Law (2008). The Directorate is to develop standardized technical procedures to commence the work of inventorying the land and make the information available to other government agencies that are in need of this information.

The inventory is to proceed with a phased approach in recognition of the fact that this is a long-term undertaking. The first phase of the inventory is to concentrate on land that is currently under lease with the government and less challenging land, free from disputes, that is unoccupied and not in use. Land with endorsement from provincial and district governmental offices and communities with governmental property rights will also be among the priorities. Other priorities include irrigated lands and lands for which land lease applications have been received over the past decade. Arazi recognizes that the completion of the land inventory may require a decade or more to complete<sup>7</sup>

### 3.4.1 ORGANIZATIONAL STRUCTURE



There are 23 positions in this directorate. At the time of this report the positions of Director, GIS/MIS Senior Officer, and 2 MIS Officers are vacant. The 2 GIS Mapping Officers are contracted from

<sup>7</sup> Arazi Strategic Plan 2009-2014, dated June 21, 2010 p. 29



Harakat, as are the Survey Quality and Assurance Officer and 5 Land Surveyors; government employees fill the other positions.

### 3.4.2 PLANNED ACTIVITIES

Governmental land plots will be prioritized following the criteria in the first stage (criteria have been established in order to face the less challenging land cases at the beginning of the project, though the inventory will be nationwide)<sup>8</sup>:

- **Ongoing lease:** Land plots under lease will be prioritized, giving preferential option for current tenant, if interested and meeting applicant's criteria
- **Use:** Areas currently non occupied and non used will be prioritized
- **Ownership:** Land with endorsement from provincial and district governmental offices and communities with governmental property rights will be prioritized
- **Water:** Land with water potential based on recent studies will be prioritized
- **Land Demand:** Provinces that have accumulated more lease applications in the past 8 years will be prioritized
- **Security:** Areas that allow the field teams to operate with the lowest level of risk will be prioritized

Furthermore a Land Zoning Policy Proposal for a policy regarding land use management and planning will be elaborated and will need to be accepted as proposed government policy.

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<sup>8</sup> Arazi Strategic Plan 2009-2014, dated June 21, 2010, p36



### 3.5 LAND CLEARANCE AND PLANNING DIRECTORATE

Article 13 of the Land Management Law (2008) assigns the technical and administrative aspects of “Tasfia” to MAIL<sup>9</sup> and it is important to point out the preparation of the inventory and “Tasfia” are interrelated. *Tasfia* is the process of identifying and specifying government, public, and private lands, as a result of which all the specifications of land such as location, taxation, type of ownership, owner(s) and other right holders and water rights are identified.<sup>10</sup> “Tasfia” has variably been translated into English as identification, clearance, and settlement.

The Land Clearance “*Tasfia*” and Planning Directorate has been established within Arazi, as member of the land settlement commission, to carry out the duties and obligations set out for land settlement in Article 15 of the Land Management Law. These are listed as:

1. Settlement of landholding areas, distribution of document and land.
2. Determining the limits, category<sup>11</sup>, water rights and tax of the land.
3. Determining and segregation of individual, state, as well as grazing, endowed, virgin and arid lands, jungles and so forth.
4. Referring the disputes and lawsuits related to grazing, endowed, virgin and arid lands, jungles and so forth to the competent authorities.
5. Registration of land settlement conclusions in the relevant book.
6. Referring the conclusions of land settlement for registration in the principal books of properties (Amlak) and local tax as well as preparing legal document in the relevant court.
7. Restoration of previously illegally distributed land to the owner, or to his legal inheritors.
8. Sending performance report to the relevant provincial land management department and to the central land management organization.
9. Other duties for the purpose of enforcement of provisions of the present law that are assigned by Ministry of Agriculture, Irrigation and Livestock.

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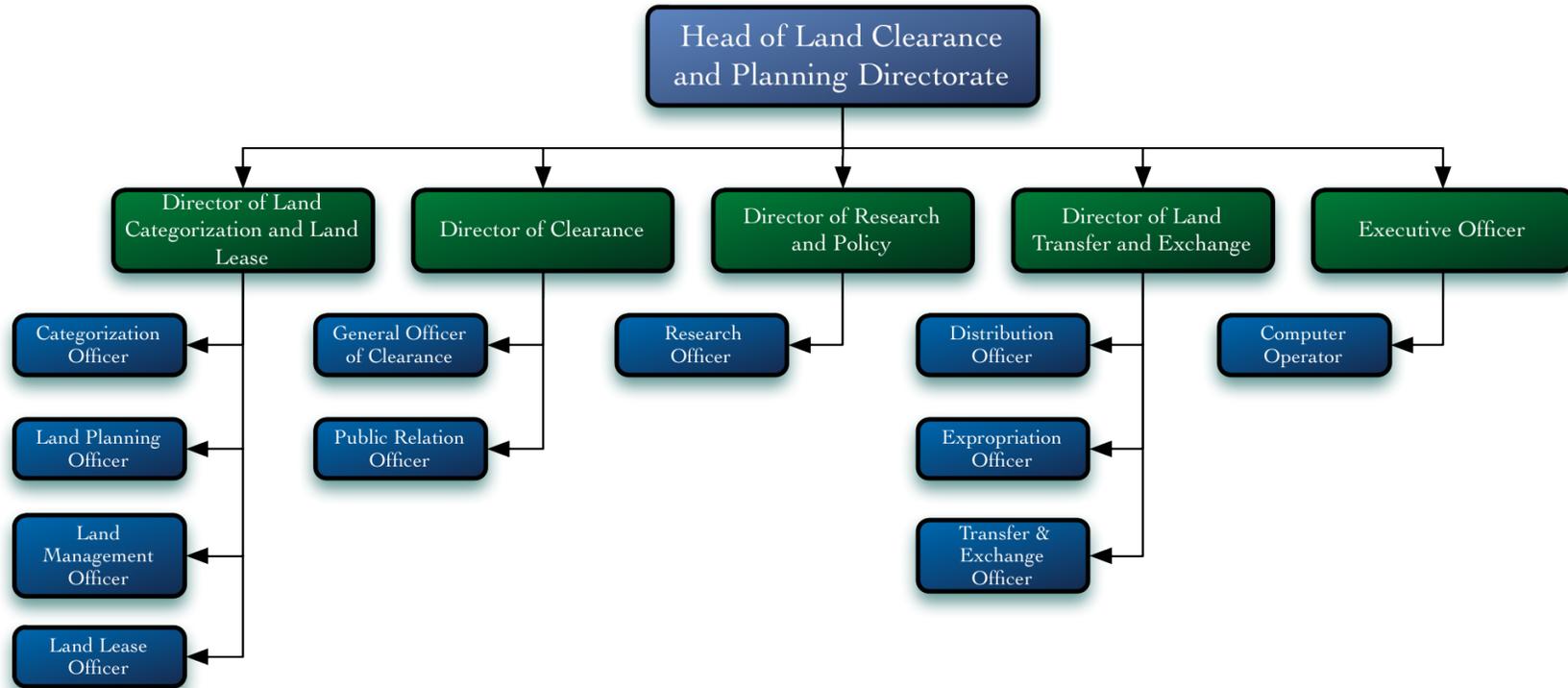
<sup>9</sup> Note that the Land Management Law (2008) differentiates between the “land settlement commission” (Article 14) and a central “land management commission” (Article 19).

