Community Land Administration:
Focus on Afghanistan

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Abstract:

In Afghanistan the institutional recording of the rights to real property has been severely damaged by the 25 years of turmoil. Less than 10% of rural properties and fewer than 30% of urban properties are covered by legal deeds which are legally recorded in the Provincial Court Archives.

One type of rural property is more complicated than others, community pastures, which are not involved in transactions and thereby are not even theoretically covered by legal deeds. Nearly all of the pastures of the country are officially owned by the State, but used by families, clans, or tribes, including nomadic groups which herd sheep, goats, cattle and camels across semi-arid lands. Under the informal arrangements which have existed for the use of these lands, differences of opinion can emerge. Also with security of tenure not assured, the users are not motivated to invest in the improvement of these lands. To address these issues procedures were developed to formalize agreements among the legitimate users of pasture parcels.

Following the formalization of agreements among the legitimate users of these pastures, their signing and witnessing by village leaders, and delineation of pasture parcels to which the agreements refer on satellite imagery, these documents are archived in the care of a villager named by the Elders in a safe house or room in the village. Copies are filed with Provincial government land administration institutions.

The Woluswali and Provincial Pasture Land Specialists work with the community pasture managers on designing and implementing pasture improvement plans for each pasture parcel, and review the user agreements for completeness and clarity. The Head of the Woluswali also reviews the agreements for completeness and clarity, and to verify that its terms do not infringe on the rights of users from other villages and are in accord with regional development plans.

Villager leaders are then asked whether they want to carry out a similar village identification of legitimate holdings of private agricultural land, and the same procedure is applied—villagers identification of parcel boundaries on satellite imagery, and preparation of parcel forms noting who holds ownership and other rights to the parcels. These records are also kept by the village councils, with copies on file with Provincial government land administration agencies (Amlak and Cadastre).
Community Land Administration: Focus on Afghanistan

1. Background

Afghanistan has a population estimated to be about 26 million people and a total area of approximately 647,500 sq. km. It is bordered on the north by Turkmenistan, Uzbekistan, and Tajikistan, on the extreme northeast by China, on the east and south by Pakistan, and by Iran on the west. The country is split east to west by the Hindu Kush mountain range, rising in the east to heights of 24,000 feet. With the exception of the southwest, most of the country is covered by high mountains and is traversed by deep valleys. About 12% of the land area of the country is cultivated. The literacy rate is estimated to be 36%, and the per capita GDP is estimated to be about $800 per year.

While Afghanistan has been subject to invasion and occupation by foreign powers many times over the centuries and torn apart by civil strife, it has never been colonized. A monarchy was established in 1926 followed by a period of relative stability. King Mohammed Zahir Shah developed wide international respect and funding for infrastructure and administrative development of the country, including a cadastral project supported by USAID which began in 1965. He was deposed in 1973 by his cousin Mohammed Daoud, who proclaimed a republic and had ambitions for major economic and administrative reforms, including an agrarian reform. Daoud was killed in a 1978 coup, followed by a Soviet invasion in 1979, which then produced resistance to the invasion.

Subsequently, the country has been afflicted by political and economic turmoil for the past 25 years, and presently ranks eighth on the Foreign Policy index of “failed states”. Underlying many of Afghanistan’s problems is widespread insecurity, which itself has many facets, including a lack of security of property rights in land.

The State’s institutions which were created prior to the conflict period for the protection of rights to land were centered on the Judiciary, in that primary court judges have traditionally had the responsibility of preparing and archiving legal deeds.

Other institutions must certify as to the identity of the owners of transacted properties—the Amlak for rural properties and Municipalities for urban ones -- and the payment of different transfer fees, but Judges or their Clerks actually write the deeds. Copies of all deeds are kept in the Provincial Court Archives. As for many governmental institutions, however, the judiciary and other agencies which

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2 Afghanistan Web Site. The CIA World Fact Book estimates the population to be closer to 32 million.
3 http://www.iaea.org/inisnk/nkm/aws/eedrb/data/AF-gdpc.html
4 Darius I and Alexander the Great were the first to use Afghanistan as the gateway to India. Islamic conquerors arrived in the 7th century, and Genghis Khan and Tamerlane followed in the 13th and 14th centuries. In the 19th century, Afghanistan became a battleground in the rivalry between imperial Britain and czarist Russia for control of Central Asia. London granted full independence to Afghanistan in 1919, followed by Emir Amanullah who founded an Afghan monarchy in 1926. The Soviets invaded in 1979, withdrew in 1989, and were replaced by often warring groups which had fought the Soviets. The conflicts among these mujahideen plus international pressures brought major damage and trauma to the country until 1996 when the Taliban established a new government, only to be invaded and ousted in late 2001 by a US supported alliance of former resistance leaders.
5 Foreign Policy, July/August 2005
administer property ownership information are weak, beginning with extreme disorder in the archiving of property documents (see Figure 1).

**Figure 1: Property Documents in a Court Archive**

![Property Documents in a Court Archive](image)

Despite efforts to re-organize the key property documents in the archives, the costs of going through the formal requirements of recording transaction documents are high in terms of the time and money required for effecting transactions.

The web of people and agencies centered around the judiciary and involved in the conduct of transactions is complicated and costly to those who want to complete a transaction in a legal way. For these and other reasons fewer than 10% of rural properties\(^8\) and fewer than 30% of urban properties\(^9\) are actually covered by court prepared deeds. Most people simply do not use the formal institutional structure for preparing and archiving deeds which should document the acquisition of property rights through transactions of various sorts.

Not having a court prepared and archived deed, however, does not mean that people who engage in informal transactions are completely without tenure security. People acquire rights to properties through private arrangements among individuals, families and tribes. Some acquisitions involve privately drafted documents called “customary deeds”, mostly witnessed by locally respected people, but kept by the parties to the transaction and not recorded in any government office. Others are carried out through verbal agreements, witnessed and remembered by family members and respected elders.

Transactions in rural areas are not daily occurrences in most villages, since land markets are in most places not very active, and those which do occur are usually among family members who respect even verbal agreements, particularly when they refer to inheritances or intra-family or intra-tribal transaction agreements.

The recording of documents defining rights to real properties in public registries becomes important when there may be multiple claimants to the same land and where land markets become more dynamic. Properties without documentation as to the holders of legitimate rights to them in such conditions produce varying degrees of insecurity of tenure. Where tenure insecurity is seriously felt, it not only discourages property holders from making an economic investment in their properties, but

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also deprives the market economy and democratic institutions of their participation and potential contributions to the peaceful development of the country.

2. Land Tenure Insecurity

The problem of land tenure insecurity10 in both urban and rural areas in Afghanistan manifests itself in a variety of forms, deriving in some cases from destruction of documents proving rights to real property, and in other cases having its origins in the extra-legal actions of land acquisition in a context of a weak State, such as land grabbing, acquisition of immovable property from land grabbers through informal market transactions, and improper State allocation of land. Although having different origins, the general situation of land tenure insecurity tends to undermine efficient and equitable use of land for social and productive purposes.

Such perceptions of insecurity can be positively modified when rights to land are made both “legitimate” and “legally valid”. As Camilla Toulmin has observed:

Secure rights to land and property depend on a combination of two key elements. The rights being claimed must be seen, first, as legitimate by the local population; and second, they must also be ascribed legality by the state11.

In Afghanistan customs and local traditions provide rules which are often more effective in guiding the everyday lives of people than the laws and regulations emanating from the State’s institutions. In such conditions rights to land may be viewed as legitimate in terms of being locally recognized, as in the customary deeds which describe transactions in land which are not prepared in accordance with legally defined procedures12. Similarly, government officials may issue apparently valid documents about rights to land, such as an allotment of land to a land developer despite strong local opposition. In such a case, the rights may be legally valid yet not considered socially legitimate, potentially leading to long-running local conflict.

