

Peace Building in Afghanistan through Settlement Regularization

**Jan Turkstra
Abdul Baqi Popal**

1. Introduction

Afghanistan is a country suffering from decades of conflict, but it is also a country in which its 29 millions inhabitants are trying to make a living. Urban areas are expanding rapidly (5.4% per year, much higher as the national population growth of 3.2 %) and informal settlements are inhabited by approximately 70% of its population. Inhabitants of urban informal settlements are rural-urban migrants, returnees, Internally Displaced Persons (IDPs), including demobilised fighters but also urban new comers with low incomes and in need for a place to live. These Informal areas are also the hiding place for insurgents and if Afghanistan and the International Community want to contribute to Peace Building those informal settlements are the key to achieve peace and development.

Community development through sharing resources, resolving conflicts and working together are part of the traditional culture in Afghanistan. In the absence of institutionalised governance systems before 2002 UN-HABITAT developed an approach based on this community spirit of the people. The approach called People's Process is based on the belief that people have an enormous potential and that this capacities can be used to develop and strengthen communities in the field of vocational training, conflict resolution but also for settlement upgrading.

The Governance and Development Support Programme (GDSP), funded by the Canadian International Development Agency (CIDA) and implemented by UN-HABITAT, aims at an integrated community based approach to improve the living conditions of low-income families living in informal settlements in Kandahar city. Besides upgrading the programme is also aiming to increase the security of tenure. The project contributes to the security and consolidation of the inhabitants of a large informal settlement benefiting some 100,000 people. Even more important is that the UN-Habitat approach of incremental regularization of informal settlements in Afghanistan is based on an agreement between the community and the local and central Government and aims to strengthen local Governance through an effective city-community partnership to achieve improved living conditions and security of tenure. The Kandahar experience is currently also implemented in Lashkar Gah through the 'Strengthening Municipal and Community Development project funded by DFID. In short Settlement Regularization is the integration of upgrading through community empowerment and tenure security.

This paper describes firstly the process of community development which goes far beyond just participation in development processes but gives also the community access to budgets to implement projects. Secondly the paper looks into the incremental process to increase the tenure security of the inhabitants of informal settlements and the last paragraph deals with strategic municipal action planning and how the positive elements of informal settlements can be combined with formal development of settlements to develop urban land at scale and affordable.

2. Community Development

Experience over the world has demonstrated that the participatory upgrading of low-income urban settlements is a low-cost and sustainable approach that can significantly improve living

conditions in cities, reduce urban poverty, and develop a system of participatory governance in which citizens and local governments share the responsibilities of managing public affairs. It can also significantly contribute to resolve dispute and build peace in post-conflict settings.

Participatory upgrading involves urban dwellers in developing infrastructure, housing, and access to basic services in their communities and cities. It helps incrementally improve existing physical, social and economic conditions by making the best use of people's ability and willingness to contribute with their own human, technical, financial and organizational resources.

Upgrading helps improve or install amenities that serve the whole urban community while it develops a system of planning, implementation, and management of the realizations jointly run by communities, local governments, and technical agencies. The process can be conducted simultaneously (i) at the level of individual communities for local improvement projects, (ii) among clusters of communities for projects linking several communities together, and (iii) at the municipal level to enable local governments to deliver public services citywide.

Urban upgrading in Afghanistan

Over the last years the Government of Afghanistan has piloted a set of complementary approaches to upgrade urban settlements with the support of international aid agencies. Many of these experiments have shown their ability to help the urban poor improve their housing, local infrastructure, and overall living conditions while developing links between poor communities and local authorities. They have also shown that they could contribute to building peace by developing mechanisms for consultative decision-making and dispute resolution in formerly divided communities.

To support the dissemination of best practices that have been approved at the highest level of government, a National Urban Upgrading Policy is under development that will guide local decision-makers—including governors and mayors—in developing upgrading projects in their constituencies. The policy will present key elements of appropriate upgrading procedures and will provide normative guidelines for decision-makers and projects implementers to design and implement upgrading programs. It will also formally acknowledge the rights of all urban dwellers to receive security of tenure and access to public services and to participate in the design and the implementation of their own local development projects. Most guidelines will be drawn from upgrading projects conducted in Afghanistan, with international best practices used when examples had not yet been tested locally.

