



## Afghanistan Housing, Land and Property Task Force DRAFT Guidance Note on Selection of Land for Durable Solutions for Returnees and Protracted IDPs

### Purpose and Scope of the Guidance Note

The Government of the Islamic Republic of Afghanistan and the humanitarian and development community faces numerous challenges in addressing the problem of protracted internal displacement and the recent surge in returnees. Identifying, assessing and eventually allocating suitable land to facilitate the reintegration of displaced Afghans is and will continue to be one of the most formidable and complex challenges faced by the government in the coming years. Given the fundamental importance of housing, land and property rights to reintegration, only the government has the panacea to address these challenges and to provide durable solutions for returnees and IDPs.

Given that more than a million people are currently internally displaced and the caseload of recent returnees is also expected to exceed one million by early 2017, immediate action is required to facilitate reintegration and avoid a large scale humanitarian crisis. While Afghanistan already has a system in place to distribute state land to landless returnees across the country in the form of Presidential Decree 104, the implementation of the decree has been largely ineffectual and is now widely acknowledged to be a failure.

This Guidance Note provides a step-by-step overview of how the identification, assessment and allocation of suitable state land can be improved, and if such improvements are implemented the state land distribution process could provide an important cornerstone for the **durable solutions** for displaced populations in Afghanistan.

### Step 1: Identification of Land Needs

#### Context

A thorough contextual analysis should be conducted to determine the demographic profile and the housing and land needs of the displaced population typically to indicate the quantity and the location of the land required and the medium- to long-term interventions needed to develop sustainable settlements.

In developing the demographic profile, the following information must be included:

- Total population/gender
- Household and family size
- Skill and education level
- Type of livelihood (land-based, wage-based or enterprise-based)
- Current state of landlessness/homelessness
- Settlement intention: based on constitutional right to freedom of movement and choice of place of residence

The above information can be accessed through IDP/Returnee Profiles/Census; the UNHCR/IOM database, HEAT and other assessments, DoRR register and from the relevant CDC, District/Nahia and Municipality.

### Step 2: Land Profiling and Assessment

#### Suitability

The suitability analysis encompasses the assessment of the

- **Location:** how well-connected (distance) and integrated the site could be in relation to existing settlements/urban areas, administrative centres and livelihood opportunities,
  - **Physical conditions:** topography, water availability, potential to develop basic services and infrastructure, environmental hazards, mines/ERW contaminations, pollutants etc in so far as to:
- Define the essential **core (non-negotiable) parameters** for consideration in determining well-located and suitable state land; and
  - Outline the additional recommended **elements that must be considered** in identifying well-located and suitable state land with **development potential** to create sustainable human settlements.

## CORE REQUIREMENT

All six core requirements set out below must be fulfilled before land can be considered suitable for allocation to returnees or protracted IDPs. International donors would require proof that any land designated for allocation to the displaced population meets these core requirements. Such proof should be provided before any consideration of possible funding and assistance.

No	CORE REQUIREMENT	ACTIONS	AGENCIES INVOLVED/SOURCE
1	<b>STATUS OF LAND</b>	<p>Land must be initially presumed to be vacant/barren state land as determined by spatial and physical analysis.</p> <p>Land must be presumed to be free from land claims/disputes.</p> <p>Official confirmation on the status of the land is provided at a later stage through <i>Tasfiya</i>.</p> <p><b>Assessment:</b> GIS mapping, ARAZI, AMLAK cadastre/register and anecdotal information</p>	<ul style="list-style-type: none"> <li>▪ ARAZI</li> <li>▪ <a href="#">Atlas of Afghan Cities 2016</a> ARAZI/ Kabul Municipality/ MUDH/IDLG/DMM</li> <li>▪ National HLP-TF, UN-Habitat</li> </ul>
2	<b>AREA OF HIGH RETURN AND PROTRACTED DISPLACEMENT</b>	<p>The land is located in areas of high return and protracted displacement, with a significant number of returnees and protracted IDPs, minimum of <b>10,000 individuals</b>.</p> <p><b>Assessment:</b> The data to determine whether the number of displaced persons is 'significant' should be obtained from the CDC, GA, and Nahia registration books or databases.</p>	<ul style="list-style-type: none"> <li>▪ Ministry of Refugee and Repatriation (MoRR), Directorate of Refugee and Repatriation (DORR)</li> <li>▪ CDC, GA, Nahia, Municipality</li> <li>▪ UNHCR, IOM, OCHA etc</li> </ul>
3	<b>LOCATION TO LIVELIHOOD OPPORTUNITIES</b>	<p>The land must be proximate to livelihood opportunities:</p> <ul style="list-style-type: none"> <li>▪ the distance does not exceed <b>15km</b> or the average travel time does not exceed <b>45mins</b> to appropriate livelihood opportunities, or potential employment opportunities or available arable land that could be used as a means of livelihood.</li> <li>▪ The land has adequate transport options to access livelihood opportunities and the average cost of such transport does not exceed <b>40 AFN</b>.</li> </ul> <p><b>Assessment:</b> Skill/demand study, Local labour market mapping, value chain analysis</p>	<ul style="list-style-type: none"> <li>▪ Ministry of Agriculture, Irrigation and Livestock (MAIL)</li> <li>▪ FAO, WFP</li> </ul>

