

Afghanistan

Data Collection Survey on Urban Development
in
Afghanistan

Final Report

March 2023

Japan International Cooperation Agency
T. & Associates, Inc.

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List of Abbreviations:

Abbreviation	English Description
ANDS	Afghanistan National Development Strategy
ANPDF	Afghanistan National Peace and Development Framework
ARAZI	Afghanistan Land Authority
AUWSSC	Urban Water Supply and Sewerage Corporation
CRIDA	Central Regional Independent Development Authority
DCDA	Dehsabz Barekab Development Authority
FAO	Food and Agriculture Organization
GDP	Gross Domestic Product
HCC	Housing Construction Corporation
HDI	Human Development Index
HDR	Human Development Report
IDLG	Independent Directorate of Local Governance
IMF	International Monetary Fund
JICA	Japan International Cooperation Agency
KM	Kabul Municipality
KMADP	Kabul Metropolitan Area Development Plan
KSP	Kabul Solidarity Program
KUDF	Kabul Urban Design Framework
LR	Land Readjustment
LRUR	Land Readjustment Urban Redevelopment
M/M	Man-Month
MAIL	Ministry of Agriculture Irrigation and Land
MUDL	Ministry of Urban Development and Land
NPP	National Priority Program
NSIA	National Statistics Information Agency
PO	Plan of Operation
R/D	Record of Discussion
SDF	Strategic Development Plan
SW	South West
U-NPP	Urban National Priority Program
UN-Habitat	United Nations Human Settlement Program
UNDP	United Nation Development Program
UR	Urban Redevelopment
US\$	United States Dollar
USAID	United States Agency for International Development
WDI	World Development Indicators

Introduction

This information gathering and verification survey started in November 2020, and was originally scheduled to end in September 2021. Although the security situation in Afghanistan had been worsening, the premise of the survey was that the Ghani regime would continue to exist for the time being. However, with the complete withdrawal of U.S. forces in September 2021 just around the corner, the Taliban suddenly expanded their influence from June and July, and took control of local cities one after another. Neither at the end of 2020, when the study was started, nor in early August 2021, just before the Taliban invaded Kabul, was expected that the Taliban would overrun the capital city of Kabul in mid-August 2021. This was a situation that not only our country, but even the U.S. did not foresee.

On the other hand, in July 2021, the draft and final reports of the survey was completed, and had almost finished the survey items and contents that were initially set, when the study team was faced with the unexpected situation of the collapse of the Ghani government and the establishment of the Taliban government took its place. In addition, it seems that it will take some time for the Taliban regime to be recognized internationally due to the rapid development of the situation. In light of these circumstances, it is not appropriate to redo this survey from scratch. Therefore, this study is based on the understanding of the situation up to just before August 2021, before the Taliban took control of the capital city of Kabul, and the final report has been prepared.

CHAPTER 1 STUDY BACKGROUND AND OBJECTIVE

1.1 Contextual Background

The rapid population influx into urban area has been progressing in Afghanistan. The population in the capital Kabul was about 1.5 million in 2001, which was estimated to have reached to about 4.52 million in 2016. According to the population projection of the United Nations (UN), 2019, the urbanization rate of Afghanistan will reach 50% in 2060. Although the population growth is continuing at a level that exceeds the absorption capacity of the cities, effective measures of urban development and urban environment improvement have not been taken in appropriate timing. As a result of rapid population influx in urban area from countryside, basic infrastructure has remained underdeveloped. Currently about 70 percent of the residential area of Kabul City is unplanned area. Under this situation, the continued increase of urban poor has had an adverse effect on the sustainable growth of urban economy. Therefore, municipal government considers suitable urbanization and urban environmental improvement as a top priority for Kabul city.

In this context, the Government of Afghanistan (GoA) ranks urban development as the most important issue in ANPDF (Afghanistan National Peace and Development Framework) (2017–2021). GoA has exerted strenuous effort to formulate urban development program in National Priority Program (NPP). As 2021 is the last year of the target period of ANPDF, GoA has begun preparation of development strategy for the post period of ANPDF. In fact, GoA has been legislating new related laws and regulations for urban planning and urban development as well as formulating Kabul Urban Design Framework (KUDF).

Above all, JICA has been extending technical assistance to Kabul Municipality in recent years in the aspect of introducing land readjustment and urban development (LRUR) in Afghanistan. As a result, national laws and regulations and KM's byelaw/ procedure have been established. Thanks to this legal back-up, KM has launched in planning and implementation of LRUR projects. The government has strong expectations that the LRUR will be an effective tool for the formalization of unplanned urban areas, Ministry of Urban Development and land (MUDL) intends to prevail LRUR to local cities throughout Afghanistan, MUDL is faced with difficulty of achieving the aim. It is also deemed as essential for MUDL and local municipality to enhance capacity of planning and implementing LRUR. With the reference to the issue of informal settlement, it is imperative to promote regularization of informal settlement as well as to implement drastic reform of land ownership administration and management. Provided that the number of repatriated refugees would increase and that urban environment problems would be worsen, GoA will have to make furthermore effort for regularization of informal settlement and prevention of rampant expansion of informal settlements throughout Afghanistan. Therefore, it is essential to strengthen technical capacity of MUDL and the other related organizations.

So far, JICA's technical assistance have been conducted to Kabul Metropolitan Area. There have been accumulated abundant stock of information on Kabul Metropolitan Area. However, JICA does not have sufficient knowledge on local major cities. It is regarded as imperative to update the latest information on MUDL as well as to obtain information on major local municipalities. In order to consider future technical cooperation projects, it is necessary to obtain and analyze such issues and information, and it is also necessary to carefully examine the preparatory items for assistance requested by the Afghanistan side. It is also necessary to analyze the current priorities for urban development, as the GoA is in the process of updating its development strategy.

1.2 Study Objective

JICA intends to gather necessary information and formulate JICA's technical cooperation program for urban development for the forthcoming decade in view of strengthening technical cooperation effect furthermore. As GoA is analyzing current context and revising ANPDF, it is timely also for JICA to formulate such technical cooperation program for urban development. For example, it is worthwhile to conduct study on how to prevail the knowledge and experiences acquired in Kabul City so far to Afghanistan as a whole. This study is to look into the matter of current bottlenecks, urban development solutions, technical cooperation directions and methods, and candidate priority projects. With the reference to housing for low-income class, JICA's technical cooperation was involved in the course of conducting plan formulation study of Dehsabz New City Development of KMADP. Housing is included as one of key matters for MUDL as well.

As MUDL submitted its official requests to Japanese Government through the Japan Embassy in Kabul, this study will review the official request paper. It is necessary for JICA Study Team to obtain related information on Afghanistan urban development sector, mainly concerning (i) LRUR, (ii) zoning system (iii) housing for low-income class and (iv) large scale mixed use urban development, etc. After conducting analysis on those obtained information, JICA Study Team will formulate next decade technical cooperation program.