Striving to have land rights be both “legitimate” and “legally valid” through appeals that the rule of law should be respected under Afghan conditions are theoretically desirable but have little practical impact, at least under present conditions. Nonetheless, bringing about the conditions for land rights to be legitimate and legally valid is of critical importance for the country.

The necessity for rights being both legitimate and valid to be “secure” does not mean that both aspects of security somehow emerge simultaneously. Where the State is weak, as in Afghanistan, and where the popular perception is that wealth and power influence the applications of State defined laws more than do dispassionate legal arguments, one approach can be to first define legitimate rights through community consultations about customary rules concerning access to land, and then appeal to institutions of the State for confirmation of the legal validity of these community legitimized rights to land.

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10 Land tenure security is defined as the confidence which landholders have that neither the State nor other people will interfere with the landholder’s possession or use of the land for an extended period of time. (See John Bruce (1998), “Review of Tenure Terminology”, Land Tenure Center, University of Wisconsin). Tenure insecurity can be defined as the extent to which holders of land lack such confidence. We discuss below some conditions for reducing the perceptions of insecurity.


Delville\textsuperscript{13} suggests that two questions must be answered to pull people out of the morass of insecurity, at least as far as reducing land tenure insecurity is concerned:

- What is the nature of the recognized rights to land: is the implicit model one of legally defined private property, or is the model one which starts with locally defined rights and rules?
- Is the system to administer the documentation of these rights capable of ensuring reliable management and be at the service of the general population?

3. Community adjudication and administration of property records

In many countries the answers to both of Delville’s questions have focused on applying formal law to adjudicate claims to land through technically trained field teams, in some instances giving a role to community involvement in the adjudication process in the final stages of validating the findings of the field teams\textsuperscript{14}. This approach also tends to focus on equipping and training cadastral agencies for producing accurate parcel maps and on creating specialized governmental land registries for administering the legal documents which define property rights. These institutions must be equipped and trained to do their jobs properly, extending their services to the community typically through the use of information and communication technologies.

In the Afghan context a “community consultation” approach may be a more feasible way to try and answer both questions to establish more secure land rights. To test this hypothesis, the Rural Land Administration Project (RLAP) was launched in June, 2006. The RLAP developed procedures for documenting legitimate rights to communal pasture lands in four test sites:

1) Village Dar-e-Kalan in Ishkimish District, Takhar Province, with rain-fed agriculture and 14 separate clan based communal pastures.
2) Village Safar Khan in Zindijan District, Herat Province, with irrigated agriculture and limited communal pastures close to the settlement.
3) Village Saghari in Karokh District, Herat Province, basically rain-fed agriculture, with communally managed pastures close to the settlement area.
4) Village Naw Abad in Chardara District, Kunduz Province, a Kuchi settlement based on irrigated agriculture and large tribally managed pastures close to the settlement and tribally allocated public pastures in the distant mountains.

The RLAP\textsuperscript{15} used the same community consultation approach in Naw Abad to document legitimate rights to privately owned agricultural land.

In both situations (communal pastures and privately owned agricultural land) the project aimed to improve customary practices for administering rights to land. In particular the RLAP hypothesized that where a local consensus or near consensus exists about the rights people have to land, that local community definition should be the starting point to define rights to land. This community focus,

\textsuperscript{14} For a review of the various approaches to land administration, including property records administration, see Tony Burns, Chris Grant, Kevin Nettle, Anne-Marie Brits and Kate Dalrymple (13 November, 2006), “Land Administration Reform: Indicators of Success, Future Challenges”, Land Equity Inc.,
\textsuperscript{15} The four test sites were selected through the consideration of several factors: 1) What provinces have a substantial area of rangeland? 2) In which of these provinces is the security situation favorable for doing field work; 3) What villages in those provinces have had three years of experience with the National Solidarity Program of village council strengthening? 4) Out of those villages which ones were recommended by Ministry provincial staff and by NGOs involved in rural development as being relatively well organized? 5) Following meetings with village councils, which ones agreed to participate in the RLAP? A test site included the selected core village plus neighboring villages with rangeland parcels bordering on those used by villagers of the core village.
however, does not mean that the governmental agencies or the legal framework are irrelevant. On the contrary, the re-establishment of positive community-state relations is of critical importance. This paper focuses on the community as a locus for land administration and management, but a national program has to strengthen the capacities of communities and state agencies for the country to achieve a functioning governance system.

3.1 Rights to Rangeland and Private Agricultural Land

The community as a locus of governance must be supported by the State. In the words of the draft Multi-Ministerial Land Policy:\(^\text{16}\):  

> The regulation of pasture land is an imperative if it is to be protected from threats to its sustainable use such as grabbing of community lands of neighboring villages, grabbing of rangeland, cultivation of traditional grazing land, government designation of grazing rights in what have traditionally been considered communal grazing lands. Pastoral land ownership is unclear and formal law ambivalent as to whether pasture lands are state-owned, public or communal.

In light of this legal ambivalence, the RLAP avoided using the word “ownership” in the community consultations about rights to rangeland. Rather, the consultations generated community views on who legitimately holds what rights to particular rangeland parcels during what times of the year. Villagers and Kuchis had no difficulty with this terminology, although reaching consensus often took substantial time, and for some parcels consensus was not possible. The RLAP explicitly recognized the authority of local people to define these rights in the first instance, based on the Ministry’s new Policy/Strategy for community based management of rangeland (see discussion below), but subject to review and approval by the formal organs of government, particularly the Woluswal. Villagers repeatedly asked for this governmental review and formal approval of their rangeland use agreements.

However, the Ministry insisted on inserting the following paragraph of the rangeland user agreements, which was discussed and accepted in all community consultations without explicit objections from the villagers and Kuchis:

**Obligations of the Users of the Parcel:**

> We use the pasture only for grazing animals. We protect the pasture from converting to agricultural or residential uses and we work to improve the productivity and of the pasture/forest land parcel, in collaboration with Ministry of Agriculture and other stakeholders. Since according to the Land Management Law and Pasture Law all pasture and the forest lands are government property; therefore, with the agreement of the local community, the government may establish large agricultural farms, livestock and industrial parks, roads and other infrastructure for the welfare and promotion of the living standard of the people.

The meaning of the term “pasture and forest lands are government property” in village discourse is more a recognition of the sovereignty of the state in reference to rangeland and forests, rather than an identification of full rights of ownership:\(^\text{17}\). In any case, for the villagers and Kuchi in the four test sites, reaching agreement about who has rights to use rangeland during specified times of the year seemed to be the critical issue to be settled in the consultations. Neither the government officials nor


\(^\text{17}\) For more on this distinction between “sovereignty” and “ownership” see Hunud Abia Kadouf, “The traditional Malay Ruler and the Land: Maxwell’s Theory Revisited”, The Malayan Law Journal, International Islamic University, Malaysia, 4 April, 1997, pp. cxxi-cxxix.
the villagers considered as relevant a discussion of who holds the right to sell rangeland, which is typically a key right encompassed within the concept of ownership. The clarification and documentation of legitimate users by the community is the critical element, at least for the present time and conditions. Also the “obligations” paragraph of the agreement contains the statement that “with the agreement of the local community”, the government may use pasture land for development projects. This statement gives the community a right to negotiate with the government should government want to use pasture land for other than pastures, including a right for community rangeland management groups to be compensated for community financed improvements in pastures under their management.

A Pasture Act is being drafted to replace the legislation presently in place, which may clarify or may complicate community-government relations concerning the management of rangelands. At present the rangeland user agreement is a statement by community rangeland users and elders about their understanding of who the legitimate users are. The agreement does not have the backing of a law. It is in accord with the draft Land Policy, and with the MAIL’s Policy/Strategy on community based management of rangeland. The Herat and Kunduz Appeals Court Head Judges have reviewed the wording of completed agreements, and they indicated that such documents would have significant legal relevance in their courts, should a dispute be presented to them involving rangelands covered by the agreements. Their normal procedure when village land disputes come to them is to refer the parties involved back to the community elders to get their recommendations. In the case of a dispute involving rangelands with an agreement signed by these very elders, an important step in the resolution of the dispute has already been taken. The RLAP and its Evaluation Commission have also recommended to the Minister that he authorize Rangeland specialists from the Land Resources Department to review rangeland user agreements and indicate on the agreements in writing when they find the agreements to be complete (all the relevant parties have signed) and clearly presented. The “legality” of the rangeland user agreements seems sufficient, but certainly more explicit authorization in law would be useful.