Participatory upgrading in housing policies

In low-income urban settlements, housing construction and the improvement of living conditions are often managed by residents themselves. They build shelters with the materials locally available, either alone through self-help, or with the support of neighbors and family members through mutual-help. In addition to building their own houses, they can devise ways to cope with difficult living conditions, supporting each other to build common infrastructure, run community schools or health programs, and set up saving groups and cooperatives.

For public agencies with scarce resources, making best use of the existing practices and capacities of the urban poor to incrementally upgrade their housing and living conditions is an important element of housing and poverty reduction policies that are easily acceptable to beneficiaries and is affordable. It complements the human, financial, and technical resources available with outside resources and facilitation to enable people to incrementally rehabilitate their settlements. This is how some governments have successfully responded to urban housing and poverty crises in rich and poor nations since the early 1920s to rebuild war damage, to improve existing housing conditions, and to accommodate growing numbers of migrants attracted by the industrialization of urban areas.

Ten years of experience: the creation of an Afghan model

Over the last ten years, the Government of Afghanistan and several municipalities have worked with a number of supporting agencies in designing and implementing participatory urban development programs. Some of the projects implemented have concentrated on specific elements of urban reconstruction and community upgrading, including improving infrastructure, securing land tenure rights to enable a stable economic development, and preserving historical districts and reviving the cultural heritage of Afghan cities.

Other projects have added to this by developing an Afghan model of participatory upgrading that promotes democratic governance while enabling poor urban communities to improve their living conditions. That model aims not only to improve housing, infrastructure and access to services, but also to strengthen the ability of communities to plan for themselves and the capacity of municipalities to deliver services professionally. It creates partnerships between communities and local governments that are bases of an active local democracy.

In Afghanistan, communities also typically report that a main achievement of the upgrading activities is to bring reconciliation and understanding in their communities, and to give them the tools and experience to solve future problems. The approach develops solidarity within communities and a habit of cooperation between communities, local authorities, and external facilitating agencies. The planning process helps all inhabitants of a settlement look beyond their divisions to figure ways to improve their collective well-being through developing common infrastructure or access to service. Then, they implement the projects together, contributing with their labor and savings and solving the problems that arise as a group.

The approach proposed for settlement upgrading considers three levels of activities:

1. Community-level: participatory upgrading is based on the organization of families for collective action and on their full involvement in the planning and implementation of local development activities. Families form Community Development Councils (CDCs) (figure 1) that are recognized by municipalities as the lowest level of representation of the people. These CDCs are then responsible to design, implement and maintain community projects with technical and financial support government and / or from external agencies.

Typical community projects involve the rehabilitation of access roads and paths, of water and sanitation networks, of drainage, and of public spaces. As much as possible, these activities are undertaken through community-contracts in which local families provide labor, in part as a free contribution, and in part against wage payment. So doing, they develop a sense of ownership of the projects, while receiving income and vocational training. Contractors are only hired from outside the community when no local alternative exists. These community-level activities are planned with the municipality so that local improvements are coordinated with the citywide activities undertaken by municipal governments.

The incremental improvement of living conditions in settlements is an essential element of pro-poor urban planning, but planning at a municipal level is not only the result of individual community projects. It requires consultations, visions and projections for the future of a city in terms of its demographic, economic, social, and physical evolution, as well as the technical skills and a sound system of governance to plan and implement such visions.

2. Municipal level: help cities design their development strategies, train their staff to implement these strategies, and develop a system of governance that is professional, predictable, and in the best interest of all urban dwellers. This is achieved by helping municipalities work with their citizens to analyze their conditions, assess alternatives to tackle issues, and produce well-rounded strategic development plans that are locally-based but consistent with national development strategies and policies. They then need to be supported through technical or

on-the job-training and exposure trips, and programs to develop citywide development projects.

3. National level: involves developing strategic approaches for urban development, and establishing laws and policies that follow tested practices to regulate and support activities at the community and municipal levels.