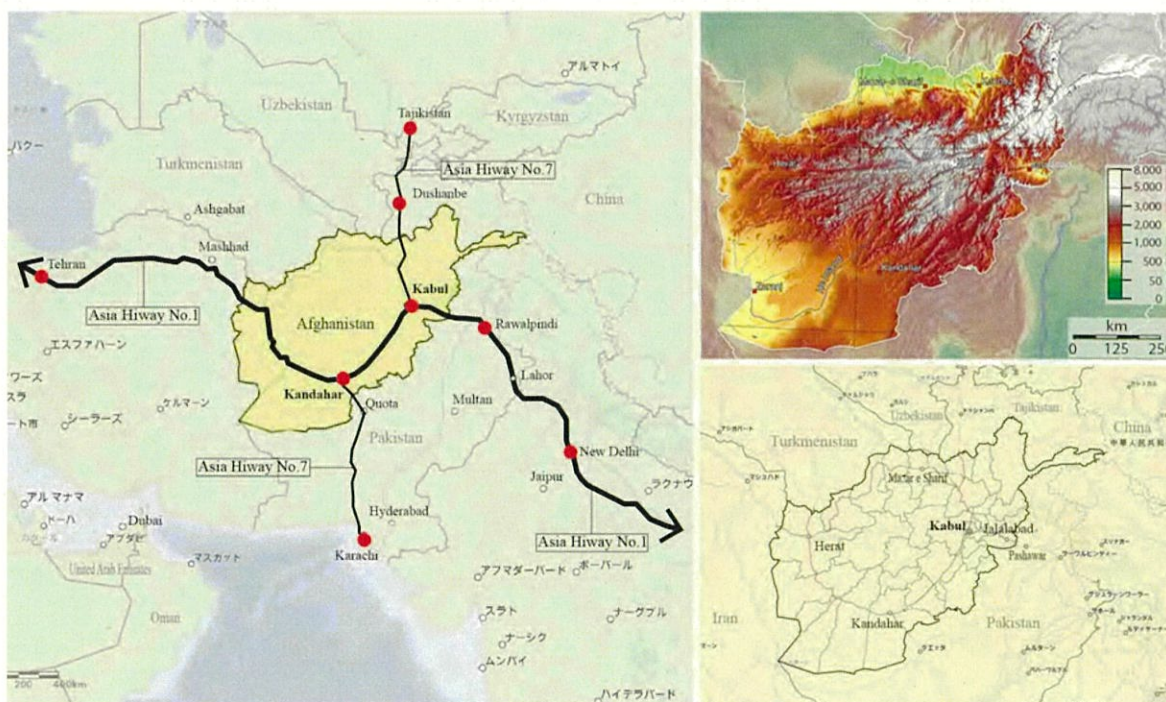
CHAPTER 2 OVERVIEW ON SOCIO-ECONOMIC SITUATION

2.1 Geographical Location and Geopolitical Situation

Afghanistan (National land area: 652,860 km²) is a land-locked country and located in Central Asia. For the countries of Central Asia which are located in the north from Afghanistan, Afghanistan is an opening gate which extends to Indian Ocean. For the countries of South Asia which are located in the south from Afghanistan, Afghanistan is on the route to go to Central Asia. Afghanistan is located at an important crossing-point between Central Asia and South Asia. Afghanistan has been the strategic important place in the geopolitics. As a result, many tribes have invaded this place. The history of this place is rise and fall of many dynasties and kingdoms. The two thirds of the national land of Afghanistan are highland. Afghanistan is confronted with the mountain range of Hindu Kush and the Highland of Pamirs in the northern side, fertile plains and plateaus lie on the northern side and deserts on the southwest side.

The Capital City, Kabul (1,030 km²) lies on Kabul Basin. It is located at the southern foot of the Mountain Range of Hindu Kush. The altitude is 1,800m. Kabul Basin (Around 500 km²) is surrounded by low rocky mountain (300 – 500m high from the flat part). Kabul River runs through Kabul City. The land has been formed by fluvial deposits of Kabul River. As the three land plates impinge on one another at Kabul Basin in terms of geoscience, it is, as it were, the zone of active fault being developed. Therefore, earthquakes happen there although not frequently as in Japan.

Afghanistan is land-locked, bordering on many countries: Pakistan, Iran, Turkmenistan, Tajikistan, Uzbekistan, Herat and China. Therefore, Afghanistan local major cities (Herat, Mazar-e-Sharif, Kandahar and Jalalabad) have been developed as trade center (Oasis city). They are still playing the role of gateways to Afghanistan from those countries. Taking a look at domestic connection, those local major cities are connected with Kabul by major trunk roads.



Source: Draft Kabul City Master Plan (JICA) and JICA Study Team

Figure 2-1 Geographical Location of Afghanistan and Geopolitical Significance

2.2 Population, Urbanization Rate (Ratio of Urban Population) and Local Major Cities' Population

As of 2019, the national population of Afghanistan accounts for around 38 million, according to “World Development Indicators (World Bank)”. After the expulsion of Al Qaeda, a significant number of overseas Afghan refugees returned to Afghanistan. They returned mainly from Pakistan and Iran. Such mass influx of refugee returnees has accelerated rapid increase in the population of Afghanistan. To date for a quarter century, it exhibits an approximately twofold increase. Meanwhile, the influx pace of the refugee returnees has been slightly slow down in recent years, due to deterioration of unstable security situation in Afghanistan. However, the natural increase of the population is still very high (As the total fertility rate is 4.47 as of 2018, the national population increased by more than 30% for these ten years (2009 – 2019)). The total fertility rate of neighboring country India is 2.2 (FY2020), Bangladesh 2.0 (FY2020), and Pakistan 3.4 (FY2020). Compared to these countries, Afghanistan has a very high total fertility rate, and the base of population growth in this country is very fast. In addition, the internal influx of population from countryside to urban area (IDPs), searching for economic activities and urban services etc., has been continuing. As a result, the urban population of Afghanistan has been growing at the pace of 4% per annum. Afghanistan Government has announced its prediction that the urban population of Afghanistan would exhibit twofold increase for the forthcoming 15 years, in its strategy paper: Urban National Priority Program (U-NPP) 2016 – 2025 which was issued in May 2016 (The National Priority Program NPP is a national program to address national policy issues in a cross-organizational manner across ministries and agencies. The U-NPP is a national priority program in its urban sector, which aims to strengthen urban governance, develop urban economy, build urban infrastructure, promote housing supply, and promote urban-rural partnership and cooperation.) This means that the population increase in urban area will be around 300,000 per annum. As a result, it will cause highly strong housing demand in urban area in Afghanistan. Afghanistan Government will have to take responsive measures in the aspect of urban planning and housing supply. If they are insufficient for market demand, informal settlement grow at rapid pace.

