INTEGRATED SAFEGUARDS DATA SHEET
CONCEPT STAGE

Report No.: ISDSC12583

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I. BASIC INFORMATION

A. Basic Project Data

Country:	Afghanistan	**Project ID:**	P153932
Project Name:	Technical Assistance for the Afghanistan Land Authority - Arazi (P153932)		
Task Team Leader(s):	Asta Olesen		
Estimated Appraisal Date:		**Estimated Board Date:**	17-Jan-2017
Managing Unit:	GSURR	**Lending Instrument:**	Investment Project Financing
Sector(s):	General agriculture, fishing and forestry sector (20%), Public administration-Agriculture, fishing and forestry (80%)		
Theme(s):	Land administration and management (70%), Judicial and other dispute resolution mechanisms (10%), Other social development (10%), Ot her accountability/anti-corruption (10%)		
Financing (In USD Million)			
Total Project Cost:	18.50	Total Bank Financing:	0.00
Financing Gap:	0.00		
Financing Source			**Amount**
Borrower			0.00
Afghanistan Reconstruction Trust Fund			18.50
Total			18.50
Environmental Category:	B - Partial Assessment		
Is this a Repeater project?	No		

B. Project Objectives

21.   The Project Development Objective (PDO) is to support the Afghan Government to develop the policy and regulatory framework and build capacity to deliver transparent, pro-poor land services.

22.   The project aims to support:

a.   the establishment of an affordable and accessible land registration system;
b.   raising public awareness, knowledge and understanding about laws and regulations governing the land sector;
c.   developing processes and service standards for Arazi's core functions;
d.   improving the implementation capacity of the Afghan Government to deliver its services;
e.   the effective and efficient use of state land for equitable socio-economic development.

C. Project Description

24.   The project is designed as primarily a technical assistance (TA) project that will prepare and strengthen the newly independent Arazi for its tasks as a transparent and responsive service provider in the land sector. Development of policies, regulations and implementation procedures and respective staff capacity will be driven by a gender-sensitive and pro-poor approach, which will facilitate the role of the land sector in equitable economic growth and employment generation. The project will build on the assistance and earlier achievements of land sector support interventions. This particularly includes the assistance to Arazi provided under ARCP. The LGAF, currently being conducted will provide further guidance for the detailed project design.

1. Description

25.   The proposed project is envisaged as a the first phase of a longer engagement in the Afghan land sector, initially focusing on institutional strengthening, capacity building and policy development of Arazi in support of land sector reform. The project will build upon the lessons and experiences of the Land Reform in Afghanistan (LARA) project and its predecessor, the Land Tenure and Economic Restructuring Activity (LTERA) Project (2004-09). Support under this project will be aligned with the assistance provided under the ARCP. It will also support the implementation of Arazi's operational strategy to become a modern public land services institution. Under ARCP, support will be provided to Arazi, to begin the process of "clearing" titles to land along the key resource corridor segments. "Clearance" refers to the surveying of land, cataloguing the claims to parcels of it, and resolving such claims to establish clear titles. ARCP is planning to fund the equipment and staff needed to initiate this task, which is an urgent priority for the development of the resource corridor, since land acquisition will be on the critical path of many investments, and title clearance is a pre-requisite for socially responsible acquisition. The support for the Land Clearance process under this project, as well as all other support, will be guided by the urgent need for more transparency and stronger community involvement to protect the rights and livelihood of people affected by land acquisition. This will involve the design of country-specific processes that are also in line with Bank safeguard policies.

26.   Specifically, the proposed project will consist of four components focused on institutional strengthening and capacity building of Arazi through the development of an administrative system of land registration, policy and land access, which are further described below.

Project Components:

Component 1: Development of a Modern Land Registration System (US$ 8million)
27.   This component will support the development of an administrative land registration system that draws upon relevant international good practice and modern technology and delivers affordable accessible services to individuals, the community and business in accordance with accountable, transparent services standards. The Cadastral Department under Arazi reports that by around 1970, it

had surveyed around 34 percent of the country. There is a need to review and update these old plans and computerized records. Further, the current capacity of Arazi to cover the country, both rural and urban, using conventional field surveying, especially given security issues, will preclude the completion of a national mapping coverage of land parcels from being achieved in the short-medium term. New technology involving imagery acquisition from high resolution and aerial means will be tested and Arazi needs to adopt appropriate fit-for-purpose Information Communications Technologies (ICT) as a key element of its service delivery, including a national LIS, records management system, work-flow and communications.