4	<b>WATER SOURCE</b>	<p>Land must have</p> <ul style="list-style-type: none"> <li>Access to a sufficient quantity of potable water of a sufficient quality (Minimum Service Standard: Citizen's Charter National Priority Programme 25 litres per person per day) to meet household needs; and</li> <li>Water must be sufficiently accessible (i.e depth of the water table should not exceed x metres, soil conditions should not be prohibitive)</li> </ul> <p><b>Assessment:</b> Geophysical survey, water testing</p>	<ul style="list-style-type: none"> <li>Ministry of Rural Rehabilitation and Development (MRRD)</li> <li>Ministry of Energy and Water (MEW),</li> <li>Afghan Urban Water Supply and Sewerage Corporation (AUWSSC)</li> <li>Ministry of Urban Development and Housing (MUDH)</li> <li>WASH Cluster (DACAAR)</li> </ul>
5	<b>FREE FROM LANDMINE AND ERW CONTAMINATION</b>	<p>The land is clear of landmines and Explosive Remnants of War (ERW) such as UXO/AXOs.</p> <p><b>Assessment:</b> Survey, demarcation, clearance and risk education, IMSMA database verification of the contamination level.</p>	<ul style="list-style-type: none"> <li>Mine Clearance Certificate and confirmation from <a href="#">Mine Action Programme of Afghanistan (MAPA), UNMAS/MACCA</a></li> </ul>
6	<b>FREE FROM ENVIRONMENTAL HAZARDS</b>	<p>The land should have no foreseeable risk of hazards such as landslides, severe floods, avalanches.</p> <p><b>Assessment:</b> State land overlaid with maps from the ASDC</p>	<ul style="list-style-type: none"> <li><a href="#">Afghanistan Spatial Data Centre (ASDC), IMMAP</a></li> <li><a href="#">Afghanistan Natural Disaster Management Authority (ANDMA)</a></li> </ul>

## RECOMMENDED REQUIREMENT

The following recommended criteria will be used to determine the suitability of the land the displaced population

No	CORE REQUIREMENT	ACTIONS	AGENCIES INVOLVED/SOURCE
1	<b>FREE FROM CHEMICAL AND BIOLOGICAL POLLUTANTS</b>	<p>The land is not contaminated by chemical, biological or other kinds of pollutants.</p> <p><b>Assessment:</b> Contamination testing</p>	<ul style="list-style-type: none"> <li><a href="#">National Environment Protection Authority (NEPA)</a></li> <li><a href="#">United Nations Environment Programme (UNEP)</a></li> </ul>
2	<b>PROTECTED AREAS AND SITES OF CULTURAL, RELIGIOUS OR ARCHEOLOGICAL SIGNIFICANCE</b>	<p>The land is not of cultural, religious, or archaeological significance. Or located in protected zones like national parks, wetlands etc.</p> <p><b>Assessment:</b> Excavation reports, aerial photography, satellite imagery and maps</p>	<ul style="list-style-type: none"> <li>Ministry of Information and Culture (MIC)</li> <li>Ministry of Haj and Religious Affairs,</li> <li><a href="#">UNESCO, UNEP</a></li> <li><a href="#">Delegation Archeologique Francaise en Afghanistan (DAFA)</a> and Aga Khan Trust for Culture (AKTC)</li> </ul>
4	<b>WITHIN UNIQUE ADMINISTRATIVE BOUNDARY</b>	<p>The boundaries of the land should be contained within one unique district or able to be adjusted to facilitate management, provision and administration of services,</p>	<ul style="list-style-type: none"> <li><a href="#">Independent Directorate of Local Governance (IDLG/DMM)</a></li> <li><a href="#">Afghan Geodesy and Cartography Head Office (AGCHO)</a></li> </ul>