Table 2-1 Increase Trend of National Population/ Urban Population of Afghanistan

Year	2005	2010	2015	2017	2018	2019
National population (annual growth rate)	25.7million (3.8% /year)	29.2million (2.7%/year)	34.4million (3.1%/year)	36.2million (2.6%/year)	37.2million (2.4%/year)	38.0million (2.3%/year)
Urban population rate (annual growth rate)	22.7% (3.5%/year)	23.7% (3.7%/year)	24.8% (4.0%/year)	25.2% (3.5%/year)	25.5% (3.4%/year)	25.8% (3.3%/year)

Source: WDI=World Development Indicators (World Bank)

Table 2-2 The number of refugee returnees from abroad

AFY	AFY2005	AFY2010	AFY2015	AFY2016	AFY2017	AFY2018
Refugee returnees from abroad	514,100	113,000	68,600	94,600	58,800	15,700

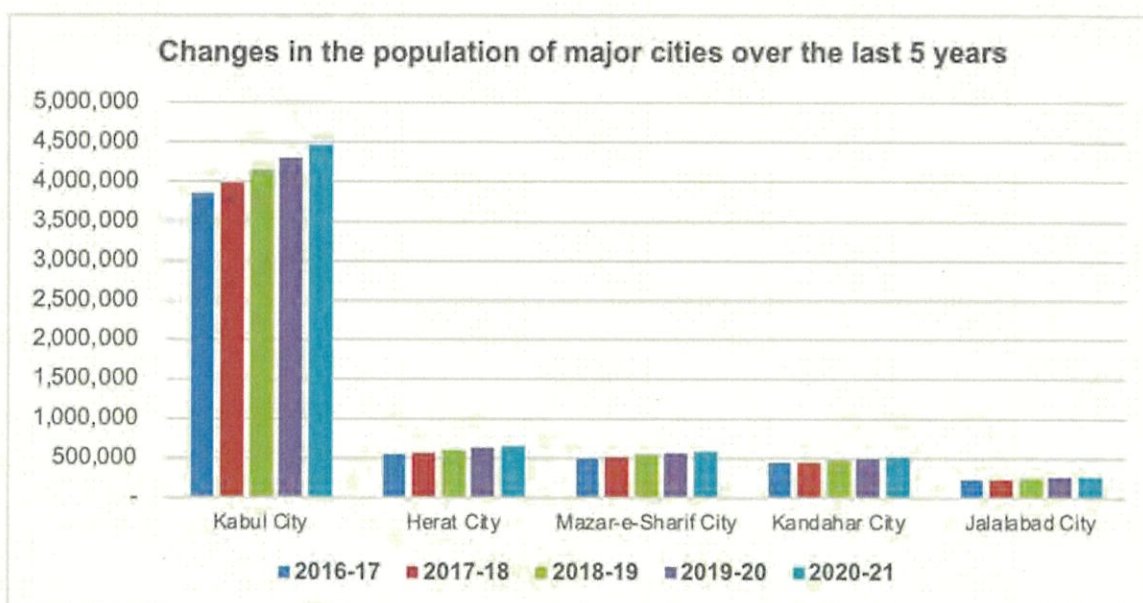
Source: Afghanistan Statistical Yearbook 2018-2019 (Afghanistan National Statistics and Information Authority: NSIA) Afghanistan Fiscal Year (AFY): March 21 – March 20 next year

Each city's population is estimated by NSIA by every AFY. Table below shows the recent trend of each city's population (Kabul and 4 major local cities), according to NSIA.

Table 2-3 Population of Kabul City and the Other 4 Major Local Cities

	2016-17	2017-18	2018-19	2019-20	2020-21
Kabul City	3,839,580	3,984,343	4,141,165	4,297,482	4,459,463
Herat City	561,759	578,305	612,877	632,206	652,114
Mazar-e-Sharif City	505,070	519,748	550,163	567,271	584,886
Kandahar City	448,262	461,864	490,820	506,794	523,259
Jalalabad City	237,792	244,972	260,212	268,637	277,321

Source: Estimated by Afghanistan National Statistics and Information Authority (NSIA)



Source: Prepared by JICA Study Team with the Estimated Data by Afghanistan National Statistics and Information Authority

Figure 2-2 Population of Kabul City and the Other 4 Major Local Cities

The population of Kabul City is around 10% of the national population and dominantly larger than those of the other major cities (Herat, Mazar-e-Sharif, Kandahar and Jalalabad). There is no local city whose population is estimated to be more than 1 million. On the other hand, the population of Kabul City is estimated to account for 4.46 million as of AFY2020-2021. The population of Kabul City has increased by around 500,000 for these four years (3.84 million → 4.46 million). The annual increase rate is around 3.8%. The population increase rate of the major local cities is almost the same as Kabul City. Therefore, the population of Herat City, that of Mazar-e-Sharif City and that of Kandahar City are projected to exceed 1 million in 12 years, 15 years and 17 years respectively.

2.3 Socio-economic Situation

The nominal GDP of Afghanistan grew very rapidly after expanded rapidly after the expulsion of Al Qaeda. The nominal GDP grew from US\$ 4.37 billion (2002) to US\$6.17 (2005). It was around 40% increase in three years. Then 5 years later in 2010, it accounted for US\$15.33 billion (2010). It grew up

to 2.5 times more in 5 years. Thereafter, it continued to grow rapidly and reached US\$20.64 (2014). After the peak of 2014, however, the growth of nominal GDP resulted in leveling off or slight decrease. As of 2020, the nominal GDP accounted for US\$19.00.

With the reference to the nominal per capita GDP, it has been on the similar trend for the same period. The nominal per capita GDP continued a rapid growth for about 10 years from 2002 to 2013. Then, the rapid growth came to a standstill and the nominal per capita GDP has been fluctuating around US\$500 for about 5 years. Taking a look at the purchasing power parity, it substantially increased from US\$1,045 (2005) to US\$2,136(2015) for ten years. It is about twofold increase. However, the per capita purchasing power parity has been on the same level or slight decrease trend. As of 2020, the per capita purchasing power parity is US\$2,073.

The main industry (2014-2015) is the tertiary sector (Services), which contributes about 50% of GDP, and the logistics and communication sector (Transportation, Storage, and Communication) accounts for about half of the tertiary sector. The tertiary sector (services) contributes about 50% of the GDP, and the logistics and communication sector (transportation, storage, and communication) accounts for about half of the tertiary sector. The primary and secondary sectors (agriculture and industry) each contribute about 20% of the GDP. Agriculture is mainly grain, while the secondary industry is mainly manufacturing and construction (NSIA, 2020). The construction industry, in particular, has boosted economic growth due to economic cooperation from abroad and persistent demand for housing construction.

Table 2-4 Growth Trend of Afghanistan Nominal GDP

	2005	2010	2014	2015	2019	2020
Nominal GDP (US\$) (annual increase rate as compared with the previous year)	6.17 billion US\$ (19.8%)	15.33 billion US\$ (27.0%)	20.64 billion US\$ (2.3%)	20.22 billion US\$ (▼2.0%)	18.88 billion US\$ (2.6%)	19.01 billion US\$ (0.7%)
Nominal per capita GDP (US\$) (Annual increase rate (constant 2010 US\$))	248.05 US\$ (15.8%)	532.07 US\$ (23.5%)	629.92 US\$ (▼0.9%)	599.35 US\$ (▼4.9%)	507.29 US\$ (0.3%)	499.44 US\$ (▼1.5%)
Per capita purchasing power GDP (US\$) (Annual increase rate (constant 2010 US\$))	1,044.59 US\$ (11.4%)	1,607.60 US\$ (6.7%)	2,119.91 US\$ (5.5%)	2,135.84 US\$ (0.8%)	2,200.54 US\$ (3.4%)	2,072.89 US\$ (▼5.8%)

Source: IMF statistics 2005, 2010, 2014, 2015, 2019, 2020

Table 2-5 Breakdown of Afghanistan Nominal GDP by industry (2018-2019)