<sup>10</sup> Presentation made by the Acting Director of Arazi, Mr. Haroon Zareef, for ISAF/NATO, Embassies, and the International Community on October 16, 2011

<sup>11</sup> There are seven categories of land according to Article 40 of the Land Management Law (2008); orchard or vineyard, double crops (sic) irrigated, two categories of single crop irrigated differentiated by coefficient, rain fed land cultivated every other year, rain fed land cultivated every two years, and “Rain-fed land, which is cultivated for more than two alternate years, coefficient (0.10)”.

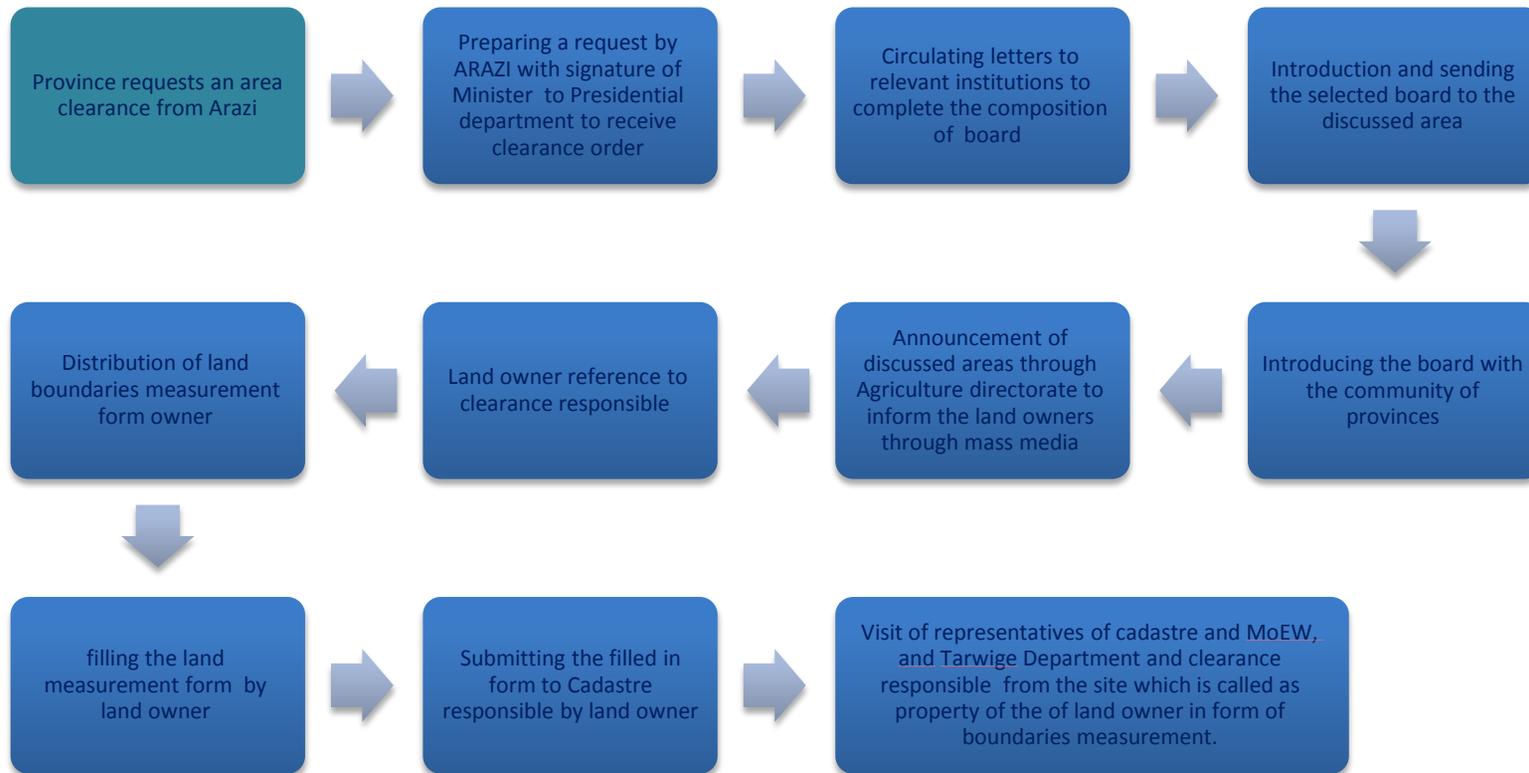


### 3.5.1 ORGANIZATIONAL STRUCTURE



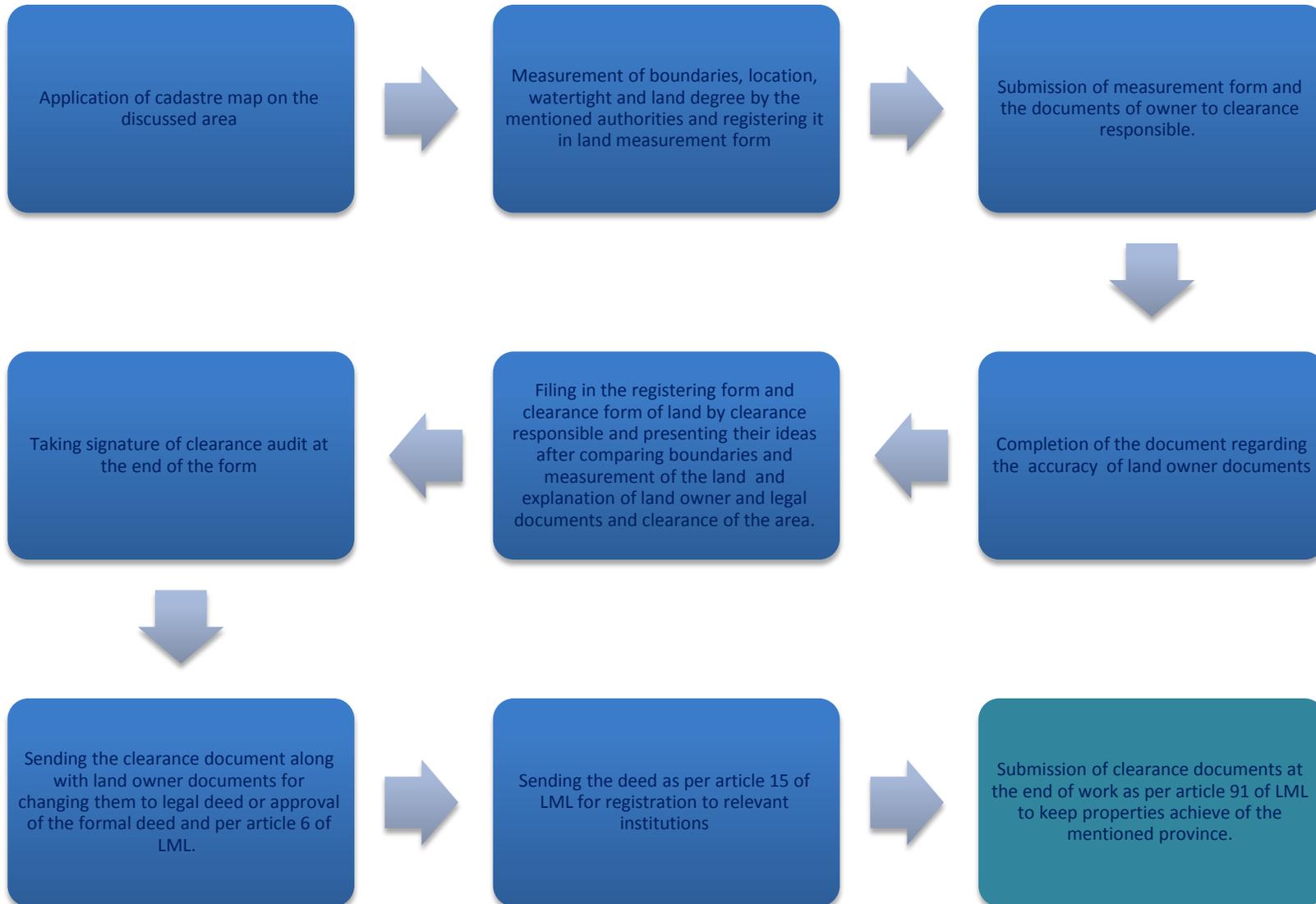


### 3.5.2 CURRENT LAND CLEARANCE PROCEDURE



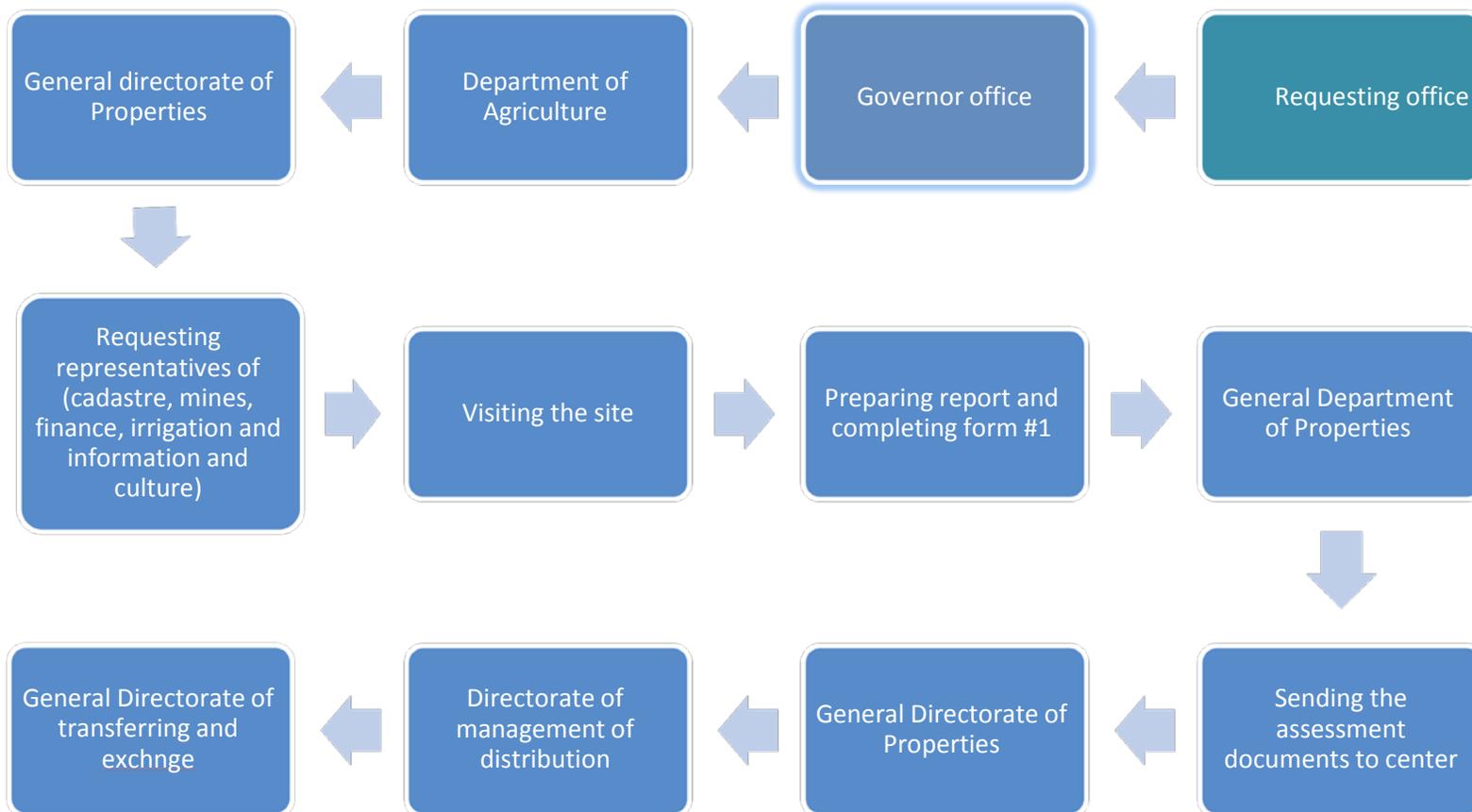


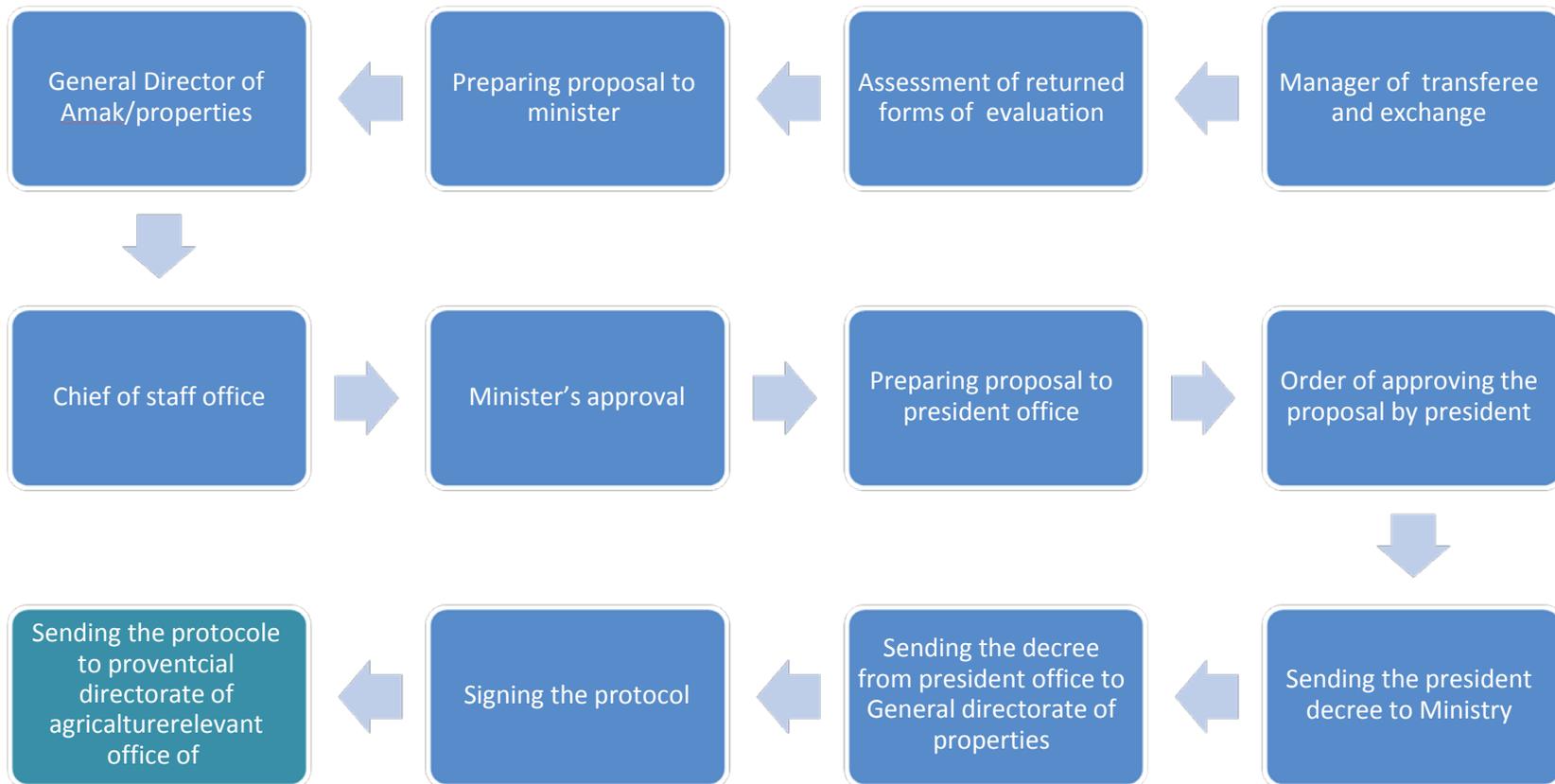
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### 3.5.3 LAND TRANSFER PROCEDURE







