

## TECHNICAL ASSISTANCE COMPLETION REPORT<sup>1</sup>

Division: CWEN

<b>TA No., Country and Name</b>			<b>Amount Approved:</b> US\$ 850,000	
TA 4483-AFG: Capacity Building in Land Policy and Administration Reform			<b>Revised Amount:</b>	
<b>Executing Agency</b> Ministry of Agriculture Irrigation and Livestock (formerly Ministry of Agriculture and Animal Husbandry)	<b>Source of Funding</b> Technical Assistance Special Fund and Government of the United Kingdom	<b>Amount Undisbursed:</b>  US\$ 56,902.93	<b>Amount Utilized:</b>  US\$ 793,097.07	
<b>TA Approval Date:</b>  15 December 2004	<b>TA Signing Date:</b>  3 April 2005	<b>Fielding of First Consultants:</b>  10 June 2006	<b>TA Completion Date</b> <b>Original:</b> 31 December 2005 <b>Actual:</b> 31 January 2008 <b>Account Closing Date</b> <b>Original:</b> 31 December 2005 <b>Actual:</b> 31 January 2009	
<p><b>Description and Rationale:</b> Resolving rural land property and tenure problems is essential for tackling ongoing instability and the sluggish recovery from war, conflict, and drought in Afghanistan. Land disputes increase as more refugees and internally displaced persons are returning home. Evidence suggests that conflicts arise principally over pastures. Availability and access to pasture is the backbone of livelihoods of most rural households and a fundamental feature of the Afghan socio-economy. Conflict and tenure insecurity also affect private rural farmlands. Inequity, polarization, and dependency characterize land relations throughout the country. But currently, there is no clear picture of land ownership. Cadastral survey maps and ownership lists, the best documentation available, remain incomplete and outdated, covering only a third of private farmland. Subsequent land divisions through inheritance, mortgaging, or land sales are mostly unrecorded by official land institutions. To govern land relations and manage land resources more effectively and to achieve increased security of tenure for both private and public lands, require clarity and a sound and unanimous documentation of ownership. Thereby, Afghanistan needs simple and transparent processes for documenting and registering local land rights nationally—whether held by individuals, kin-groups, or wider communities. Aware of the strong linkages between insecurity and land tenure, the Government of Afghanistan embarked as early as 2004 in developing a comprehensive national land policy and administration system and asked ADB and Department for International Development (DFID) to support this effort.</p> <p><b>Expected Impact, Outcome, and Outputs:</b> The TA's expected impact was to protect the land rights of the poor and eliminate violent land disputes; while the outcome was to assist the Government in establishing a national land policy, land titling, and registration system, and associated institutional framework for cost effective and fair land administration. As the TA started nearly 1.5 years after its approval due to delays in consultants' recruitment caused in part by the resignation and frequent changes of project officers, minor changes in the TA focus were necessary to adjust to the changes that had taken place during that period. In particular, the TA was restricted to rural land tenure/common land/pastures issues to avoid overlapping with a new United States Agency for International Development (USAID) multi-years funded project dedicated to urban land/private land titling. In addition, as significant progress on the land policy preparation was already made, the revision of the land legal framework was also added to the TA focus. At inception, the design and monitoring framework was revised. The new outputs included: (i) a method of community consultation for reaching agreements about legitimate users of pasture and forest land is successfully developed, tested and broadcasted; (ii) the existing institutional structures and technical capacity for land administration are assessed; (iii) an appropriate institutional framework for land administration is developed and staff capacity built; (iv) the existing legal framework for land administration is reviewed and proposals for amendment submitted to the Ministry of Justice; and (v) a revised draft of a comprehensive land policy including a time bound action plan for its implementation is produced, discussed</p>				

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with all stakeholders and adopted by land administration institutions. This revised design and monitoring framework, complemented the work funded by USAID.

**Delivery of Inputs and Conduct of Activities:** The TA included 32 person-months of international consultants and 24 person-months of domestic consultants to be mobilized over 12 months. The TA inputs were sufficient but the budget too tight. Security costs were not included, and the expected Government contribution not realistic. The international inputs had to be reduced to 28 person-months at contract negotiations. The specialists' profiles were also modified to adapt to the change in TA focus. The inputs of the land tenure specialist were increased and those of the land titling specialist cancelled. Inputs from land law and GIS specialists were added. The TA also contracted a national NGO to test *in situ* a methodology for a community-based rural land administration system. A field approach that expatriates could not undertake directly due to the security situation. Despite the early resignation of the original team leader, the TA team performed very well and delivered quality outputs. Their work was innovative and practical, and appreciated by the Government. ADB fielded one mid-term review mission and briefed the TA team at mobilization.

**Evaluation of Outputs and Achievement of Outcome:** The TA achieved successfully the outcome based on full delivery of the outputs. Output 1 demonstrated *in situ* the feasibility of community-based pasture land administration and provided a successful model for administration of community range land agreements by village Shuras (called the ADAMAP method). Output 2 demonstrated that such devolution process would require substantial reorganization and capacity building of the institutions dealing with land administration. The TA undertook capacity assessments of these institutions and proposed capacity building recommendations to be implemented together with institutional reform. Yet, the inputs required to achieve the proposed changes in mandate and approach were clearly beyond the TA capacity. Instead, NGOs, communities and civil servants were trained on the ADAMAP method. By the end of the TA, 15 Government trainers of trainers were available to upscale the ADAMAP methodology. Output 3 was a ready made programme that could be presented by the Government to potential donors. The programme includes an analysis of problems currently facing land administration and management, a discussion of possible solutions, and, based on these, a nationwide vision for a better land administration and management, including a proposal for the first steps over 5 years. This programme is supported by a new land policy (output 4) approved by the Cabinet on 3 September 2007. Based on this policy, amendments to the existing legal framework for land were discussed with the relevant ministries (output 5). The reports were good, particularly the final report, that included an independent 50-page quality publication that was prepared to improve the outreach of the TA results and conclusion. The executing agency was highly satisfied with the results of the TA.

**Overall Assessment and Rating:** The TA is rated successful due to the good quality of the outputs despite the difficulty to work on the subject and in Afghanistan. The main reason for not giving a higher mark is that no donors could be formally identified to finance the program proposed by the TA and replicate the community-based land administration approach on a broader scale and in doing so, ensure that the TA results will be fully exploited.

**Major Lessons:** The following lessons can be learned from this TA: (i) Community involvement in land administration in Afghanistan is feasible and should be pursued to resolve land administration conflict and rangeland mismanagement, and (ii) TAs of this nature should be followed by long term investments to ensure that the outputs can be fully exploited and developed by the Government.

**Recommendations and Follow-Up Actions:** ADB should build on the positive results of this TA and further support the Government's effort to improve land administration, and land titling situation in Afghanistan. This can be realized either through direct financial support (long term ADTA or stand alone grant project) or by actively supporting the Government's effort to attract other donors to finance the continuation of this work (particularly through the resident mission in Kabul).