Breakdown of GDP by industry		Composition ratio	Increase rate	Total
Agriculture	Cereals	6.5%	▼10.3%/year	20.5% (▼10.3%/year) 302,450 million Afs
	Fruits	3.3%	▼15.9%/year	
	Livestock	2.7%	▼9.5%/year	
	Opium	2.4%	0.0%/year	
	Others	5.5%	▼28.9%/year	
Industry (including construction)	Mining and quarrying	1.1%	5.8%/year	23.5% (7.6%/year) 347,050 million Afs
	Manufacturing	10.6%	1.5%/year	
	Electricity, gas and water	0.1%	▼5.5%/year	
	Construction	11.7%	12.6%/year	
Services	Wholesale & retail trade, restaurants & hotels	8.1%	1.7%/year	51.5% (1.2%/year) 761,596 million Afs
	Transport, storage and communication	24.6%	▼0.2%/year	
	Finance, insurance, real estate and business	1.0%	▼1.8%/year	
	Ownership of dwellings	2.8%	8.0%/year	
	Community, social and personal service	0.7%	▼0.4%/year	
	Government services	12.9%	5.9%/year	
	Other services	1.5%	▼19.0%/year	
Total				95.4% (▼0.3%/year) 1,168,060 million Afs
Taxes on imports				4.6% (▼0.2%/year) 67,612 million Afs
GDP at Market Price				100% (2.2%/year) 1,478,707 million Afs GDP per Capita 748 US\$

Source: Afghanistan Statistical Yearbook 2014-2015 (NSIA)

“HUMAN DEVELOPMENT REPORT 2019 (United Nations Development Program)” explicates that human development is comprised of three basic aspects (long and healthy life, access to knowledge and living standard). The human development indicator (HDI) is an index which shows degree of comprehensive attainment of three aspects. Afghanistan is ranked as the 169th country from among the 189 countries in the world. Afghanistan belongs to the 4th group of countries which is the lowest group from among the 4 classified groups.

Most of the index which show living standard are evaluated as low level, although we can find gradual improvement in terms of health, medical care, education and fundamental urban facility. In general, it would be necessary to improve all the index. Needless to mention, security will have to be improved. We should also take note that there is serious disparity between the sexes in terms of education and employment. Such disparity will have to be reduced from the viewpoint of sustainable growth.

Taking a look at fundamental urban service of Kabul Municipality (KM), the service delivery situation is generally regarded as low level. The problem of water is particularly serious. In Kabul City, although the rate of access to water resources and sanitation facilities has improved, Kabul citizen highly depends on wells and underground water. In addition, many households must spend time and effort to secure safe water. The technical standard of waste water treatment is very low in Afghanistan. Few people can get access to better-conditioned sanitary facility. Furthermore, since solid fuel is usually used for cooking and home heating, air pollution and its effect on health condition are seriously concerned.

Table 2-6 Index of living standard level of Afghanistan

Index	Numerical value	Date sources
Nominal GDP (growth rate)	US\$19.01million (0.7% per annum), [2020]	IMF
Nominal Per Capita GDP (growth rate)	US\$499.44\$ (-1.5% per annum), [2020]	IMF
Main classification of industry (Occupancy rate of GDP)	Service (51.3%), Agriculture (24.3%), Industry (20.9%), [2014–2015]	ASY
Increase rate of consumer price index (CPI)	2.3%, [2018-2019]	IMF
Human development indicator	0.51 (169 th /189 countries), [2019]	UNDP
Average length of life	64.5 years old [2018]	WDI
Total fertility rate	4.47, [2018]	WDI
Per capita GNI (converted to purchasing power parity)	2,153 \$ (constant 2011 international \$)	WDI
Poverty ratio	54.5% [2016]	WDI
Literacy rate of those who are 15 years old or more	43.0% [2019]	WDI
Employment ratio	45.7% (male75%, female16%) [2011]	WDI
Unemployment ratio	11.1%, [2019]	WDI
Access ratio to water resource/ sanitary facility	Water resource 55.2% (78.2% in urban area) Sanitary facility 31.8% (45.1% in urban area)	WDI

Source: WDI=World Development Indicators (World Bank), HDR=HUMAN DEVELOPMENT REPORT 2015 (UNDP)

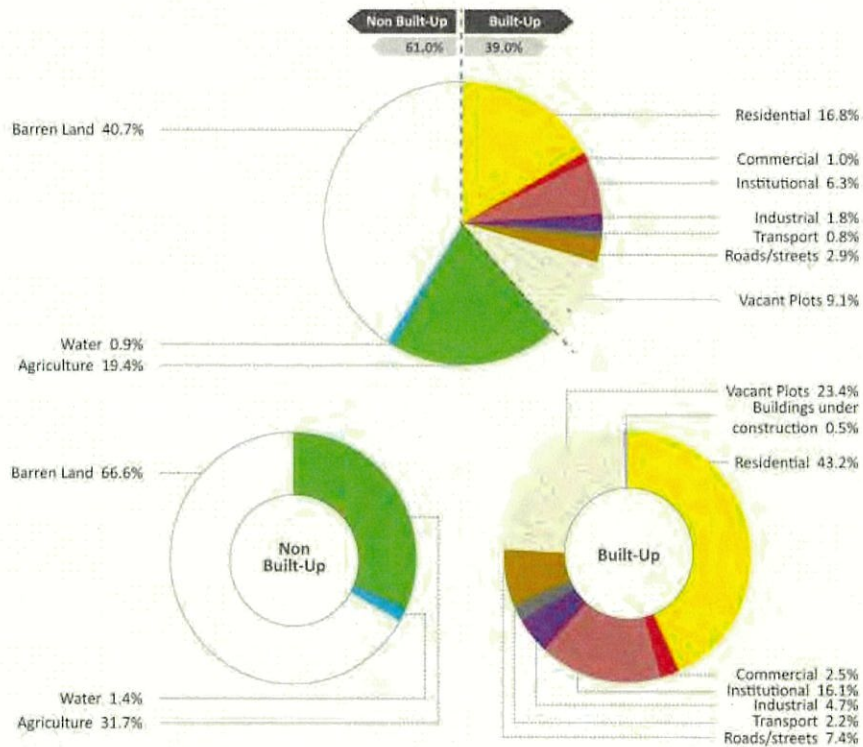
CHAPTER 3 CURRENT SITUATION OF KABUL CITY AND RECENT EFFORTS FOR URBAN PLANNING AND DEVELOPMENT

3.1 Land Use of Kabul City

According to “STATE OF AFGHAN CITIES 2015 (UN-HABITAT)”, the land area of Kabul City accounts for 103,049ha, of which 40,143 ha (around 39.0%) are already built-up area. The rest of the land area (61.0%) is non-built-up. It is comprised mainly of agriculture land (19.4%) and barren land (40.7%).

