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Ministry of Urban Development (MoUD)

THE STUDY FOR THE DEVELOPMENT
OF THE MASTER PLAN
FOR THE KABUL METROPOLITAN AREA
IN THE ISLAMIC REPUBLIC OF AFGHANISTAN

FINAL REPORT
SECTOR REPORT 10:
URBAN PLANNING AND RELATED INSTITUTIONS

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Currency Equivalents (average Interbank rates for May 27-June 26, 2009)
US$1.00=AFN 52.450 (over 31 days)
US$1.00=JPY 96.720 (over 31 days)
JPY 1=AFN 1.851 (over 31 days)
Source: OANDA.COM, http://www.oanda.com
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Abbreviations

AFN  Afghanistan afghani
AISA  Afghanistan Investment Support Agency
ANDS  Afghanistan National Development Strategy
BCR  building coverage ratio
CAWSS  Central Authority for Water Supply and Sewerage
CSO  Central Statistics Office
DCDA  Dehsabz City Development Authority
EC  European Communities
EDB  Economic Development Board (of Singapore)
EU  European Union
FAR  floor area ratio
FY  fiscal year
GIS  geographic information system
GKC  Greater Kabul Council
GLA  Greater London Authority
GLC  Greater London Council
ICCF  International Code Council Foundation
IT  information technology
JICA  Japan International Cooperation Agency
KM  Kabul municipality
KMA  Kabul metropolitan area
KMG  Kabul metropolitan government
LTERA  Land Titling and Economic Restructuring Activity (of USAID)
MoUD  Ministry of Urban Development
MUDH  Ministry of Urban Development and Housing
NCRK  National Capital Region of Kabul
NGO  nongovernmental organization
NKCDA  New Kabul City Development Authority
NKH  New Kabul Development Holding Corporation
PIU  Project Implementation Unit (of MoUD)
PUD  Planned Unit Development
SCM  supply chain management
SDP  Strategic Development Planning (unit of MoUD)
TDR  Transfer of Development Right
UCA  urbanization control area
UK  United Kingdom
UNHABITAT  United Nations Human Settlements Programme
UPA  urbanization promotion area
USA  United States of America
USAID  United States Agency for International Development
### Units of Measure

<table>
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<tr>
<td>ha</td>
<td>hectare</td>
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<tr>
<td>km</td>
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CHAPTER 1  OVERVIEW OF CURRENT URBANIZATION AND URBAN MANAGEMENT

1.1 Current Urbanization

Current urbanization in Afghanistan, particularly in Kabul, is characterized by a rapid growth of urban population on an unprecedented scale. Therefore, the construction and urban real estate business are major sectors to drive the current economic growth of Afghanistan. The Afghan Government, however, cannot take effective measures to control illegal land transactions and land grabbing, proliferation of informal settlements on steep hills, and other undesirable activities resulting from the rapid urbanization. While the private sector capacities and energy to drive the rapid urban reconstruction should be effectively utilized, it is essential to guide and control such activities to realize more desirable urban spaces. Planned urban development with proper strategy will contribute to achieving a strong and self-sustaining economic growth as well.

1.2 Current Urban Management Institutions

The existing institutions and legal system for urban planning and management of urban development in Afghanistan are fragmented and inadequate to guide the urbanization. There exist also acute shortages of administrators for urban planning and management in the public sector and qualified architects and engineers in the private sector.

For instance, MoUD is currently working on legislation of zoning ordinance, national building code and public facilities manual. Drafting work for the zoning ordinance was completed in consultation with the International Building Code Foundation, and the draft has already been approved by the Ministry of Justice, awaiting the final approval from the President’s Office. The national building code is still at the stage of drafting. So far, there has been neither building code in Afghanistan to govern individual building safety, nor zoning ordinance to regulate land use (group of buildings).

Even if the legislation of these basic laws is completed, it will take time for the laws to function well and to be properly used by people, enterprises and governments. The laws and their by-laws need to be constantly revised, amended and refined based on their early application, and related human resources should be developed through such processes. Thus, it will take years or even decades for the national building code to be firmly established in Afghanistan.

At present, the only regulatory tool for controlling construction activities and urban land use is the master plan with detailed plans prepared as integral part of the master plan. The only legal master plan in Afghanistan is the one for the Kabul city prepared in 1978, which is considered largely outdated.

As for land related institutions, most people do not undertake a legal procedure when the ownership is transferred because of complicated procedure and costs involved. Instead, they resort to the customary land title registration with an endorsement of their community leaders. The regularization of land titles has been promoted under the Land Titling and Economic Reconstruction of Afghanistan (LTERA) project supported by USAID. If the pilot projects of USAID are successful, it will suggest a future direction of land title regularization.

The planning for national land development and regional development has started to receive serious attention by the Government only recently. MoUD is undertaking regional planning of different regions for more balanced development of the national economy and territory. This would contribute to reducing the urbanization pressure on the capital city. No legal framework, however, exists for such regional planning as yet.
CHAPTER 2 EXISTING URBAN MANAGEMENT INSTITUTIONS

2.1 Master Planning

2.1.1 Characteristics of Kabul city master plan

The Kabul municipality has a master plan prepared and legislated in 1978, which is the only master plan legally authorized in Afghanistan. In some countries, master plans are legally authorized, and in other countries they are not. In many countries, fundamental urban planning laws are legislated, but master plans for individual cities do not undergo a legal legislation process. The legislation does not always lead to a good result. For the legislation of formulated master plans to bring about good results, the legislation and urban planning capacity must be sufficient and superb. Without the capacity, such legislated plans tend to become inflexible. This is also the case with the Kabul municipality’s master plan of 1978.

As in the case of many other countries, the Kabul master plan is comprised of three levels. Specifically, it consists of a general master plan, 10 structure plans and a lot of detailed plans. It is very common that master plans have multi-layer planning structure from citywide to district-wide plans, and sometimes even to more detailed plans. In UK, “development plans” correspond to such urban master plans, including structure plans and local plans. In Germany, F plans are to define broad policy, while B plans are to regulate land use and building activities in detail. The characteristic of the Kabul municipality’s master plan is that detailed plans’ role is very important and that there are almost no other effective measures to regulate urban land use.

Concepts and definitions of urban master plans are not common in the world. Reflecting specific histories and socio-economic background of different countries, institutional and legal systems of urban planning differ slightly by country. Such urban master plans are called “development plans” in the UK, while it is called as “comprehensive plans or general plans”, and “master plans” respectively in USA and Japan.

A common characteristic of such plans is that they envision future of the respective cities, set out strategic planning policies, and form the basis for detailed policies to be reflected in detail plans (local plans, B plans or district plans). As master plans are regarded as “impermanent constitution” for cities, master plans do not get into detail. The realization of master plans usually rests with several implementation tools, and some differences are observed by country mainly in terms of land use regulation methods, depending on each country’s socio-economic characteristics and historical background. In general, the private sector initiative is highly respected in USA and Japan, while EU countries intend to take the approach of defining details by detail plans by the public sector initiative.

The master plan for the Kabul municipality has a similar composition and characteristics as follows:

- 3-layer planning: (i) general master plan (1:10,000), (ii) structure plans (1:5,000), (iii) detailed plans (1:2,000 or 1:1,000)
- Detailed plans: plan-led realization (directly guiding land use by detail plans)
- No zoning systems as used in USA and Japan

The master plan of 1978 is characterized mainly as drawings. It specifies physical conditions in the future, but its strategy is not explicit.

In addition, the Kabul master plan of 1978 includes the three streams of regulations as follows:

1) Regulation on the Kabul master plan implementation: this is to regulate individual plans and development activities in the aspect of actual implementation of the master plan (1978)

2) Regulation on Kabul city projects settlements: this is to regulate land acquisition, compensation etc., which will have to be done in the aspect of actual implementation of the Kabul master plan (1978)

3) Regulation on sales and distribution of land plots/building properties in the actual implementation of the master plan
All the provisions are general and simple descriptions. They merely show plausible procedures to be followed.

2.1.2 Issues related to Kabul city master plan

(1) No mechanism for implementation, monitoring, evaluation and revision

This issue is already commonly understood among the concerned parties in Kabul. The 1978 master plan for the Kabul municipality was prepared by many national experts with technical assistance of 35 Russian experts. Its preparation started in 1973 and took five years for the completion. Thereafter, no revision has been made. In general, urban, regional and national planning must be constantly conducted, as cities, regions and countries are always changing themselves, sometimes growing or sometimes falling into an urban decline. Urbanization and urban issues should be carefully watched continuously. Future projection of population, economic activities and urbanization are revised from time to time.

Master plans for urban, regional and national development are constantly monitored and evaluated, and responsively revised every ten years or sometimes every five years in response to changes. A master plan should not be treated as a masterpiece or immortal product of works. Since cities are alive and always growing/stagnating/declining, it is of great importance to keep it in mind that urban planning activities should, in principle, be a day-to-day effort for a constantly changing entity. Almost everything expected in the 1970's was already entirely different. For instance, the 1978 master plan was prepared for a population of 2 million targeted for the year 2003. The current population is said to have exceeded 4 million. It is commonly understood that the 1978 master plan is no longer effective to guide current urban development activities in Kabul. It cannot play a role of creating and maintaining desirable urban spaces and environment.

(2) Unclear division of roles and lack of effective coordination

A critical problem is that the division of responsibilities between MoUD and the Kabul municipality (KM) is unclear, particularly in the aspect of the revision of the 1978 master plan. Both parties claim that the mandate for preparation and revision of the master plan is vested with their own organizations, on the basis of the legislations as follows. KM’s claim is based on Article 5 of Municipal Law of Afghanistan, Kabul City Implementation Rule for Master Plan, Decree No.29, 1379 (2000), while MoUD is based on Presidential Decree Number 919, 20-05-1381. While it is more common that each municipality is responsible for preparing its master plan, the limited planning capacity may better be concentrated in MoUD to prepare guidelines for master planning to be used by many municipalities.

(3) Shortages of capacity for planning, implementation, evaluating and revising

Human resources necessary to plan, implement, monitor and evaluate urban development are very limited in Afghanistan. Even if a good master plan is formulated, a good implementation will not be ensured.

2.2 Ongoing Efforts

2.2.1 Zoning ordinance

As mentioned above, the drafting work of zoning ordinance has been recently finished and already approved by the Ministry of Justice, awaiting approval from the President’s Office. These efforts of establishing zoning ordinance as well as national building code in Afghanistan has been made under the technical assistance funded by USA. The government organization concerned is MoUD, specifically the Department of National Building Code and Regulation of MoUD.

After the establishment of the zoning ordinance, the Afghan Government will have to exert substantive efforts to enforce it and make it in wide use among the related parties (e.g., architects, construction companies, real estate developers, technical officers of local government as well as central government
etc.). It will take time before the zoning ordinance will widely spread and come into use. Tremendous efforts of education and public awareness will have to be made, since the official qualification system of architects has not been established yet, and there exist serious shortages of capable engineers and architects, particularly in the public sector due to disparities in salaries.

The zoning ordinance was drafted in reference to international examples in consultation with International Code Council Foundation (ICCF). The ordinance was designed in consideration of Afghanistan’s current situation. The land use classification comprises the following:

- Residential (10 sub-classifications)
- Commercial (4 sub-classifications)
- Industrial (3 sub-classifications)

In each zone, the following matters are regulated: land use, density of building, types of buildings permitted, height control, land sub-division, and provision for greenery.

Among various urban planning laws, zoning ordinance is one of the most fundamental laws to regulate land use, and to guide city development towards desirable directions. It should be closely coordinated with national building code, which is now under preparation. Even after being enforced, both of them will have to be amended in connection with each other. Such refining and revising efforts should continue along with their daily application.

2.2.2 National building code

Legislation efforts for the national building code of Afghanistan is also currently in progress under the assistance from USA. The national building code is a regulation whose objective is to define building standards and to ensure building safety. In view of fire protection, public health, and life safety concern, national building codes must be structured in accordance with social norms and cultural context of the Afghan society. First, the building code is to regulate an existence of a single building. Second, the building code provides regulation for group of buildings as well to ensure safety of multiple buildings on urban scale, in connection with various urban planning laws, particularly with zoning.

In terms of development density, road access and plot size etc., the national building code should be synchronized with zoning and other related urban planning laws. In case of Japanese building code, the third chapter pertains to such regulation of group of buildings. The ongoing draft of Afghanistan national building code rather focuses on a single building safety. However, it does not seem to have sufficient consideration for regulation of a group of buildings. Meanwhile, it will be revised and supplemented in close linkages with zoning, land use and the other urban issues.