Phase 1: Community Awareness			
Step 1: Contact Community Representatives.	Step 2: Hold small group meetings to discuss community assets problems and their causes, feasibility of a community development council; generate demand for a large community meeting.		
Phase 2: Establish Community Councils			
Step 3: Hold large community meeting to present list of issues, and the election of male and female CDCs.	Step 4: Establish Community Development Councils	Step 5: Prepare CDC mission statement; get endorsement by community groups.	
Phase 3: Prepare Neighborhood Development Plan (NDP)			
Step 6: Prepare Community Action Plan (CAP) by men and women.	Step 7: Get neighborhood endorsement of the CAP.	Step 8: Undertake neighborhood self-initiated contract.	
Phase 4: Prepare Project Design and Submit Project Proposal			
Step 9: Design neighborhoods project(s).	Step 10: Write up the neighborhood project proposal(s).	Step 11: get neighborhood endorsement of project proposal(s).	Step 12: Prepare community contract.
Phase 5: Implementation, Monitoring and Evaluation			
Step 13: Implement, monitor and reporting on project activities	Step 14: Undertake final project evaluation	Step 15: Reflect on project learning experience, review of CAP and prioritize future activities.	

Figure 1 Community Mobilization Process (source: UN-HABITAT internal document)



Figure 2 Example of Settlement Upgrading (source: UN-HABITAT)

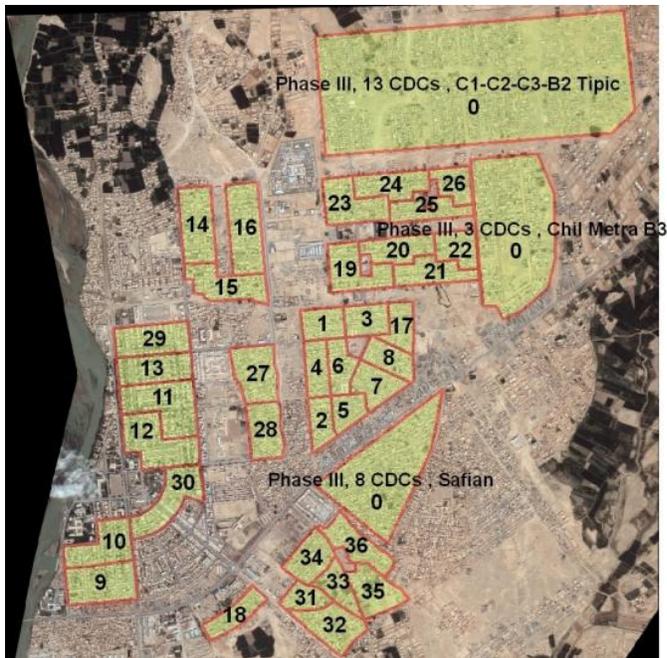


Figure 3 Location of 36 established Community Development Councils in Lashkar Gah, Helmand province, Afghanistan (source: UN-HABITAT, internal report)