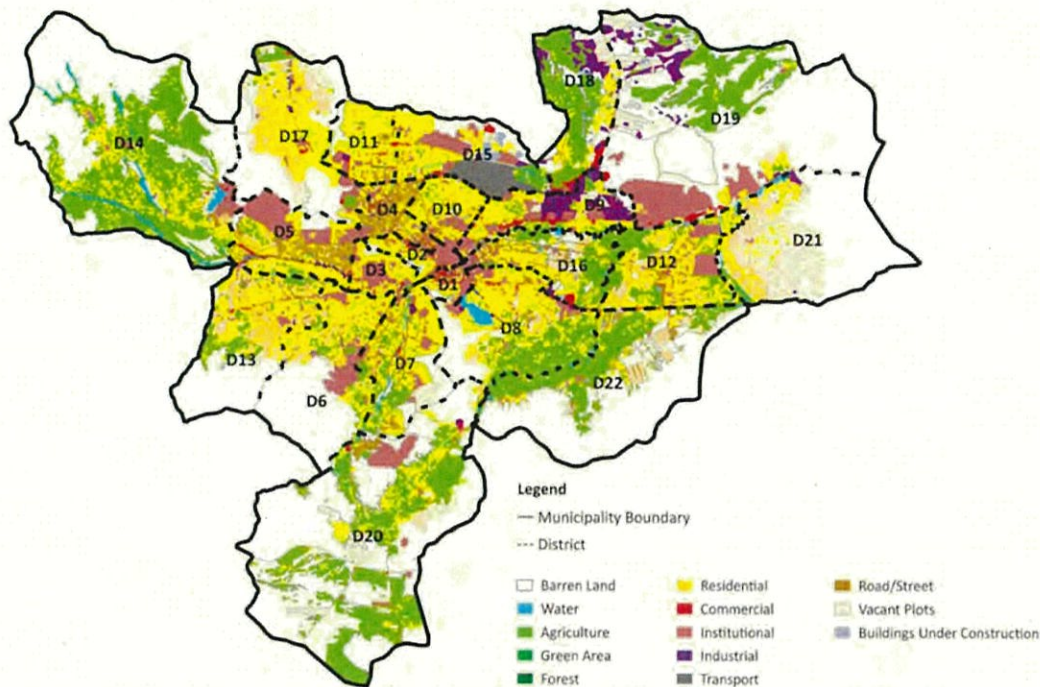
Looking into the built-up area (40.7%), residential land use is predominant, occupying 43.2%. It is followed by institutional land use (hospital, education facility, government offices etc.): 16.1%, industrial land use: 4.7% and commercial land use: 2.5% etc.

One of the characteristics is that the land of vacant plots (9,391ha) occupies substantial share (23.4%) in the breakdown of the built-up area. Such land of vacant land plots exists mainly in District 17 and District 21. Approximately 40% of such land exist in the two districts. The area of 9,391 ha (vacant land plots) means such quantity of lands which can potentially supply residential land for 150,000 units on the assumption that average residential land plot is 300m²/unit.



Source: STATE OF AFGHAN CITIES 2015 (UN-HABITAT)

Figure 3-1 The Breakdown and Composition of Current land Use of Kabul City



Source: STATE OF AFGHAN CITIES 2015 (UN-HABITAT)

Figure 3-2 Current Land Use Map of Kabul City

3.2 The Issue of Unplanned Area and How to Cope with it

Informal settlement is a big issue in many developing countries and less-developed countries. Afghanistan is also the case. If we ask Afghanistan people who have something to do with urban planning and urban development about “What is serious issue in urban planning in Afghanistan?”, their answer will be mostly “Informal”. In addition to the expression of “informal settlement”, there is an expression of “Unplanned area”. The Dari expression to mean such land is almost the same meaning of “Unplanned area”. Accordingly, we use the expression of “Unplanned area” in this study report. With the reference to how to solve the issue of unplanned area, it is essential to make effort in several aspects. In order to undertake regularization of the already existing unplanned area, we shall apply LRUR or upgrading to the unplanned area and try to regularize it. On the other hand, looking into the matter of how to prevent and reduce occurrence of unplanned area encroachment, there will be two ways: one is dynamic change of methodology of urban planning and building governance (from socialistic rigid and government-initiative to market-driven liberal system); the other is to improve such housing market problems as accelerating housing supply and establishing housing loan.

The built-up area in Afghanistan cities is mainly classified into two categories: planned area and unplanned area. Planned area is defined as the land where detail plan is already prepared by the government and certain buildings are already built to conform with detail plan. On the other hand, unplanned area means such land as no detail plan is prepared yet or as no buildings are built even if detail plan may have been prepared. In a case that a detail plan is made and buildings are built already, but the buildings do not conform with detail plan, the land is not classified as planned but as unplanned. By the way, “detail plan” has been the only major urban planning tool to realize city master plans in Afghanistan. To date, the basic concept of Afghanistan urban planning and development is that the government will determine almost all of urban planning as well as architecture planning and that private sector will just accept such planning as made by the government and built houses and commercial

buildings in accordance with detail plan. Afghanistan detail plan will determine even building land shape covered by buildings.

In general, land price of planned area is considerably more expensive than unplanned area. Although land price varies, depending on specific location and condition, land price of planned area is usually 3 to 4 times more expensive than unplanned area. In some cases, 10 times more expensive than planned area. Of course, there are exceptional cases (though it is hard to generalize the situation). For example, a certain private developer undertakes land development and installs urban infrastructure. In such case, land plot shape and size are orderly and there is sufficient infrastructure development. Those land plots are generally expensive.

As written above, unplanned area is differentiated. It is not uniform. In JICA's technical assistance project (The development service for Kabul Municipality for land Readjustment and Urban Redevelopment), unplanned area is classified into 5 categories as follows:

- (1) Regular informal settlement (physical development has occurred based on a certain plan. It was well planned and developed orderly but not authorized by Kabul Municipality)
- (2) Quasi-regular informal settlement (This type has been developed in adjacent to planned area, and the development took place being influenced by the adjoining planned area. The shape and appearance are very similar to the adjoining planned area)
- (3) Irregular informal settlements (It is unplanned area where development has occurred gradually as urban sprawl on open field, barren land or agriculture land without any control or intervention of any private or public sector.
- (4) Densely-built irregular informal settlements (It is unplanned area where development has occurred in such as government-owned open field or private vacant land. The location is not suburb, but gradually closer to urban cores. The development took place without any control or intervention of any private or public sector. The density is high.):
- (5) Prohibited-Irregular informal settlements (Unplanned area where development has occurred in legally restricted area and areas under high risk of natural and environmental disasters. They are mostly government-owned land, which are inhabited by IDPs and/or low-income group people in many cases)



Source: Appendix of Final Report, The Development Service for Land Readjustment and Urban Redevelopment for Kabul Municipality

Figure 3-3 Classification of Unplanned Area, 5 Types

KM and MUDL must take some improvement countermeasures for the types of (3), (4) and (5) as described above by applying LR and/or UR. Although there has been no official approval for construction, the type of (1) has been developed as orderly and planned. It is not necessary to implement any improvement reconstruction works. The physical condition of (2) is not so good as (1), to a greater or lesser extent. There is no need for improvement works for the type of (2) as well due to the same reason. The reason why (3) to (5) need to be improved is because of the following problems. (i) In general, the roads in the area are narrow and the road network is not designed in a systematic way, so the road network form is often problematic to ensure smooth traffic. (ii) Sewage is discharged on the roads as the system is not equipped with sewage treatment tanks and the sewage is discharged without purification (Dray Latrine). This is environmentally undesirable in terms of sanitation. (iii) The degree of garbage collection service provided by Kabul Municipality is lower than that of the planned urban area, and in some areas the roads in the district are too narrow for garbage collection trucks to enter. (iv) As shown in (5), some of the houses are built on steep slopes where houses should not be built, and the risk of natural disasters is high. (v) Many houses built in unplanned urban areas are built with inexperienced construction techniques, such as by piling up bricks by themselves, and have a high risk of collapsing. (vi) Since the houses are built without permission, they are not subject to Safai in the same way as planned area, a tax similar to property tax, which is problematic from the perspective of local government finances. (vii) Land ownership is often unclear, or the land is owned or occupied illegally, making it difficult to plan development and carry out improvement work due to unclear land ownership.

