Participants:
UN-Habitat, United Nations High Commissioner for Refugees (UNHCR-Protection and Shelter/Multi Sector Cluster), Norwegian Refugee Council (NRC), UN Mine Action (UNMACCA), Afghan Independent Human Rights Commission (AIHRC), Land Reform in Afghanistan (LARA), European Commission (EC), UN-OCHA, United States Institute of Peace (USIP), Peace, Training and Research Organisation (PTRO), International Organisation of Migration (IOM) Ministry of Urban Development (MUDA), Independent Directorate of Local Governance (IDLG) and Ministry of Justice (MOJ)

Venue: UNHCR Branch Office Kabul Conference Room

Agenda:
1. Introduction and approval of November 2013 meeting minutes
2. Updates from the Regional HLP Task Forces (West, East & North)
3. Discussion on a possible “Land Strategy” (applicable to humanitarian actors)
4. Review of the HLP TF Terms of Reference (TOR) and Annual Work Plan
5. AOB

INTRODUCTION

1. A minute of silence was observed for the 21 Afghans and expatriates who were murdered in the Lebanese Restaurant attack in Kabul.

2. Minutes of November 2013 National HLP TF meeting were endorsed with the following issues highlighted:

   a) Forced Eviction briefing paper: NRC/IDMC have shared the draft briefing paper on forced evictions with HLP TF members for peer-review with focus on recommendations. Some of the HLP TF members (UN-Habitat and TLO) have provided inputs. Once the paper is finalised (by mid-February 2014, latest), it will be included in the IDMC website.

   b) Hisarshahi camp: The update from Eastern Region Protection Cluster is awaited. However, UN-Habitat had a meeting with the Jalalabad Mayor who highlighted the following issues:
- The Map for Sherzai Township is available and the Jalalabad Municipality agrees to share it with whomever requests a copy;
- The land is currently being distributed to those who have documentation (police and vulnerable groups);
- The Municipality has yet to come up with a procedure to identify the real number of IDPs (the Jalalabad municipality believes that the IDP figures are inflated) and, once finalised, will use it to shift the rightful IDPs to the Block D;
- UNMACCA colleague enquired about the status of mine clearance in the camp in East and was told that mine clearance had occurred in the Hisarshahi camp a long while ago and the IDPs were currently living in the area. Also that the regional Mine Action offices were being consulted on these issues.
- If/when required, one of the Municipality senior representative is prepared to brief a coordination forum about the plans and programme for the Sherzai Township.

So far no evictions of IDPs have taken place but also the IDPs have not been consulted on this township.

c) TLO’s presentation on “Major Land Conflicts in Khost and Land Titling Systems”: The newly established UNAMA- and USAID-led Land Strategic Working Group (LSWG) has taken onboard the issue of getting a consensus on land registration. During the November 2013 HLP TF meeting it was discussed that if Arazí would be the ultimate land registration authority, the international community should support it without simultaneously allocating resources to other bodies or the customary system. The current practice of courts’ continued issuance of deeds is not desired (due to conflict of interest in issuing deeds and resolving related land conflicts). Therefore the LSWG will ensure that relevant agencies assume a joint position on the role of courts in only resolving conflicts and the need to have a unified land registration.

3. NRC (Roel Debruyne) provided preliminary information on the IDP Policy implementation. Note that:

a) The role for HLP TF is to closely coordinate with regional HLP TFs having in mind that:
- There are many actors at central/Kabul level but with insufficient field capacities.
- Resource and policy commitment has to be ensured at the provincial level and this would require a lot of advocacy by humanitarian and development actors on the ground.

b) IDP Policy recognizes the roles of provincial governors and their responsibilities towards IDPs in their respective provinces. After the launch of the policy, in every province where there are substantial numbers of IDPs, provincial governors, in consultation with the Emergency Department of MoRR, should set up a Provincial IDP Task Force.

c) Provincial action plans should be drafted in the earliest course of the policy implementation.