		investment in infrastructure.	
5	<b>ACCESS TO TRANSPORT CORRIDORS</b>	The land is accessible, within minimum <b>2 km</b> walking distance from the nearest existing or planned basic road (Minimum Service Standard: Citizen's Charter National Priority Programme).	<ul style="list-style-type: none"> <li>Ministry of Public Works and/or relevant municipality</li> </ul>
6	<b>ACCESS TO BASIC SERVICES</b>	<p>School and health clinics are, or are planned to be, located at an accessible distance (<b>no more than 10 km</b>) from the land, where students are guaranteed 24 hours of education in grade 1-3, 30 hours of education in grade 4-6 and 36 hours of education in grade 7-12 (Minimum Service Standard: Citizen's Charter National Priority Programme).</p> <p>The land is serviced by, or is planned to be serviced by the police and other law enforcement agencies's jurisdiction.</p>	<ul style="list-style-type: none"> <li>Ministry of Public Health (NoPH), Ministry of Education (MoE)</li> <li>Ministry of Interior (Mol)</li> </ul>
7	<b>TOPOGRAPHIC CONSIDERATIONS</b>	<p>Topography and climate are suitable for year-round living- the land surface should be relatively flat and contiguous for housing construction, agriculture, water supply/irrigation system with slope <b>less than 15%</b>, any higher would cause risk of soil erosion.</p> <p><b>Assessment:</b> Existing topo-maps and topographic survey.</p>	<ul style="list-style-type: none"> <li><a href="#">Land Cover Atlas of Afghanistan 2016</a> , MAIL and FAO</li> <li>Directorate of City Planning, Ministry of Urban Development and Housing (MUDH)</li> </ul>
8	<b>SOIL QUALITY</b>	<p>The level of organic matter and extent/depth of humic layer provides indication of kitchen garden or locally grown crop (agriculture) potential. Rich soils will have greater potential for agro-forestry or agriculture etc.</p> <p><b>Assessment:</b> Rapid soil survey and testing based on a few main parameters (texture, colour, pH, N, P, CE C, for example).</p>	<ul style="list-style-type: none"> <li>Afghanistan Soil Information System Project/Soil Testing Lab, MAIL/FAO</li> <li><a href="#">Afghanistan Agriculture Information Portal</a>, MAIL/FAO</li> </ul>
9	<b>AVAILABILITY OF BUILDING MATERIALS</b>	<p>Appropriate materials at an appropriate scale are available locally and can be sourced in a manner that is economically feasible</p> <p><b>Assessment:</b> Local market assessment</p>	<ul style="list-style-type: none"> <li>MUDH</li> <li><a href="#">Afghanistan Builders Association</a></li> </ul>

### Step 3: Site Inspection, Suitability Report and Recommendations

After desk/ cartographic reviews, technical site visits must be conducted to carry out proper assessments (water, soil quality, community assessments) and GPS mapping. The technical team should be led by Government authorities. As a result of the visits/ assessment, a technical report should be prepared with the contribution of all stakeholders and

with recommendations on whether the identified land may or may not be suitable for housing displaced and returning population. The report should be countersigned by all entities and submitted via ARAZI to the relevant bodies.

#### **Step 4: Tasfiya and Stakeholder Consultations**

Based on the results of the above activities, should land be identified as appropriate for a durable solution for the displaced, tasfiya must be carried out to verify land ownership and consultations with the relevant stakeholders be conducted.

--end/HLP-TF---