In fact, the number of households living in unplanned area is overwhelmingly more than that in planned area. The main factor is that the population increase pace exceeds the formal housing supply pace by far. This issue occurs not only in Afghanistan but also in many developing countries and less-developed countries. One of the distinctive features of Afghanistan is that the institutional deficiency of urban planning is strongly related with the aggravation of this issue. In Afghanistan, it is imperative to formulate a detail plan in accordance with structure plan/ master plan for any building activities. It is necessary for the government (planning authority) to determine even size, shape and location of building coverage on the land plot site by detail plan. On the other hand, it is also impossible for KM and MUDL (planning authority) to recruit and assign necessary number of technical staff. The situation is furthermore deteriorated by complicated process of land registration, tax, treatment of internal displaced people and so on.

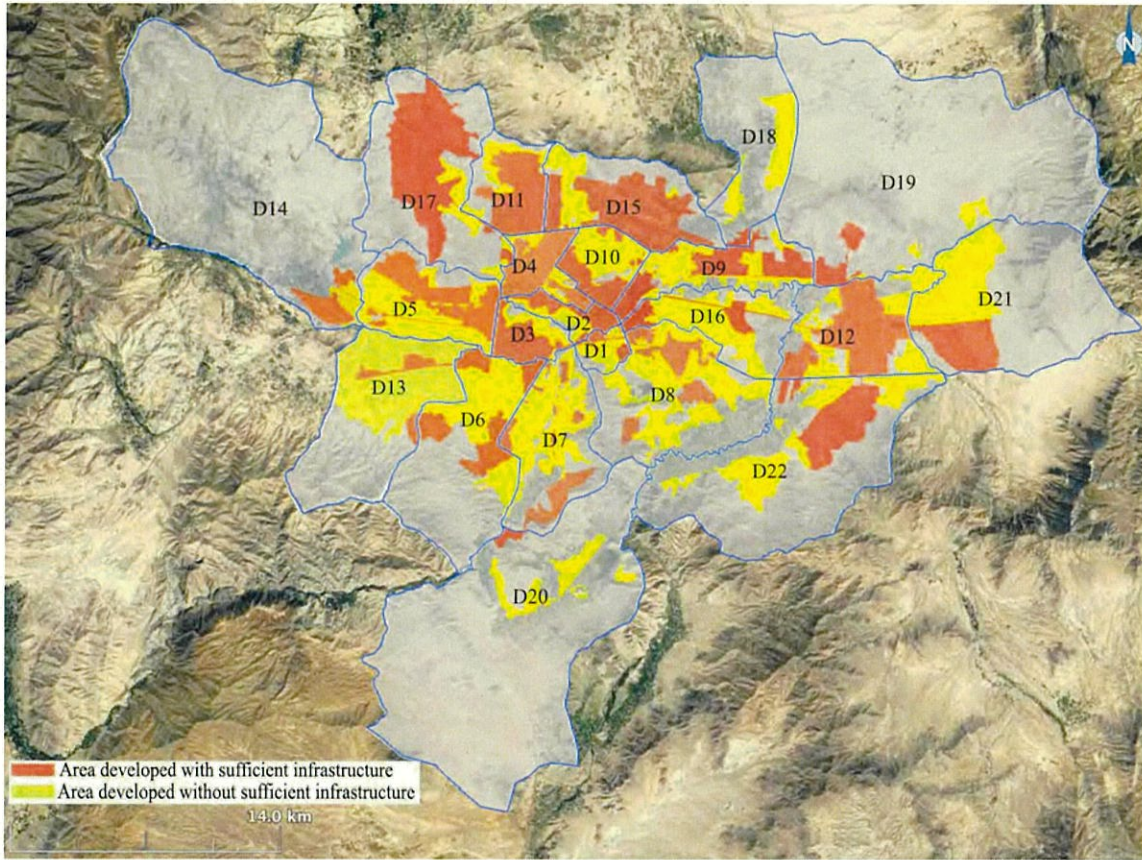
In Afghanistan, most people concerned with urban planning explain “70% are informal in Kabul City” and “80% are informal in Herat” or so, but they never mention about data source. It is very rare for us to see such figures and maps which clearly show location of unplanned area. Therefore, JICA Study Team has experimentally prepared a map of unplanned area on the basis of ArcGIS air photo (It is prepared by air photo data provided by NASA. The air photo shows the current situation of 2020).

As mentioned in the previous page, KM and MUDL will have to consider about how to improve the types of (3), (4) and (5). JICA Study Team conducted the identification works as follows:

1st step: To classify into two category (built-up area and non-built-up area.)

2nd step: The built-up area is classified into two categories furthermore: good-condition built-up area developed with well infrastructure “(1), (2)” / not good-condition built-up area without well infrastructure “(3), (4), (5)”

The figure as shown below is prepared by JICA Study Team, based on ArcGIS air-photo data.



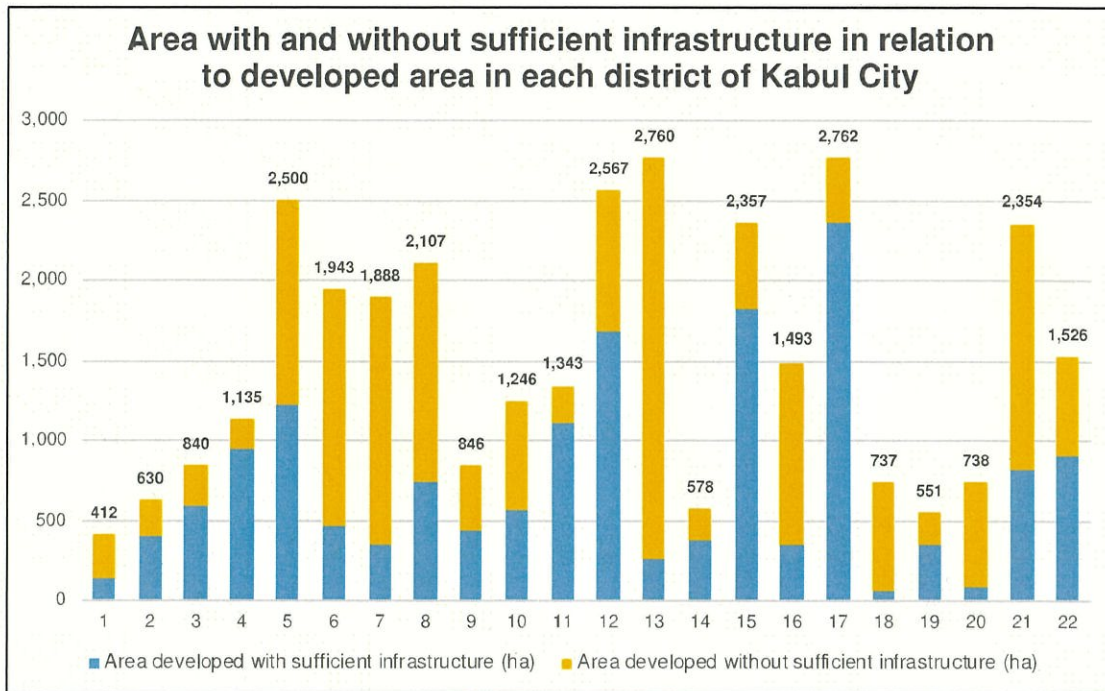
Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information