The private ownership of agricultural land denotes certain rights of the holders, including the right to exclusive use, the right to use and enjoy the fruits of the land, the right to give the land to heirs, the right to sell the land or otherwise transfer ownership to another person. For most agricultural land which is claimed to be privately owned, while legally valid documentation may be absent, there are not a significant number of conflicts about ownership or about the boundaries of such land parcels. As mentioned above, however, most such properties are not covered by a legally prescribed deed.

3.2 Administration of Property Records

Pertaining to the administration of property records, the RLAP posited that a community administration of property records is the place to start searching for answers to the second Delville question. By “community administration” the RLAP team meant the actual administration by community people of property records, and not a District office of a central land registry receiving petitions for land information or for recording transactions, nor a District Office sending a team once a while to communities to gather evidence of transactions.

As in the case of land tenure security, our hypothesis is that people will feel more secure in their documentation of their rights to land when they “own” their land records, that is, when they produce...

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and control access to these records. When this security exists, people invest in the maintenance and usefulness of land records. As Liz Alden Wily states:

“only when land administration and management is fully devolved to the community level... is there likely to be significant success in bringing the majority of land interests under useful and lasting record-centered management....”

Wily describes this approach as the “empowerment of people at the local level to manage their land relations themselves”.

However, this initial focus on community definition of rights and on community administration of the records which document these rights in the Afghan context does not mean that formal law and the capacities of district and provincial state land agencies can be ignored. The “community consultation” focus must include the views of all community segments about who holds legitimate rights to land and simultaneously strengthen linkages with the formal law and State institutions of land administration to solidify security of tenure for the longer term.

The definition of the concept “community” is complicated in the Afghan context. Various terms regarding the loci of rural community life exist in Afghanistan, such as qarya (often translated as “village”), qishlāq (usually meaning “settlement”) and manteqa (meaning something like “area”).

None of these concepts have a standard administrative definition in that the most local unit of local government defined in Afghanistan is the Woluswali or District, which contains many qarya, qishlaq and perhaps even manteqa. The Woluswali has a Head and Council, and its municipality normally has offices of national level Ministries and agencies.

Despite not having administrative designation, there are traditional institutional structures of qarya and qishlaq that the RLAP has used to focus “community consultations” about rangeland and agricultural land rights. Of basic importance is the formation of qarya or qishlaq “shuras” from time to time, which have been traditionally councils composed of family or clan elders, typically to resolve conflicts of one sort or another. Moreover, the National Solidarity Program launched in 2002 has stimulated the formation of Community Development Councils to administer infrastructure grants at the local level for settlements or villages comprised of approximately 50 families, which is a more formal community institution than the traditional community shura.

In Kuchi communities the basic concept of organizing access to and usage of pasture is the ‘Yurt’. Literally meaning tent or locale, this term refers to a defined geographic area of rangeland that is used by a specific family of herdsmen. In the RLAP Kuchi village of Naw Abad, the shape of ‘Yurts’ has evolved over time and the location of their boundaries is orally transferred from generation to generation. Originally, the size of each ‘Yurt’ is determined by the size of an individual herd. The number of animals belonging to a specific user also does influence who is allowed to use the area in question. The number of 500 animals is the standard size of a herd. In a given year, one herdsman family may not be able to acquire that number of animals and thus will allow some related family to...

21 Ibid, p. 35.
23 Also known as “jirgas” in Pashtun areas, these institutions have played important roles in resolving community, regional or national conflicts or in establishing agreements about general policies. See Ali Wardak (2003) “Jirgas: A Traditional Mechanism of Conflict Resolution in Afghanistan”, http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN017434.pdf
use the grazing area of their ‘Yurt’ so that its capacity is being used. However, the shape and size of the ‘Yurt’ does not usually change significantly through this practice, and the use-rights are still exclusively assigned to the family in question.

In the view of Kuchi villagers, a ‘Yurt’ is not only a specified geographic area, but also a system of rights to pasture land collectively agreed upon between all potential users. Villagers do not claim ownership of the land in question, although in their view the long duration of usage stretching over many generations does give them strong rights to control access to that land. Rather than talking about ownership Kuchi families refer to the right of use which they claim to those areas.

In regard to defining the legitimate users of public pastures24 whose users come from various ḍarya or qishlaq the manteqa may become the relevant definition of local community, with the governance structure of a manteqa shura or jirga called into action under specific conditions.

Another community institution is the Arbab. Arbabs, also known as Maliks in some regions, are respected villagers who are educated and have the political and social skills needed to deal with government agencies and other outside organizations about the needs of villages. Villagers also consult with these individuals for advice when disputes arise which cannot be resolved by the parties to the disputes or their families. An Arbab/Malik may serve more than one village. Their services are remunerated by villagers usually at the time of harvest, in the form and amount as defined in each village by the elders of the village, including the contribution of each family. The Arbab/Malik typically has an official stamp to use for validating documents which he prepares. One result of this role is that Maliks/Arbabs often keep community records, such as royal land grants and other written documents pertaining to community activities.

Since maliks/arbabs tend to be powerful people in the community, many times from large landowner families, it seems likely that communities chose someone with economic or social power to represent them because it was thought that they could get more done and the central powers would listen to them. Whatever the case may be, as time passes, the position is either inherited or re-appointed through community consensus25.

The RLAP defined a community as a settlement with a locally known name and a functioning shura. Typically the community also had the services of an Arbab (since the test sites were in the North), although the function of linking the community with outside agencies also is frequently done by an influential mullah26 or head of a local cooperative.

The focus on “community consultation” for defining legitimate rights to land and for administering the documentation of these rights is not an idea invented by the RLAP. The Ministry of Urban Development and the Municipality of Kabul have developed a similar approach for regularizing the tenure of some informal settlements in Kabul27. The draft Land Policy in reference to land tenure in informal settlements, states in Section 2.2.4: “The government shall promote land tenure regularization in these areas in collaboration with relevant communities based on standards to be established by law”. In a review of land registration options for Afghanistan, McEwen and Sharna28 make the following recommendation:

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24 See below for a discussion the concepts of community/specific pastures and public pastures.
25 See Brick, op. cit.
Any future system for land registration should be rooted at the community level. The system will be able to draw upon community knowledge, practical understanding of local issues, and tried and tested (if sometimes imperfect) systems to resolve disputes. By directly engaging the community, the system will be viewed as transparent, equitable and legitimate. Also, implementation costs can be kept to a minimum and public access to records will be improved.

There are also important precedents for community administration of property records in other countries. The initial settlement of the United States by white settlers who displaced the native peoples from their lands, was done without the formal adjudication of land rights by the State and without a governmental involvement in the administration of property in many parts of the county. Settlers set up organizations to recognize and enforce informally established claims to land. Subsequently, as State institutions began to be established, the preference across the U.S. for the administration of property rights documents, normally without benefit of systematic cadastral surveys of property boundaries, was the multi-purpose local governmental unit (township or county).

In Norway, while the administration a Land Registry has been done by a specialized government agency, no cadastral surveys were done in rural areas until 1980. New boundaries/parcels were set out in the field by three lay men appointed by the local "sheriff". New boundaries were demarcated using materials found at the spot, crosses in rock/stones etc. Verbal descriptions and rather simple sketches were included in the documents supporting opening a new lot in the Land Register.