As part of elaboration efforts, several workshops have been already held in Kabul for intensive discussions on the draft among government architects, urban and regional planners, professors, disaster prevention specialists and so on. The process is in progress now.

2.3 Institutions Related to Informal Settlements and Land Registration

2.3.1 Existing informal settlements

Informal settlements shelter almost 80% of residents in the Kabul city, covering some 70% of the urbanized area. The Kabul city has experienced massive inflow of people especially after 1990s, and the majority of migrants have been informally housed. While informal housing has prevented a crisis of housing shortages, many illegal activities and disorderly residential expansion were associated with it.

The expansion of housing supply needs to be accelerated in response to continuous inflow of people into the city. At the same time, the living conditions of existing informal settlements should be improved with the formalization of land registration. The majority of informal settlers in Kabul have customary property rights. The key for improving their living conditions is to achieve regularization of customary deeds.
2.3.2 Types of informal settlements

Informal settlements are classified into four categories, depending on the ways of land acquisition: 1) settlements where most houses are built on privately owned land, 2) squatter settlements on public land, 3) settlements where most houses are built on grabbed land or land bought from land grabbers, and 4) settlements where there are ambiguous legal situations. Each type is described.

(1) Settlements on private land

Informal houses built on private land having customary deeds constitute a significant portion of dwellings in Kabul. They are not legal owners in a strict sense, but regarded as de facto owners. They have acquired their ownership for their land through purchase from customary or traditional landowners. Their customary land deeds are usually counter-signed by the Wakil or community chief of the Gozar or sub-district concerned.

(2) Squatter settlements on public land

Many internally displaced people have encroached on public lands and built their houses to form squatter settlements. Some of them are built on steep slopes of hills running throughout the city. In case where the houses are considered dangerous due to landslides and other risks, eviction and transfer of settlers may be directed. In most other cases, the legal status of such squatter settlements is examined, and the original situations of the land before the occupation investigated. Pursuant to Article 1992 of the Civil Code, “dead land” that has no owner shall be deemed as the property of those who had acquired it. The person who makes use of the land shall be considered the landowner once the government permission is obtained.

(3) Land grabbing

Land grabbing by powerful persons took place after the fall of the communist regime in 1992. Land grabbers expropriated the lands not only to build their houses but also to distribute or sell the lands. A series of laws have been enacted already to prohibit land grabbing such as Article 24 of Chapter III of the Decree on Distribution and Sale of Land, and the Decree of Housing Affairs (OG No.794 of 25/6/1421-2000). Land grabbing activities in many cases are politically motivated. Improvement of security and disarmament of militia are considered necessary to effectively control land grabbing.

(4) Ambiguous legal situations

Many Afghan people perceive a customary deed sufficient to prove landownership, especially when the original owner holds a formal document. Legally, however, de facto landowners would have to fulfill legal formalities to regularize their ownership. Legal ownership remains ambiguous even if the land transaction was legal.

Traditional landowners inherited their land from their ancestors and have occupied the lands for more than 50 years. Most of their lands were previously located in villages, which had been incorporated in the city as a result of urbanization. Through the process of urbanization and the development of land market, the lands were informally sold, sub-divided and transformed into urban settlements. Many of the purchasers of these lands hold customary deeds, but they are not legal landowners.

2.3.3 Regularization of property rights and land tenure

Legal protection of property rights and land tenure is a prerequisite for orderly planned urban development, including resolution of issues related to informal settlements. Land tenure regularization should be based on clear-cut and acceptable criteria for determining eligibility. These criteria may include: 1) history of ownership transfers and current ownership recognition, 2) geographic and topographic conditions, 3) proximity and access to infrastructure, 4) justification for public sector intervention, and 5) environmental sustainability.
2.3.4 Community-based land dispute resolution and regularization

For the resolution of land disputes, both formal and informal interventions are necessary. Although formal disputes are numerous in Kabul, most of them pertain to high-value properties. To settle grievances over formal properties among rich people, the Special Land Dispute Court, attorney general’s office, dispute commissions and other formal institutions are used for resolution by mediation. Consequently, customary norms provide an acceptable platform for building accountable and trusted evidences of ownership.

Community-based mechanism is widely operated as indispensable instruments for land tenure issues of informal settlers. Persons of locally acknowledged status such as Wakil of Gozar or mosque leaders play important roles of recognizing and endorsing the ownership of properties, as they know related facts in the community concerned, and the local inhabitants generally follow their decisions.

Evidential documentation of ownership is classified into three: 1) legal deed, 2) customary deed, and 3) unofficial deed. Legal deeds are documents prepared by the courts endorsing inheritance, purchase, gift or other transactions. Unfortunately, they are evidences for wealthier owners as legal regularization costs much more than customary regularization. Ordinary people cannot afford the service fees and tax associated with the legal regularization.

Customary deeds are documents counter-signed by Wakil of Gozar. They are more prevalent in informal settlements. Unofficial deeds are those not recognized by local leaders. Alternatively, evidence of tax payment and water rights (haqaba) may support as valid evidence of actual ownership.

2.3.5 Land survey and cadastre mapping

Afghanistan’s land administration infrastructure was almost destroyed through two decades of civil wars. Land records including property and transfer deeds were lost. Refurbishing activities have been conducted, supported by LTERA of USAID, since 2004 in more than a half of provincial registration courts. Over 6 million documents have been restored and reorganized so far.

The formalization of property claims requires spatial referencing of the land parcels to which the claims apply. Once property rights are assigned to certain parcels of land, registration and administration of rights are required accordingly. For the purpose of fair and accurate identification of the parcels concerned, some level of mapping and boundary description system are needed. At present, ground measurement and boundary delineation are undertaken by traditional methods and plotting. LTERA is currently assisting digital mapping in pilot project areas for land title regularization in informal settlements in Kabul.

The existing deed system is not linked to a cadastre or mapping system. Therefore, the system is not adequate in providing not only complete and accurate information of all land transactions but also exact and clearly identifiable boundaries of land. It is essential to link the registration of land documents to cadastre or parcel mapping as well as compiling those map information by using the state-of-art information technology.

2.3.6 Irregular land occupation and informal land market

All informal settlers in Kabul face insecurity of land tenure and live in fear of eviction. Settlers on grabbed lands belonging to the governments, however, are more vulnerable than those who are living in unplanned settlements, but have customary deeds. Such illegal settlements on grabbed lands have been made either through planned invasions or transfer from families individually taking over public lands to build their houses. Encouraged by inflated housing prices, warlords have been major actors in planned invasions on public lands. Such illegal settlers who bought sub-divided lands from warlords do not have any legal or customary deeds to protect their rights for the property, since Wakil of Gozar would not endorse their transactions.

On the other hand, the customary deeds of informal settlers living on unplanned private lands are usually countersigned by a Wakil of Gozar. The extent of the problems for those with customary deeds is less serious than that of illegal settlers without any customary deeds. In many cases, warlord-provided lands and houses are sold to intermediary brokers and are resold to individuals. In
considering how to deal with settlers on grabbed lands, it is important to make a clear distinction between landlords/intermediary brokers and individual owner-occupiers. While warlords and intermediary land brokers have secured their benefits already from the invasion on public lands, current landowner-occupiers have invested in the property and are potentially in danger of eviction and being bulldozed.

Furthermore these invasions have frequently led to community conflicts between old and new members of neighborhoods. The protesters against invasion and construction, including Wakil of Gozar, district police and municipality officials, have been often threatened or bribed. In order to encourage formalization of such informal settlements by improvement of land registration, it is essential to modernize the legal framework of land registration, to increase public awareness and to strengthen capacity development for the related organizations.

A large percentage of real estate transactions are made through informal market mechanism. Although customary transfers of property ownership through community-based approach under the recognition by local leaders function well, land grabbing particularly in urban areas has contributed to the accelerated expansion of informal real estate market. This is partly due to the fact that the current titling system has not contributed to efficient processing of land titling.

2.3.7 Formal property transfer

In Afghanistan, the function of accrediting landownership is vested in the judiciary, and is exercised through the jurisdiction of the district courts. Such property transfer process has to include the intervention of municipal government and other administrative government offices. The complexity and existence of many concerned administrative organizations have given rise to delay, inefficiency, uncertainty and costs. These are surely discouraging factors for ordinary citizens to adopt formal transfer process, who would then resort to informal and/or corrupt practice.

The property transfer tax imposed for the formal transfer consists of: 1) 1% of estimated cost to the Revenue Collection Office of the Ministry of Finance, 5% of the transfer tax or 6% in case where it exceeds AFN 1 million to the district court, and 1% to the municipality. In total, a buyer or a seller would have to pay 7-8% of the assessed property value. Accordingly, it is common for ordinary buyers and sellers to conclude customary sales agreements for customary deeds to avoid paying taxes and associated fees.

2.4 Institutional Structure of Urban Governance in Afghanistan

2.4.1 Centralized structure of government

Afghanistan is a unitary state, and highly centralized in terms of all three dimensions of administrative, fiscal and political structure. This is one of the main factors causing various problems in terms of urban service delivery and urban governance/management. Such a highly centralized governing and service delivery system is not so unusual in less developed countries, and stakeholders continue to act typically as if the central government is the only source of wisdom and knowledge. It is true that local governments are institutionally very weak at present and desperately need to develop their human resources at the municipal and the village government levels. The central government, however, is institutionally very weak as well.

In contrast to East Timor, El Salvador, Kosovo and other post conflict societies, the pre-conflict organizations of urban service delivery and governance in Afghanistan appears to have been discredited. As a post-conflict society, Afghanistan has responded differently in comparison with these societies. Stakeholders are continuing to act as if there are no decentralized systems to substitute the current centralized system. Many countries in Africa and Latin America previously adopted such a highly centralized governance system as Afghanistan, but after the old administration collapsed due to political and economic downturns, local people have often taken it upon themselves to change the system from centralized to a decentralized one.
2.4.2 Central government organizations pertaining to urban sector

MoUD is the prime actor of the Government in the urban sector. Other ministries and agencies are involved in the urban sector with different functions as follows.

- Department of Local Government, established in 2007 derived from the Ministry of Interior, to oversee the autonomy of municipalities
- Ministry of Finance for revenue control and budget disbursement
- Ministry of Justice for legislating laws and regulations concerning land, urban planning and development
- Ministry of Health to deliver health care services
- Ministry of Education for education services
- Ministry of Energy and Water administering policy for energy and water development and management
- Ministry of Transport overseeing urban public passenger transportation
- Civil Service Reform Commission and Priority Reform and Restructuring for public sector institutional and human resources development and distribution

2.4.3 Sub-national governance and service delivery

The institutional structure of sub-national governance and service delivery in Afghanistan can be divided into four main levels:

(Sub-components of central government)
1) Provinces (wolayat)
2) Districts (uluswali)

(Autonomous organizations)
3) Municipalities (sharwali wolayat)
4) Villages (sharwali uluswali)

The former two (provinces and districts) entities are hierarchical sub-components of the central government, and the other two entities have a certain degree of autonomy.

Territorially, Afghanistan is divided into 34 provinces, two of which were recently created by the present administration immediately before the Presidential election of October 2004. The newly established provinces are Panjshir and Daikundi. As of April 2007, the Central Statistics Office considered there were 364 rural districts and 34 urban provincial urban centers, some of which are divided into nahia or urban districts.

The provinces are not distinctly self-sustaining entities in any legal sense and have a very modest role, formally in terms of decisions concerning their own structure, recruitment of senior staff, size of establishment and workforce composition. In effect, each province is a collection of branches of central government ministries. All decisions on provincial staffing are decided by the parent ministries in Kabul provincial staffing establishments. Administrative and fiscal arrangements between the province and districts replicate the central-provincial relationship. However, provincial officials have relatively little discretion with regard to districts, as the central ministries in Kabul determine the district staffing allocations as well.

Municipalities are evidently different from districts and provinces. There are 217 provincial and rural municipalities in Afghanistan, each having at least 5,000 people. Municipalities are largely self-sustaining entities with responsibility for providing some services (garbage collection, park services, monitoring and management of market etc.) and collecting revenues from local services, property tax, retail licenses etc.

In general, there is one provincial status municipal city or one primary level municipality in each province. Of the seven grade 1 provinces, six have provincial municipalities that are recognized as having some distinctive capacity: Mazar-i-Sharif, Heart, Kabul, Kandahar, Kunduz, and Nangarhar. These provincial municipalities have populations in excess of 500,000. Of those seven
municipalities, the Kabul municipality has a distinctive legal status as a ministry. The other provincial municipalities all have the same legal status.