Figure 3-4 The built-up area of Kabul City is classified into two categories

Table 3-1 The relations between built-up area and non-built-up area

Non-built-up area			
Built-up area	Planned area		
	Unplanned area	(1) Regular informal settlement	Area development with sufficient infrastructure
		(2) Quasi-regular informal settlement	
		(3) Irregular informal settlements	Area development without sufficient infrastructure
	(4) Densely-built irregular informal settlements		
(5) Prohibited-irregular informal settlements			

Source: JICA Study Team

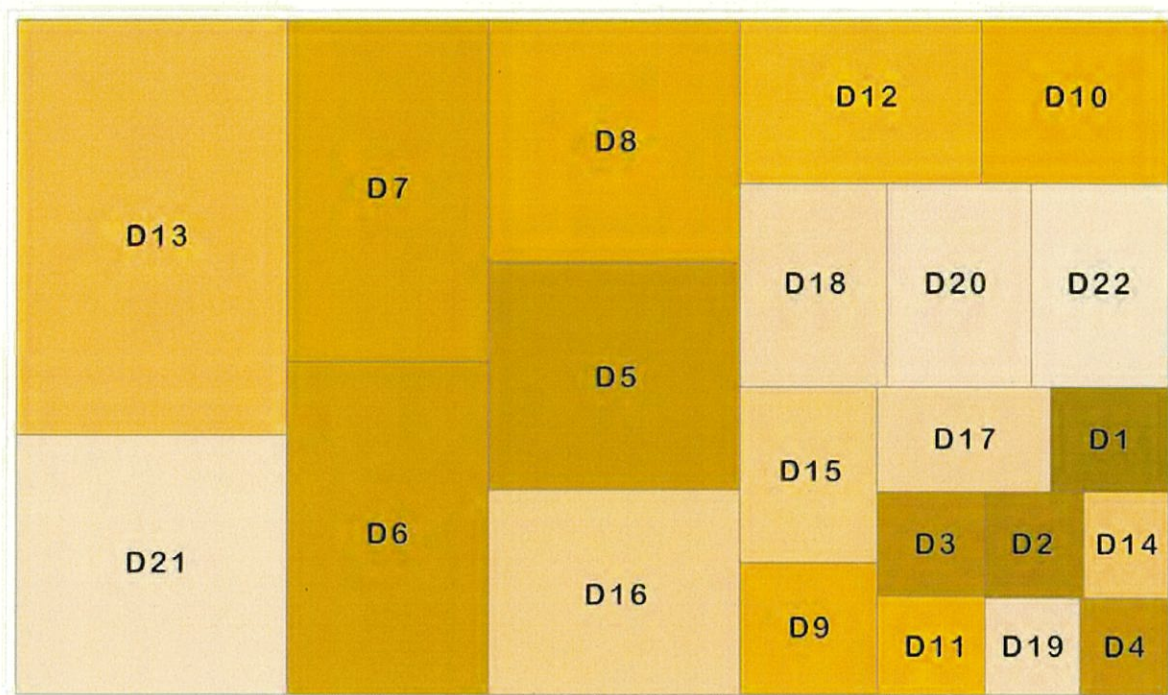


Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information km²

Figure 3-5 Comparison of built-up area developed with sufficient infrastructure by built-up area developed without sufficient infrastructure in each District

The land area of Kabul City (1,036km²) is comprised of built-up area (333 km²) and non-built-up area (703 km²). The built-up area is classified into (i) good-condition built-up area developed well with infrastructure [(1), (2)]: 160km² (48%) / (ii) not good-condition built-up area without infrastructure [(3), (4), (5)]: 172km² (52%). Almost half of the built-up area will need a certain improvement works. The land area of 172 ha is almost equivalent to 27% of the special ward area (23 wards) of Tokyo. It is almost same size of the total of Setagaya-ward, Ohta Ward, Shibuya Ward and Meguro Ward.

Taking a look at the distribution by district of the 172km², District 13 has the biggest share (24.9km²), followed by District 21 (15.4km²), District 7 (15.3km²), District 6 (14.8km²), District 8 (13.6km²) and District 5 (12.8km²). The total of the 6 districts accounts for 96.8km². It is equivalent to more than a half (56%).

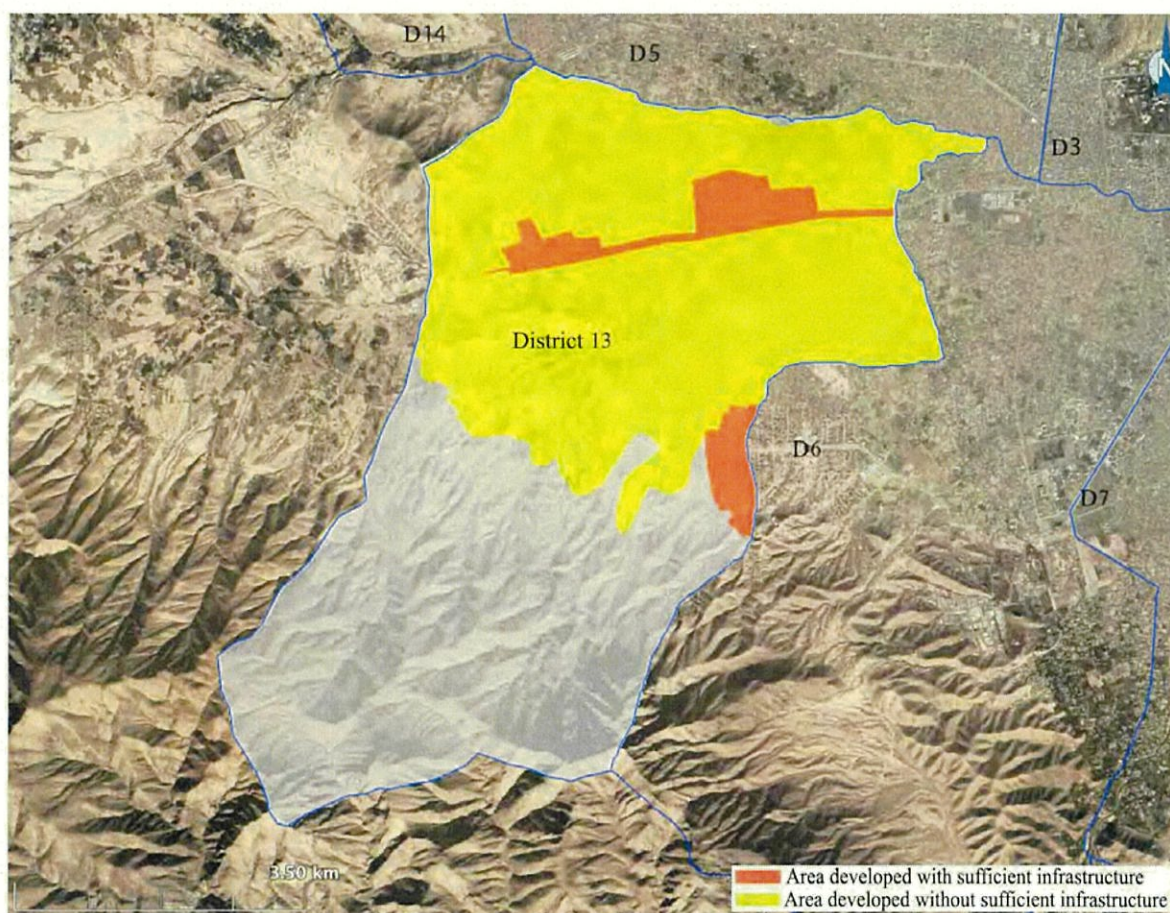


Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information

Figure 3-6 The distribution share of not good-condition built-up area developed without sufficient infrastructure by district