In more recent times in the country of Benin, Village Land Tenure Management Committees have been adjudicating title and are administering the resulting property records. In Tanzania, Village Land Committees validate claims to land, and Village Land Registries administer the land records, in coordination with District Land Registries.

The problem of tenure insecurity arises in different ways in different situations, and has different possible solutions. In this paper we discuss two types of property: rangeland and cultivated, agricultural land.

4. Rangeland Tenure

Millions of Afghan rural households – including nomads – depend very heavily on rangeland to survive. Rangeland, however, is in formal legal terms, public land and cannot be privately owned. Families, clans and tribes, as well as nomadic groups use rangeland for feeding livestock, for gathering fuel, as a source of herbs for medicinal and cooking purposes, and a passage ways for moving livestock from one place to another.

Pastures also represent crucial water catchment systems which supply water for valley settlements and farming. Pasture land degradation can lead to erosion and the drops in the levels of aquifers, negatively affecting cultivated agricultural areas and water sources for urban uses.

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31 Personal communication from Helge Onsrud, March, 2007
32 See Delville op cit, p. 4-5.
34 The Land Management Law of 2000, article 84(1) provides: “pastures are public property, an individual or the State may not own pasturelands, unless otherwise stipulated by sharia.” Sub-article 2 of article 84 elaborates further by stating that pastures shall be kept unoccupied for the purpose of public needs of the villagers (for cattle grazing, graveyard, threshing ground, etc.) Exactly what the term “private” means, however, is not clear.
Rangelands have been deteriorating in recent decades. Many formerly viable rangelands have become virtually barren wastelands. The degradation of rangelands has been accompanied by the conversion of some areas formerly used for pastures into rain-fed agricultural cultivation. This conversion in drought years and in low rainfall areas severely weakens the capability of the land to regenerate a stabilizing plant cover.

Figure 2 shows a typical rural ecology, with irrigated agricultural land and housing along the river, and with the lands above the irrigated perimeter being used for rain fed agriculture and pastures.

![Figure 2: Typical Village Ecology](image)

An important phenomenon accompanying this degradation of pastures is the increase in conflicts among farming and livestock dependent families for a decreasing supply of adequate rangeland. As the supply of rangeland declines, and with a constant or increasing demand for pastures, competition for this increasingly scarce resource inevitably results.

A main cause of rangeland degradation and resulting social conflicts is the insecurity with which rural people hold and use rangelands. This tenure insecurity has three dimensions: first, a longstanding history of conflict over rights to rangelands among groups of village residents and nomadic groups; second, differences of opinion about the preservation of rangeland between farming families with access to agricultural land and families without access to agricultural land but with a dependence on livestock; and third, contradictions between governmental agencies (empowered by formal law establishing State ownership of pasture land) and local communities which, by custom and necessity, use the rangelands.

According to the Land Management Law of 2000, the villagers can have the exclusive right of use to their community pastures, which is the pasture area directly surrounding the village. In the 2000 law (Article 9), such community pastures were defined as ‘the area from where the loud voice of someone standing at the edge of the village can still be heard’. Lands used for grazing which are beyond the boundary of the community pasture, are called public pastures.

35Frauke de Weijer (2003) Pastoralist Vulnerability Study, World Food Program, estimated that “the total number of (semi-)nomads currently lies between 1.5 and 2.0 million, including those that settled recently and possibly temporarily.” p. 6.
In the past, village elders and tribal leaders met and agreed about the users of both types of pastures, including in some cases the use rights to public pastures. In other instances of public pastures, anyone can use them at any time. In general the customs and traditions about the uses of community and public pastures are more tentative today than they were prior before the 1980s, that is, rights are not clear and the confidence people have in exercising these rights is not high—fertile ground for tenure insecurity.

4.1 New Policy/Strategy for Rangelands

The Ministry of Agriculture, Irrigation and Livestock (MoAIL) introduced a significant new policy/strategy in 2006 when which advocates “the transfer of effective management responsibilities for forestry and range resources within defined community geographical areas to communities”. The objective of this community based management of forestry and range resources is to create “value for community members (both in the form of productive resources – timber, firewood, better pasture, and as means of protecting natural resources from erosion)”36.

This policy/strategy formalizes the de facto situation in most communities whose residents use rangeland. For decades families, clans and tribes through their elders and leaders have arrived at rules for deciding who has the rights to use particular pasture areas for what times of the year. This de facto local management has evolved regardless of the provisions of the formal law that pastures and forests are public and under the authority of State institutions. The theoretical notion has been that the State through its land institutions would manage the publicly owned range lands, but in practice the operational management has been in the hands of villagers and nomadic groups.

A major complication to this de facto customary and traditional system of rangeland and forest management has been the turmoil of the past 25 years leading in many cases to the breakdown of the informal rules governing how communities and families get access to, and use, rangelands. The result in many places is increased insecurity of tenure to rangeland among people whose lives depend on secure access to those resources. The Ministry’s new Policy/Strategy for recognizing community based management of rangelands is an initial response to this problem. The RLAP’s identification and recording of the legitimate community users of rangeland is the first step in the implementation of this new Policy/Strategy37.

4.2 Building Records about Rangeland Tenure

To deal with tenure insecurity on rangelands the RLAP designed a simple system for getting local stakeholders in the uses of rangeland to agree about the legitimate users of community and public pasture lands, write down the agreements, delineate boundaries of the pasture parcels on satellite imagery, and develop plans for improving their productivity. Figure 3 shows a portion of a satellite image on which the boundaries of forest and pasture parcel boundaries have been delineated.

36 Ministry of Agriculture, Irrigation and Livestock, 2006, op. cit. p. 2
37 The new Policy/Strategy for community based management of rangeland (and forests) faces many implementation issues, including the resistance of governmental land management officials. For an analysis of such resistance to the devolution of management to communities in various countries see Graham R. Marshall, “Nesting, Subsidiarity, and Community-Based Environmental Governance Beyond the Local Level”, Occasional Paper 2007/01, Institute for Rural Futures, University of New England, Australia, June 2007
Where it is possible to write out agreements about legitimate rights to pastures, representatives of the families, clans, and tribes who are parties to the agreements sign the written agreements, along with the village elders, *arbabs, mulas*, and other respected local people who also sign as witnesses. Figure 4 shows the signature page of one such pasture land agreement.

**Figure 4: A Signed Pasture Land Agreement**

For large public pastures which are used by families from two or more villages as well as by nomadic groups and whose users and uses can be defined, a meeting is called of all interested parties and the agreement forged, signed and witnessed as in the cases of the community pastures.

Once the agreements and delineated images are completed, they are made available to the villagers and nomads for examination, finalized typically in a public meeting (*shura/jirga*\(^{38}\)) or a series of public meetings. Figure 5 shows a group of villagers reviewing a delineated satellite image showing the boundaries of pasture land parcels.

\(^{38}\)Community councils called “Shuras” in the north and “jirgas” mostly in the south.
These pasture land agreements and parcel boundaries on images are “recorded” in the villages where the families which use the rangeland parcels reside. Typically the village elders appoint an individual to be responsible for storing the agreements and images, a Village Recording Secretary (VRS). The VRS uses simple cabinets, which are placed in a secure room designated by the village elders. In one village of the RLAP the records were given to the headmaster of the village school for safekeeping.

If no agreements are possible or even desired about an identified area of rangeland, that situation is noted on the “summary rangeland situation” report for the village.

One suggestion for coordinating the use of large public pastures is for a management committee to be formed from the representatives of the main stakeholders for each public pasture to enforce the agreement and to oversee the efforts to improve the productivity of the public pasture. Another suggestion is for the preparation of the agreement to be subject to a shura/jirga, and any enforcement of the agreement and improvement plan, or resolution of disputes to be handled by elders and if needed by reconvening the shura/jirga.