All municipalities require approval for budget and tashkeel from the Department of Local Government, which was established very recently derived from the Ministry of Interior. Beyond this, however, they are supposed to operate independently. Although the Department of Local Government approves budget, organizational structures and staff numbers, those budgets are completely financed by a range of local revenues. The revenues are regulated by the Ministry of Finance not by the Department of Local Government.

The list of revenue sources is quite long, comprising cleaning and sanitation tax, property tax, property rents (for instance, parking rent business), business tax, property sales and various fees and licenses. It is noteworthy to mention that dramatic increase in urban property prices has increased the amount of urban municipality revenues.

2.5 Existing Institutions for Urban Administration for Kabul

2.5.1 Kabul municipality

The Kabul municipality has far greater independence and autonomy in the aspect of urban governance than other municipalities in the municipal system. It has the status of ministry, by which the Kabul municipality is granted various special treatments for its operation. In particular, the President directly appoints the mayor and senior staff, without any involvement of the Department of Local Government. The organizational structure of the Kabul municipality is shown in Figure 2.1.

Source: Kabul Municipality

**Figure 2.1 Organizational Structure of Kabul Municipality**

Since Afghanistan is a highly centralized and unitary country, the Kabul municipality is responsible for some of urban service deliveries, but not for all. Its responsibilities include the following:
- Implementation of its own master plan
- Construction of canals, ditches, flood protection measures
- Paving and maintenance of roads
- Control of food prices
- Distribution of land plots for commercial and residential purposes
- Housing construction and maintenance
- Cultural services
- Expansion and maintenance of markets
- Road and city cleaning, garbage collection and disposal solid waste treatment
- Park construction and maintenance

However, the Kabul municipality is not responsible for the following:

- Basic and secondary education, controlled by the Ministry of Education through its district offices
- Health care, controlled by the Ministry of Health
- Water supply, controlled by the Central Authority of Water Supply
- Public urban transport, controlled by the Ministry of Transport

In case of other municipalities, the Department of Local Government approves their budget, but this is not the case with the Kabul municipality. Unlike other municipalities, the Ministry of Finance approves the budget of the Kabul municipality.

As mentioned above, the revenues of the Kabul municipality remain within it and fund the expenditures of its own. However, the Kabul municipality has several diverse sources of revenue: rental taxi; safayi tax; market rental, business permissions; imports; 1.0% of profits on traders and establishments; Kabul zoo revenue; NGO tax; income from cinemas and public bathrooms

The budget of the Kabul municipality is comprised of ordinary budget and development budget. In principle, the former is spent for salary and maintenance, and it is procured from its own revenues. The latter is spent for infrastructure development, and it is given from the Ministry of Finance. The ordinary budget occupies 45% and the development budget occupies 55%. For this fiscal year as well as last one, the development budget accounts for approximately US$ 30 million.

2.5.2 Ministry of Urban Development

Afghanistan has been suffering from a lack of the government organization to manage and guide sustainable urban policy. The Ministry of Urban Development (MoUD) was founded in 1992, but thereafter it was reorganized as Ministry of Urban Development and Housing (MUDH). In 2002, it was re-established again as MoUD. It is responsible for urban policy formulation and guidance and supports for municipalities as well as preparation of urban master plans. It is also responsible for housing activity guidance and policymaking as well as actual construction, maintenance and management. In addition, MoUD intends to play a significant role to upgrade informal settlements and to improve land title formalization issues.

MoUD has its headquarter office in Kabul and 7 zonal offices. They are in Jalalabad for the eastern zone, Kunduz for the northeastern zone, Mazar-i-Sharif for the northern zone, Herat for the western zone, Kandahal for the southwestern zone, Khost for the southern zone, and Bamiyan for the central zone. MoUD has 409 employees (72%) at the headquarter office and 156 employees (28%) at the zonal offices combined as of April 2007.

MoUD has 8 directorates: Planning and Coordination, Housing Policy, Building and Construction, National Codes and Standard and Regulation, Urban Development, Urban Heritage, Water Supply, and Administration and Finance. Each directorate is sub-divided into departments. Most of MoUD’s technical staff belongs to the Directorate of Building and Construction, and the Directorate of Urban Development. The organization structure of MoUD is shown in Figure 2.2.
MoUD is not just a policymaking and management organization. It has several practical arms (government enterprises) to pursue actual housing construction and water supply service delivery, which are as follows:

- Government enterprise of CAWSS
- Government enterprise of housing factory
- Government enterprise of Banayee Construction
- Government enterprise of Afghan construction

In general, capacity development and human resource development are serious issues in Afghanistan. Particularly in the aspect of competent professional staff, the human resource shortages are very serious. Therefore, MoUD has some special project units, which are operated under the special development budget. The professional staff of those special project units is employed with international salary standard. These units are SDP (Strategic Development Plans), 26 Dalwa (housing project), IT (GIS tech.), and PIU (Project Implementation Unit).

2.6 Availability of Related Data

In general, statistics and numerical data are very scarce in Afghanistan. Some are obsolete, others are said to deviate from the realities. For example, the census data of CSO differ largely from the estimated population data of many recent urban studies conducted by international donors. Since population statistics is one of critical data for projection and planning in various socio-economic aspects, it will cause difficulty in urban planning studies and various urban service delivery planning: land use, water supply, education, health care, etc.

2.7 Urban Finance

The Kabul municipality’s current annual budget accounts for approximately US$30 million for last the
fiscal year (FY) 1386, of which 45% and 55% are ordinary budget (e.g., salary and maintenance) and development budget (e.g., infrastructure construction), respectively. The budget is substantially dependent on donors’ aids. Their own revenue generated from taxes and other sources is shown in Table 2.1. Although there are various revenue sources, the total amount is only AFN 1,211 million (approx. US$24 million), which is much smaller than the annual budget of US$30 million.

Table 2.1 Kabul Municipality’s Revenue by Source

<table>
<thead>
<tr>
<th>Amount/مبلغ</th>
<th>Income source</th>
<th>Code No</th>
</tr>
</thead>
<tbody>
<tr>
<td>54,166,380</td>
<td>Rental tax (currently not collected)</td>
<td>10000 1</td>
</tr>
<tr>
<td>33,427,777</td>
<td>Market interim rental tax in whole Kabul</td>
<td>11101 2</td>
</tr>
<tr>
<td>1,636,651</td>
<td>Revenue tax 1%</td>
<td>11102 3</td>
</tr>
<tr>
<td>1,202,696</td>
<td>Costume tax %</td>
<td>11103 4</td>
</tr>
<tr>
<td>10,581,184</td>
<td>Live-stoke tax</td>
<td>13209 5</td>
</tr>
<tr>
<td>223,131,309</td>
<td>Cleaning tax</td>
<td>11301 6</td>
</tr>
<tr>
<td>57,893,271</td>
<td>Property deed tax 1%</td>
<td>11304 7</td>
</tr>
<tr>
<td>530,037,887</td>
<td>Land income and city services</td>
<td>15001 8</td>
</tr>
<tr>
<td>166,693,937</td>
<td>Land, parking and markets’ rental taxes</td>
<td>13103 10</td>
</tr>
<tr>
<td>5,260,643</td>
<td>Fine</td>
<td>11701 11</td>
</tr>
<tr>
<td>3,668,199</td>
<td>Cinema income</td>
<td>13201 12</td>
</tr>
<tr>
<td>3,976,707</td>
<td>Zoos and parks income</td>
<td>13202 13</td>
</tr>
<tr>
<td>686,800</td>
<td>Mourning salon</td>
<td>13203 14</td>
</tr>
<tr>
<td>647,310</td>
<td>Sanitation cleaning penalties</td>
<td>13206 15</td>
</tr>
<tr>
<td>565,000</td>
<td>Funeral van income</td>
<td>13207 16</td>
</tr>
<tr>
<td>18,150,534</td>
<td>Engineering fee</td>
<td>13208 17</td>
</tr>
<tr>
<td>73,065,688</td>
<td>Fem taxes</td>
<td>14001 18</td>
</tr>
<tr>
<td>1,664,930</td>
<td>Barbursha garden income (currently not collected)</td>
<td>13214 19</td>
</tr>
<tr>
<td>18,242,939</td>
<td>Unions license, labor license and unions tax</td>
<td>13301 20</td>
</tr>
<tr>
<td>13,365,954</td>
<td>Banner / sign taxes</td>
<td>13306 21</td>
</tr>
<tr>
<td>2,576,157</td>
<td>Negotiable paper income</td>
<td>13212 22</td>
</tr>
</tbody>
</table>

Source: Kabul Municipality
CHAPTER 3  PROPOSED IMPLEMENTING ARRANGEMENTS FOR KMA DEVELOPMENT

3.1  KMA Administrative Structure

3.1.1  Need for better administrative structure

The implementation of the KMA development master plan will face difficulties due to the present administrative structure to govern the Kabul urbanization. Specifically, the following points are noted as possible causes of administrative difficulties:

1) The KMA jurisdiction has neither been defined physically nor legally; and the KMA is defined for the planning purpose by combining the present jurisdiction of the Kabul municipality and the new city area in Dehsabz and Barikab determined tentatively.

2) The jurisdiction of the Kabul municipality overlaps partly with the new city area in Districts 18 and 19 of the Kabul city.

3) The planning for the new city is administered by DCDA under its Board, including as member organizations MoUD and the Kabul municipality in a nested structure so that the involvement of the Kabul municipality in the KMA development is confined to matters related to the new city.

4) There is no institutional mechanism to ensure coordinated implementation of the KMA master plan between DCDA and the Kabul municipality, while DCDA without any track record for implementation would have to cooperate closely with the Kabul municipality and other related implementing agencies from the day 1 of the new city.

These administrative difficulties are compounded by the paucity of capable human resources for urban development and management in Afghanistan in general, and inefficiency and the lack of transparency and accountability for urban management in existing administrations. The Kabul municipality, having the status of ministry, has the strongest administrative authority to manage the Kabul urbanization, and the largest staff capacity covering a wide range of implementation and governance for the Kabul urbanization. These administrative and human capacities have not been effectively utilized for the improvement of urban life and spaces of the Kabul city.

Major re-structuring of urban administration would be necessary to ensure effective implementation of the KMA development master plan. Such re-structuring should be realistic, politically and otherwise, to be implemented in steps, and effective in attaining the long-term goal of the KMA development. Also, specific measures to be taken in steps should be accountable in the sense that their performance can be measured to a reasonable extent. In short, the administrative re-structuring would have to satisfy the following requirements expressed in acronym commonly as SMART (specific, measurable, attainable, realistic, and time-bound).

3.1.2  Alternatives for KMA administrative structure

The population of the Kabul municipality will continue to increase for some time, and the KMA will include not only the existing Kabul municipality but also the new city in Dehsabz and Barikab and some other small satellite cities in future. Many urban problems will not be solved within a capacity of the existing single municipality alone. It will be indispensable for KM, DCDA and MoUD to collaborate for common policy formulation and implementation. The KMA-wide vision and approach will be essential for addressing many urban issues. For instance, when it comes to suitable distribution of population and balanced development with the limited resources, policy makers must have regional viewpoints, and concerted efforts are necessary to realize such development. In some cases, national perspective and national development strategy will have to be taken into consideration as well. Otherwise, it would be impossible to take effective measures and harmonious solutions for the issues such as urban sprawl prevention, nature preservation and agriculture protection, and building region-wide infrastructure.
Looking into this matter from another viewpoint of governance and management, it is commonly observed that world cities have changed their administrative structures, merging adjoining municipalities and expanded the jurisdictions in accordance with population growth and urbanization area expansion. This is a case with Tokyo, London, Paris and New York, particularly during their rapid growth period.

In case of Kabul, the area of jurisdiction should be expanded, comprising the existing Kabul municipality area and the newly expanding area for the new Kabul city in the near future. There will be, however, a risk that uncontrolled urban sprawl may encroach beyond the officially planned area near or beyond the existing Kabul city and in Dehsabz. In this context, it seems that the situation of KMA will sooner or later necessitate the establishment of a region-wide governance structure.

Taking a look at the experience of the metropolitan cities in the world, near-future solution for Kabul is to set up multi-layer structure of governance. A well-known example is provided by the case of London. For London, the Greater London Council was established to play a significant role for many years until the Thatcher administration abolished it. The Blair administration, however, reestablished it in 1999. It comprises 32 boroughs/cities. The population accounted for 7.3 million in 2003. In terms of region-wide London area, there are four-layers: 1) Metropolitan London Area, 2) Greater London Area, 3) Inner London Area, and 4) Central London Area.