### 3.5.4 PLANNED ACTIVITIES

The core objective of the Land Clearance “*Tasfia*” and Planning Directorate is to identify the real owners of governmental, public, and private land and prepare governmental land for leasing, distribution, transfer, exchange, zoning and other purposes. There have been three procedures developed by this directorate to better implement its duties and responsibilities:

- Land Rights Identification Procedure,
- Land Transfer Procedure, and
- Land Exchange Procedure.

The first two procedures have been approved and the latter is being considered.



## 3.6 LAND LEASE DIRECTORATE

The Land Lease directorate of Arazi is one of the core public-facing directorates of Arazi, as it is tasked with managing the lease program. Central to the objectives of Arazi is the leasing of government land. Arazi articulates its creation and purpose as follows:

*In September 2010, the Ministry of Agriculture created the Afghanistan Land Authority (Arazi), to develop and implement a strategy to lease land for agricultural, agro-processing, and industrial purposes. Arazi has been given the responsibility that after inventorying all government-owned land, establish (sic) fair and transparent procedures for its leasing, and set up a one-stop window that makes leasing attractive to both domestic and foreign investors<sup>12</sup>.*

The work of this unit of Arazi includes the establishment of standardized, efficient and transparent land tender and lease procedures to improve access to governmental lands for the private and public sectors and increase government revenue<sup>13</sup> by providing investors with a simple, transparent service to lease government land through a 'one-stop-shop.' Arazi's goal is to offer more than 25,000ha per year for lease for agricultural and commercial purposes. Among the seven different kinds of land under management of the GIROA, four kinds of lands will be integrated in the land inventory to be offered for leasing (rain fed lands, irrigated lands, non-cultivated lands, and non-agricultural lands). The remaining three (including forest, pastures and state developed farms) will not initially be part of the lease offer and will be kept under custody of MAIL for the time being.

The Directorate is responsible for managing and enforcing the leases over government land in addition to new land tenders, including the management and enforcement of leases that were implemented prior to Arazi's creation, which amounted to 1067 signed leases.

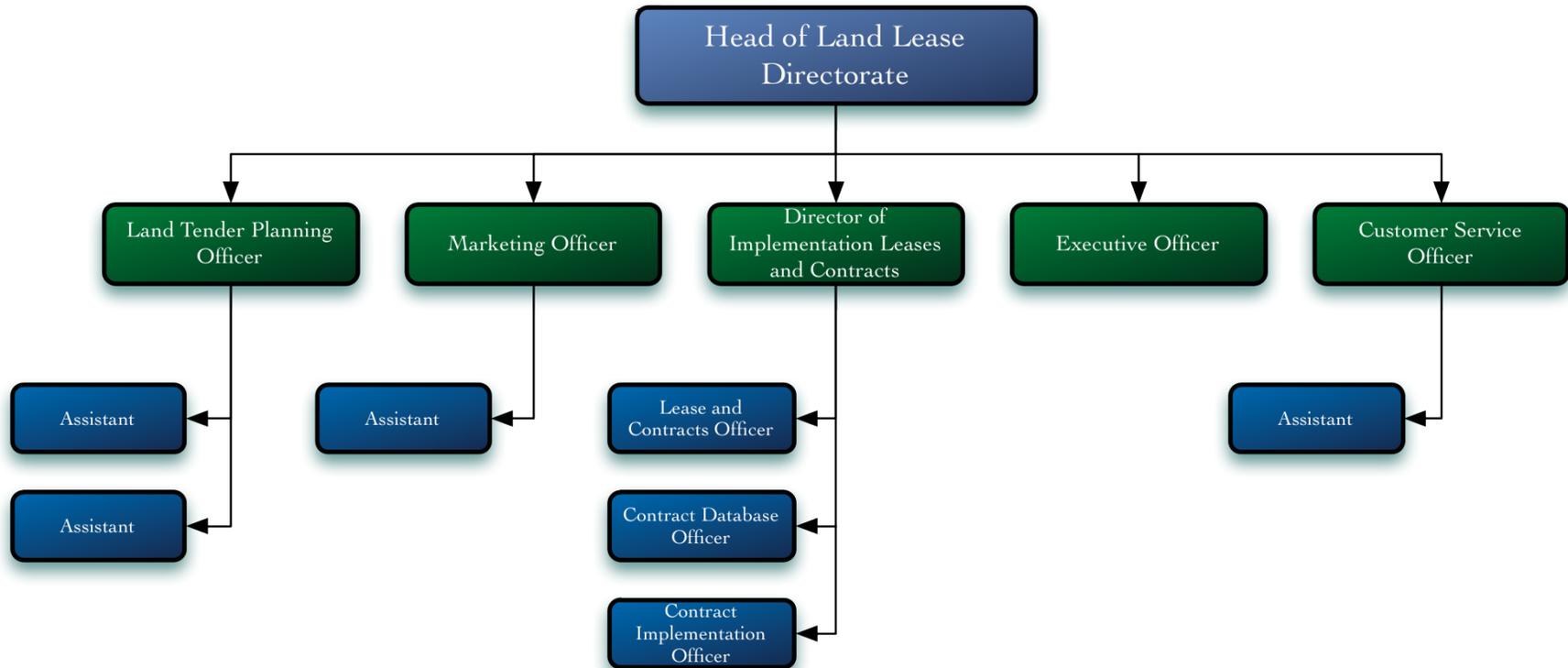
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<sup>12</sup> [http://www.arazi.gov.af/index.php?option=com\\_content&view=article&id=76&Itemid=70](http://www.arazi.gov.af/index.php?option=com_content&view=article&id=76&Itemid=70), accessed October 17, 2011 at 16:50.

<sup>13</sup> The scopes of work for the Department of Land Lease, the Department of Land Rights Identification and Planning, and the Department of Dispute Resolution were taken from a presentation made by the Acting Director of Arazi, Mr. Haroon Zareef, for ISAF/NATO, Embassies, and the International Community on October 16, 2011.



### 3.6.1 ORGANIZATIONAL STRUCTURE





### 3.6.2 ACTIVITIES

The leasing program involves:

1. Identifying unregistered government land that is available for lease;
2. Entering this land into a so-called “Lease Register” at Arazi; and
3. Making the land available for the leasing.

The Lease Directorate prepares a list identifying land available for lease, then Directors of the main Directorates and the General Director of Arazi review the list for approval. Land lease tenders are then prepared for the land that has been approved for lease.

Lease of public land is granted to individuals or companies for diverse purposes, before the lease is assigned the directorate needs to evaluate the proposed business to be conducted on the property and later follow the lease periodically.