See Annex 1 for a brief summary of the methodology for arriving at signed agreements as to the legitimate users of rangeland parcels whose boundaries are described on delineated satellite imagery. The procedures devised by the RLAP for consultations and agreement formalization at the community level can be summarized by the following:

- Ask for community cooperation
- Delineate the boundaries of rangeland parcels
- Agreements are prepared concerning the legitimate users of the rangeland parcels.
- Meet, discuss and approve the agreements and delineations
- Archive the agreements and delineated images
- Plan for the improvement of the rangeland parcels

Annex 2 contains the model community pasture land agreement (in English), while Annex 3 contains the instructions for completing such an agreement.

The RLAP field tests yielded evidence that a national rangeland program with the following features is desirable and feasible:
--Community rangeland agreements and delineated images recorded and maintained in the village where the resident users live, with copies filed with the Regional Cadastre (the delineated image) and with the Provincial Amlak.  
--The public pasture agreements and delineated images are recorded in the village designated for that responsibility by the manteqa jirga, with copies recorded with the Regional Cadastral Survey and Provincial Amlak(s).
--Once the rangeland agreements have been reviewed and discussed locally, they are reviewed by the Woluswali officials, including Rangeland specialists as well as specialists from the Amlak and Cadastral Survey, monitored and reviewed by the Head of the Woluswali administration. 
--Particularly important to the ADAMAP methodology is the preparation of a plan for the improvement of each of the rangeland parcels for which agreements are devised, and the continued interaction of community rangeland users and government officials led by specialists from the Rangelands Department of the MAIL for the implementation of such plans.

In four test sites the following outputs pertaining to rangeland agreements have been produced:

- 17 village pasture land signed agreements for 17 pasture parcels, covering approx. 28,210 Jeribs in three villages, and over 110,000 Jeribs in large community pasture and two public pastures in the fourth test site in Kunduz (3 agreements).
- 39 satellite images, ortho-rectified, scale 1:5,000, printed in 4 paper copies, each showing 4.5 km x 4 km on paper images of 84.1 cm x 76.2 cm, with 20 pasture land parcels delineated. In the Kunduz site, satellite images of smaller scale were used to delineate the very large public pasture parcel boundaries.
- The agreements and delineated images showing pasture land parcels are archived in the four test sites, and digital copies are archived with AGCHO in Kabul.

This community recording and maintaining of records about rights to rangeland land is a new idea in Afghanistan which appears to be well received by villagers, nomadic groups, and many government officials. Further monitoring and adjusting of the ADAMAP procedures is certainly to be desired.

Diagram 1 shows a RLAP recommendation about how the rangeland parcel-based information concerning rights and boundaries is generated and archived. The capacities of Amlak, Cadastral Survey, the Land Resources Directorate and Woluswali officials require attention for assuring that they will fulfill their responsibilities in the new property records administration system.

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5. **Legitimizing rights to agricultural, housing and commercial parcels in villages**

Some experimentation and discussions are also being held on the viability of the community approach for the documentation of legitimate rights to privately owned agricultural land and housing parcels in villages, and the recording of rights to such parcels in community land records files. Procedures for this activity were developed by RLAP in the fourth test site, upon invitation by the Village Shura.

A method was developed, similar to the ADAMAP for the rangeland parcels, which produces a parcel specification form for each agricultural land parcel, usually privately owned. It is also possible that this procedure will be applied to housing parcels and commercial parcels, which typically are also privately owned. In some instances agricultural land parcels are State owned, and are also be described by parcel specification forms. Annex 4 shows the format of the agricultural, housing and commercial land parcel specification form, and Annex 5 contains the instructions for filling in that form and for delineating privately owned parcel boundaries.

As in the ADAMAP, the village team which prepares the parcel specification forms, simultaneously delineates the boundaries of parcels to which the forms refer, and gives them unique identification numbers. Figure 6 shows a satellite image, plotted at a scale of 1:2,000 being used for delineating irrigated agricultural land parcels in the village of Naw Abad in Kunduz Province. Each form produced by the field team in consultations with the owners or their representatives, is reviewed by a group of village elders who sign each form when in agreement with its contents.
In the Kunduz test site, 100 agricultural land parcels were delineated on a satellite image (scale 1:2,000) and parcel specification forms prepared describing the rights claimed by their owners for these 100 parcels, confirmed by the village elders as being accurate.

Shura members from this test site have asked for the satellite imagery covering the remaining agricultural land parcels of the village of Naw Abad, and blank copies of the parcel forms so that they can complete the file of maps and forms for all of the privately owned agricultural land parcels of the village.

The RLAP archived digital copies of the parcel specification forms and delineated images from the test site AGCHO.

The RLAP accomplished limited testing of the community approach to recording property rights to agricultural land parcels. Annex 4 shows the revised Parcel Specification Form used to describe privately owned parcels, including their owners, boundaries and uses. Annex 5 contains instructions for filling out this form. Further study mentioned in Annex 5 is needed about the future needs of the information generated from the form for assessing value for property taxation schemes, or for providing needed statistics to the Ministry about the uses of agricultural land. Annex 5 also indicates some of the main issues which have to be explored before launching a national program, including the following:

--How can copies of the forms and maps be filed with government land institutions?

--When a villager (grantor) transfers rights to another (grantee), how will the grantor inform the Village Recording Secretary (VRS) so that the parcel specification form for the parcel involved can be modified? The grantor may be motivated to inform the VRS to eliminate any obligation deriving from a local assessment for financing the work of the VRS or other administrative or infrastructure activity. The deed itself, if one is prepared, may also be recorded with the VRS, or a notation is made on the parcel form as to where the deed can be found.

--A necessary linkage should be designed between the village property rights recording system and the formal court administered deed preparation and archiving system. Presently, only a
few rural properties are covered by a court prepared deed, so the formal, court system is largely irrelevant to the people conducting transactions in villages.

Nonetheless, when such a court deed is prepared, the grantor should bring a copy to show the VRS and make the necessary changes in the parcel form of the property having been transacted, including the general and specific numbers of the court prepared deed so as to physically locate that deed in the future if necessary.

For the “customary deeds” prepared locally, should the owner petition a court to prepare a formal title deed, the village administered parcel records and delineated imagery would be referenced in the petition, with a certification as to their contents prepared by the VRS as validated by the Arbab/Malik or other appropriate village elder.

The paper by McEwen/Nolan\textsuperscript{41} paper offers some useful suggestions for this private parcel tenure recording.

Diagram 2 shows the RLAP proposed information flows for the production and archiving of private land parcel specification forms and maps, with the initiative held by communities but with monitoring, capacity building, supervision and archiving functions being carried out by governmental agencies. Their capacities for carrying out these functions have to be strengthened.

\textsuperscript{41}Alec McEwen and Sharna Nolan, Op.Cit.
Diagram 2: Information Flows for Private Land Forms and Maps

6. Conclusions

In the words of Alden Wily: “Democratisation of land administration and management should be an objective of all countries.” This principle is particularly relevant to Afghanistan as the Afghans try to create a democratic political economy. A corollary of that principle is that the nearer the administration of property records is to landholders, “the more accessible, useable and used, cheaper, speedier and generally more efficient the system will be.” Of course, this hypothesis cannot be carried to the extreme of every hamlet operating its own land registry, or else the system would be inordinately expensive. But particularly in Afghan conditions of State institutional weakness where the institutions of the State are not well connected to the population, re-establishing the confidence of the people in its governing institutions, particularly land governing institutions by making them transparent and observable at the local level, is of fundamental importance.

The experiences of the RLAP with the local legitimization of rights to pasture lands, a potentially very complicated process, show that community definition of such rights is entirely feasible, relatively simple and normally quickly accomplished. Moreover, village leaders are quite willing to keep those records and commit to updating the agreements when the conditions change requiring changes.

Taking that experience another step and applying the same principles of community legitimization of property rights to privately owned agricultural land showed that the generation of property records at the community level is not only feasible but that village elders are willing to do much of the work themselves, using the training, technical support, satellite imagery and parcel specification forms provided to them. Part of this enthusiasm at the local level is the awareness by village elders that they retain the records that they produce and are responsible for updating them as changes in rights or boundaries occur.