4. Global Land Tools Network (GLTN): update was provided by the HLP TF Coordinator

a) In December 2013, the National HLP TF sent out the questionnaires prepared by the Global Land Tools Network (GLTN) from Bangkok. GLTN is currently undertaking a scoping study to identify priority countries in Asia region that they would like to engage in. Many agencies have shown interest in getting GLTN on board and therefore have provided them inputs regarding land issues in Afghanistan.
b) GLTN is a network formed in 2006 by UN-HABITAT and others with the overall goal of “poverty alleviation through land reform, improved land management and security of tenure”. Partners include international networks of civil society, international finance institutions, international research and training institutions, donors and professional bodies. ([www.gltn.net](http://www.gltn.net)).

c) The Network partners argue that the existing lack of the 18 tools, as well as land governance problems, are the main cause of failed implementation of land policies worldwide. Critical current role of Arazi has been highlighted, and the need to strengthened it to ensure improved land administration and management in Afghanistan.

**Action points:**
- NRC will share the finalized version of the briefing paper on forced evictions (see 2.a);
- HLP TF will monitor Hisarshahi case, liaise with members of the Eastern HLP TF and keep the national TF members posted (see 2.b)
- GLTN will revert back to us in couple of months regarding their scoping study and possibility of working in Afghanistan. We will keep the partners informed of any headway made in this regard (see 4.a).

**REGIONAL UPDATES**

5. **WEST /Herat, MASLAKH camp** (update by Jan Turkstra UN-Habitat):
   a) “The local integration of IDPs in Herat” received approval for the Governor of Herat to start with the survey of all families and properties of the Maslakh settlement. In early December 2013 UNHCR and UN-Habitat team of 200 surveyors conducted the survey (1,781 plots, 3,648 households and 17,933 people);
   b) Currently a plan is developed for the improvement of Maslakh and a plan for greater Maslakh. Expansion of Maslakh seems possible (land, water, topography) to accommodate IDPs living in other areas of Herat, but it requires political support;
   c) A draft report will be presented to the Authorities in February 2014.

6. **NORTH/Balkh, Mazar-e-Sharif, QALIN BAFAN (“Carpet Weaver’s) Township** (update by NRC):
   a) The returnee township’s capacity is 1,400 plots out of which 1,200 is reportedly distributed, with only 200 families permanently living there (in shelters provided by UNHCR). At the end of 2012, 73 more carpet weaver families returned from Pakistan.
   b) The problem in obtaining access to land (lasting till December 2013) was:
      - Lack of identity documents (tazkeras),
      - Prolonged processing of LAS applications – Land Commission was not formed/functional for over a year,
      - Decree 3952 authorized Commercial Department (Ministry of Commerce and Industries) to distribute land plots, raising a conflict with DoRR,
      - Commercial department required payment of 3,000 AF for the professional certification of carpet weavers;
   c) The solution was found in:
      - NRC’s intervention in: obtaining personal documentation, facilitating LAS application, advocating before and facilitating meetings between the authorities,
      - Agreement/compromise between the authorities (DoRR, Commercial department and DoLSA, with Department of Justice (DoJ) involvement) resulting in: DoLSA administering the
professional test free of charge, new Decree 5572 cancelling the previous one (resulting in Land Commission formation to demarcate and distribute and plots, with a representative from Commercial department involved)
- NRC’s finalization of the LAS procedure through coverage of the 9,000 AF fee per family for the last land document fee for 70 families;

d) Next steps to be undertaken and remaining issues to be resolved:
- Shelters for the 70 families will be constructed by NRC,
- Gaps reportedly remain due to lack of complementary activities like WASH and livelihood.

Discussion and action points:

- A question has been raised as to why NRC had to pay the amount of 9,000 AF. Reportedly, AIHRC at Mazar had highlighted that NRC should not pay as it will set a negative precedent and that now DORR Jawzjan is requesting 9,000 AF to be paid by IDPs in Jawzjan (another township in a remote, deserted area which cannot be compared to Qalin Bafan which is a township in a thriving neighbourhood).

NRC: Qalin Bafan is treated as an exceptional case where NRC has finalized the LAS procedure through provision of full LAS documentation to the beneficiaries, with the effect of enabling their access to land. The beneficiaries have lived for over a year in markedly harsh conditions and with pronounced protection needs, while all advocacy avenues have been exhausted. The case and the intent to enable the beneficiaries’ access to land through payment of the LAS documentation fee had been duly communicated in, at minimum, October 2013 North Protection Cluster meeting (with minutes disseminated) and November 2013 communication to UNHCR, with no reported objections (but with UNHCR’s consent). While it should be noted that, for the most vulnerable beneficiaries, NRC obtains personal and HLP-related documentation through payment of administrative fees to the authorities (this constitutes a part of NRC’s assistance package), it is again emphasised that this is clearly an isolated instance in NRC’s approach to LAS (motivated solely by the compelling circumstances) and that, generally, LAS issues (including that of Jawzjan) should and can be resolved through more active and coordinated inter-agency advocacy efforts at all levels.