It is mandatory for the applicants to present a Business Plan describing the property requirement (if individual want to lease small or big parcel) and contains the following structure:

- Information:
  - Goals(vision, mission and purposes)
  - background
  - Previous activities
  - Management
- Market Analysis
  - analysis of current request
  - analysis of providers
  - present gaps
  - the target team
- Information about the Project
  - Purpose
  - Products/ services of project
  - Location of land and areas of required land
  - Main activities
  - Expected achievements
  - Management and key staff of projects
- Marketing Strategies
- Beneficiaries of Project
- Methods of Land Use
  - Time division of land use for various purposes of projects
- Project Budget



- Opportunities of project funding
- Preliminary investment and general investment
- Main costs of project
- Forecast midterm and long term costs of project
- List of required machinery
- Action plan
- Recruitment strategies
- Environmental effects of the project
- Other main points

The process of lease involves several form submissions, approvals and paper trail. Sample of required forms to be filled by individuals can be found in the Annex Lease Forms for Individuals.



## 3.7 LAND DISPUTE RESOLUTION DIRECTORATE

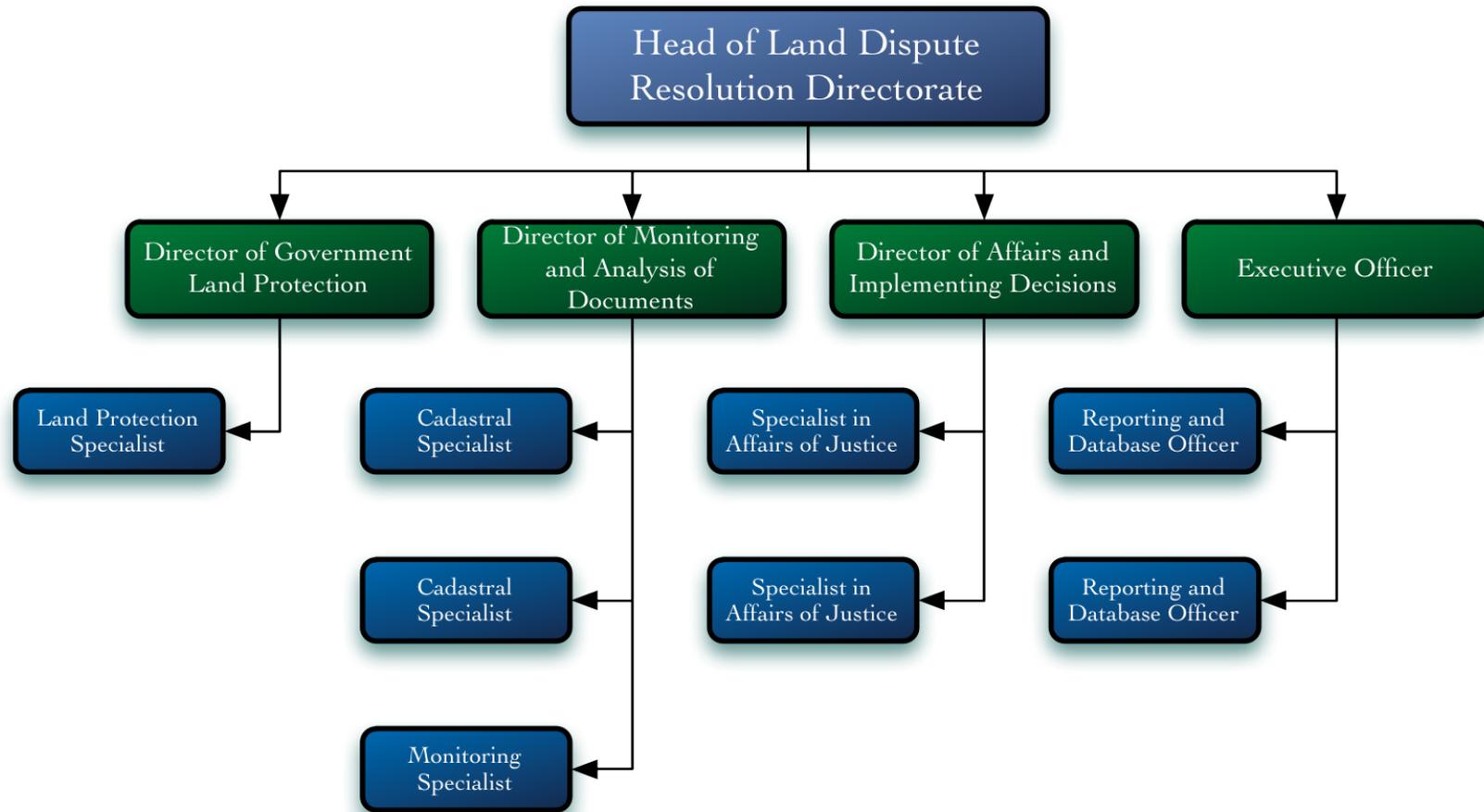
The Directorate of Land Dispute Resolution was established during the merger of Amlak, ALA, and the Independent Commission for the Restitution of Illegally Occupied Land in 2010. It has responsibilities in the resolution of land disputes between individuals (and the government where governmental lands are at issue), prevent land grabbing, restore and protect governmental lands, and reduce land disputes between individuals and the government. This is a completely new function for Arazi that was not a function of any of its predecessors. The Directorate itself doesn't resolve land disputes, for it lacks the power and authority to do so, but rather assesses cases referred by provincial authorities, courts and other related government agencies. The Qazayaa-e-Dawlat (government cases directorate) at the Ministry of Justice is an important institution providing legal representation to the government in cases involving government land.

The Directorate facilitates resolution of land disputes by analyzing the issues regarding the dispute, developing a clear and deep understanding of the causes of the conflict, the nature of the dispute and any special characteristics of disagreement. Particular attention is paid to the parties involved, their positions, attitudes, behaviour, interests, needs and motivations, and their relationship with each other. The parties are encouraged to convene with the intent that they resolve their contentions by themselves. The Directorate attempts intervention as early as possible, often pre-conflict, to defuse serious conflicts and prevent escalation.

After assessment of the cases, the directorate refers them to the related judicial directorate with recommendations for settling the dispute. The directorate is eager to have a special enforcement group in each province not only to enforce decisions regarding land disputes, but to protect the governmental lands.



### 3.7.1 ORGANIZATIONAL STRUCTURE





### 3.8 MEDIA AND COMMUNICATIONS DIRECTORATE

According to the Arazi Communications Strategy, the Directorate Media and Communications objective is to manage the internal and external communications regarding public information, marketing the land lease service, accountability to the citizens of Afghanistan, reporting to donors and sponsors. This Directorate should strengthen the team building process by facilitating effective internal communications and related products. The goal of the Directorate is to influence and win active support for reform from key decision makers and promote Arazi to customers by clarifying and providing a full range of land reform benefits, and disseminating information regarding these benefits.