The correspondence of this 4-layer structure with Kabul may be as follows:

1) The National Capital Region of Kabul (NCRK) corresponds to 1) Metropolitan London Area
2) The KMA corresponds to Greater London Area
3) The Kabul municipality corresponds to 3) Inner London Area
4) The central districts (D1, D2, D3, D4, D5, D6, D7, D8, D9 D10 and D11) of the Kabul municipality corresponds to 4) Central London Area, respectively

The Greater London Council was established as an institution to discuss common urban and regional matters. After the World War II, the Greater London Council was developed into the Greater London Authority. It had an office and full-time employees. It worked as a powerful regional-wide governing institution.

In recent years, many countries have a great interest in region-wide governance. Some examples are that several concerned municipalities have established a regional association for discussions on region-wide issues. Such regional associations do not usually have an office or full-time employees. In some cases, they have only a small office and a very limited number of employees. Such region-wide associations are established to provide opportunities to discuss on various urban and regional issues and find out common solutions. Whether it might be a loose regional association or a more strongly organized council, member municipalities are strongly aware that it would be very difficult to keep harmonious balance in terms of environment, economic development land use without any collaboration efforts beyond a single municipality.

(1) Definitions of alternatives

The following are the options for the KMA to achieve region-wide governance.

Alternative I

The Kabul Regional Association is established as a region-wide communication/consensus-building organization. Through consultation in this association, the two municipalities for the existing Kabul municipality and the new municipality for the new city may formulate their common policies and implement them individually.
Alternative 2

The Greater Kabul Council (GKC) is established as a statutory body, having its office and full-time employees, to implement projects in coordination with the two municipalities and other district offices. Under the GKC supervision, the two municipalities undertake its urban governance and management separately. The Greater London Council is a referential example although it no longer exists.

Alternative 3

A single metropolitan government is established to govern the region. Under the metropolitan government, the twin cities (two municipalities) should undertake urban governance and management. The Tokyo Metropolitan Government represents a similar arrangement. Under the Tokyo Metropolitan Government, there exist 1) special ward districts (corresponding to former Tokyo City), 2) city status municipalities, and 3) towns and villages within the governing area of the Tokyo Metropolitan Government. In case of the KMA, there will be two municipalities for the existing Kabul city and the new city.

Alternative 4

The Kabul municipality expands its territory to the north with the increased number of districts. The Kabul municipality absorbs most increase of population. As a result, the KMA will become equivalent administratively to the Kabul municipality. No administrative re-structuring would be involved.

Source: JICA Study Team

(2) Comparison of alternatives

The characteristics, advantages and disadvantages of each alternative are summarized in Table 3.1.
Table 3.1 Alternative Institutional Arrangements for KMA Region-wide Governance

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Basic features</th>
<th>Advantages</th>
<th>Disadvantages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kabul regional association</td>
<td>Established as an umbrella organization of all the related administrations -</td>
<td>- Powerful enough if placed under the Office of the President - More stable than council/commission</td>
<td>- Difficult in ensuring balance between member agencies - Dependence on the executing arms of existing agencies</td>
</tr>
<tr>
<td></td>
<td>Legal status needs to be defined</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greater Kabul council (or commission)</td>
<td>Established as a statutory entity with office and full-time employees, but not</td>
<td>- Easier and faster to establish - No changes in municipalities’ role and responsibilities</td>
<td>- Unstable and likely to be threatened by leadership turnover - Difficulty in securing funds for operation and maintenance</td>
</tr>
<tr>
<td></td>
<td>so strong as KMG - Funding from member organizations - Mainly for coordination and project/investment promotion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kabul metropolitan government</td>
<td>Created by legislative measure as a legal entity - Autonomous with minimal supervision</td>
<td>- Most stable organization - Full authority to ensure coordinated development - Allowing municipalities to concentrate on services delivery</td>
<td>- Need for tedious and meticulous process to establish - Danger of being politicized</td>
</tr>
<tr>
<td></td>
<td>- Mandates, power and functions defined as created</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kabul municipality</td>
<td>Established by expanding the Kabul Municipality with additional districts - Same administrative status as the existing one</td>
<td>- Minimal organizational re-structuring involved - No need to establish another municipal institution</td>
<td>- Against ongoing administrative reform with DCDA - Difficult to provide efficient municipal services - Risk of leaving the current problems as they are</td>
</tr>
</tbody>
</table>

Source: ibid.

The fourth alternative seems to be very simple, but it will not bring about any changes. In other words, no improvement or progress may happen. The current contradiction and problem areas will remain as they are. The establishment of the Kabul Metropolitan Government may be an option to be achieved in a long term. It will need sufficient time for discussion and further elaboration and examination in detail. The Greater Kabul Council is easier to establish than the Kabul Metropolitan Government. This alternative will also need further discussion and consensus as well. The Kabul Regional Association is the easiest to establish. Even this alternative may be disputable. After all, nothing will begin without initiating any actions.

In view of implementation possibility, it may be a choice to take a step-by-step approach. First, the Kabul Region Association may be set up to function for coordination and consensus building. In the course of discussions, the time will ripe to establish a legal institution with sufficient power for region-wide governance and management. The Greater Kabul Council may be sufficient to cover the whole aspect of region-wide problems, or it might be necessary in future to establish a very powerful institution with higher status and strong arms over municipalities. To begin with small thing soon may be better than doing nothing.

Most metropolitan cities in the world have changed their administrative structure over time and expanded its jurisdiction as their population increased. It is also observed that the urban administration of large cities in developed countries takes the form of multi-layer structure. Taking a look at the changing and developing process of those cities, the changes have not taken place in just one year or two. Through the process of trials and errors over many years, the changes and expansions have been achieved in a long time. Depending on each country’s situation, the change process varies among countries.

In case of Tokyo, the population of Tokyo has rapidly increased during these 150 years, and its jurisdiction area also expanded by incorporating the neighboring villages, small towns and rural areas into its jurisdiction area (Figure 3.1). In 1889, there were 15 special wards within its jurisdiction area, and Tokyo city continued to grow further and the number of special wards reached 20 as of 1932. Currently, there are 23 special wards in Tokyo.

Once, Tokyo’s organizational structure was very similar to the current situation of Kabul. There
The Study for the Development of the Master Plan for the Kabul Metropolitan Area in the Islamic Republic of Afghanistan

Final Report, Sector Report 10: Urban Planning and Related Institutions

existed the Tokyo city government and the Tokyo provincial government. The Tokyo provincial government included not only the Tokyo city but also rural areas called the Santama area. The Santama are used to belong to the Kanagawa prefecture. However, it was incorporated into the Tokyo provincial government jurisdiction area. That is, Tokyo has evolved into Alternative 3 through the process of undergoing Alternative 4. The case of Tokyo Metropolitan Government is unique in a sense that it includes not only the urban area with 23 special wards but also rural areas (villages, towns, cities and islands).

On the contrary, the 32 boroughs of Greater London Authority include only urban areas. In Paris, the urban conurbation was completely avoided and the Metropolis of Paris has not changed its jurisdiction area (very small at approx.100km). The urban population growth has been absorbed in the scattered new towns and the outer areas that are not physically linked strongly with “the Paris city”.

![Figure 3.1 Development of Tokyo Jurisdiction Area and Its Status Change](image)

In case of London, large region-wide governance began with preparation of “the Greater London Plan” as well as the establishment of the Greater London Council (Figure 3.2). It began as a forum for discussion on common urban and regional matters among related entities, but later it has been developed to become an independent and unitary executing body having a permanent full-time staff and an office. Of the four-layer structure, the Greater London is the most well known in the world society of urban and regional planning, because of the Greater London Plan which was prepared before the World War II.

The London mayor is the head of the Greater London Authority. The Greater London consists of 32 boroughs. Before 1965, the term “Greater London” had been frequently used. The total population of the Greater London in its jurisdiction was 7.5 million as of 2006. Although the Greater London is not a city in the strict sense of the word, it is commonly recognized and regarded as a city. In fact, London and the Greater London can be used interchangeably. As urbanization developed and the London conurbation grew densely, the Greater London was gradually changed from a region of urban conurbation to a mega city. Through this process, the governing body was changed from a regional council to an authority of one mega city. It can be said that the case of London has been developed into Alternative 3 (a metropolitan authority) through the experience of Alternative 2 (Council).

![Figure 3.2 Development of London Jurisdiction and Its Status Change](image)

3.2 Administrative Structure for New City Development

3.2.1 Alternatives for implementing agency of new city development

Taking a look at the current situation of urban developments in Afghanistan, there will be three institutional alternatives to undertake the new city development for Kabul. The first case is that a governmental body is a master developer. DCDA, itself is to undertake the role of the master...
developer, just like the Kabul municipality has been planning and implementing a large scale residential development project to provide 60,000 plots in Bagrami. This scheme is easily recognizable to Afghans. Several residential development projects are currently planned and partly undertaken by municipalities in Afghanistan. However, it is a common sense of business in the world that governmental organizations do not work as efficiently as private entities. The scheme of this first case is likely to result in inefficiency and delay in implementation.

The second case is a public corporation. In order to work efficiently, the implementing agency should be neither ministry nor municipality. From the viewpoint that the implementing agency will have to do land acquisition/expropriation, however, the institutional character of the implementing agency had better belong to the public sector, even if it may not be a municipality or central government. One solution may be a public corporation, which is wholly owned by the Government. Its objective and mission may be specified in the new city development act. This is a usual method for new city development projects in Japan, France and UK.

The third alternative is a combination of governmental authority and a master developer company. Two institutions are separately established for two contradicting purposes. When a public standpoint is required, the governmental authority intervenes as a go-between and work on the issue. On the other hand, if the situation calls for a private sector’s nature, the master developer company becomes involved. Two organizations mutually help each other perform the following tasks, respectively.

a) Governmental authority for:
   - Inter-governmental coordination
   - Authorization of the project
   - Utilization of the budget of Afghanistan government
   - Utilization of funds from multilateral donors
   - Utilization of funds from bilateral donors
   - Land donation from the government
   - Land expropriation
   - Preparation of necessary laws and by-laws

b) Master developers for:
   - Funding from the private sector (not only from local sources but also from foreign sources)
   - Utilization of private sectors’ efficiency and professionalism as developers
   - Establishment of a joint venture of public sector and private sector
   - Coordination of sub-developers

Malaysia’s two new city development projects (Putrajaya and Cyberjaya) adopted this scheme. In order to take a strong initiative and to utilize government fund, an entity of a governmental authority was needed. On the other hand, in order to achieve participation of the private sector, it was necessary to establish a master developer company. In order to invite capital participation from the private sector for the establishment of the master developer, it is recommendable to choose this sort of joint venture between the private sector and the public sector.

3.2.2 Sub-developers to work under Master Developer

Under any alternative, a master developer is to implement infrastructure development (trunk lines of road, water, sewage, electricity, communication network, and big-frame of sub-division works) to do sub-division in large land lots. Thereafter, a master developer should select sub-developers in due process and conducts bulk sale of large land lots to sub-developers with a certain specifications for forthcoming detailed sub-division works. Sub-developers of the private sector should make product design of real estate as well as sales promotion, with a good reflection of market needs and a keen sense of business.

3.2.3 Need to attract private sector

The organization structure is envisaged to implement urban development activities of the new city as follows. Large-scale urban development projects are usually undertaken by joint efforts of the public
sector and the private sector. Since market mechanism plays a decisive role in real estate development activities, the private sector’s involvement is of great importance. The success of the project depends largely on how to organize the private sector in total business structure and to encourage and keep involving them. On the other hand, however, usually in such a large-scale urban development, the public sectors’ strong initiatives are essential. This is also the case in Japan, and other Asian and European countries.

In Malaysia, two large-scale urban development projects commenced in the 1990s: Putrajaya (transfer of national government function) and Cyberjaya (creation of IT city). Both projects have been making progress under strong commitment and direct initiative of Prime Minister Mahatir through the establishment of a development authority and a strong master developer. It is difficult to implement a large-scale urban development project without establishing such an authorized organization as well as participation of the private sector.

In case of the Subic redevelopment project in the Philippines, the Subic Bay Development Authority was set up for the purpose of redeveloping the lands of military bases reverted from USA. Likewise, under the board which makes fundamental decision making as well as high-dimension governmental coordination, the Dehsabz City Development Authority (DCDA) has already been established as the governmental authority to conduct planning and coordination activities, authorize master plan, guidelines for design and development and put them into force. On the other hand, it is evident that the private sectors’ ability and capital are emphatically needed to promote this project efficiently and effectively.