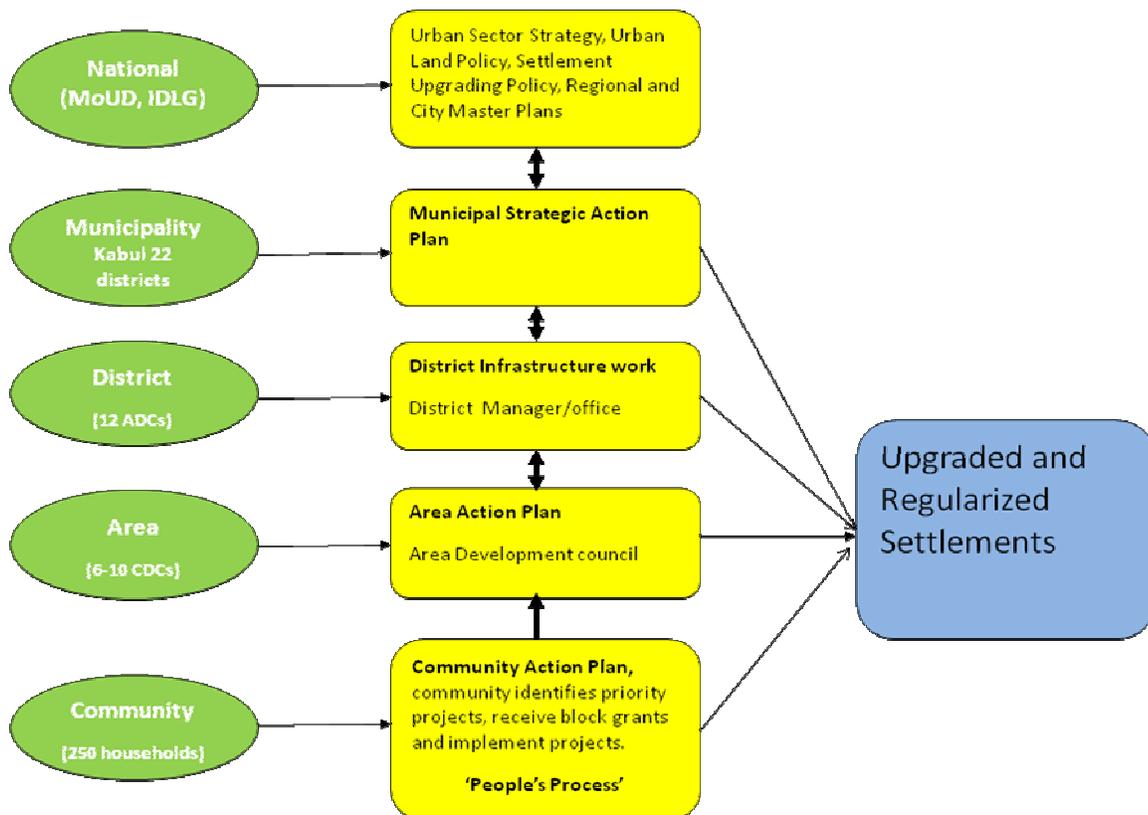


Figure 4: Institutional Framework; different levels of intervention, interactions and combined effort to reach the goal of improved living environment and involving citizens through community empowerment (Source: UN-HABITAT internal document)

Infrastructure at the community and municipal levels: In communities, upgrading projects often help improve local pathways and streets, sewer systems, and access to water (all “tertiary-level” infrastructure). Some agencies insist that community members themselves implement the construction activities, so they become the actual “owners” of the infrastructure that is built, and feel responsible for its long-term maintenance. Other agencies point that the quality of infrastructure built through such “community contracts” is often low, and that the realizations do not last long. They also point that tertiary infrastructure must be coherently laid out so it can be linked to main roads, drains and water supply system designed at the municipal level. Both are relevant issues that a policy should help deal with. Such policy should as well give directions for the maintenance of the realizations, and the co-management of the delivery of public services. A key issue to address is hence how to link community-based planning with municipal planning.

Access to services: The participatory upgrading process includes community members in local decision-making and helps them gain access to public services and utilities. However, many municipalities only consider that inhabitants of “formally planned” areas can be legally considered for access to public infrastructure and services. Once informal settlements are designated for upgrading, it is essential that their residents be officially recognized the same rights as other citizens to public services and to representation in the local planning process. This complements their rights to land tenure and provides them with the basic stability needed to plan for the long-term improvement of their settlements.

3. Security of Land Tenure

Residents of informal urban settlements in Afghanistan face a number of issues that limit their ability to improve their standard of living. One of those issues is land tenure insecurity. Around 60-70% of the urban areas in Afghanistan is developed informally and requires regularization without forced evictions and sometimes relocation of households living in unsuitable locations. Improving land tenure security (sometimes referred to as ‘land tenure regularization’) in informal urban settlements supports the goals of providing to the residents of informal urban settlements the opportunity to improve their standard of living.

‘Informal urban settlement’ means an area of a municipality where most residents lack formal legal deeds to their property issued by a court and/or that lies outside the current urban master plan or whose development does not comply with the current urban master plan or detailed plan. Informal settlements can be developed on private or governmental land. These areas are characterized by the lack of (i) legal recognition by the municipality and other government bodies of the residents’ right of occupancy; and (ii) access to municipal and other government services such as education and health care facilities, public markets, adequate roads and drainage, adequate water supply, sanitation, and solid waste management services, adequate electricity services, etc.

Informal urban settlements may occupy private land, “grabbed” land (i.e., land seized illegally by warlords or other powerful figures and subdivide and sold or distributed to occupants); or government land. Some informal urban settlements occupy environmentally sensitive land or have layouts (road patterns) that may be unsuitable for occupancy in the medium or long term.