28.   Three subcomponents will deal with (i) the Land Registration System Development, and (ii) Institutional Strengthening and Capacity Building for Arazi at national and subnational level; and (iii) Public Awareness Raising, including the development of Information, Education and Communications (IEC) material and training of facilitators.

Subcomponent 1.1: Land Registration System Development
29.   This subcomponent will finance technical advice to develop an administrative land registration system and train Arazi personnel in the areas of surveying, mapping, adjudication, land registration, service delivery and land records management. It will review and revise the procedures for surveying and land clearance (Tasfiya, i.e. the collection and validation of evidence of land ownership and rights) and establish a more efficient and effective process through participatory community involvement. The subcomponent will build upon developments from the LARA and other projects and will harmonize with investments under the Afghanistan Resource Corridor Project (ARCP).

30.   The subcomponent will also finance the further development of the national LIS and secure land records management system based on open-systems technology and train Arazi in the operation and maintenance of the system. The LIS will be land parcel based, and will be developed in accordance with defined standards for accuracy and conform to national standards for coordinate systems. The LIS would also support any future land use planning and monitoring of land investment requirements of GoIRA. The subcomponent will develop effective and efficient service delivery procedures, including manuals and also service delivery standards and tools for monitoring compliance with these standards. This subcomponent will also support procurement of the necessary communications systems and setup at both central and selected local offices. Also under this component old survey plans will be computerized and brought into the LIS. Further, some small pilots over several selected areas using satellite and/or aerial imagery will be undertaken to test alternative approaches to field surveying. As reported under the LARA project, this may utilize existing high-resolution (0.5 meters) imagery from the International Security Assistance Force (ISAF), subject to availability, or alternative.

Subcomponent 1.2: Institutional Strengthening and Capacity Building
31.   This subcomponent will finance the establishment of a Land Administration and Management Training Center under Arazi, taking over the current small training center established under the Ministry of Education that provides vocational training for surveyors. The training center currently provides technician-level training for cadastral surveying over two years (4 semesters) with the teaching provided by the Institute (three semesters) and a final semester of practical experience working under Arazi provincial offices. However, the current syllabus is outdated and requires a major review to reflect Arazi's new priorities, including development of an administrative land registration system. Under this sub-component, technical advice will be provided to develop training

courses, syllabi and training materials, which will be independently evaluated. The training center, placed under Arazi, will be provided with the necessary office equipment, and adequate equipment, including IT and software for surveying and geographic information systems. Opportunities to strengthen the center with linkages to leading international technical training university will also be explored. In addition, opportunities for South-South cooperation and training would be supported with possibilities to be explored in particular in the South Asia region. Support to build Arazi capacity could be provided through the centers in South Asia established with World Bank support under the Management of Land Acquisition, Resettlement and Rehabilitation (MLARR) Program. Specific cooperation possibilities could also exist with the Turkish Cadaster Agency. Support could also be provided by the FAO's Land Tenure Service to strengthen overall Arazi capacity drawing on relevant international experience. In addition training would be supported to develop Arazi's capacity to perform its functions as an independent state agency including human resources, procurement and financial management.

Sub-component 1.3: Public Awareness Raising

32.   This subcomponent will finance technical assistance to develop procedures and IEC materials for public awareness raising and will provide training to Arazi staff. In addition, the subcomponent would train local community facilitators to support the outreach of knowledge of Arazi's services, including land survey using satellite imageries, Tasfyia and dispute resolution processes. It will particularly include public awareness raising about people's right in land issues, including the awareness about grievance mechanisms to be developed by Arazi in line with international good practice and Bank standards, and which are to be applied specifically in Tasfiya and land dispute resolution processes.

Component 2: Strengthening Land Policy and Regulatory Framework (US$ 3million)

33.   There are numerous policies and laws, enacted or under preparation in different Ministries, that impact on the land sector, including the Forestry Law, Rangeland Law, Minerals Law, Environment Law and others. This component would support the review and where applicable the revision of the land policies and laws, including laws and implementing regulations to enable Arazi to implement its mandate under the Law on Managing Land Affairs and other laws, including the Land Expropriation Law, in a consistent framework and in accordance with pro-poor land policies and good land governance. Afghanistan's current Land Policy was approved by Cabinet on 3rd September 2007. This policy document is still relevant and provides the guidance for the institutions acting in the land sector. However, it is in need of update, and reflecting Arazi's new role and plans in the land sector. The project's policy program will draw upon priorities agreed under LGAF and associated policy dialogue with GoIRA funded under the ARCP. Assistance in operationalizing the 2007 Land Policy (and Forest Law) and the recommendations of the LGAF results are expected to provide the basis for improved process and outcomes of community-based natural resource management, including climate change adaptions and climate smart (agriculture) resource management techniques. .