In general, the development of private sector in Afghanistan, however, is still at very early stage. Since socialist countries’ characteristics remain embedded in the Afghan socio-economy, the Government’s role and initiative are still very large and strong. This is also the case with the real estate sector. For instance, residential development is one of the important tasks for the Kabul municipality. In fact, the Kabul municipality is now working on a very large-scale residential development project in Bagrami in District 21. It is planned to provide 60,000 land plots. Although the Kabul municipality is a governmental organization, it is also a real estate developer for this project. The municipality conducted planning (structure plan/detail plans), and furthermore construction of infrastructure and even sub-division of individual residential land lots. As a matter of fact, private developers have not been developed in Afghanistan so far, although construction business sectors occupy a very large share and are very active in Afghanistan. In this context, DCDA will have to consider the engagement of foreign developer partners as well as promoting growth of domestic developer companies.

3.2.4 Relationship between governmental authority and Master Developer

In view of implementation efficiency and transparency, it is preferable to make a clear-cut separation of a governmental authority and a master developer’s roles. The public sector is appropriate and should be responsible for governmental authorization and inter-governmental coordination whether it takes a form of the metropolitan government, prefecture government, city governments or else. Actual urban development activities, however, should be done under active participation of the private sector. During the present stage of planning and coordination, DCDA may play a one-stop-shop role of inter-governmental coordination as well as planning integration and project promotion. Although DCDA appears to assume double functions with ambiguous status, it is convenient and effective at this stage for DCDA to play two roles for the time being until actual development work starts.

In the future, as the development work continues steadily, such an ambiguous status should be rectified. DCDA should be split into two different organizations (Figure 3.3). One organization intends to be the master developer company. The other is grown to be a future municipality organization for the new city. The two institutional characters are entirely different in terms of financial base and legal requirements. The master developer must conduct capitalization from the private sector not only from local sources but also from foreign developers, which a municipal organization cannot carry out. On the other hand, it will become necessary at a certain stage to make preparation for establishment of the municipality concerned, as well. As the resident population grows, urban services should be provided by the municipality to residents. For the time being, while the population scale remains
small, DCDA will be able to substitute for the role of providing urban services to residents. This is only a temporary setup. Sooner or later, the municipality will have to be established in view of urban governance and community management.

Preparation/Planning Stage

- Governmental authority: DCDA
- New Kabul City Development Authority (DCDA)
- Half public/half private: Master Developer

Implementation Stage

- Governmental authority: New Kabul City Development Authority
- New Kabul City
- Institutional character change

Operation Stage

- Municipality: New Kabul City
- Private companies
  - Sub-developer A
  - Sub-developer B
  - Sub-developer C
  - Sub-developer D
  - Sub-developer E

Source: JICA Study Team

Figure 3.3 Organizational Development during Project Progress

In the context outlined above, the institutional development scenario will be set forth as follows.

Stage 1 (Planning stage): DCDA plays two roles: 1) a governmental authority and inter-governmental coordination and 2) a master developer as well.

Stage 2 (Construction stage): DCDA should be divided into two organizations. One is to assume the function of a governmental authority. The other is to play the role of a master developer. The former should be developing into, in future after construction stage, a new municipality, which is developing its organization, function and staff. The latter may become the New Kabul Development Holding Corporation (NKH), which is to work as a master developer.

DCDA is to arrange capital formation for NKH as a JV company of the private and the public sectors. DCDA organizes funding through: 1) donation of land from the Afghan government, and 2) paid-up capital addition (cash) from the private sector.

On the other hand, the authority shall start preparation for establishment of the municipality concerned to cater for urban services to increasing number of residents. There should be a clear-cut role division between the governmental authority and the master developer.

Stage 3 (Operation stage): The newly established governmental authority, which has been playing a role of inter-governmental coordination, should develop itself and function as a pilot model municipality to achieve full decentralization and to provide comprehensive urban services including education and health care. Although it is a municipality, private minded management sense and entrepreneurship should be firmly established as a competent organization. Various experiments of municipal services should be implemented. As this development is very large, the development should take place by stage. All the parts will not be completed at once. The situation to be imagined is “partly completed, partly uncompleted” during the intermittent stage.

For construction of a city, various sectors’ public entities and private developers, and many construction firms should be involved in various works of the project. Figure 3.4 shows the structure of role sharing individually.
In terms of human resources, the master developer as well as the New Kabul City Development Authority (NKCDA) must hire excellent staff with good experience of working with private companies and knowledge on large-scale real estate development projects. Since such advanced urban development projects have not been implemented in Afghanistan yet, international recruitment will be considered necessary as well. The master developer should be institutionally strong and very capable of organizing individual private sub-developers and taking the leadership, while NKCDA (former DCDA) will play a role of a “one-stop-shop” for governmental coordination and international
investment promotion by taking advantage of its governmental authority.

With the view to reducing financial burden for the Afghan Government, the business structure of “a master developer versus sub-developers” will be more feasible. After the master developer undertakes infrastructure development and implement a bulk land lot sub-division, individual land lots should be sold out to sub-developers. The detailed infrastructure construction within such large land lots should be done by private sub-developers in accordance with individual development plans as well as design guidelines to be provided by NKCDA in consultation with the master developer. Such institutional set-up seems to be comparatively advantageous in terms of mustering and integrating the whole efforts of the private sector.

3.2.5 Project sub-division to facilitate management

The size of the new city is very large. The population is planned to grow up to around 1.5 million in 2025. This is considered too large as one new town development project. The whole project of developing the new city should be divided into several new town projects. The several projects will proceed simultaneously under comprehensive coordination by NKCDA (former DCDA). It would be more efficient to achieve the implementation of the huge development by separating into 4-5 projects. In Japan, the size of new town projects is usually for a population of 200,000-400,000 and land area of 2,000-4,000ha. This is also the case with other developed countries.

There are no such mega projects having planned population exceeding one million. The new Kabul city development should better be comprised of several new town development projects. The master developer company should be composed of 4-6 divisions by projects, or the corresponding number of master developer companies should be chosen and appointed for each project, respectively. On the other hand, NKCDA (former DCDA) does not have to be separated into 4-6 units, since it is a governmental body and has to play a role of a one-stop-shop authority. The detail development planning and the project implementation and management should be done for a unit (a new town) of approximately 2,000-4,000ha, which is to accommodate a population of 200,000-400,000.

The new Kabul city should comprise 4 units as follows.

1) Dehsabz South with development land area of 4,115ha and a population of 450,000 in 2025
2) Dehsabz North with development land area of 4,294ha and a population of 480,000 in 2025
3) Paymonar with development land area of 3,393ha and a population of 280,000 in 2025
4) Barikab with development land area of 4,550ha and a population of 220,000 in 2025

In accordance with the spatial grouping, the project implementation and management should be undertaken also for all the four units as shown above. One choice would be to appoint four master developers, one for each development unit. In case of the Tama new town development in Tokyo, two master developers were appointed. The whole size of the development was 3,000ha. This was divided into two portions and the occupancy rate of the master developers were as follows.

- National Public Corporation of Housing and Urban Development (Currently, Urban Renaissance Corporation): 64%
- Tokyo Metropolitan Government: 36%

Since the development of the new Kabul city development is very huge undertaking, it would be appropriate and wise that the project be divided into several portions and that several institutionally strong entities for urban development share the responsibility. As a matter of fact, MoUD has already embarked on a substantially large development project of 26 Dalwa (approx. 500ha) located in Dehsabz North. It is planned that the population of around 150,000 will be accommodated. The Kabul city has begun a study of physical planning for residential development in District 18 and 19, which are included in the area of Dehsabz, as well.

3.2.6 Initial development

The target population of 1.5 million in 2025 seems to be too huge, and the time to realize this development appears to be too limited. It will need a huge amount of capital disbursement for a short period of time. It is no doubt that fund procurement will be the most difficult task for this project.
There have never been any such gigantic new city development projects to be completed in just less than 20 years in the world. In general, the past cases in Japan, the USA and Europe, the planned populations are usually in the range of 100,000-300,000. It has still taken 30-40 years or longer for their construction. Economy will have to give a great influence on such large-scale urban development projects for a period of 30-40 years.

Taking a look at past development projects, it is evident that real estate development business can make rapid progress during economic booms, but a very slow or almost no progress during economic slowdown periods. Furthermore, the world economy has currently become borderless. All the countries’ economies are mutually connected. Taking a look at the current world economy, future outlook seems to be very gloomy. Since the current financial crisis and the economic downturn are said to be so serious, this project will be surely subject to the forthcoming world recession, particularly in the aspects of financial crunch and market contraction. Looking back at the history, there have been many suspended cases in large-scale urban developments. Some of them were bankrupted, cancelled or thrown away cheaply as bad-loan projects.

In this context, the initial development must be of great importance, and it will play a decisive role for project promotion and persuasion of the related parties and financial institutions to believe in the feasibility. The first phase development should achieve a substantial success, and prove to be viable as an actual experiment. The government’s commitment and strong will must be shown in the first phase development.

3.3 Flagship Projects to Establish Strong Economic Development Base for New Kabul

Particularly in case of large-scale city developments, strong base of economic development should be built in the structure of urban development. The formation of economic base must be undertaken as the first priority. Otherwise, people do not reside in the new city. Without economic growth, cities will not attract and accommodate population. It is crucial for new city development projects to establish strong economic base. This is proved in histories of world new city development projects. The stronger the economic base is, the faster is the maturing speed of the new city.

In this connection, several projects are proposed to create the economic base of the new city. Flagship projects should catalyze the rapid development of the new Kabul city and accelerate the drive towards innovative growth of KMA regional economy.

3.3.1 Relocating universities from Kabul city center and attracting foreign universities

It is not necessary for universities to be located in the central part of major cities, and academic researchers and professors do not have to commute to congested downtown areas. In Japan, once universities were located in city centers, but many universities have been relocated to suburbs in the past few decades. This has been strongly guided by the dispersal policy of the government. One of the examples is a new town called the Tsukuba Science City. The construction of the new town commenced in the 1970's and the economic activities started actively with the establishment of the Tsukuba University, the former Tokyo University of Education relocated from the Tokyo city together with various national research institutes and laboratories. These public sector research functions and the university have attracted many private research centers into the Tsukuba Science City.

It is advised that the Afghan Government make effort to attract foreign universities, preferably world-class universities. In fact, American universities have already been invited to Kabul and some are currently operating. Such international academic atmosphere is expected to motivate professors, private researchers and students. One example is Singapore where branch campuses of several foreign universities have been established. Singapore has successfully invited such world-class universities as John Hopkins Medical School, INSEAD Business School, University of Chicago, Business School, Cornell University, and Tisch School of Arts of New York University. There, these institutions have joined 38 foreign-system schools and 3 privately funded schools.

These efforts have been exerted by the Economic Development Board (EDB) of Singapore, a statutory organization in charge of formulating and executing economic development strategies. To create a
strong economic base for the new Kabul city, establishment of an organization akin to EDB of Singapore seems to be indispensable. The organization’s role would be catalytic and complementary, and its participation would be meant to spur new projects in the key industry clusters to be targeted for economic growth. The organization should work closely with other agencies to promote information, and develop human, financial and cultural capital in Afghanistan.

There will be several alternatives by which to establish the organization. One possibility is for NKDA to establish it as a department within itself, and another is through a joint venture between AISA and NKDA.

### 3.3.2 Agro-business parks

Agriculture is the key sector for economic development of Afghanistan. Primary product processing industries will be a promising sub-sector for industrial development. As Dehsabz is substantially large in terms of land area, the new city can accommodate an agro-business center. The center is expected to incorporate agro-business marketing centers, exhibition halls of agro-products, food processing industrial parks, advanced agriculture technology laboratory, etc. Many foreign and local companies in food processing, agro-industries, bio-medicine, etc., are expected to establish centers for R&D activities across the value chain from basic research and transitional research to product testbedding and, in addition, manufacturing bases.

#### 3.3.3 Office parks of Central Asia headquarters

Construction and related sectors have been prospered in Afghanistan in recent years, strongly boosted by vast reconstruction and restoration demand. In Dehsabz, many companies are expected to establish their regional headquarters in Afghanistan and Central Asia to control, monitor and deliver operational support to their regional network for design, distribution, administration, etc. With a broadband network, those companies become able to link regional branches for real time control, marketing strategy formulation, regional customization, distribution network updating, etc.