Improving the standard of living of residents of informal urban settlements by providing greater land tenure security will require a variety of approaches depending, for example, on the ownership of the land occupied by the residents (such as private or government ownership). It will also require addressing “informality” and land tenure insecurity created by non-compliance with urban master plans or detailed plans.

In informal urban settlements, land tenure will be “informal” in that a relatively high proportion of the residents or their landlords will not have court-issued legal deeds to their residential property, compared to the proportion of properties with court-issued legal deeds in more “formal” areas of the municipality. Similarly, the degree of non-compliance with existing urban master plans and detailed plans will be relatively greater in informal urban settlements than in more “formal” areas, and the quality of housing in informal urban settlements will typically be lower than in more “formal” areas. However, these differences are ones of degree and decisions about where to draw the boundaries between “formal” and “informal” urban settlements will inevitably be somewhat arbitrary.

Land tenure regularization for residents of informal urban settlements will distinguish between:

- *de facto* and *de jure* governmental recognition of occupancy rights of residents of informal urban settlements, utilizing *de facto* recognition (e.g. issuing of Municipal notebooks) of such rights to the greatest extent possible;
- occupancy rights of residents of informal urban settlements (a) based on a long-term, documented history, or a history supported by the testimony of witnesses, of occupancy and occupancy rights; and (b) without such a history of occupancy and occupancy rights, with greater government recognition of occupancy rights for the former than for the latter;
- occupancy rights of residents of informal urban settlements established on (a) privately-owned land; and (b) government-owned land, with faster and simpler procedures for government recognition of occupancy rights for the former than for the latter;
- occupancy rights of residents of informal urban settlements established on (a) environmentally sensitive land whose continued occupancy poses a serious threat to the health and safety of the occupants or of others, or to the protection of the natural environment; and (b) land that is not environmentally sensitive, with more limited government recognition of occupancy rights for the latter than for the former;
- occupancy rights of residents informal urban settlements established on “grabbed” land (i.e., land illegally seized from its private or governmental owner by powerful individuals such as warlords or political figures and “sold” or distributed to occupants), with (a) government recognition given to individuals or household who occupy “grabbed” land without knowledge of its being “grabbed” land; and (b) no government recognition of occupancy or ownership rights given to those who “grabbed” the land or who occupy it knowing that it was “grabbed” land;
- occupancy rights of residents of informal urban settlements established on land “grabbed” prior to or after a specific date established by legislation, with (a) government recognition given to individuals or households who first occupied the “grabbed” land, without knowledge of its being “grabbed” land, prior to that specified date or who acquired occupancy rights in the land from such initial occupants; and (b) no government recognition of occupancy rights given to those who first occupied the “grabbed” land after that specified date; and
- occupancy rights of residents of informal urban settlements who did not acquire their occupancy rights from a “land grabber” but who occupy, without the owner’s permission (a) government- owned land; or (b) privately owned land (i.e., “squatters”), with faster and simpler procedures for government recognition of occupancy rights for the former than for the latter.

Kandahar

In the city of Kandahar over the past 30 years a large informal settlement has been developing currently inhabited by over 100,000 people. The area, locally known as Loya Wala consist of

variety of different informal areas, some properly (although informal) planned some area more spontaneous in character.

The Governance & Development Support Program aims to make Kandahar a stable and secure city with the capacity to provide self-sustainable service delivery, through partnerships developed with its stakeholders and institutionalised citizen friendly participatory governance mechanisms. For the upgrading an integrated approach was developed and implemented.