34.   Two subcomponents will address: (i) Land Policy Development, including support of drafting laws and regulations and support for the establishment of the envisaged High Council for Land and Water; and (ii) Land Dispute Resolution, including an assessment of experiences over the past ten years including the recent Arazi/United States' Institute of Peace (USIP) pilots, and the regularization of processes of local customs and traditions.

Subcomponent 2.1: Land Policy Development

35.   This subcomponent would support the policy development, with policy priorities identified

as: (i) administrative system of land registration; (ii) administrative dispute resolution; (iii) fair and just compensation for compulsory land acquisition; (iv) private sector land surveying; (v) land use planning and land classification. Policy formulation will be complemented by support to the legal process of drafting of laws, regulation and implementation procedures. Policy development priorities would be confirmed during the LGAF policy dialogue process, which is supported under ARCP. Given the inter-ministerial engagement in the land sector, especially concerning land allocation for investment development, the establishment and functioning of a High Council for Land and Water, as envisaged in Arazi's Operational Strategy, will be supported, with a secretariat established under Arazi. This subcomponent funds technical advisors, and a comprehensive, participatory consultation and public awareness raising process as well as training of the policy secretariat staff and incidental costs for meetings of the council.

Subcomponent 2.2: Land Dispute Resolution
36.   Land continues to be a major source of conflict, and for the main population access to judicial resolution of land disputes is neither affordable nor timely. The greater majority of the population, and indeed civil society, view the courts as corrupt and favoring the powerful. In accordance with international good practice, this component would develop administrative dispute resolution procedures. The sub-component will assess the multitude of dispute resolution pilots of the last 10 years in Afghanistan, including the recent Arazi/USIP pilots in Khost and Kunduz, and the procedures prepared under LARA, develop procedures that will build on good practices and the consideration of local customs and traditions and train local facilitators and Arazi officials. In addition, this subcomponent would develop IEC materials to promote public awareness of dispute resolution and also support regular reporting of the outcomes of dispute resolution to foster transparency and public confidence.

Component 3: Land Access (US$ 1.5 million)
37.   This component will support the formulation of a policy and the establishment of transparent and accountable procedures for the allocation of state land for (a) landless individuals and families to provide for secure tenure in support of housing and livelihoods in rural and urban areas; and (b) the allocation of land to support private sector investment in agriculture, natural resources, infrastructure and industry through land distribution, land leasing and establishment of industrial parks. This subcomponent will focus on the development of a land allocation policy and strategy with potential piloting of agreed approaches.

38.   Two subcomponents are envisaged to address the need for (i) Land Allocation to Landless Poor, including the development of procedures for land identification, eligibility criteria and supporting services; and (ii) development of more transparent procedures for Land Access for Private Sector Investment, including improvements in accountability, compliance and reporting. Land allocation and land access procedures will focus on using undisputed public land for distribution and will include a strong public consultation process around intended uses of such land. Even though absolutely no involuntary resettlement should be envisaged, processes will include mechanisms for fair and just compensation should any land acquisition possibility be include in policies and procedures. All proposed law amendments, regulations and procedures will be subject to an Environment and Social Assessment (ESA), to assess potential downstream impacts.

Subcomponent 3.1: Land Allocation to Landless Poor This subcomponent would evaluate past and current experiences in Afghanistan with land allocation approaches, in particular but not exclusively the experiences with returnees and internally displaced persons (IDP). Based on the assessment, support will be provided for the development of: (i) procedures for the identification of available

lands for allocation: (ii) the eligibility criteria and processes for the selection of potential recipients of land to be allocated; and (iii) supporting instruments and conditions for land allocation to landless individuals and families. This subcomponent would draw upon relevant international good practices for land allocation to landless and post-disaster/post-conflict resettlement. In addition, this component would train Arazi staff and other relevant stakeholders in land allocation policy and procedures.