#### 3.8.1 ORGANIZATIONAL STRUCTURE

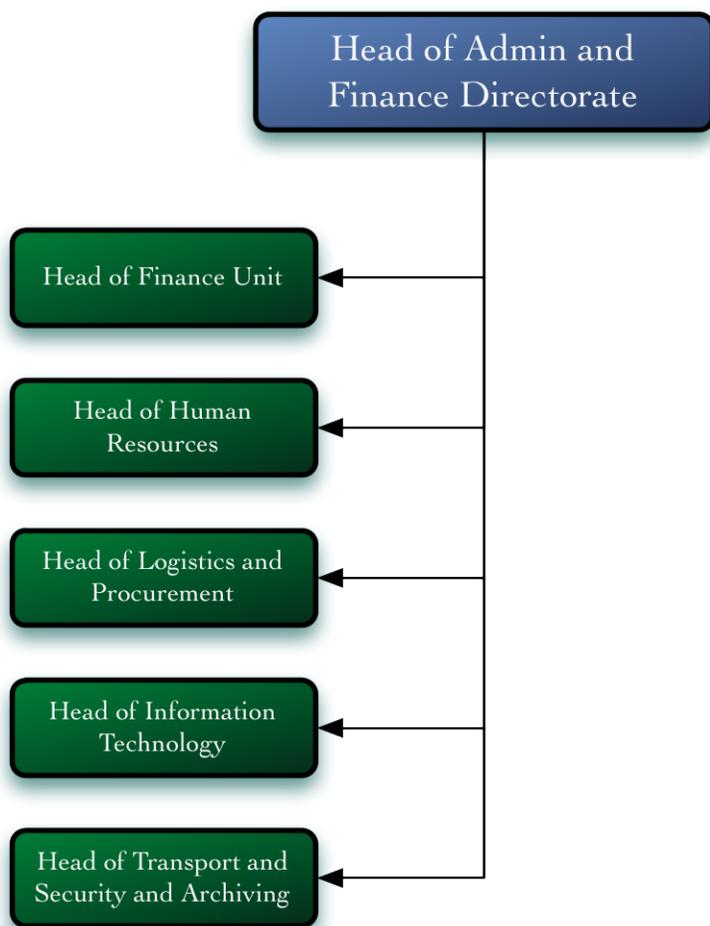




### 3.9 ADMIN AND FINANCE (OPERATIONS) DIRECTORATE

The main purpose of the Directorate of Operations and Communications is to ensure proper, timely and efficient services to each technical directorate of Arazi so that it can properly function.

#### 3.9.1 ORGANIZATIONAL STRUCTURE





## 4 GENERAL PRINCIPLES

Table 1 – Current registration characteristics

Question	Answer
Is the system of registration based on the Registration of Deeds (a system whereby a register of documents is maintained relating to the transfer of rights in land)?	In Afghanistan the registration system is an hybrid and the registration is done in the courts, Arazi register public land for internal purposes but after the inventory they need to register also in the court
At what point does title become legally valid (e.g. only after delivery or when recorded in the registry)?	When recorded in the court
Can provisional (or qualified) titles be issued by the court in cases where there is insufficient evidence to prove ownership rights or boundaries are uncertain?	There are customary deeds witch are acceptable in some transactions. As Arazi deals with public land the government perform an inventory but before lease it, the property needs to be registered.
Is an official expedited service available to speed the processes?	No
Is the registration of new title based on an allocation process?	No
Is the Lease based on an allocation process	Yes and No. Applicant generally specify the land required for lease purposes, but in case of the land is unavailable the committee can allocate a different property with similar characteristics in size or land type.
Does the law allow for the filing of adverse claims (i.e. the formal recognition of rights acquired by long term, undisputed occupation of a property)	Yes, Government recognize as Government land the properties that have a title issued in the name of the government and registered in the “Book of Government Land”, any other property that is not private but also not inscribed in the book is considered public land under the administration of the state. Adverse claims can be filled for public lands but needs to be resolved in the courts with a process of land clearance. There are exceptional cases that Adverse claims was filled between governmental institutions.
What is the total number of properties officially registered?	Unknown at this moment.
How many new leases were issued last year?	Unknown at this moment.



Question	Answer
How many ownership changes were recorded last year?	Unknown at this moment
How many disputed properties were recorded last year?	Unknown at this moment
How many ownership/property disputes were resolved last year?	Unknown at this moment
What proportion of land is covered by the cadastre?	Officially, the Cadastral Survey Department commenced in 1966 and by 1977 it had surveyed approximately 34% of the government and private land in the country.  AGCHO and Arazi have the mandate to complete the inventory in the following years.
Are buildings registered separately from land?	No

## 4.1 PROPERTY BASICS

The table below presents information on the types of property ownership and property-related transactions that are supported in Afghanistan.

**Table 2 - Property Basics**

Question	Answer
Is private ownership of land permitted by law?	Yes
Is private ownership of buildings permitted by law?	Yes
Are condominium titles <sup>14</sup> supported by law?	There is no a specific law for condominiums, however there is some provisions about common tenancy in the civil code

<sup>14</sup> Condominium is a single real-estate unit in a multi-unit development in which a person has both separate ownerships of a unit and a common interest along with the development's other owners in the common areas (Garner, 2010).



Question	Answer
Is the transfer of property rights only recognized legally on registration?	No, the transfer is recognized even in cases with no deed or conveyance is made but recognized under sharia law.  For government lands the transfer is managed by the land inventory directorate, and after all internal procedures completed the transfer is recorded in the court.
Is the registration of new or transferred land rights mandatory by law?	No
Is the registration of new or transferred building rights mandatory by law?	No
Are there any restrictions preventing registration?	In cases where the land is in dispute, a clearance process called tasfia needs to be performed before proceeding to registration as public land
Must subdivisions be reported to the registry by law?	Not in general.  Governmental land is subdivided in cases of transfer or clearance in which case the courts register the title.
Must re-zoning be reported to the registry by law?	No to the courts. Land Inventory manages the re-zoning and registers internally.
Does the registry record land parcels only?	Yes. The parcels from governmental and public land are meant to be recorded in the land inventory directorate books. Buildings and other structures are not recorded in the main book.
Can one property unit consist of several spatially separated land parcels?	No
Can one property unit consist of several different units? (for example - land parcel + 2 buildings)	No
Can several different properties be registered under one transaction (deed)?	No

## 4.2 RIGHTS BASICS

The table below presents details on the property rights applicable in Afghanistan.



Question	Answer
Does country recognize freehold or leasehold ownership or both?	Both, there is also recognized a “freehold for a term of years”
Can foreigners own property?	No
Is joint ownership supported (several persons own the property but exact ownership shares are not specified)?	Yes
Is shared ownership supported (several persons own the property and exact ownership shares are specified (1/3 and 2/3))?	Yes
Is family ownership supported?	Yes
How is inheritance supported in relation to property rights?	Inheritance is recognized and regulated under the Afghan Civil Code <sup>15</sup>
Can a property be leased to a foreigner?	Yes

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<sup>15</sup> (Ministry of Justice, 1977), Book 3, Chapter 2, Part 2



### 4.3 PARTY BASICS

The table below presents details on the parties to registration transactions.

**Table 3 - Party Basics**

Question	Answer
Describe typical parties to a transaction	Applicant, Grantor, Grantee, lessor, lessee
Do citizens have a unique ID? (E.g. a National ID card) and what is the format of the ID?	Yes, the National ID card (Taskera) is issued by the Ministry of Interior in a booklet and single page form, the Taskera have a serial number (ID) to identify the person.
Can documents be filed over Internet?	No
Can documents be filed by mail?	No, all documents have to be filed in person
Can only the owner submit applications for registration?	Any legal representative can file an application.
Who may collect documents from the registry?	Only the same person who filed the original

### 4.4 DEED DESCRIPTION

Registered Deeds stored in the Makhzan have similar characteristics and format. All deeds have three main parts, first part describes the parties involved (i.e. buyer, seller, witness), the second part contains the details about the property, that includes description of the localization and neighbours, the last part contains details of the transaction, for example if is a transfer for sale this part will explain the terms and conditions of the sell.