The integrated approach combines tenure security, physical upgrading and community development:

- Integration: security of tenure, upgrading. Tax collection and community development;
- Community based participatory: CDCs, local leaders, Municipality lead, Ministry of Urban Development and external support and pro-poor;
- Step-by-step, incremental approach, practical, and results-based;
- Appropriate Land Information Systems;
- Social , Institutional, Financial, Legal and Technical Sustainable

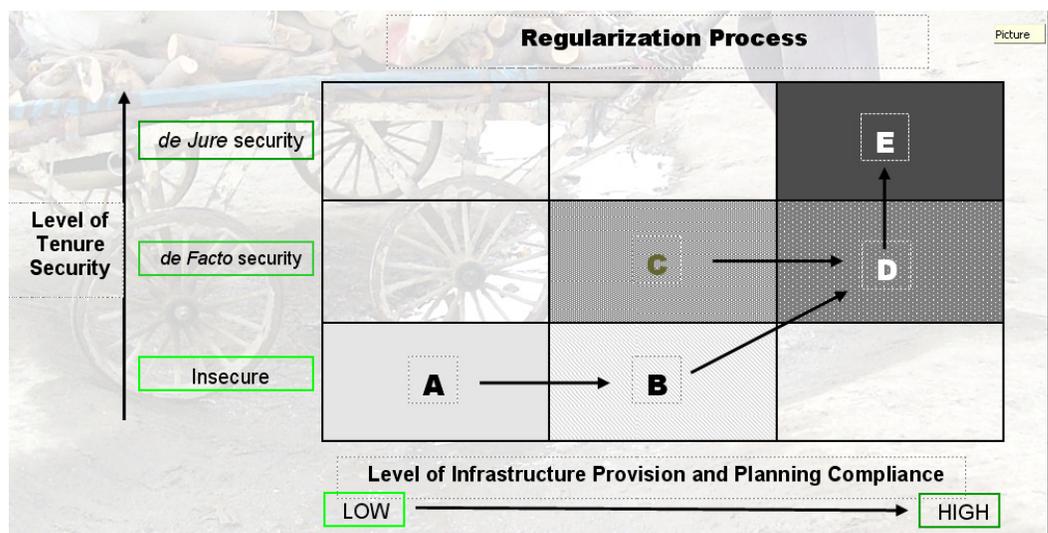


Figure 5: Regularization process in Kandahar (Source: UN-HABITAT, 2009)

Many households in informal settlements have a low level of tenure security (and fear of eviction) and also very limited levels of access to infrastructure such as water, sewerage, electricity, and gravelled roads. This situation is classified as 'A', as indicated above. It is intended that through an incremental approach, both the security of tenure and level of infrastructure could be improved and that this process should be undertaken through a participatory process not only with direct involvement of the communities (CDCs), but with active collaboration of the sub-district leaders, District Managers and Municipality.

Security of Tenure is improved in two stages: 'De-facto' security of tenure: acceptance of the land occupation by the Municipality ('C' and 'D') and 'De-jure' security of tenure: issuing of land titles ('E')

The president of Afghanistan recently approved the transfer of Government owned land to the occupants. Around 14,000 parcels are in the process of registration. All land parcels are

surveyed and measured and the data of the occupants/owners, parcel size, quality of building and location are recorded into a Geographical Information System.