Government agencies will support this community dual property records focus by helping to build the capacities of communities to administer property records, monitoring their work, providing backup digital archiving, providing plotted satellite images, and assistance with the formulation of rangeland

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42 Alden Wily (op.cit), pp 1-2.
improvement plans. The capacities of Amlak, Cadastral Survey, Land Resources, and Woluswali Heads to perform these functions have to be strengthened, as does the legal framework.
Annex 1: ADAMAP

The ADAMAP methodology for producing and recording community pasture land agreements

Improving the sustainable productivity of rangeland is an important objective of the agricultural sector. Achieving this objective is not within the sole power of government, but rather requires the thoughtful and dedicated work of the people who use rangeland for their livestock, for fuel, and for medicinal herbs. These are the practical managers of the rangeland, which traditionally has been managed by families, clans, or tribes, and not by private owners.

The past 25 years has seen the destruction of much of the communities’ livestock. They do not have security that the rangelands which they once managed continue to be their responsibility. This insecurity leads to low investments in building up the herds, to poor management of the land and to instabilities in rural communities which depend on their livestock based enterprises. Government can help in this regard, but launching a program to identify the legitimate community managers of clearly marked rangeland pastures. Communities also certainly can use the support of government and NGOs, given their relative lack of financial and technical resources and limited labor and severe resource degradation.

So, how can the managers of the rangeland be identified? The MoAIL has stated as its policy/strategy for the rangeland sector, that its management must be community based. The RLAP provides an essential step in implementing this policy through the community identification of the legitimate managers of rangeland.

Also, in that policy/strategy it is clear that the Ministry and NGOs should support and guide the community in its management of the rangeland.

The Rural Land Administration Project has worked with four communities and with Ministry and NGO staff to develop a methodology with the objective of improving the security by which community groups can manage rangeland. The following steps are proposed to be used in a national program for clarifying community rights and responsibilities:

2.1 Step 1: Ask the community

A two person team composed of a cadastral surveyor and a community mobilization specialist goes to the target community—that is, a village where the residents have significant livestock and use rangeland—and meets with the elders of the village. They take examples of the rangeland agreements and delineated satellite images with them, and explain the goal of their work, which is to help implement the Ministry’s new policy/strategy of community based management of rangeland by providing the management tools to the villagers. These tools include:

1) satellite images of the rangeland areas used by village families, which the villagers will use to mark the boundaries of the different rangeland parcels used by villagers;
2) assistance to fill out the village agreements as to who are the legitimate users of those rangeland parcels;
3) cabinets and folders in which to store the agreements and delineated images.
4) assistance with the preparation of rangeland parcel improvement plans.

If the community agrees with this proposal, then the next steps can be undertaken. If the community leaders are not interested, then the team moves on to the next target community. The discussion of the proposal may take several visits, and may involve large numbers of
people. Even people from neighboring villages may be involved, whose pastures border those of the target community. Agreement and mutual respect is absolutely necessary for proceeding to the next step. Once agreement is reached, the team should visit the rangeland areas, and take some GPS readings of visible landmarks to be able to order the proper satellite imagery.

2. Step 2: Delineate rangeland parcel boundaries.

The drawing of the rangeland parcel boundaries requires:

--Getting of the satellite imagery of the proper scale. For very large rangeland parcels, imagery at the scale of 1:50,000 showing the topographic relief is very useful for delineation of parcel boundaries. For smaller parcels, clear imagery at the scale of 1:5,000 is preferable—such as that from the Quickbird satellite. ISAF has provided the RLAP with such imagery at no cost. But for a large project, arrangements must be made with ISAF well in advance, and the coordinates of the desired coverage areas provided.

--With the imagery, the team returns to the village, and walks the boundaries of the rangeland parcels with village representatives, marking the boundaries on the images using appropriate line symbols. The team at this stage should include one cadastral survey engineer with training in photo interpretation and with training and experience working with villagers on land matters, a community mobilization specialist with some training in photo interpretation, and a pasture specialist from the MAIL. If the community is of a special ethnic/linguist composition, a fourth person from that ethnic/linguist group may be added.

3. Step 3: Agreement

The preparation of the community rangeland agreement is the next step. A form is filled out for each parcel. See the model agreement for the community agreement in Annex 2, and the instructions for filling out that agreement in Annex 3. All of the legitimate users of each rangeland parcel for the entire year and for any use of that land (as pasture for livestock of different types, as sources of fuel and herbs, etc) must be recorded in the agreement.

Special care must be taken to include all legitimate users, including nomadic people who may use the land only during specific months of the year. To assure that these people are included in the agreement, the team should coordinate with the representatives of the General Directorate of the Kuchis who have an office in every Province.

The local mullah’s, elders, cooperative directors, Arbabs and Maliks should be good sources of information about who use the different pastures, to be sure that all families who depend on the pastures get their interests recorded on the agreements.

The agreement must be signed by the users identified on the agreement, by the village elders, Arbabs/Maliks, and by members of the village shura if there is one. The boundaries must be agreed to and signed by representatives of neighboring tribes, clans, families or villages.

4. Step 4: Meet and Approve

The signed agreements and the delineated images should be put on display at a prominent but secure place in the village, and a shura convened of all village residents and also notifying absent family members and leaders of nomadic tribes who use the pastures to gather at a specific time and place to discuss the agreements and boundaries of the rangeland parcels.
A representative of the Pasture Department will then come to the village and examine the agreements and delineated images, using a checklist of factors to verify that the work has been properly done. He will leave a signed checklist attached to each pasture agreement. If there is some problem with the formulation of the agreements or with the delineation of the images, the Pasture Specialist will present a written memo to the Village Elders describing the problem and how to resolve it.

5. Step 5: Archive

Only after there is general approval to the final versions of the agreements and to the delineated parcel boundaries, then two other identical agreements should be prepared for each rangeland parcel, giving a total of four identical, signed agreements for each parcel:

- One to remain in the village archive
- One to the Provincial Pasture Land Department of the MAIL
- One to the Provincial Amlak archive
- One to the Central Amlak/Cadastre in Kabul.

An exact copy of the delineated image will be prepared to be taken to Kabul to be digitized. A paper copy of the delineated image plus a digital copy of each agreement along with a digital copy of the delineated parcel image should be filed with the Central Cadastral Office Archive. Note that a final page of the model agreement is to be used in the future should the stakeholders who signed the agreement originally decide to change its terms. In that case four copies should be made and filed as for the original agreement.

6. Step 6: Plan Improvements to Rangelands

A rangeland improvement team will then visit the community and discuss with the managers of each rangeland parcel as shown on the agreements how they have been improving the pastures in the past and how they intend to improve them in the future. See Annex 6 for the preparation of rangeland parcel improvement plans.