With the reference to logistics, Afghanistan is expected to become a top logistics hub in terms of in-land transport in Central Asia. The history of Afghanistan proves its advantageous location. Afghanistan should offer world-class infrastructure for inland depot with superb global connectivity. Multi-modal transport infrastructure should be constructed in order to respond to the increased complexity of global supply chain management (SCM). SCM companies should develop innovative new supply chain solutions here in the new Kabul city. In an effort to enhance customs efficiency, the Afghan Government will be required to embark on an ambitious plan for “one-stop system that integrates and expedites permit-related transactions”. It will also incorporate value-added services such as freight management, trade finance and insurance for the larger supply chain community.

#### 3.3.4 Software parks

In the age of information, the internet revolution has been creating a generation of web-based applications that transform business models and the way of communication. Now, information technology (IT) is a common tool for every body. Development of IT industries and IT capabilities has come to be an essential policy target for any countries, not only developed but also developing countries. Afghanistan should also have its finger on the pulse of IT revolution and aim to harness the Internet to serve the global market as well as domestic market. Afghanistan needs to catch up with the world trend in IT development. The new Kabul city should become a venue for IT services, a base of highly skilled IT developers and top-notch info-communications infrastructure.

In this juncture, the new Kabul city should establish the base of human resources development for IT engineers and various talented employees. Establishment of higher education institutions and attraction of foreign schools are essential steps also for the achievement of the goal. In order to accommodate such future talents as well as to attract excellent IT firms from abroad, it should establish beautiful software parks at the heart of the city. The collaboration between IT enterprises and the universities relocated from Kabul would enable the new economy of Afghanistan to establish its competitive edge.
3.3.5 Natural resources hub

Afghanistan is potentially abundant in natural resources. China has launched in a large investment venture for the cooper mining in Ainak. Afghanistan is abundant also in natural gas, and maybe oil as well. Many neighboring countries in Central Asia, Middle East and Russia are resource-rich. In addition, there exist two strong demanding countries of natural resources are just adjacent to Afghanistan: China and India.

As it were, Afghanistan is located in a strategic geographical position, which will enable Afghanistan to be a choice location for natural resource companies. Afghanistan should aim to be the nerve center of natural resources. The center should fulfill global demand of natural resources and create technologies to ensure future sustainability. In this context, the new Kabul city is expected to offer the place for activities by the high profile companies of natural resources. The Afghan Government is hoped to establish the technology center of minerals and materials, which should be dedicated to research on new materials development, metal and mineral processing as well as logistics information and technology.

3.3.6 Relocation of government functions

In general, headquarter functions of private economic activities prefer to locate in the city center, where usually business opportunities abound with good infrastructure. Concentration of economic activities promotes further concentration of economy. Taking a look at the current situation of the KMA, it is essential to establish a strong magnet to induce economic activities into the new city. For the purpose, it has been one of the common methods in the world, to transfer some governmental functions from the city center of the major cities to new locations. For instance, New Delhi in India and Putrajaya in Malaysia are the cases. Since the economic power of Kabul is so strong, the magnet must be so strong for people to think that the new location will be competitively more attractive in comparison with Kabul. It is essential to mobilize and spur urban growth at the beginning phase by transferring some symbolic institutions from Kabul to the new Kabul city.

In contrast with private economies, governments are not behaving in accordance with market mechanism. Governments are working under policy decision. If the Government decides to move from Kabul to the new area, it can be more easily done than attracting private companies into new Kabul area particularly in the beginning phase. Of course, there will be many difficulties to overcome for such major decision-making. It would be a key method to catalyze successful development of a new city.

3.3.7 “Silk Road” theme park

Afghanistan is abundant in historical heritage. Although there was large-scale destruction by wars in recent years, the tourism sector is considered to play a key role for the Afghan economy. Many efforts are now exerted to restore abundant historical heritage sites and superb arts at many tourist spots.

In order to creatively make presentation of histories and arts of Afghanistan, it would be a good idea to develop a theme park featuring “the Silk road”, where edutainment (education and entertainment) can be simultaneously realized through presenting many georama exhibitions and historical shows with state-of-art hi-tech machines. Various entertainment, culture and recreation functions should be installed into places of the new city.

3.3.8 Linkage of Kabul renewal projects with new city development

Redevelopment and renewal are serious issues for Kabul in order to continue growing as a sustainable capital city. Some old urban centers and public facilities need rehabilitation, and other districts will need complete renewal by installing new functions.

In order to relocate some facilities and buildings to somewhere, it is necessary to find new locations. In this connection, the new city will be very useful in linking such redevelopment and renewal projects of the existing Kabul city. While the Kabul city can take advantage of the new city as a relocation
place, the new city will be able to get good tenants of urban traditional entities. The typical examples can be universities, some industries, distribution centers, etc.

3.4 **Legislation of New Kabul City Development Act**

At the outset, the Government should undertake legislation of “the New Kabul City Development Act” for the purpose of authorizing the large urban development project as the nationally approved project and establish a fundamental framework for the new city development. In various aspects of actually implementing the project of the new city development, many difficult issues will be raised. It is essential to make and enforce such a basic law on which the implementation body or the related parties can rely, under the national authorization.

The act shall include the following provisions:

- Objective of new Kabul city development
- Definition of the project and project area
- Outline of the master development plans
- Approval and revision procedure of structure plans and detail plans
- Implementation organization
- Coordination among the government agencies and related municipalities and implementing organizations
- Land acquisition
- Monitoring and reporting of implementation
CHAPTER 4  PROPOSALS FOR URBAN AND REGIONAL PLANNING INSTITUTIONS

4.1 Planning System

4.1.1 Change from prescriptive system to market-driven system

Reflecting many years of socialistic physical planning and implementation, centralized planning, top-down and intrusive approach are firmly built in the urban and regional planning in Afghanistan. The Government and municipalities neither give considerations on spontaneous development initiatives of the private sector nor promote participation of people in urban development. The problems represent the inefficiency and inactiveness in all aspects of urban and regional development and planning. It may cause dissent or dissatisfaction from residents, and may lead to waste of financial resources and time.

The current efforts to prepare detail plans would turn out to be inefficient, monotonous and mediocre in realizing the desirable urban spaces and stimulating innovative economic development. It will result in slackness of market and economy, and a large-scale socio-economic inefficiency. Long time and tedious procedures involved in overall institutions from planning and implementation tend to discourage motivation and participation in urban development activities by the private sector. The rigid and sloppy enforcement mechanism persistently forces the private sector to just comply with the detail plans, without making full use of the private sector’s creativity. These matters imply over-use of, and over-dependence on public resources and insufficient utilization of the private sector’s potential capability. The prescriptive system of planning and regulations might work if all the developments could be achieved by the public sector efficiently and effectively. The reality so far realized in the world, however, will not support this hypothesis.

Fundamental structural change is needed for urban and regional planning institutions in Afghanistan. The private sector’s motivation and creativity must be fully used in the new system. Fortunately, the start of such changes is currently happening in Afghanistan, represented by the effort of introducing zoning ordinance and national building code. The traditional ways of controlling and creating desirable land use depends heavily or solely on detail planning. If the zoning system and national building code are successfully introduced, however, they will provide government officials, developers and constructors with norms, criteria and broad directions for desirable land use and buildings. It is up to people, private developers, and constructors to make concrete plans of urban development for individual sites, complying with zoning ordinance and building codes.

4.1.2 Need for capacity development

It is evident that capacity development is desperately needed for urban and regional planning and development in Afghanistan. In particular, the paucity of professional staff and skilled, well-trained staff is serious. This is the case not only with the public sector (municipalities, national government, sub-national governments, etc.) but also with the private sector (private developers, constructors and planning and design firms). The strategic emphasis should be placed on strengthening capacities for analysis, planning and implementation required for all aspects of urban and regional agenda.

1) Intermediary channels of knowledge sharing and a leading research center

As proposed in ANDS, there is a need for setting up such an organization as “Research and Resource Center for Urban Development under MoUD so that it can be a center for delivering capacity building, while contributing to research for sector development. This is certainly necessary for long-term sustainability of urban initiatives.

It is of great importance to foster intermediary channels of knowledge sharing. MoUD should help create and strengthen associations and network of municipalities for training, technical assistance, and knowledge transfer. This kind of wholesale approach can be used to promote interactions between municipalities under the auspices of the above-said organization proposed in ANDS to be established.
within MoUD. It can be used to encourage knowledge exchanges among municipalities. International donors should mobilize funds for municipal networks and professional urban management associations as a complement to country lending and help such proposed intermediary organizations strengthen and build experiences and knowledge. In terms of needed quantity of human resources in demand, however, it is not sufficient merely to establish such leading role organizations. In addition to such public institutions, MoUD is hoped to promote establishment of private training and education facilities to produce a substantial number of appropriately trained urban sector works force.

(2) National examination and qualification systems

In view of firmly establishing and prevailing new regulatory framework of zoning ordinance and national building code, it seems that strenuous efforts will be needed to educate and train a number of engineers and architects not only in the public sector but also in the private sector. At present, the public sector lacks competent staff to govern and manage a series of works of regulation, instruction and management to function the new regulatory framework. Also, the private sector do not have a sufficient number of capable architects and engineers who can make design and planning in compliance with those regulation of zoning ordinance and national building codes etc. In parallel, MoUD will have to exert a continuous effort of modifying and upgrading the regulations in consultation with other ministries and the private sector, reviewing and evaluating actual performances in the course of putting them into force.

In parallel with capacity development efforts for zoning ordinance and national building code, it is essential to establish a comprehensive system of certifying and qualifying architects and urban planners who are appropriately trained for processing a variety of skills and knowledge to conduct urban and regional planning, and/or to deliver urban governing and management service. The government should set up clear criteria and standards for attestation of skills and knowledge, and enact a law of nationally authorized examination.

(3) Graduate programs or faculties in urban and regional planning

With the reference to capacity development of highly skilled professional staff to lead urban and regional planning of Afghanistan, it is essential to establish a graduate schools and/or faculties of urban and regional planning course within some of the leading universities such as Kabul University or Kabul Polytechnic. At present, neither of them have such faculties. In order to respond to the need of professional staff for urban and regional planning, either one of them or both of them will be needed to produce such professional level human resources to take the lead in the field of urban and regional planning.

4.1.3 Legislation of basic law for urban planning

In order to establish a systematic legal and institutional set-up for urban planning in Afghanistan, fundamental laws and other related laws should be set forth. As cities expand and grow, new settlement areas are constructed and the old areas are redeveloped. Private developers, public development entities and individual citizens are inclined to change land use in suburb areas, willing to undertake urban development projects and/or required to preserve urban heritage in old town center areas.

People’s opinions and views for land use change and buildings will vary, depending on the people’s standpoints and conflicts of interests. Without any policies, guidelines and regulations to guide and control rapid urbanization, urban environment will be deteriorated. In order to prevent such chaotic situations, urban plans need to be formulated to envision desirable development directions. At the same time, implementation tools need to be made available to realize the planned vision. Otherwise, the planned images will remain just a picture. In this context, systematic legal and institutional set-ups for urban planning have been established through many years of trials and errors in any countries.

Taking a look at developed countries’ situations, such legal and institutional set-ups are differentiated
very much by country, reflecting each country’s historical background and urbanization process. Particularly, in the aspect of land use regulation, implementation measures of each country have been varied substantially. It is important for Afghanistan to assess which country’s urban planning laws is most applicable to Afghanistan.

In Afghanistan, the Kabul municipality’s master plan is the only legal urban master plan, but it is not just the Kabul municipality that needs urban planning. All the cities need a solid and consistent base for urban planning activities. The basic law of urban planning is to provide a systematic set-up that would enable individual cities to work on urban planning and realize the planned visions. Afghanistan has not legislated such a basic law to guide all the cities’ urban planning works to be done with due process and objectives. Since Kabul is not the only city in Afghanistan, such a guiding national law is indispensable for urban governance authorities as well as urban residents to formulate urban plans with a certain quality standard.