Figure 2 - Title Deed Sample

The deeds are identified by two numbers. First identifier is a serial number, which is unique for each type of deed, for example each Qabala Jaizi (Revocable Title Deed) has a unique number (serial Number) but is not unique among all the other types of deeds. Second Identifier is called "General Number" this is similar to the Serial Number but the ID is unique across all the deeds, that means that if there is a general number for a Tamlik Khat (Deed of Gift) that number never repeats across all the other deeds, is the way to identify a particular deed.



Table 4 - Deed Description

Date _____		General Number _____				
		Serial Number _____				
Description	Property Location	Information about Parties				
		Buyer				
		Location	Tribe	Grandfather Name	Father Name	Name
		Customer (Seller)				
		Location	Tribe	Grandfather Name	Father Name	Name
		Witness				
		Location	Tribe	Grandfather Name	Father Name	Name

Once registered the deeds are recorded in a ledger, the deed is glued in to the book and additional supporting documents (forms, letters, receipts) are kept together with the deed inside the book (the book is called Konda), once the book is full a new book is started. The completed Kondas are moved to the Makhzan on a yearly basis and keep there for future references.



Figure 3 - A konda sample

## 4.5 TRANSACTION BASICS

This section provides an overview of the archive process

Question	Answer
Can transactions expire?	Yes, for example in case of failure of payment
Can transactions be postponed, and for how long?	Transactions can be postponed in cases that some wait period is defended, for instance in payment period or waiting for business plan for a lease.
Can transactions be rejected or cancelled?	Yes, in the process of tracking leases, if a lease is identified as not accomplishing their original purpose, the Monitoring directorate can request the cancellation of the lease..



Question	Answer
Can transactions be re-lodged?	Yes
What types of rejections exist?	Primarily a failure to submit required documents or in a suspicion of forgery
What documents are generated for any type of rejection?	A report with the reason for rejections for archiving purposes
Who can submit documents for archiving?	Applicants or Government officers
How is the delivery of documents confirmed?	With a delivery acknowledgment and sign in a delivery book

## 4.6 REJECTION REASONS

There are no standard (i.e. formalized) reasons for a rejection<sup>16</sup>. If there is a suspicion that the documents are not original, the information is illegible, or information is missing, the transaction can be rejected. Some reasons include:

- Claims of double allocation;
- Statutory forms missed;
- Forms and /or data not correspond the deed details

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<sup>16</sup> This does not mean there are no reasons rather there is no list, one of the advantages of deploying a computerized registration system will be the ability of users to select predefined rejection reasons from a list and use a preformatted rejection letter.



## 5 ANNEX

### 5.1 LEASE FORMS FOR INDIVIDUALS

#### 5.1.1 APPLICATION FORM OF INDIVIDUALS FOR LAND LEASE

To General Directorate of Arazi in Afghanistan

I (-----) owner of Tazkera number (-----) have attached my complete personal information to this application. I intend to lease the land equal (-----) jerib for the purpose of (-----) located in village/ nahia(-----) province(-----) for (-----) years with primary investment of (-----) Afghani. I have visited the mentioned land and have information about its quantity and quality specifications.

I wish the relevant institution will help me as per law and regulations.

Sincerely,

Place of signature/ finger print

Name

Date: / /

Additional Notes:

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Supportive Documents:

1. Form of applicant complete information
2. Copy of tazkera
3. Local council/ village responsible form

Supervisor  
by:

Approved by:

Accepted

Lease department

General Directorate of Arazi

Provincial Director of MAIL



5.1.2 APPLICANT COMPLETE PERSONAL INFORMATION

Photo

Number	Information	
1	Name	
2	Father Name	
3	Grand Father Name	
4	Date of birth	
5	Tazkera Number	
6	Job	
7	Permanent Residence	
8	District/ nahia	
9	Province	
10	Current Residence	
11	District/ Nahia	
12	Province	
13	Contact Number	
14	Email	

Additional Notes:

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Name and signature of applicant:



### 5.1.3 INDIVIDUAL GUARANTEE FORM

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To General Directorate of Arazi,

I(-----) owner of Tazkera number (-----) am the / responsible of (-----  
-----) certify that (-----) father name(-----) with complete personal information  
attached to this form intends to lease the land equal (-----) jerib for the purpose of (-  
-----) located in village/ Nahia(-----) province(-----)for (-----)  
years with primary investment of (-----) Afghani he has the ability of improving the land .  
If will not be able to improve the land as per Law and conditions of contract he will pay the  
compensation of lose to government and the contract ends.

I wish the relevant institution will help me as per law and regulations.

Sincerely,

Place of signature/ finger print

Name

Date: / /



**5.1.4 LETTER OF AGENCY TO PROVINCES TO COMPLETE THE DOCUMENTS:**

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To Provincial Department of MAIL in the relevant province‘.....

Attention - :General Directorate of Arazi

Names .....Son of ..... to lease..... jerib  
land ..... located in province/ Nahia ‘.....Province/ Nahia  
‘.....province ‘..... for purpose of  
.....has send application to this office, for more information we have  
attached and sent the supportive documents

To Provincial General Directorate of Arazi if the area is not rangeland, historical monuments, and  
there is no mine and are not under urban master plan or governmental development plan , process  
the lease documents as per land lease regulations and LML and sent it on it time for approval to  
MAIL to center of Arazi Department.

Sincerely,

General Director of Arazi



**5.1.5 PROPOSAL OF MAIL DIRECTORATE TO PROVINCIAL AUTHORITY TO APPOINT LAND APPROVAL PANEL:**

Proposal	Date	Advices
<p>To governor office in .....province your letter (.....) dated...../...../..... has arrived to Arazi office of Afghanistan. It says about nominee'..... son of ..... intend to lease the land equal to ..... Jerib located in .....village/ .....gozar in district / nahia..... In province/ for .....purpose has send their request to this office additional supportive documents are present. Arazi department of that province is advise if the area is not a rangeland or under urban master plan or historical monuments or doesn't have mines or is not under development plans of the government to process the lease documents of that land as per article (69) of LML formally and then send the document on its due time to Minister of MIAL.</p> <p>The panel is requested to appoint representatives from ministry of Mines, Finance, Energy and Water, Urban affairs AGCHO under supervision of MAIL and the land format should be prepared as per their accepted format.</p> <p>Sincerely, Ahmad Khan head of MAIL Department</p>		<p>Approved as per article (69) of LML and the proposal context. If the area will be under urban master plan municipality representative will be appointed beside the panel. The panel is obliged to prepare its report on its time and accepted format of Arazi to its relevant office.</p> <p>Sincerely, Governor/ assistant governor of province.....</p>



## 5.1.6 DESCRIPTIONS OF LEASABLE LAND –FARMER

No	Information	
1	Water right (on the ground or underground)	
2	Degree of land*	
3	Type of land*	
4	Physical status of land*	
5	Boundaries*	
6	Area*	
7	Location :* Village, District/Nahia, province	
8	Distance from street and transportation highway*	_____ _____
9	Distance from electricity center*	_____ _____
10	Distance from water resource(canal, river and so on)*	_____ _____
11	GPS Coordinate( )	_____ _____ _____
12	Lease Register Number	
13	Amalak Register Number	
14	Parcel Cadastre Number	

Approved by

Prepared by:

General Director of Arazi I

Land Lease Director





5.1.8 PARCEL SKETCH



Parcel Number	Area in Jereeb

Coordinate of Boundary walls	
X	Y

Perimeter Wall  
 North ..... East..... West.....  
 South.....

Province (.....) District (.....) Village (.....)