Subcomponent 3.2: Land Access for Private Sector Investment
39.   This subcomponent would support the development of more transparent procedures for the allocation of land for private sector investment through state land identification and land leasing. In addition, this subcomponent would support the development and implementation of a monitoring system and procedures to ensure that all land allocated to private sector investment comply with prescribed conditions and covenants. Further, to improve accountability and transparency, procedures and a system for publication of all allocations would be established including annual reporting of compliance and cancellations and variations of any investments. The subcomponent would support the preparation of public information materials and the training of staff.

Component 4: Project Management (US$ 6million)
40.   This component will support overall project management through: (i) providing necessary key contract staff in the Project Implementation Unit (PIU) to assist Arazi in managing project implementation including procurement and financial management; and coordination with other projects including the Afghan Resources Corridor Project; (ii) monitoring and evaluation (M&E) of project implementation; and (iii) hiring technical assistance (TA) to support project implementation and capacity building of Arazi. As part of the advisory role on institutional strengthening, Arazi will be assisted in complying with Capacity Building for Results (CBR) principles and integrating into the CBR program.

41.   Two subcomponents will address (i) Project Management, Monitoring and Evaluation, establishing and running a Project Implementation Unit (PIU) and an efficiently and effectively operating M&E system; and (ii) the need for Technical Assistance, including the financing of technical advisors and critical equipment for implementation.

Subcomponent 4.1. Project Management, Monitoring and Evaluation
42.   Under the project a PIU would be established with staffing to support project management, planning, financial management, procurement, M&E and specific technical staff. The operation of the PIU would also serve the purpose of strengthening Arazi's own administrative requirements as a government authority. This subcomponent would finance the hire of key contract staff for the PIU including Project Implementation advisor, a Financial Management Advisor, a Procurement advisor, translator, computing hardware and software and systems development to support the implementation of the project. Training will be provided in project management, reporting, planning, financial management and procurement. Effective implementation of this project will require the early implementation of an M&E system at all levels (central and regional). This subcomponent would also finance training, and systems development for the implementation of the M&E system. M&E will be implemented at national and local levels. This sub-component would also finance incremental operating costs (IOC) to support travel, office consumables, meetings and miscellaneous small expenses. This component would also support any necessary coordination and liaison with other donor support to Arazi and the Afghan land sector.

Subcomponent 4.2. Technical Assistance.

43.   In order to facilitate capacity building of the Arazi and to strengthen project implementation, the project will finance critical technical assistance including advisors for land policy, surveying, land registration, geodetic control, land clearances, training, public awareness raising, information communications technology (ICT) and LIS. The TA should ideally be multi-tasked and be able to advise on the monitoring of implementation of all aspects of the project. This subcomponent would also fund TA to conduct an impact assessment and client satisfactory survey in PY3. The TA will also assist Arazi in preparation of an institutional sustainability plan, by PY3, drawing from earlier work from the USAID-funded LARA project. Further, subject to project performance, including demand and government, TA may also support the design and preparation of a follow-on project with further funding for this preparation made available from ARCP. To enable TA to operate from within Arazi's central office, this subcomponent would provide the necessary renovated office space, and office equipment. Also, the subcomponent would support translators, drivers and provide a small number of armored vehicles for transport.

D. Project location and salient physical characteristics relevant to the safeguard analysis (if known)

The project is designed as primarily a technical assistance (TA) project that will prepare and strengthen the newly independent Arazi for its tasks as a transparent and responsive service provider in the land sector. Specifically, the proposed project will consist of four components focused on institutional strengthening and capacity building of Arazi through the development of an administrative system of land registration, policy and land access. These interventions will be consistent with the Government's and World Bank's safeguards policies and guidelines and consultants' Terms of References (ToRs) will be drafted accordingly.

As the proposed activities under this project will only involve technical and analytical assistance, advisory services, and building capacity of Arazi to deliver its services to support the land administration and management, there will be no civil works or tangible investment with salient physical characteristics to be supported under this project.

E. Borrowers Institutional Capacity for Safeguard Policies

The institutional responsibilities for preparing the various environmental and social safeguards instruments would lay with the Afghanistan Independent Land Authority (Arazi). The capacity of Arazi, the newly independent land authority, to implement category B project is limited, but will be reinforced by the recruitment of an environmental and social consultant. The safeguards team will work closely not only with the National Environment Protection Agency (NEPA) and Ministry of Labor, Social Affairs , Martyrs and Disabled (MoLSAMD), but also with civil society and other stakeholders. In addition, under component 1, the TA project will consider sufficient capacity building for NEPA and other relevant stakeholder.