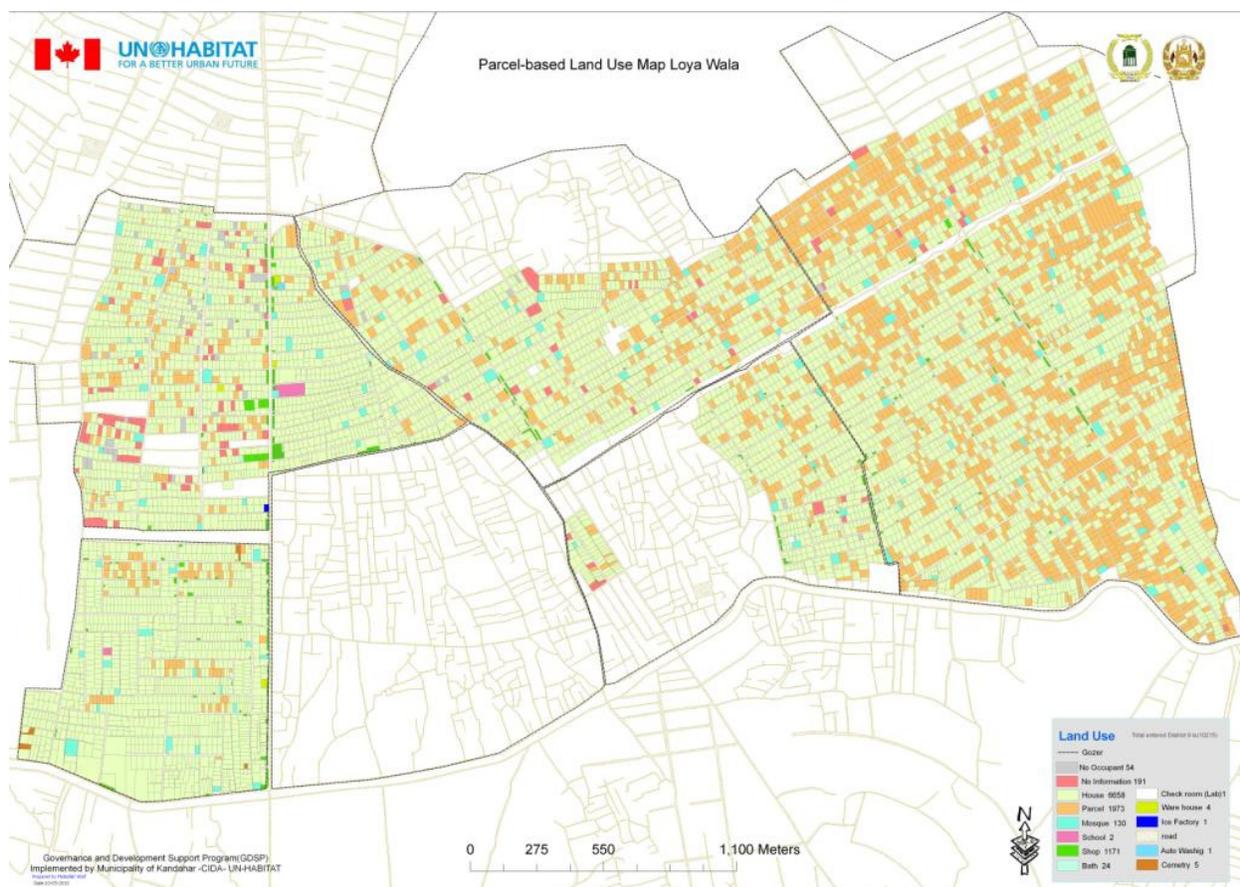


Figure 6: Land and Property Registration in Kandahar, over 10,000 properties registered and accepted by the Municipality ('de-facto' security of tenure).

4. Challenges

The settlement regularization process with the involvement of the communities has proven its value and should be expanded to cover all urban informal settlements in Afghanistan. However the main challenge is to guide urban development to avoid that informal settlements are continue to be the main option for new urban development and people suffer a long time from sub-standard living conditions, develop settlements at unsuitable locations with layout patterns difficult to upgrade and with insecure land tenure conditions. To be able develop realistic alternatives we have to look into the sequence of urban development.

Urban Development Sequence, the main phases of an urban development process are Planning (**P**), which consists of a plan, and access to land, the construction of infrastructure and services (**S**) and finally the construction of dwellings (**B**) and other constructions.

1. Formal settlements **P**formal - **S**product - **B**product

A formal settlement consists of the process of planning, plan approval, land acquisition, complete infrastructure and services (Services as a finished product) and a finished dwelling (Building as a finished product). This sequence of development, which is the standard in developed countries, is unaffordable for the majority of the citizens in developing countries. Also the government is not able to financial support to cover the gap between the housing costs and the affordability levels of the low and even middle income groups. While in developed countries households are able to obtain a mortgage this is in developing countries much more difficult due to the low and unstable incomes with banks unable or unwilling to provide long-term housing loans.

2. *Spontaneous* settlements **B**process – **S**process – (**P**formal)

The alternative sequence to formal housing development is that people build their own houses spontaneously and as a continuous process dwellings are improved and expanded based on the need and financial possibilities of the people. Services might gradual be installed while at a certain moment the settlement might get approval from the (local) government and land tenure formalized (Planning). The major problems of spontaneous settlements are the slow process of improvement and tenure regularization which makes that people are living a long time in uncertainty while also suffer from living in sub-standard living conditions. Sometimes the settlement are located on unsuitable land such as riverbeds, steep slopes while also the density and layouts might be a problem for upgrading and land tenure conflicts might hamper the legalisation process. These spontaneous or squatter settlements where land is occupied without the consent of the owners is a decreasing option for low-income groups as land owners (also land owned by the government) are protecting this valuable asset.