**5.1.9 LETTER OF LEASE ANNOUNCEMENT – INDIVIDUALS LEASE PREREQUISITE**

To Afghan Announcement Department/ Radio  
 Television;.....Arazi department have appointed an land  
 area ..... And has prepared it for lease which is located  
 ..... as per contract of land lease in LML.  
 Therefore we request announcement department to broadcast the following text in ensure us about  
 its result so that the other achievement will fulfill on its due time.

Subject: to lease land area .....as  
 contract..... located as per lease regulations of LML.  
 Volunteers and companies are requested to show if they have the required legal and technical  
 efficiency, with required human resources, and skilled staff to fulfill these activities and will have the  
 experience of this work(.....) should come to Arazi department 21 days after  
 this announcement.

The required forms of lease will be accessible from General Department of Arazi in MAIL located in  
 .....

Please participate in the opening session will take place in presence of volunteers who have the  
 required qualifications as per prerequisite and lease commission dated .../.../...at .....o'clock, late  
 arrived document will reject after the appointed time (guarantee will be taken).  
 We are thankful of regular co operations of that department.

Sincerely,  
 Name  
 General Director of Arazi



**5.1.10 BIDDING AND AUCTION TABLE- IN AFGHANI**

The bidding and auction session hold on .../ .../ 1390 in (.....) relevant province among the applicants on the land number(.....) based on announced number(.....) dated...../...../...../ 1390 and pre requisitions the required documents were presented.

Number	Name of applicants for bid and candidacy				First price	Second price	Third price	Fourth price	Fifth price	Remarks and signature of participants
	Name	F/name	ID number	Purpose of use						
1										
2										
3										
4										
5										
6										

**:Idea of the panel**

who has candidate him/ herself among other to lease the announced parcel right now (.....)Mir/ Miss is the winner as per (.....) of lease money.

**Other Remarks:**

Representative of Governor

Finance representative

Representative from General Directorate of Arazi I



### 5.1.11 LETTER OF AGRICULTURE DEPARTMENT TO ARAZI AFTER FORMAL PROCESS OF DOCUMENTS

(.....)Mail Provincial Office  
General Directorate of Arazi

1390 / 00 /00

Number  
:(.....) :

To General Directorate of Arazi:  
To Lease Department of Arazi:

Lease file of land equal(.....) located in village/Gozar/area (.....) based on application dated(.....) related province was arrived on date .../.../... from Mr. /Miss/ .....for the purpose of (.....) for the period of ..... with fixed lease collection(.....) has been processed and is contained the following legal documents:

1. Application form is present( Form #1
  - Has created with provisions (.....)
2. Complete information of leaser based on provisions of article (60) as per LML ( forms #2 )
  - Form of leaser complete information( number 2) approved and filled in by relevant authorities.
3. Opinion of appointed commission are present for fixing the location and qualities and qualifications of parcel based on provisions of article (60) and (69)of LML . ( Forms number6,7 and 8)
  - With the proposal from government office the composition of commission and copy of proposals of governor office are present( Form number 6)
  - Form of parcel specifications and opinions of appointed commission and filling in forms (7 and 8) and their signature is present in the form.
4. Design of the area based on article 69 of LML ( Form number 9)
  - Form of the area design (number 9)by technical team was prepared and designed.
5. Presence of volunteer and biding documents shall be prepared based on provision (5) article (64) of LML ( forms 10,11 and 12)
  - Pre requisition should be prepared based on accepted format(form #10)
  - Letter of announcement publication as per format( form #11) attached with cutting pieces
  - Presence of application of participants for volunteer
  - Presence of comments from bidding and volunteers session along with required forms( presence of form # 12 filled in)
6. Presence of contract form filled based on accepted format( form # 13)
7. Supportive documents:
  - Form #3 approval and acceptance of local Council
  - Form #4 presence of individual guarantee
  - Copy of ID and passport
  - 4 color photos of ( leaser)



8. Other remarks:

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General Directorate of Arazi accepted that all the documents have been processed based on provisions of leasing chapter of LML the issue is reported to you for further process and approval.

**Prepared by**  
Lease department of Arazi

**Approved by**  
General Directorate of Arazi

**Accepted by:**  
MAIL



5.1.12 PROPOSAL OF LEASE DEPARTMENT TO MINISTER FOR APPROVAL

(Lease Department of Arazi)
Department of Leasing and Contract
Enforcement Department

1390 / 00 /00

Number :

Table with 3 columns: Provisions, Date, Proposal. The Proposal column contains a detailed letter of approval for a lease, including a checklist of required documents and a signature line for the Head of Leasing of Arazi I Leasing Department.



**5.1.13 LETTER OF LEASE DEPARTMENT TO MAIL DEPARTMENT TO SUBMIT THE LAND AND  
FIX LEASE COLLECTION**

1390 / 00 /00 (Lease Department of Arazi) Department of :Number  
Leasing and Contract Enforcement Department ( )

To Provincial General Directorate of MAIL.....:  
Attention - :General Directorate of Arazi  
In response to letter number(.....)  
dated(.....) is written to general directorate of the relevant province.

Mr. (.....) son of (.....) intends to lease land area  
(.....) located in (.....) in village / Gozar (.....) district/  
nahia (.....) the relevant province will issue process of the documents based on  
provision number(.....) dated ...../...../..... The high authority of  
MAIL will lease the mentioned land for the period of (.....) years and with fix lease  
collection (.....) Afs. In general (.....)  
it is approved and the money will transfer to governmental account to ministry of Agriculture, Irrigation  
and livestock.

One copy of document (.....) is attached and sent to general  
directorate of Arazi, hope you will help them in submitting the land and receiving the fixed lease  
collection as per provisions of LML and report to central department about the result of your  
achievements.

Sincerely

Acting Head of Arazi

**Annexes:**

- One copy of signed contract (.....) page
- Copy of Ministry approval (.....) page



5.1.14 :LAND SUBMISSION DOCUMENT

Land submission document...../ building/ shop with  
.....area and parcel..... registered as parcel  
number.....

And based on provision (.....) it is approval is taken from minister  
authority dated ...../...../..... from Mr./ Miss. .... Son/  
daughter of..... having ID number..... In presence  
of mixed mission and three witness mentioned their name and father name and based on provision  
.....article ..... of LML. The mentioned land is given to the mentioned person  
as consign he can use it as per provisions of law in case of violation they can take legal measures  
and pursue

Name / Job	Name / Jo	Name / Job	Name / Job
Representative of Cadastre	Representative of MOF	Representative of Governor	Representative of Arazi I

Signature/ Finger	Name/F name witness	Name/F name witness	Name/F name witness
			print

**Leaser Declarations**

The upper mentioned parcel with its quantities and qualitative specifications is registered in contract documents I have received them on the upper mentioned date with commitment to use it as per regulations of law in case of violation Arazi is authorized to take measures ass per regulation of law or start pursue.

Name	Father Name	Finger print or signature
------	-------------	---------------------------



**5.1.15 DOCUMENT FOR RECEIPT OF FIXED LEASE COLLECTION**

To Lease Department of Arazi,

Attention :Lease and contract enforcement department

It is written in response of letter number..... Dated ..... Contract Department Directorate of Lease:

Amount of .....AFs Lease allocation collection for year..... is received from Mr..... Son of ..... Their contract is registered in serial number .....of the relevant department. The receipt of money and the bank transfer bill is also attached to this letter and file.

In case of fine: If there will be delay in payment of fixed lease collection then it should be taken as per annual fixed lease collection ( .....%) of will be deducted an will be paid to governmental account the copy of bank bill should attach to this letter.

The report is submitted to the authority for their remarks.

Sincerely,

General Director of Arazi Provincial office.....



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## ALRMIS – Business Area Analysis

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