Examples of the basic law in developed countries are as follows:

- Urban Planning Law, Japan
- Standard State Zoning Enabling Act/Standard City Planning Enabling Act, USA
- Town and Country Planning Act, UK
- Code de Urbanism, France
- Baugesetzbuch, Germany

In general, these basic laws of urban planning comprise the following contents:

- Objectives of urban planning
- Definition of urban planning and its contents
- Legal procedure of urban planning (responsible entity, participation of residents)
- Regulations to be enforced in urban planning (e.g., land use, architecture building and development activities)
- Urban facility construction projects (implementation entity, cost sharing etc.)
- Land expropriation

Table 4.1 presents an overview on the structure of urban planning (basic law, master plan, urban facility planning, land use regulation, urbanization regulation system, etc.) in several countries, Japan, USA, UK, Germany, and France.

| Table 4.1 Comparison of Urban Planning Systems in Selected Countries |
|----------------------|------------------|-----------------|------------------|------------------|------------------|
|                      | Japan             | UK              | USA              | Germany          | France           |
| Basic laws           | Urban planning law | Town & country planning act | Standard zoning enabling act, standard city planning enabling act | Baugesetzbuch | Code de urbanism |
| Master plan          | Municipality’s master plan | Development plan (structure plan & local plan) | General plan (e.g., CA), comprehensive plan (e.g., NY) | Städtebauliche entwicklungsplan (F plan) | Schema directeur (SD) |
| Urban facility planning | Planning authorization of urban facilities | Determined by development plan | Official mapping (F plan) | Flächenutzungsplan (F plan) | Schema directeur (SD) |
| Land use (general)   | Zoning development permit | Planning permission | Zoning, subdivision control | Bebaungsplan (B plan) | Plan de occupation des sols (POS) |
| Land use (by project)| Special block, comprehensive design block, redevelopment block plan, super block | Action area, enterprise zone | Planned unit development regulation, incentive zoning, transfer development rights, special | Vorhaben und erschließungsplan | Zone d’aménagement concerte |
| Urbanization regulation | Urbanization adjustment area | Green belt | Rural, area, conservation area | Aubenbereich | Zone d’aménagement naturelienag |

Source: JICA Study Team
4.1.4 Master plans

The significance of master plan is widely understood in many countries, although the names differ from country to country. Master plans are essential to guide land use in an orderly manner, to construct necessary urban facilities without causing conflicts, and to make responsive measures to projected population growth. In Japan, it is called the “master plan” as it is, while it is called “development plan”, “general plan or comprehensive plan”, “F plan” and “Schema directeur d’aménagement et d’urbanisme” respectively by UK, USA, Germany and France, respectively.

In general, urban planning in developed countries includes two or three-layer urban planning system (Table 4.2). A master plan is to envision future direction and physical images, while a district plan (detail plan) shows detail land use and, in some cases, empowers to regulate land use (Table 4.3).

<table>
<thead>
<tr>
<th>Country</th>
<th>Provincial level</th>
<th>City level</th>
<th>District level</th>
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<tbody>
<tr>
<td>England</td>
<td>Structure plan</td>
<td>Local plan</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>F plan</td>
<td>B plan</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>SDAU</td>
<td>POS</td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>General plan</td>
<td>Stads plan</td>
<td>Byggnads plan</td>
</tr>
</tbody>
</table>

Table 4.3 Policy Plan and Regulation-empowered Plan

<table>
<thead>
<tr>
<th>Germany</th>
<th>UK</th>
<th>USA</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy plan</td>
<td>F plan</td>
<td>Development plan</td>
<td>Comprehensive plan or general plan</td>
</tr>
<tr>
<td>Regulating plan</td>
<td>B plan</td>
<td>---</td>
<td>Zoning</td>
</tr>
<tr>
<td>Other regulatory measure</td>
<td>Building permission</td>
<td>Planning permission</td>
<td>Building permission</td>
</tr>
</tbody>
</table>

Source: ibid. (Tables 4.2 and 4.3)

The master plan of the Kabul municipality is composed of a general plan, 10 structure plans and many detail plans. It represents a unitary type urban planning system to include both broad development plan and detail district plans. The master plan includes the three sorts of regulation provisions: 1) regulations on implementation projects, 2) regulations on land acquisition, and 3) regulations on distribution and sales of land plots and buildings. These regulations provide very general descriptions and plausible procedures to be taken in master planning. To date, however, there has been no legislation of zoning regulation, no building code and no public facilities manual. This is why all the urban planning matters have to be regulated by individual detailed plans. The role of detail plans is very heavy in the aspect of regulatory framework. The master plan has to cover many functions from broad urban development directions up to detail land use regulation.

It seems to be excessive that the master plan should cover all the functions of urban planning and land use regulation. Furthermore, the master plan is legally authorized. It is good to have a legal power, but it sometimes leads to inflexibility to cope with constantly changing situation. It would function well if legal statutory body, local government and central government have sufficient capacity and they may be well coordinated. Cities are always changing. Future projections must be revised frequently.

In many countries, master plans’ role is to formulate macro planning and broad urban policies. Master plans are usually prepared by municipalities not by central government in many countries. Master plans are approved and authorized by municipal assembly, not by national parliament. Urban development trends are incessantly changing and future projection of population and economy are constantly reviewed and frequently modified. Provided that urban master plans are legally fixed, it is likely to cause inflexibility in the face of always changing factors. In the case of the Kabul municipality’s master plan of 1978, it is legally authorized. In fact, however, the legal power does not automatically guarantee all mighty power of implementation. If any, it seems to be more important to establish due process from planning to implementation as well as necessary capacity development. Even if the master plan may be a legally authorized one, master plans would not be
implemented and future vision would not come into action without due process and necessary capacity
development.

Master plans are sometimes said to be “impermanent constitution”. Master plans do not directly
regulate individual urban development activities, although master plans have indirect influential
powers. If urban planning laws are legislated as the basic law, and if various implementation
methods such as zoning and national building codes are firmly established, all the matters of urban
planning and land use do not have to be attributed to master plans. A set of multi-layer urban
planning structure and various implementation measures should work systematically for the purpose of
urban management. MoUD is now working on establishment of Afghanistan zoning ordinance and
national building code. These tools will play an essential role of providing regulatory framework for
land use and urban development activity.

In this context, the following issues should be discussed thoroughly.

- Do master plans have to be nationally legalized or not?
- Do master plans have to take care of all the matters from broad policies to detail land use
  regulation?

4.2 Implementation Methods of Urban Planning

4.2.1 Introduction of zoning and realistic regulatory framework

With the reference to the implementation tools, there are mainly two streams of tools. One is public
initiative construction projects to build urban infrastructures of roads, water supply networks and
sewage. The other is regulation measures: zoning map, official mapping, building permission and
detail plans. Although urban infrastructure construction projects are not varied among countries,
land use regulation framework and tools differ significantly by country. Some countries are not
inclined to make detailed land use plans the by public side, but to provide regulatory framework.
Others formulate detail plans and control land use directly with the detail planning maps.

USA and Japan take approach of providing a certain building limitation, but respect citizen’s initiative,
not defining detailed land use, while EU countries take approach of defining detailed land use by
district plans (B plans or POS). Among the EU countries, Germany and north European countries are
regarded as taking stricter approach. England’s approach is more generous. France, Italy and the
Netherlands are regarded as between both sides.

So far, Afghanistan seems to have intended to pursue European countries’ type land use regulation.
Detailed plans would have all mighty functions to regulate land use, but the efforts have not been so
successful. Taking a look at the current situation of urban land use in Kabul, detailed plans could not
be so effective to regulate land use in order. In 2001, MoUD embarked on the preparation of
Afghanistan zoning ordinance and national building code under the assistance of USA. Zoning is a
main regulatory method to harmonize land use in accordance with the master plan in the US. Zoning
and master plans are two main tools for urban planning in the US. In addition, sub-division control
and official mapping are also important methods to put urban plans actually into practice. Zoning has
been used as a major regulation tool of urban planning for many years in Japan as well.

In view of improving urban planning in Afghanistan, the following will be candidate tools to provide a
solid basis for guiding urbanization and individual urban development activities.

Zoning ordinance

Zoning is a new tool for Afghanistan. The draft ordinance has been already approved by the Ministry
of Justice awaiting presidential approval. It is expected to strengthen the realization of urban plans.

Theoretically, the primary purpose of zoning is to segregate land uses that are thought to be
incompatible. Zoning aims at preventing new developments that are harmful to existing residents or
businesses. Zoning is legislated and controlled by local governments such as municipalities or
counties. The structure and regime of zoning, however, are defined by state or national government.
In comparison with detail plan method, the important difference is that zoning is not to show a desirable future image directly, but to lead urban development activities in an intended direction with guidelines prescribed by zones. Zoning will define possible facilities or buildings that are allowed on particular site. In contrast, the detail plan approach is to fix future land use directly with the planned map in detail.

Zoning may guide building activities as follows:
- Acceptable land use on particular lots (residential, industrial, agricultural commercial or open space)
- Densities of development (low-rise detached house or high-rise apartment buildings) in terms of floor area ratio (FAR)
- Proportion of building coverage area / land area, in terms of building coverage ratio (BCR)
- Height of buildings
- Location of buildings (setbacks)
- Provision for parking

Zoning codes have evolved over years as urban planning theory has changed and policy priority has shifted. In recent years, segregation-oriented zoning is not so popular. Mixed-use approach is more preferable

For Afghanistan, the legislation of zoning ordinance will be an important step, but it must be kept in mind that further efforts are needed for actual realization of effective zoning in urban planning. For instance, training of public-side administration staff, education and training of architects and construction/developer firms would be required as well as qualification system and institution, public awareness, detail application and permission procedure etc.

Detailed plans

A detailed plan represents a plan-led method. Germany is a typical country to use detailed plan (B-plan) as main regulation measures for urban planning. Detailed plans are prepared in accordance with the basis and guidance to be provided by master plans. While master plans (structure plans, general plans or development plans) sets out broad development strategies and broad land use plan, detailed plans are to define concrete land use in detail. It is a plan-led approach that directly indicates future land use in detail. Detailed plans’ disadvantage is the length of time taken in their preparation and adoption. It needs a lot of manpower for formulating each detailed plan. The detail plan system functions well if urban governance authorities have sufficient capability, human resources and time allowance. On the contrary, in many cases, such urban governance authorities cannot afford to spare so much time and money for preparing detailed plans. Private developers, construction firms or individual builders are much more motivated to spare time and energy for preparation of detailed land use plans than bureaucrat planners.

Zoning provides open and clear criteria for citizens. The zoning system and regulatory mechanism have strong advantage of stimulating the private sector’s motivation and commitment for urban development activities and achieving their novelty and originality in planning and developments. Provided that zoning is used as main regulatory framework for land use, it is not necessary to define detailed land use for the whole area by many detail plans. It will enable to save time and energy of the public sector.

Taking a look at Japanese case, zoning is used as general framework for land use regulation. However, Japan still uses the detailed plan method in addition to zoning in many special occasions. A detailed plan has an advantage of direct enforcing power for land use and building shape in detail. This advantage will strongly take effects for special occasions of urban development/renewal. Zoning is not appropriate to define and regulate building plans in detail. Even USA uses such similar schemes as detailed plans for PUD (Planned Unit Development) and TDR (Transfer of Development Right).

In many cases of urban planning, direct and strong public interventions prove to be more effective in many occasions of urban planning than indirect suggestion of desirable land use by zoning. For Afghanistan, this is not an issue of selecting one or the other. Afghanistan is not forced to choose
either one, but has only to take advantage of both. To date, Afghanistan has been dependent solely on the detailed plan method. From now on, Afghanistan must introduce and use zoning as well. It will take substantial time for Afghanistan to become capable of making full use of the zoning regulatory framework. Therefore, it will be a realistic option to take an approach of prevailing zoning system stage by stage (Figure 4.1). Still, Afghanistan people must take advantage of detailed plans’ merits.

A General plan  
Broad policy for land use regulation. It does not directly regulate individual developments.

Structure plans  
Compared to detailed plans, it is more detailed than general plan. But, it still does not have actually compelling power to directly and concretely binding.

Zoning  
General method for land use regulation. To be used for special occasion.

Detailed plans  
To be used for special occasion.

Transitional introduction

Stage 1:  
1) Regulated mostly by detailed plans
2) Zoning shall be introduced as pilot projects in some parts
3) Detailed plans: regulating almost 80~90 percents

Stage 2:  
1) Regulated by half and half
2) Zoning coverage ratio shall exceed 50%
3) Zoning: 40~60%, Detailed plans: 40~60%

Stage 3:  
1) General regulation method shall be zoning
2) Zoning coverage ratio shall reach almost 100%
3) Detailed plans shall be used as special measures

Figure 4.1 Hierarchy and Composition of Land Use Plan Measures and Transitional Introduction

4.2.2 Detailed plans to be continuously employed in special cases

As shown above, even after the zoning coverage ratio reaches almost 100%, detailed plan methods should be employed for special purposes. Since a detailed plan has a unique feature that cannot be covered by a general regulatory framework of zoning, the advantage of using the detailed plan scheme will remain. For instance, such cases include strategic development projects, mixed-use urban redevelopment, land adjustment, normalization projects for illegal/informal settlements, and historical urban heritage preservation.