3. *Informal* settlement **P**informal - **B**process – **S**process - (**P**formal)

Informal settlements are planned settlements but without approval from the government. In Afghanistan mostly a private developer or warlord occupy (governmental) land, make a layout scheme and sell or distribute land to the people. No services are provided and the incremental process of the development of infrastructure, services and housing is similar to the development sequence of spontaneous settlements. The major advantage is that the layout of the settlement is in many cases regular which facilitates the installation of infrastructure in a later stage. The disadvantage is that profits of this development goes to the private developer instead of to the government. Formalization might take place in a later stage.

4. Guided Land Subdivisions **P**formal – **S**process - **B**process

This sequence of this option is almost similar to the formal development but both services and building development are not a finished product but a process. Basically land is offered for sale with a variety in levels of infrastructure provided in the initial stage. If no services are provided it is basically a site-without-services scheme with cheap plots affordable for lower-income households. While Land Allocation Schemes and the new Townships developed by the Government of Afghanistan for IDPs and other vulnerable groups are a type of Guided Land Subdivision, land is not developed at the speed and scale required to fulfil the demand. Private developers apparently are able to develop at scale in Kandahar and elsewhere in Afghanistan and lessons can be learned from these developers. The major disadvantage is that most of the profits (and sometimes doubtful transactions to acquire governmental land) are not received by the government and as such cannot be used to invest in local infrastructure or (cross) subsidizing the lowest income groups.

Guided Land Subdivisions under control of the government can increase the supply of land available for allocation to low-income groups by municipalities by rapidly designating large, suitable areas of government-owned land for residential use. Other options to prevent urban 'land grabbing' (informal settlements) and 'squatting' (spontaneous settlements) are:

- applying simple, rapid, equitable, and transparent land allocation procedures, particularly for low-income households;
- increasing enforcement of existing legal measures and sanctions against "land grabbers" and, if necessary, developing and applying new enforcement measures and sanctions;
- facilitating the resolution of conflicts regarding occupancy rights between "squatters" on privately owned land and the legitimate private owners, particularly returning internally displaced persons (IDPs) and returning refugees, utilizing community-based conflict resolution procedures to the greatest extent possible.



Figure 7: Spontaneous Settlement and Informal Settlement in Kandahar.



Figure 8: Informal Settlement and Guided Land Subdivision Kandahar.

Strategic Urban Planning

One of the major short comings in urban planning in Afghanistan, and many other countries, is that there are no valid urban plans. Lack of manpower, complexity and the long time span to develop plans makes that there are either no plans at all or plans are outdated or irrelevant. Strategic Municipal Action Plan as a relatively new approach is currently applied and under development, some major elements especially referring to informal settlements are:

- include informal urban settlements;
- prepared through a participatory process involving consultation with residents of informal urban settlements;
- to the greatest extent possible, incorporate and legitimize development and occupancy of informal urban settlements existing at the time the plan is adopted;
- integrate planning (including planning for improved infrastructure and service delivery) for informal urban settlements with planning for other areas of the municipality;
- set priorities for improved infrastructure and service delivery based on actual need, as demonstrated by surveys and inventories of existing infrastructure and service delivery and on a fair and transparent allocation of resources for improvement;
- incorporate planning standards for roads, footpaths, flood and sanitary drainage, water supply, and public facilities such as schools, health clinics, markets, etc. that are adapted to local conditions and the needs and priorities of residents of informal urban settlements.

Concluding Recommendations

- The central and local Governments have to face the fact that cities are to a large extent developing informally, build by the people themselves;

- Understand the nature and development process of spontaneous and informal settlements and lessons learnt from guided land subdivisions;
- Develop and apply an urban land policy and a settlement upgrading /regularization policy;
- Develop National Programs on urban settlement upgrading and strategic municipal action planning including alternative options besides the traditional formal urban development process.

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Authors

Dr. Jan Turkstra, Urban Development Advisor, UN-HABITAT, Afghanistan (jan.turkstra@unhabitat-afg.org).

Abdul Baqi Popal, Senior Program Coordinator, UN-HABITAT, Afghanistan (abpopal@unhabitat-afg.org)