- OCHA mentioned that the support to refugee returnees and payment should not be raised in HLP TF as this is not part of the Cluster response. However, it is considered that the issue should be highlighted to Mr Mark Bowden (RC/HC) for further follow up with the government.

- The question has been raised as to what UNHCR’s role is in this issue, especially having in mind that UNHCR is leading the Multi Sector and Solutions Strategy and therefore should be addressing issues around payment for land allocation to refugee returnees with MORR and other government counterparts. The government should not request the humanitarian community to pay for land for refugee-returnees as their needs far exceed UNHCR’s capacity to address these as a humanitarian agency with a protection mandate. Thus, UNHCR will continue to advocate with and engage government and other competent actors so that vulnerable returnees/internally displaced populations receive attention as part of the larger national urbanization management process in the country.
7. CENTRAL/Kabul, Kabul Informal Settlement (KIS) DASHT-E-QASABA (update by NRC):

a) MUDA and Memar-e-Shahr construction company have started implementing residential flats project at the site, exposing 100 people (mostly Kuchis and Arabs (as self-identified) to evictions threat (upon receiving the first oral notice, the Kuchi families temporarily ceased their nomadic life style (en route Jalalabad-KIS) in fear of loss of KIS site);

b) The problem was that:
   - People were initially given oral notices without being offered alternative land,
   - In August 2013, when the alternative site Tarakhil of Pul-e-Charkhi was offered, Tarakhil residents rejected new settlers;

c) The solution was found in offering new, nearby location (Pacha Sahib hill slope) in September 2013, acceptable by all parties involved, resulting in completion of the relocation in December 2013;

Discussion and action points:

- NRC will follow up on the case to confirm on the sustainability of the solution.
- It was highlighted that UNAMA Civil Affairs had raised the issue of Kuchi sedentarization programme with concerns that the Kuchis have been given barren land (in another forum). This land allocation seems similar to LAS and HLP TF Coordinator has agreed to get more information from UNAMA and share it with the Task Force members.
- AIHRC raised the issue about 17,000 Jogis’ request for receiving land in Kunduz. AIHRC has sent the request to UNHCR. The primary concern is obtaining Tazkeras for the population. UNHCR has been undertaking a research on statelessness and Jogis are a group under scrutiny. Land allocation to them is considered an interesting issue that will be further followed upon.

8. EAST/Nangarhar, Jalalabad, LOWER SHEIKH MISRI informal settlement (update by NRC):

a) The land initially belonged to Canal Department. In 2005, refugee-returnees settling in the area initiated the process of legalization/formalization of the settlement. By July 2010, all conditions have been fulfilled and all signatures collected for this purpose, except that of the Canal department. The official reason behind the Canal department’s rejection has been the possibility of damage (by the settlers) of an irrigation pipe located in the settlement. Having in mind a number of offered (and rejected) solutions for this, and the fact that the people have lived there since 2005 without causing any damage, the real motive for the rejection remains relatively obscure…;

b) In 2013, reportedly, Water and Electricity Directorate bought a part of the land from Canal Department to establish a power supply sub-station on 33 jiribs;

c) In December 2013, 413 refugee-returnee families (living there for 8 years) received oral eviction notices by DoRR, Directorate of Water and Electricity and Jalalabad Police. The eviction postponed temporarily due to cold weather (DoRR says they’ll relocate the families, as soon as the weather gets better);

d) The problems are:
- Alternative/relocation site has not been selected (according to the DoRR). The possible sites are: the new Khanake township (Behsud district, adequate location, preferred location) or, reportedly, North of LSM (area intended for retired police personnel),
- Even if selected (in the coming days), the new Khanake site is not ready (80% of works done) and it is being disputed by the local residents and the Governor,
- Only some returnees are satisfied (from Kunar province), while others (from Khogyani district of Nangarhar province) will resist the relocation as Khanake is too far away from their place of origin (shura is trying to convince them to accept),
- The families are yet to apply for the new LAS (whenever ready) and wait – possibly for many more months,

e) The eviction is imminent and further advocacy and response is/will be required.