In Japan, 10 types of detailed plans are used in special cases of urban planning and development. In Afghanistan, the types of detailed plans that may be defined to deal with various cases are suggested in Figure 4.2. Other types of detailed plans may be needed in different cities. Criteria and procedure to define the types of detailed plans should be established by relevant law and/or municipal ordinances.

Figure 4.2 Types of Detailed Plan Applicable to Afghanistan
4.2.3 Area division system

One of the most essential tasks for municipalities in controlling urbanization is to monitor and manage conurbation areas of cities. In Japan, the area division system was introduced around 40 years ago to delineate the urbanization promotion area (UPA) and urbanization control area (UCA) as defined below.

**Urbanization promotion area (UPA)**

In the UPA, farmlands may be converted to urban land use. Public investment on major infrastructure and public facilities are prioritized. Zoning regulation maps cover the entire areas in the UPA.

**Urbanization control area (UCA)**

In the UCA, any urban development activities are prohibited except for some exceptional cases such as agricultural facilities, housing for farmers’ family and shops for daily needs of neighborhood residents. In principle, public infrastructure investment cannot be allowed in the UCA.

Similar regulatory measures are used in many countries. Typical examples are summarized in Table 4.4.

<table>
<thead>
<tr>
<th>Country</th>
<th>Regulatory system separating UCA and UPA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Area division system (&quot;line-drawing&quot; system)</td>
</tr>
<tr>
<td>France</td>
<td>Zones agricoles, zones naturelles et forestieres</td>
</tr>
<tr>
<td>Germany</td>
<td>Ausenbreich (external area)</td>
</tr>
<tr>
<td>UK</td>
<td>Green belt</td>
</tr>
<tr>
<td>USA</td>
<td>Subdivision control</td>
</tr>
</tbody>
</table>

It should be recognized, however, that just establishing and enforcing regulations/laws are not sufficient to prevent disorderly urbanization. The effort to raise public awareness about compliance is indispensable.

4.2.4 National building code

The national building code, in principle, is to provide a regulatory framework for a single building in view mainly of structural strength, sanitary safety and fire hazard prevention. The Afghan building code, when it is revised, would better incorporate such chapters that would provide regulation of a group of buildings in accordance with urban planning laws. To be included in the code are: 1) building uses in relation to each zone, 2) relation between buildings and access roads, 3) disaster prevention considerations by district, 4) building set-back requirements, 5) landscape, architectural façade and building height control, especially for urban heritage, and 6) natural landscape with buildings.

4.2.5 Strengthening building governance

(1) Building application and confirmation

The national building code is indispensable to ensure building quality, safety of buildings and healthy urban environment. However, even if a building code is established and put into force, it would not work as effective measures without a system to check its implementation and compliance in accordance with the building code and other related laws and standards. It is essential to institutionalize the checking system for both “before building” and “after completion” as follows.

**Before building:** Those who wish to build any building submit application to the municipality concerned.

**After completion:** The municipality dispatches an inspector to check whether or not the building completed comply with the plan, the building code and other related laws.
In the Kabul municipality, when a person is going to construct any buildings in the planned area, the person must submit an application to the municipality before undertaking the building activity. After construction, however, it is not necessary to undergo a check by a technical person dispatched from the municipality. For building activities in the unplanned area, no such pre- or post-construction procedure exists as no construction activities are allowed in the unplanned area. In reality, however, many people build houses in the unplanned area without any permit. Whether or not the location of the land plot is in the planned area, builders must submit an application for any building activities.

(2) Pre-construction certificate
The municipality concerned should issue a pre-construction certificate after the official check of planned buildings. The certificate should be put on the front-wall of each building during construction so that every citizen as well as the governing officials can easily monitor whether or not the buildings are in compliance with the permit.

(3) Post-construction certificate
The municipality concerned should issue a post-construction certificate after the official check of the buildings completed. The certificate should be put on the front-wall of each building to show that the building has been completed in compliance with the building code and related regulations. This kind of social system should be established to ensure proper building governance, supported by not only the governments but also by citizens.

4.2.6 Public facilities manual
The Department of National Building Code and Regulation of MoUD is now preparing a draft “Public Facilities Manual.” The preparation of road manual has just started. The following facilities are expected to be covered in steps:
- Transport facilities such as roads, railways, parking, and bus terminals
- Public open space such as urban parks, plazas and cemeteries
- Urban services supply networks such as water supply, and electricity distribution lines
- Disposal networks such as sewerage, and solid waste disposal sites
- Water bodies such as rivers, canals and ponds
- Education facilities covering primary, secondary, higher education and others
- Health care facilities such as hospitals and clinics

4.3 Measures for Informal Settlements
Informal settlements pose a major challenge for planned urban development of Kabul as they account for some 80% of Kabul’s urban population and 70% of residential land area in the city. This situation is due directly to the lack of effective master plan, but in fact more deeply rooted. Illegal land occupation and informal land sub-division are still rampant in Kabul as there exists widespread poverty in the city. Informal housing is in fact the means to provide affordable housing for the poor in locations convenient for commuting, shopping and schooling.

Therefore, a comprehensive approach should be taken to address the informal housing issues following the ANDS strategies. The ANDS earmarks 50% of households in informal settlements to be regularized with tenure in parallel with upgrading of public services and facilities. The approach should be based on the recognition of the following.
- Basic stance: upgrading and improvement rather than eviction and elimination
- Regulatory framework for informal settlements
- Persistent effort to improve land governance
- Application of land adjustment method
- Detailed planning for special needs area
- Participatory approach
- Potential roles of municipalities
4.3.1 Basic stance
Given the magnitude of informal settlements and rational choice by the poor, only realistic solution to the informal housing problems should be upgrading and improvement rather than eviction and elimination. International donor communities as well as the Afghan Government have the view that the basic direction is a *de facto* policy of upgrading and legitimating of informal settlements. It has been demonstrated by the Kabul Urban Reconstruction Project, UNHABITAT project funded by EC and land tenure regularization program by USAID.

Although the current housing situation is not ideal, informal settlements are more preferable than the lack of houses. The basic recognition should be that housing is not only provision of shelter and asset, but also encompasses a whole process of living that should integrate people in the current reality of society and economy. The vast majority of informal settlements (approximately 90%) are located on flat lands, and many of them exhibit similar characteristics to planned settlements. Plots in informal settlements have similar size or are often larger than those in planned settlements. Houses in informal settlements are also very substantial. They no way resemble, as it were, ordinary shanties present in many other developing countries.

4.3.2 Regulatory framework for informal settlements
In general, rules and regulations often prescribe very high social and physical infrastructure standards, particularly regarding land, infrastructure and housing delivery, which cannot be implemented and enforced. It is mainly because they are neither affordable to the municipalities’ financial situation nor to the populace. It is essential that urban and regional policy makers and implementers must keep it in mind that regulatory framework should be responsive enough to the basic needs of the urban poor. The basic direction of regulatory reforms for the informal settlements and the urban poor is to develop pragmatic and functional rules and regulations towards less prescription and proscription, more flexibility and simplicity and increased transparency in their enforcement.

4.3.3 Persistent effort to improve land governance
Access to land is the basic condition for housing the residents in Kabul. However, the current reality is that formal acquisition of a plot of land is very difficult for the vast majority of the urban poor of Kabul. Access to land, registration of land and permission of land development involve time-consuming and costly procedures making the legal system difficult to access. USAID has been exerting strenuous efforts for regularization of land tenure in Afghanistan for these several years. Many significant lessons and implications have been accumulated through the implementation process. Provided that customary deeds are available in the community, they may be converted to official deeds steadily. Accumulation and digitalization of land information are also promoted by self-efforts of the Afghan government as well as by donors’ technical assistance. However, it is also important to raise public awareness for the necessity of land registration. As a matter of fact, some improvements of land information and registrations are now in progress under their contribution.

The efficiency of urban land markets will be another factor essential to promote access to land by the urban poor. It is essential to study on how the market mechanism has been working with the emergence of informal settlements, how to utilize positive potential for municipalities for the purpose of achieving efficiency of land delivery mechanism, and how to make the mechanism work in a transparent and market-oriented manner.

4.3.4 Land adjustment
Land adjustment is a method to change and improve disorderly developed lands into orderly conditions. The improvement and upgrading will be undertaken as the shape of land plots and their locations are changed (Figure 4). The area of each land plot will be reduced to provide lands for road-widening and infrastructure provision. The land value, however, will increase even if the land plot areas may decrease. This method can be applied for the purpose of providing infrastructure and
improving residential environment.

4.3.5 Detailed planning

The planned urbanization approach with detailed plans has been revised and innovated from time to time in many countries including Japan. The specialization and diversification have taken place in recent years in the world, depending on the country’s situation and needs. In this connection, detailed plans may potentially be evolved into a specially revised scheme for improving and upgrading information/illegal settlements. A case in Japan is shown in Figure 4.4.

Depending on its particular needs, the Kabul municipality may formulate a municipal ordinance to define a detailed planning scheme to set forth a procedural framework and establish a legal basis for implementation. Such planning scheme is expected to be effective in terms of accountability and consensus building as well.

<table>
<thead>
<tr>
<th>Detail Plans, generally and frequently used for urban environment improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public facilities development promotion type</td>
</tr>
<tr>
<td>Efficient land utilization type</td>
</tr>
<tr>
<td>Urban housing development promotion type</td>
</tr>
<tr>
<td>Floor-area-ratio transfer type</td>
</tr>
<tr>
<td>Building shapes coordination type</td>
</tr>
<tr>
<td>Redevelopment promotion type</td>
</tr>
<tr>
<td>Large-scale store development promotion type</td>
</tr>
<tr>
<td>Rural detail plans</td>
</tr>
<tr>
<td>Roadside detail plans</td>
</tr>
<tr>
<td>Disaster prevention block improvement detail plans</td>
</tr>
</tbody>
</table>

Source: ibid.

Figure 4.4 Detailed Plans for Special-use Areas in Japan

4.3.6 Participatory approach

In planning and implementing the upgrading and improvement of informal settlements, participatory approach will play increasingly more important roles. The participatory approach in a genuine sense is planning and implementing with local people and communities. It offers cost effective ways to
improve the living conditions in informal settlements by mobilizing local resources endowed in respective communities. This would reduce the administrative and other costs on the municipality side. To effect the participatory approach, administrative staff should be trained on how to work with the local people and communities. This would call for fundamental change in perception on the part of administrators, who, as experts, are used to dictating what is good for the communities.

### 4.3.7 Potential roles of the municipalities

Municipalities are responsible for providing various urban services, coordinating activities by implementing agencies, issuing building permits and monitoring building activities, and licensing business operation usually for formal economic activities. Whether formal or informal, an increasingly more important role of municipalities would be facilitation of community initiatives. In particular for formalizing and upgrading informal settlements, municipalities would have to work closely with the private sector, NGOs and other stakeholders as well as local residents. This kind of role is quite different from conventional roles of prescriptive planning and direct intervention in implementation.

Another important role of municipalities is to ensure that urban land markets would function properly. The presence of land markets responsive to needs is an essential condition for the private sector-led urban land development. Municipalities should undertake monitoring of land prices and land transactions so that efficient use of limited land resources will be promoted and illegal land transactions prevented. By regularizing the land tenure for informal settlements as part of formalization, the residents would have valuable assets that can be used to improve their living conditions by their initiative.

### 4.3.8 Use of housing developers

Since Afghanistan has the characteristics of a socialistic country in its economic, political and social systems, the role of the public sector has been considered to be significant in providing housing to the populace. As a matter of fact, however, the role of private developers in illegal, semi-legal, or informal land markets has also been important. They have, in fact, provided housing plots more cheaply and in much greater quantities than the public sector and legal private developers. The plots and houses supplied by them are more accessible and reasonably priced for the urban poor in Kabul.

In general, the consumers choose their houses considering such factors as access to opportunities for employment and children’s education, transport, rooms and living space, security of tenure, basic infrastructure and service provision, future prospect of the property value, and prices (affordability). Good quality or well-marketed products sell better and penetrate the market more deeply, as it is the principle of market. For the consumers, the best combination of these factors seems to be more important than legitimacy.

The Government and municipalities should monitor and watch illegal activities of housing. The main task of the Government is to provide an environment that promotes sound competition, efficiency and participation. It is important to enforce a discipline and legitimacy in the housing market. On the other hand, how to promote sound growth of private housing developers is also an indispensable element to alleviate the poor housing conditions. The commercialization or commoditization of low-income housing is far more important and regarded as the effective and efficient means for better housing.