In summary, the RLAP devised the A-D-A-M-A P method for community based management of rangeland parcels:

- **Ask** for community cooperation
- **Delineate** the boundaries of rangeland parcels
- **Agreements** are prepared concerning the legitimate users of the rangeland parcels.
- **Meet**, discuss and approve the agreements and delineations
- **Archive** the agreements and delineated images
- **Plan** for the improvement of the rangeland parcels

The model format of a Community Pasture Land Agreement and the Instructions for completing such an agreement are included in Annexes 2 and 3 respectively. Any particular agreement may have more details or different content than contained in this model format.
Annex 2: Rangeland Agreement

Community Agreement on the Uses of a Pasture or Forest Land Parcel

Agreement Number: ____    Date: ________

Village Name:                            Woluswali:                                     Province:

1. Directions for arriving at the Village:

2. Number on map or image:_______________

3. Approximate area of the parcel based on community estimation:_______________

4. Approximate area of the parcel based on Map/ Image:_______________

5. Approximate coordinates of center point: N____________ E _________________

6. Boundary of the parcel:

   Northern: __________________________________________________
   Southern: __________________________________________________
   Eastern: __________________________________________________
   Western: _________________________________________________

7. Sketch from map or image
8. Uses of Pasture or Forest Parcel by Local Community or Kuchis during Year ____________

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Dates of use during year</th>
<th>Community Identified User(s)</th>
<th>For how many years has User(s) used the parcel?</th>
<th>From whom does the User need approval to use parcel (Name)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use 1:</td>
<td>From <strong>/</strong>/____ to <em><strong>/</strong>/</em>___/</td>
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<td></td>
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<tr>
<td>Use 2:</td>
<td>From <strong>/</strong>/____ to <em><strong>/</strong>/</em>___/</td>
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<tr>
<td>Use 3:</td>
<td>From <strong>/</strong>/____ to <em><strong>/</strong>/</em>___/</td>
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<tr>
<td>Use 4:</td>
<td>From <strong>/</strong>/____ to <em><strong>/</strong>/</em>___/</td>
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</table>

9. Are there any conflicting claims as to the users of this parcel? Explain: ____________________________________________

10. Location of the documents relevant to the community decision:

    A) Type of document: ________________________________

    B) Registration location: ________________________________
Obligations of the Users of the Parcel:

We use the pasture only for grazing animals. We protect the pasture from converting to agricultural or residential uses and we work to improve the productivity and of the pasture/forest land parcel, in collaboration with Ministry of Agriculture and other stakeholders. Since according to the Land Management Law and Pasture Law all pasture and the forest lands are the government property therefore, with the agreement of the local community, the government may establish large agricultural farms, livestock and industrial parks, roads and other infrastructure for the welfare and promotion of the living standard of the people.

Name, Signature and Finger print of boundary Identifier: Name, Signature and Finger print of recorder of agreement:

Name, Signature and Finger print of Members of Shura: Name, Signature and Finger print of Elders and Villagers:

Neighbors’ Agreement:

“We the neighbors of ( ) village agree on the text of this agreement. We don't have any claim on this parcel of land.”

Name, Signature and Finger print of Neighbors: Name, Signature and Finger print of witnesses:

Confirmation and certification of Head of Shura:
MODIFICATIONS TO AGREEMENT:

<table>
<thead>
<tr>
<th>Description of modification</th>
<th>Date of modification</th>
<th>Signatures of Villages affected by modification</th>
</tr>
</thead>
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</tbody>
</table>
Annex 3: Instructions for Rangeland Agreement

*Agreement Number:* Within a local community, typically a village, one or more agreements can be prepared for parcels of land used as rangeland (or as forests, in cases of forest parcels) which contain the information indicated in this model form. The Agreement Number is assigned sequentially beginning with “1” to each agreement.

*Date:* The day, month and year of the final approval of the agreement by the community.

*Village Name:* The name of the village where most of the users of the pasture parcel live

*Woluswali:* Name of the Woluswali where the village is located.

*Province:* Name of the Province were the Woluswali is located.

The above information is noted on each page used for the agreement so that in case a page becomes separated from the agreement, it can be correctly re-attached.

1. *Directions for arriving at the Village:* Instructions for finding the way to the village from known landmarks and place names.

7. *Number on map or image:*__________ An image is used to delineate the boundaries of a specific pasture parcel to which the agreement refers. The number of the parcel as written on the image is noted in this space.

8. *Approximate area of the parcel based on community estimation:*__________ Based on discussions with the community concerning the pasture parcel, note their estimation of the area of the parcel, in jeribs or some other measure. Be sure to note the unit of measurement as well as the numerical area.

9. *Approximate area of the parcel based on Map/ Image:*__________ Calculate the approximate area of the parcel based on its delineated dimensions on the image.

10. *Approximate coordinates of center point:* N_________E_________ Using the image and the coordinates noted there, estimate the coordinates of the center of the pasture parcel being to which this agreement pertains.

11. *Boundary of the parcel:* Note what place or tribe or clan or family is on the Northern, Southern, Eastern and Western boundaries of the parcel of this agreement.

7. *Sketch from map or image* Make an approximate sketch of the pasture parcel as it appears on the image.

8. *Uses of Pasture Parcel by Local Community or Kuchis during Year*__________
In this table note the year to which the agreement refers.
Then note the following information concerning each use and user:

**Type of Use:** Pasture, gathering fuel, herbs, other

**Dates of Use:** From what date to what date is the parcel used for the specified use.

**Community Identified User:** List the names of all of the users of the parcel during the specified period of time

**For how many years has the User(s) used the parcel?** Note the number of years.

**From whom does the User need approval to use the parcel (name)** List the names of the persons or organizations who give approval.

9. **Are there any conflicting claims as to the users of this parcel?** **Explain:** Note the nature of any conflicting claims by people or groups to be users of this parcel and explain as clearly as possible the origins and history of each conflicting claim.

10. **Location of the documents relevant to the community decision:**

   **Type of document:** Note the type of any document which is relevant to the community decision about the legitimate users of this parcel, such as a royal decree or Ministry permit or other document.

   **Registration location:** Note the location of this document.

**Obligations of the Users of the Parcel:**

Be sure that the community leaders understand the following description of the obligations of the users of the pasture parcel subject to this agreement.

*We use the pasture only for grazing animals. We protect the pasture from converting to agricultural or residential uses and we work to improve the productivity and of the pasture/forest land parcel, in collaboration with Ministry of Agriculture and other stakeholders. Since according to the Land Management Law and Pasture Law all pasture and the forest lands are the government property therefore, with the agreement of the local community, the government may establish large agricultural farms, livestock and industrial parks, roads and other infrastructure for the welfare and promotion of the living standard of the people.*

**Name, Signature and Finger print of boundary Identifier:**
Note in this space the names, and get the signatures and finger prints of the person(s) who have identified the boundaries of the parcel subject to this agreement.

**Name, Signature and Finger print of recorder of agreement:**
Note in this space the names and get the signatures and finger prints of the person(s) who have prepared this agreement.
**Name, Signature and Finger print of Members of Shura:**

Note in this space the names, signatures, and finger prints of the members of the village shura of jirga who approve the contents of this agreement.

**Name, Signature and Finger print of Elders and Villagers:**

Note in this space the names, signatures and finger prints of the village elders, Arbabs, and other respected people who approve the contents of this agreement.

**Neighbors’ Agreement:**

“We the neighbors of (                     ) village agree on the text of this agreement. We don't have any claim on this parcel of land.”

Fill in the name of the village from above.

**Name, Signature and Finger print of Neighbors:**

Note in this space the names, signatures and finger prints of the neighbors of the parcel subject to this agreement.

**Name, Signature and Finger print of witnesses:**

Note in this space the names, signatures and finger prints of witnesses to this statement of the neighbors of the parcel subject to this agreement.
MODIFICATIONS TO AGREEMENT:

The last page of the model agreement contains space for the community stakeholders in the management of the parcel to adjust to changed conditions in the future. Today’s agreement as expressed in the filled out Community Pasture Land Agreement may have to be changed in the future.

If all of the stakeholders agree to change, then they should note:

- the nature of the modification in the agreement which they desire,
- the date of the modification, and
- the names, signatures and fingerprints of the community elders, shura representatives, and other stakeholders in the management of the parcel.
Annex 4: Private Parcel Specification Form-Revised

1. Location:

2. Form Number: ____________

   a. Parcel Number On Map/Image: ______  b. Number of Origin Parcel: ______  c. Date:__________

3. Information about the Parcel:

   Area:
   b. As described in documents: _____ Jeribs.
   c. As calculated by survey: _____ Jeribs.

