



## Afghanistan Independent Human Rights Commission



### Informal settlement in Afghanistan

This brief report is prepared in reference to the forthcoming report of the UN Special Rapporteur on the right to adequate housing.

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In Afghanistan there is no accurate statistic on the number and different purposes of using the informal land. In rural areas households rarely make house on the farmland. They always try, if available, to build houses on public land which are under possession of a certain village's households or on state land such as desert, hills, rangeland, and jungle areas.

In rural areas the government has not made any settlement plan, therefore, every villager can make house based on the agreement of the villagers. So it is envisaged that nearly all houses in rural areas have been built on public or state's land. In respect to the housing in urban areas, these institutions are dealing with housing: The Ministry of Developing Urbanization, The Ministry of Agriculture, Land Reform, Irrigation and Animal Husbandry, Municipalities, and Independent Directorate of Land Management "ARAZI", ( the land) .

General designing and approval of making town is the responsibility of the Ministry of Developing Urbanization. The responsibility of the Ministry of Agriculture and Land Reform is to transfer the state land to either organization who use it for any official purpose or individual who purchase land from the Government. The Independent Directorate on Land Issues (ARAZI) is to fix and identify the location of land based on the cadaster maps information and also issuing occupancy legal document. Almost all households made houses on informal land in rural areas, but in cities it differs from 20 percent to 70 percent. Most of the house owners who have built their houses on formal land have court-registered ownership document or uncourt-registered land ownership document which is based on the paper prepared through a real estate shop or community-based land tenure system.

Afghanistan passed nearly forty years of conflict that more than five million people were displaced and took refuge in the neighboring countries. Nearly all of these households have houses built on informal land. We can say half of the houses in the Capital, Kabul city have been built on informal land in the past but the number of such houses speedily grown up after 2002 when a considerable number of Afghan refugees returned home and also hundred thousand of household moved from rural areas to cities. They occupied the informal land on the hill site of the city and purchased an officially farm land for house making. This also happened in several big cities in the country. The government so far has not legally registered these houses and also not collected house tax from the owners of these houses. The government couldn't stop of occupying the informal land by households and they had to do this because the government had no already designed a city plan and urbanization development to settle them properly, and on the other hand they had to build house even on informal land because everyone has the right to housing.

About 19.8 million people live in rural areas while only 6.1 million live in urban areas. Those houses have been built on informal land in rural areas have not been registered, but those land which have been built on farm land are counted as part of the farm land, which is private land. There are approximately 3.8 million houses that most of them have been built on informal land areas in rural areas, but in cities approximately two-third of houses have built on formal land, and registered by legal offices, municipalities and tax collection offices.

After prolonged efforts made by the Afghanistan Independent Human Rights Commission on the right to housing, CSOs and inhabitants live in informal land near in cities, the government of Afghanistan passed the Regulation on Management Affairs of Occupancy on Informal Land in Urban Area. In accordance with this Regulation, The High Office of Land Affairs (ARAZI) will registers those houses built on informal land in cities, that their owners could present land tenure document. For the purpose of registering and issuing ownership document to the owners of the houses built on informal lands of cities, According to this Regulation, the ARAZI with the cooperation of the Ministry of Urbanization Development, the Independent Department of Local Government and municipality offices, would officially register the house land by the name of the owner and provide them with official ownership document, conditioning to the followings;

1. The house should not be located under the coverage of the municipality master plans on urbanization or municipality's strategic urbanization plans'
2. The house location should have been included in the relevant municipality city plan,
3. Before the date of coming into force of this regulation, the house shall have been used as living house for at least fifteen years,
4. The house shall have not been located on the river basin or water resource area,
5. house location' area should not be recognized as the public green or environmentally and historical preserved/protected area, and
6. The house can be located in the areas where there is no government public project or development plans projected for the future ten years.

The government aim in verification and registering the houses on informal land and providing the owners with official document is to ensure the legally ownership right in order to encourage the house owners to confidentially maintain their houses, caring the environment and pay tax to the government. On the other hand, the government would be able to provide the necessary social services in these residential areas such as establishing health clinics, schools, security offices and developing green area. According to this new Regulation, if the government wanted to implement a public infrastructure project in the already occupied informal land, the house owners have to sell their houses to the government at negotiated cash price, otherwise the government shall have to provide the house owners with land plot somewhere else to compensate the house cost.

Access to water is one of the critical issues in the residential areas on informal land in Afghanistan. The government has extended the city water supply network at very minimum level into some parts of the residential areas located on informal land on hill sites. It is very costly and also technically impossible to provide every

household with water at their home, but the government only make water distribution centers in many lanes. People have to collect water from these centers and carry to their homes or to purchase from private water supply source, distributed through mobile bowsers. Women and children in majority, collect water every day which is very hard work for children. In the plain informal land people has dug shallow or semi shallow wells at their courtyards. The problem is that the government has no capability to supply water in cities. Even in the formal land areas the government has extended the water supply networks only 30%. According to the UNICEF announcement, 30% of water resources in 10 provinces of Afghanistan has dried out because of drought.

Sanitation situation is very bad and unhealthy in all residential areas on informal lands. City underground swage canals has not yet made in any city in Afghanistan except in very few towns. In rural areas people used mostly the air- open latrines but in cities people now uses the improved latrine structure and swage tanks.

The government has extended power supply networks only in big cities but second and third grade cities has not yet benefited from public power at full scale. In rural areas people mostly used solar energy only for lighting and light electronic devices such as TV set, radio, cellphones and also for charging vehicle batteries.

There is no data available in Afghanistan by relevant to gender, disability, age and other the residential areas on informal land.

According to the national constitution of Afghanistan, the government is responsible for distribution of free of charge health service all over the country. While the coverage of the health services has increased in recent years but still it is in very low quality. Immunization program for children is going well but in areas under the Anti-Government Elements is not going well.

The future of upgrading living standard in informal residential areas has not yet anticipated for the year 2030, but the government has started to register those houses built on informal land and preparing the future plan for achieving the acceptable living standards in informal land areas.

There is dramatic change happened in living style of people in the last sixteen years in Afghanistan. About one third of rural population moved from villages to cities because of the availability of better living facilities in cities. On the other hand, the government had not properly developed urbanization and the unavailability of housing in formal land is one of the main reason that newly arrived household had to occupy the government land or bought private land near the city for building houses. The price of house purchasing and renting is much higher in formal land areas and homeless household cannot afford it. Returning many refugee families whose their population increased during exile also rushed to access the informal land for housing. Deterioration of security situation in rural areas and forcibly displaced households also the reasons that rural population moved to cities and occupied informal land for housing.