**“LAND STRATEGY” DISCUSSION**

9. This initiative was started in early November 2013 with the idea was to gather a small group of agencies that are working on land issues to agree on a joint strategy with regard to land which they can sign off/endorse and present to the Government. As land issues are highly politicized and so far the agencies have taken a bilateral approach in dealing with government on this (land for durable solutions, solutions strategy, shelter etc), the idea is to keep the focus very narrow and limit it to urban aspects of an (possible) **Urban Land Management Strategy**.

10. At present, the following agencies have given their **preliminary views** on the subject:

a) **UN-Habitat’s position:**
- Advocacy on increased land tenure and promote durable solutions,
- Adhere to Forced Evictions Guidelines and Informal Settlement Upgrading Policy,
- Promote low income housing/land schemes, Understand the critical role played by land for many other interventions/solutions. The Government should seek an urban land strategy for the urban poor,
- Don’t support housing and land options at unsustainable locations (i.e. majority of the LAS). While LAS is, in essence, a good scheme, all locations (except Sheikh Misri and Chamtala in Nangarhar province) have not contributed to the purpose it sought to address - durable solutions for refugee returnees and IDPs.
  - Don’t focus on shelter alone. Link it with basic services, livelihood and land tenure;

b) **UNHCR’s position:**
  - LAS’ important weakness is in beneficiary selection as they could not ensure a fair and transparent beneficiary selection process,
  - Limited livelihood opportunities, absence of proper site plan and underground water are the main challenges which contributed in failure of some sites. Such mistakes should not be repeated,
  - Amending Presidential Decree 104 on land allocation so that IDPs are able to qualify for land allocation sites in areas of displacement (urban or peri-urban centers as well and not asked to return to their places of origin); or
  - Considering a new presidential decree or another legal basis for land allocation that would allow resettlement/relocation of IDPs in suitable locations.

c) **IOM’s position:**
- There should be clear criteria and practical instructions over who are eligible and how to prove/disprove the eligibility,
- It is needed to review the eligibility criteria for LAS allocations and to advocate for inclusion of IDPs and undocumented Afghans in LAS,
- Humane and realistic selection of location of land to allocate should be conducted,
- The government should be requested to review the current LAS sites as, even when refugee returnees are allotted sites, they are unable to live there due to lack of basic services, livelihood opportunities etc,
  Realistic durable solutions are required for people who cannot return any more to the original places – land allocation or alternative ways to settle/register to where they are displaced,
- The urbanization trends in Afghanistan should be borne in mind by the government.

Action points:

- NRC and possibly other organizations (especially NGOs) are to provide comments. NRC to share the document with relevant and interested NGOs;
- A standalone meeting is to be organized with MORR on the issue of LAS. The intent is to use the opportunity of the planned IDP Policy implementation to move forward on this issue;
- Once an agreement is reached amongst IOM, UNHCR, UN-Habitat and NRC, this strategy is to be taken up with other agencies dealing with land - FAO, WFP etc., to ensure their issues are also included.

TERMS OF REFERENCE AND WORK PLAN

The HLP TF TOR (previously disseminated to members) and Annual Work Plan could not be discussed due to time constraints. However, one of the priority issues tackled was about transition planning. The relevant section of the draft ToR states (Section V, para 17):

“Transition Planning: HLP TF may be co-chaired by a governmental agency (counterpart). Due to the multiplicity of land sector actors (Afghanistan Land Authority (ARAZI), Ministry of Refugee and Repatriation (MORR), Afghanistan National Disaster Management Agency (ANDMA), Afghanistan Independent Human Rights Commission (AIHRC), Ministry of Urban Development (MUDA), Independent Directorate of Local Governance (IDLG) etc.), the HLP TF Chair and co-chairs, in due consultation with the HLP TF members, will identify and build the capacity of the counterpart, aimed at the latter’s gradual take-over of the HLP TF chairing.”

Action points:

The APC Coordinator mentioned that we should initially take this issue at the Strategic Advisory Group (SAG) of the Protection Cluster and, subsequently, broach it with HLP TF members. The SAG’s meeting is in mid February - where the HLP TF has agreed to follow it through.

The Annual Work Plan of the HLP TF will also be discussed during the Feb meeting.

MISCELLANEOUS/AOB
Nothing reported. The date/time and venue of the next (February 2014) HLP TF meeting will be communicated via e-mail.