   Uses of Land Parcel—according to farmer

<table>
<thead>
<tr>
<th>Uses of Land Parcel</th>
<th>Area in each use (Jeribs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>e. Garden</td>
<td></td>
</tr>
<tr>
<td>f. Orchard</td>
<td></td>
</tr>
<tr>
<td>g. Irrigated, water available throughout the growing season</td>
<td></td>
</tr>
<tr>
<td>h. Irrigated, water available only sporadically</td>
<td></td>
</tr>
<tr>
<td>i. Rain-fed, produces a crop every year</td>
<td></td>
</tr>
<tr>
<td>j. Rain-fed, produces a crop every year, but very low yield</td>
<td></td>
</tr>
<tr>
<td>k. Rain-fed, must leave fallow every other year</td>
<td></td>
</tr>
<tr>
<td>l. Other ag. use (specify)</td>
<td></td>
</tr>
<tr>
<td>m. Not used for agriculture (specify)</td>
<td></td>
</tr>
</tbody>
</table>

   d. Bounded by:
   North: ____________________
   South: ____________________
   East: ____________________
   West: ____________________

4. Distance of parcel from market: _________ km

4 - OWNERSHIP OF PARCEL

<table>
<thead>
<tr>
<th>Owner(s)/Name(s) and Father's Name(s)</th>
<th>Date present owner acquired land</th>
<th>If private owner, the address of owner's residence</th>
<th>Basis for proving ownership, and location of documents establishing ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
5 - RESTRICTIONS ON OWNERSHIP AND USES, SUCH AS CONFLICTING CLAIMS, MORTGAGES, COURT DECISIONS, OTHER RESTRICTIONS:

<table>
<thead>
<tr>
<th>Date of Starting Restriction</th>
<th>Type</th>
<th>Description</th>
<th>Location of Documents Defining Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Comments:

6. Subsidiary users for more than 2 years: Renter’s Name: User’s Name:

Comments:

7. Printed name(s), title and signature(s) of person(s) who provided the information for the Form:

8. We certify that the information in this Form is correct: [Names, signatures of Village Shura and Elders]

9. Date of certification: ________________
Annex 5: Instructions for Privately Owned Parcel

8 August, 2007

Instructions for Completing the Parcel Specification Form

The objective of this Form is to record information certified as correct by a village shura and elders, concerning each parcel of rural land, including land used for agriculture, housing and other rural uses. A separate Model Form is to be used for recording information about the users of pasture and forest land parcels.

Each parcel in a village should be given a unique number by a land surveyor with its boundaries and number shown on a map or image. If more than one printed image or map sheet is required for describing the land parcels in a village, the surveyor will also assign each image or map a unique number. The parcels within each printed image or map sheet will be unique. A parcel number within a village will take the form:

[Image/map sheet number] – Parcel Number within the image/map sheet]

For example, in a village where two images are required to describe all parcels in the village, a parcel number “2-41” would mean Image Number 2, and parcel 41 on that image.

A Form is prepared for each parcel, with the following information:

1. Village Name, etc. Write in the name of the village, the name of the Woluswali, and the name of the Province where the parcel is located.

2. Form Number: Within each village, a unique Form Number will be assigned sequentially to each form as they are prepared. Initially this Form Number will be the same as the Parcel Number. But there may be instances of new Forms being prepared for existing parcels, and the new forms should have unique numbers for proper archiving.

2a. Parcel Number. A Surveyor will assign the parcel numbers.

2b. Number of parent parcel: After the initial preparation of a Form, it is possible that the parcel is divided into two or more pieces, because of inheritance or some other reason, or an owner may buy a neighboring parcel and combine them into one new parcel. If these changes in the shape and area of a parcel occurs, the “parent” parcel Form will be cancelled, but kept in the archives, and two or more sub-parcels will be created and new Parcel numbers assigned by the Shura Secretary. In this section, the number of the Parent Parcel will be noted as reference, and the date that the subdivision or union is recorded.

3. Information about the Parcel

Area:

a. The area of the parcel as calculated by the surveyor from the map or image, in jeribs. If any other measurement unit is used, note what unit.

b. The area of the parcel as described in any documents which may exist describing the parcel, in square meters or jeribs. Describe also the location of the document.
c. The area of the parcel as calculated by an approved and professionally done land survey, in jeribs. Describe the location of the land survey plan.

d. Bounded by:. Note the names of the neighboring owners, or a description of what borders a parcel (such as road, or river, etc)

Uses of land in the parcel:

From the farmer get the area devoted to each use in a particular parcel. If a use is not on the list, specify that use and its area.

e. garden,

f. orchard,
g. irrigated, water available throughout the growing season,
h. irrigated, water available only sporadically;
i. rainfed, produces a crop every year
j. rainfed, produces a crop every year, but very low yield
k. rainfed, must leave fallow every other year
l. Other ag use (specify)
m. Other non-ag use (specify)

If there is a house or other type of building on the parcel, describe the dimensions of the building.

If there is more than one type of land in the parcel, describe the approximate area of land in each type. For example, if the parcel contains a 4 meters x 6 meters house and a garden of 6 meters x 8 meters, there would be noted “24 square meters—house” in the building section, and “48 square meters” in “garden” section.

n. Total area. Add up the areas given by the owner/user/informant for each use. Should be close to the total area shown previously. If not, re-do the interview.

o. Distance of parcel from the market. Indicate the approximate distance in kilometers of the parcel from the nearest place where production of the parcel is normally sold.

4. Ownership of the Parcel

a. Note the names and fathers’ names of the owner or owners. If the land is owned by the community, note the name of the community and clearly state “community owned”. If the land is owned by the State or by a State Enterprise, clearly note “State” or “State Enterprise” and give the name of the State Enterprise. If the land is owned by a Ministry, note the Name of the Ministry.

b. For privately owned land, also note the date that the present owner or owners acquired the land.

c. The address of the owner’s residence

d. The basis for proving ownership, such as purchase or inheritance, and the location of any documents giving evidence about ownership (such as the specific number of a title deed in a Court Makhzan, etc.)
5. Restrictions

a. In this section note any conflicting claims, court decisions, shura decisions, mortgages or other conditions which limit the right of the owner to transfer ownership to another person.

b. In the “type” column give a brief name for the restriction, but explain more in the description column and also provide information about the location of any documents pertaining to the restriction.

d. In the comments section, explain fully the nature of the restriction if not already explained in the table.

7. Subsidiary users.

A “subsidiary user” of the parcel is any person or company which is using the parcel with or without the permission of the owner. Distinguish between “subsidiary users” who have a rental or sharecropping arrangement with the owner and those who simply occupy and use the parcel with or without the permission of the owner but provide no payment of rent or share of the crop to the owner.

If there is an easement on the land, note that fact and describe who holds the right to the easement.

Use the comments section to explain more fully the nature of the subsidiary use.

8. Print the name, title and get the signature of the person who provided the information to complete the Form. Indicate whether this person was the owner, or representative of the owner.

9. Note the names and signatures or thumb prints of the village shura members and elders who sign to certify that the information in the register is correct.

10. Date of the certification of the Form. Note the date when the Shura/elders certified that the information in the Form is correct.

During the first to years of the LAMP, further testing and procedure development are required to answer the following questions:

1. Is the format of the Parcel Specification Form adequate? Are the questions properly phrased? Are the uses of the information clear and justified, including use in rapid area appraisals for property taxation, and statistical reporting needs of the MAIL and CSO?

2. Should the Parcel Specification Forms and delineated parcel boundaries include all rural land in the villages, including housing, commercial, community services (schools, clinics, graveyards, roads, mosques, etc)?

3. What review is necessary of field teams work on boundary delineation and parcel register forms?

4. How can unauthorized changing of parcel records be controlled?

5. How can security of original records be assured?

6. What training and supervision of the Recording Secretaries and village shuras are necessary?
7. How can changes in ownership and boundaries be done in authorized ways, including updating of digital archives?

8. How can ownership and boundaries of State owned agricultural parcels be done to assure proper recording?

9. How can issuance of certificates of ownership be done by Village Shuras for successful presentation to Judiciary for preparation of title deeds?