



No: 104

Date: 15/09/1384 (06 December 2005)

Decree
President of the Islamic Republic of Afghanistan
On Land Distribution for Housing to Eligible Returnees and IDPs

Article One:

This Decree is issued on the basis of the Council of Ministers' approval no. 30, dated 16/08/1384 and for the purpose of distributing intact and uncultivated government land to address the housing needs of eligible returnee and IDP compatriots.

Article Two:

- 1) An eligible returnee is a person who meets the following criteria:
 - a) Possesses a Tazkera (national ID card) from his/her respective province.
 - b) Possesses a Voluntary Repatriation Form (VRF) or other valid documents that confirm his/her return to the country or from internal displacement to the area of origin and permanent residence.
 - c) Does not own land or a house under his/her name; the name of a spouse or minor child in Afghanistan.

- 2) An eligible IDP is a person who meets the following criteria:
 - a) Possesses a Tazkera from his/her respective province.
 - b) Possesses documents confirming his/her internal displacement.
 - c) Does not own land or a house under his/her name; the name of a spouse or minor child in Afghanistan.

Article Three:

In the provinces where government land is not available for distribution, eligible returnees and IDPs will be provided land in a neighboring province (having the capacity for absorption) by the respective Commission following the approval of the recipient in his/her province.

Article Four:

Spontaneous returnees and IDPs will be considered as eligible beneficiaries after presenting the relevant documents to and approval by the relevant Commission.

Article Five:

Each returnee and IDP family can only represent themselves and cannot represent others.

Article Six:

During the verification process, priority for the distribution of plots will be given to returnees and IDPs who are disabled, widowed and to those families without a head of household.

Article Seven:

In order to determine beneficiaries and to ensure the fair distribution of land plots, Commissions will be formed in Kabul and other provinces. They will be composed as follows:

Central Commission (Kabul):

- 1- Deputy Minister, Ministry of Refugees and Repatriation, to serve as Chairperson,
- 2- Deputy Minister (Land Management), Ministry of Agriculture, Animal Husbandry and Food, to serve as Member,
- 3- Representative of the Ministry of Urban Development and Housing, to serve as Member,
- 4- Representative of the Ministry of Mines and Industries, to serve as Member,
- 5- Representative of the General Department of Geodesy and Cartography, to serve as Member,
- 6- Representative of Kabul Municipality, to serve as Member,
- 7- Representative of the Afghan Independent Human Rights Commission, to serve as Member,
- 8- Director of the Resettlement Department, Ministry of Refugees and Repatriation, to serve as Member and Secretary.

Provincial Commission:

- 1- Deputy Governor, to serve as Chairperson,
- 2- Provincial Mayor, to serve as Member
- 3- Director of Provincial Department of Agriculture, Animal Husbandry and Food, to serve as Member,
- 4- Representative of the Ministry Urban Development and Housing, to serve as Member,
- 5- Director of Provincial Department of Rural Rehabilitation and Development, to serve as Member,
- 6- Representative of the Afghan Independent Human Rights Commission, to serve as Member,
- 7- Representative of the General Department of Geodesy and Cartography, to serve as Member,
- 8- Representative of the Ministry of Mines and Industries, to serve Member,
- 9- Director of the Provincial Department of Refugees and Repatriation, to serve as Member and Secretary.

Article Eight:

The Commissions, under Article Seven of this Decree, are responsible for the determination of beneficiaries; establishing the boundaries of the land identified by the Ministry of Agriculture, Animal Husbandry and Food; and for taking appropriate decisions with regard to land distribution and the establishment of the settlements.

Article Nine:

- 1) The Ministry of Agriculture, Animal Husbandry and Food is responsible for identifying the appropriate amount of land in high altitude and uncultivated sites and for putting those sites at the disposal of the Ministry of Refugees and Repatriation in Kabul as well as in the provinces according to the existing regulations.
- 2) The Ministry of Urban Development and Housing is responsible for providing maps of the sites and plans of the land referred to under Para (1) of this article for the development of required urban services.

Article Ten:

- 1) The Commissions, under Article Seven of this Decree, have the following responsibilities:
 - a) Verification of beneficiaries and the distribution of land,
 - b) Assessment of the potential for future development and expansion of the approved projects to the level of administrative units and presenting proposals to the competent authorities,
 - c) Creating partnerships with national and international organisations to seek their support for the development of housing for returnees and the provision of other social services.
 - d) Promoting joint efforts among the relevant authorities in Kabul and in the provinces.
- 2) Money collected through the distribution of the plots will be managed by the Ministry of Finance and spent on social services for the settlements under the supervision of the respective Commissions.

Article Eleven:

1. Those receiving land through the relevant Commissions have the following obligations:
 - a) To pay the specified fee.
 - b) To construct a house on the plot of land in keeping with the provisions of the relevant legal documents.
 - c) Not to not sell the plot of land for a period of ten years.
2. If it is proved that a beneficiary under Para (1) of this article has received a plot of land in contradiction to the provisions of this Decree, the land will repossessed, distributed to another beneficiary, and the individual prosecuted.

3. The Municipality is responsible for providing appropriate housing schemes which correspond to the economic conditions of the plot owners and for the landscaping of the new settlements.

Article Twelve:

The price for the residential plots of land under this Decree will be fixed based on the proposals of the Commissions in Kabul and the provinces and approved by the Council of Ministers.

Article Thirteen:

Beneficiaries receiving land based on the provisions of this Decree will, in the first phase, be issued temporary ownership deeds by the respective Commissions. Permanent ownership deeds will be issued by the respective municipalities after 5 years.

Article Fourteen:

Uncultivated land used for forestry, mining or other public infrastructure projects does not qualify for distribution.

Article Fifteen:

Where sites have been inaugurated before the enactment of this decree and have gone through the necessary legal procedures, land distribution will continue.

Article Sixteen:

The implementation of the provisions of this Decree is the responsibility of the Ministry of Refugees and Repatriation.

Article Seventeen:

This Decree is to be enacted and published in the official gazette following its signing.

Hamid Karzai
President of the Islamic Republic of Afghanistan