Furthermore, the Arazi team members have already attended a number of trainings such as training in Management of Land Acquisition, Resettlement and Rehabilitation organized by BRAC University/ World Bank, additional support will be provided during project preparation and implementation.

The project will be an Environmental Category B, and the Environmental Assessment (OP 4.01) and Involuntary Resettlement (OP 4.12) will be triggered.

F. Environmental and Social Safeguards Specialists on the Team

II. SAFEGUARD POLICIES THAT MIGHT APPLY

Safeguard Policies	Triggered?	Explanation (Optional)
Environmental Assessment OP/BP 4.01	Yes	The Environmental Assessment policy is triggered as component 3: Land Access will comprise drafting of eligibility criteria and policies and procedures for land allocation to poor and landless people as well for Private Sector Investment. All legal amendments, regulations and procedures under the project will be subject to an environmental and Social Assessment (ESA) to assess downstream potential impacts. The ToR of the ESA will include environmental and social elements which will be informed by policy requirements of OP 4.01 and other relevant applicable Bank safeguard policies. The relevant ToR will be cleared by the Bank. To ensure holistic safeguard approach, the project will coordinate with NEPA, MoLSAMD and other relevant line ministries.
Natural Habitats OP/BP 4.04	No	This policy is not triggered, the policy and guidelines developed and laws adopted by Arazi under this TA project will not entail implication to Natural Habitats. The prevailing Environmental Law includes a negative list where all identifies Natural Habitats are listed and are declared as preserved area.
Forests OP/BP 4.36	No	OP/BP 4.36 (Forests Policy) is not triggered since, policies and procedures that are ultimately adopted by Arazi will have no applicability with the land under forest. The country has a Forest Law and clear guidelines and procedures are already applicable and in place, and under the mandate of Ministry of Agriculture and Livestock.
Pest Management OP 4.09	No	OP 4.09 (Pest Management) policy is not triggered because Project activities will not involve purchase, use or storage of pesticides, nor will it support the procurement, or use of, or lead to the increased use of other agricultural chemicals.
Physical Cultural Resources OP/BP 4.11	No	The Arazi Support Project does not finance any civil works
Indigenous Peoples OP/BP 4.10	No	The Arazi Support Project does not have any activity in any area of indigenous people.
Involuntary Resettlement OP/BP 4.12	Yes	Although the Project will not involve any relocation or involuntary resettlement per se, the Involuntary Resettlement Policy is triggered due to the potential downstream impacts that could arise from any laws, policies, procedures and guidelines on Involuntary

		Resettlement that are ultimately adopted by the government. Component 2 (strengthening Land Policy and Regulatory Framework) would support the review and where applicable the revision of the land policies and laws, including laws and implementing regulations to enable Arazi to implement its mandate under the Law on Land Management Affairs and other laws, including the Land Expropriation Law, in a consistent framework and in accordance with pro-poor land policies and good land governance. All legal amendments, regulations and procedures developed under the Project will be subject to an Environment and Social Assessment to assess potential downstream impacts. The Project will facilitate future Bank and other partner operations by having commonly accepted standards in place. Broad consensus on these issues will be sought through inter-ministerial cooperation, in particular through the High Council of Land.
Safety of Dams OP/BP 4.37	No	The Project does not have any activity involving dams.
Projects on International Waterways OP/BP 7.50	No	The Project does not involve any activity that will affect international waterways.
Projects in Disputed Areas OP/ BP 7.60	No	The Project does not involve any activity in any know disputed area.

III. SAFEGUARD PREPARATION PLAN

A. **Tentative target date for preparing the PAD Stage ISDS:** 01-Jun-2016

B. **Time frame for launching and completing the safeguard-related studies that may be needed. The specific studies and their timing[1] should be specified in the PAD-stage ISDS:**

The required SEAs described above will be conducted during implementation, as these are related to draft policies, procedures and guidelines developed under the project and thus the SEAs are an output rather than a prerequisite of the project.

IV. APPROVALS

Task Team Leader(s):	Name: Asta Olesen	
Approved By:		
Safeguards Advisor:	Name: Francis V. Fragano (SA)	Date: 16-Mar-2015
Practice Manager/ Manager:	Name: Jennifer Solotaroff (PMGR)	Date: 14-Apr-2015

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[1] Reminder: The Bank's Disclosure Policy requires that safeguard-related documents be disclosed before appraisal (i) at the InfoShop and (ii) in country, at publicly accessible locations and in a form and language that are accessible to potentially affected persons.