

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Arthur Reich, (A) AD/DP

DATE: February 27, 1973

FROM : Richard B. Scott, DP

SUBJECT: Problems of Land Title and the Shamalan Project

It has been noted in several recent memcons between USAID and HAVA officials that one of the major blocks to paying farmers for canal right-of-way and crop damage has been the inability of the land committee to determine who owns the land that has been affected. It will be a much bigger problem if the project ever moves into land consolidation. The complexity of the problem faced has been noted in my reports, The North Shamalan: A Survey of Land and People, August 1971; and Comments on Errors in the Cadastral Records: Saidad Village - Aynek - Shamalan Valley. It should come as no surprise that these problems have occurred. As far as I am aware there has been no area in the country where the step of clearing land titles has been attempted. There is no in-country precedent nor institutional frame within which the land committee may function. Clearing land titles involves dealing with traditional practices of land tenure; it may be highly political in nature as it likely relates to government -- local power structure relations. In short, the Shamalan Project may have dropped the Land Committee into a barrel of snakes without any suggestions or solutions to the problems faced.

The cadastral survey is not responsible for the correct recording of owners' names as it relates to particular parcels of land. If they were, the move from cadastral records to giving clear land titles and payment for damages would have been simplified. It is my understanding that the cadastral survey administration has given considerable thought to this step. The knowledge generated in the cadastral survey office through dealing with the inventory of land, combined with that of the PAS contract team, should be immediately tapped in the search for a solution to the Shamalan problem of clearing land titles.

I propose we suggest the RGA call for a seminar headed by HAVA officials to be held sometime during March with Land Committee members attending, knowledgeable Kabul Cadastral Survey officials of top ranks, PAS personnel, HAVR-BuRec involved personnel, and others as appropriate. The object of the meeting would be to thresh out the problems faced, general and specific, and to come up with a system for clearing titles which is necessary if we are not to be faced with these problems from now on. A systematic approach has been necessary from the beginning and we should not have assumed that the Land Committee was capable of developing one on their own. Clearing farm land titles may be an innovation for Afghanistan.

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