District 13 is located at the west end of Kabul City. The land area of District 13 accounts for 48.4km², of which 27.6km² is already built-up. Almost all of the built-up area corresponds to the category (not good-condition built-up area without infrastructure). There is only one master plan road in District 13. It is Barchi Road. The orderly developed area exists only along Barchi Road, but the quantity is very small. However, the orderly developed area is informal (unplanned) from the viewpoint of KM, because the development took place without approval by KM.

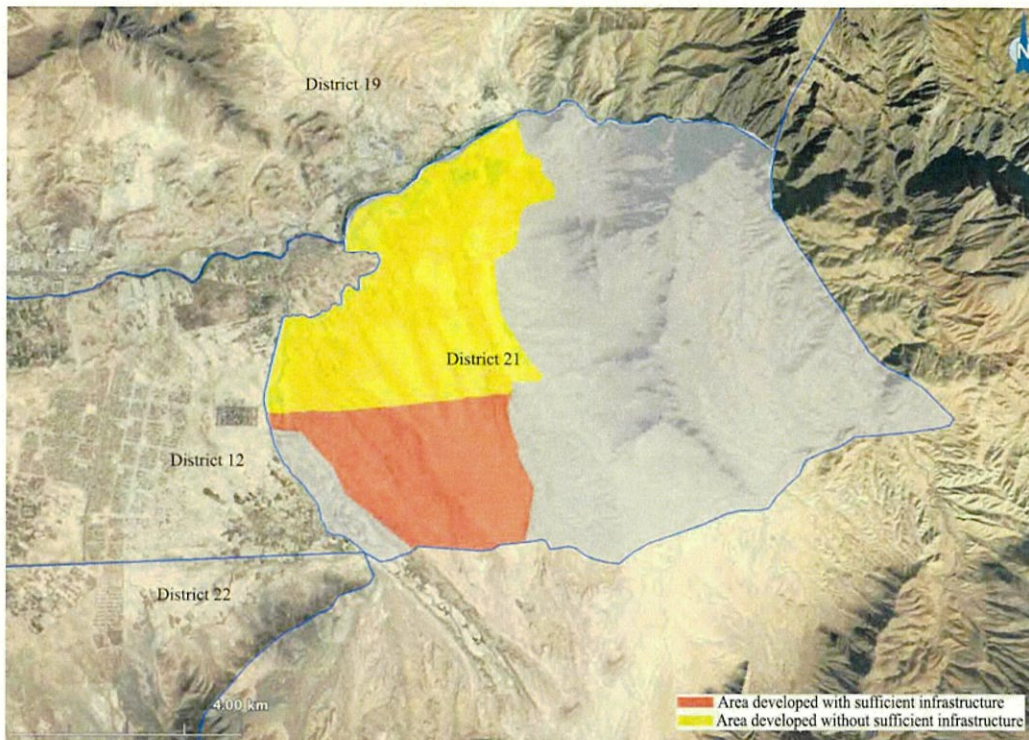
After expulsion of Taliban Administration, there were big rushes of refugees returns from overseas to Afghanistan. District 13 is one of the districts where many refuge returnees concentratedly rushed to reside in. Accordingly, explosive urban sprawl happened in District 13. However, almost no countermeasures of urban development/ improvement were not taken in District 13. The recognition on the necessity to improve urban environment as well as to construct infrastructure in District 13 has prevailed gradually in the administration. Some road construction works started herein District 13.



Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information

Figure 3-7 Area of not good-condition built-up area developed without sufficient infrastructure in District 13 of Kabul City

District 21 is located at the east end of Kabul City. The land area of District 21 accounts for 65.7km², of which 23.5km² is already built-up. 15.4km² (65%) of the built-up area corresponds to the category (not good-condition built-up area without infrastructure ((3), (4), (5)), and needs some countermeasures of urban environment improvement and infrastructure development. No urban development took place in District 21 when the Afghan war was finished. The character of the area was still outskirts area at that time. Then after 2000, those who could not have their houses within the central part of Kabul City began to reside in this area. Big rush of urban sprawl took place here in 2003 – 2005. Simultaneously, the jurisdiction area of Kabul City was expanded and this area was also absorbed in the Kabul Municipality's jurisdiction area. Therefore, urban sprawl encroachment happened when municipal management has not been properly conducted (as it were, confusion period).



Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information

Figure 3-8 Area of not good-condition built-up area developed without sufficient infrastructure in District 21 of Kabul City

District 6, District 7 and District 8 are located in the southern part of Kabul City. District 5 is located in the northeastern part of Kabul City. Twenty years ago, in Year 2000, these areas were not developed yet and there were a lot of vacant areas. Thereafter, planned and orderly urban development took place in some area, but on the other hand, urban sprawl simultaneously encroached in other areas.



Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information

Figure 3-9 Comparison of 2009 and 2020 in an urban sprawl of District 5, showing rapid progress of building activity

District 16 is located in the eastern part of Kabul City. Agriculture land is still partly remaining. Kabul Municipality undertook residential development in the eastern part of District 16. The name of residential land development project is Ahmad Shah Baba Mina. The master plan road (Ahmad Shah Baba Road) construction took place in order to link this residential development area with the central part of Kabul City. However, along this master plan road, urban sprawl took place rampantly. In other words, unplanned area expanded along Ahmad Shah Baba Road.

In order to solve the issue of unplanned area, MUDL, KM and the other related organizations hope that LRUR as well as Upgrading will be used as effective tools. In case that LRUR is used, real estate ownership right conversion and demolition/reconstruction of buildings take place. In case of Upgrading, it will not necessitate such dynamic change as real estate right conversion and demolition/reconstruction. Usually, some households and/or retail shops facing the front roads will contribute a part of their land for road-widening and construction of drain ditch. JICA's technical assistance service has been rendered for KM to introduce LRUR. As a matter of fact, JICA's technical assistance has contributed to the legal set-up and on-the-job training through sample project implementation. In reference to Upgrading, world bank has been extending its assistance for the introduction and implementation for upgrading in Afghanistan. JICA also conducted experimental upgrading projects through KSP (Kabul Solidarity Program) in the course of helping realizing Kabul Metropolitan Area Master Plan.



Source: Prepared by JICA Study Team by analyzing ArcGIS air photo, public information

Figure 3-10 Urban Sprawl encroached in District (Photo taken in 2020)

3.3 Institutional Build-up of Land Readjustment and Urban Redevelopment and Implementation of Sample Projects

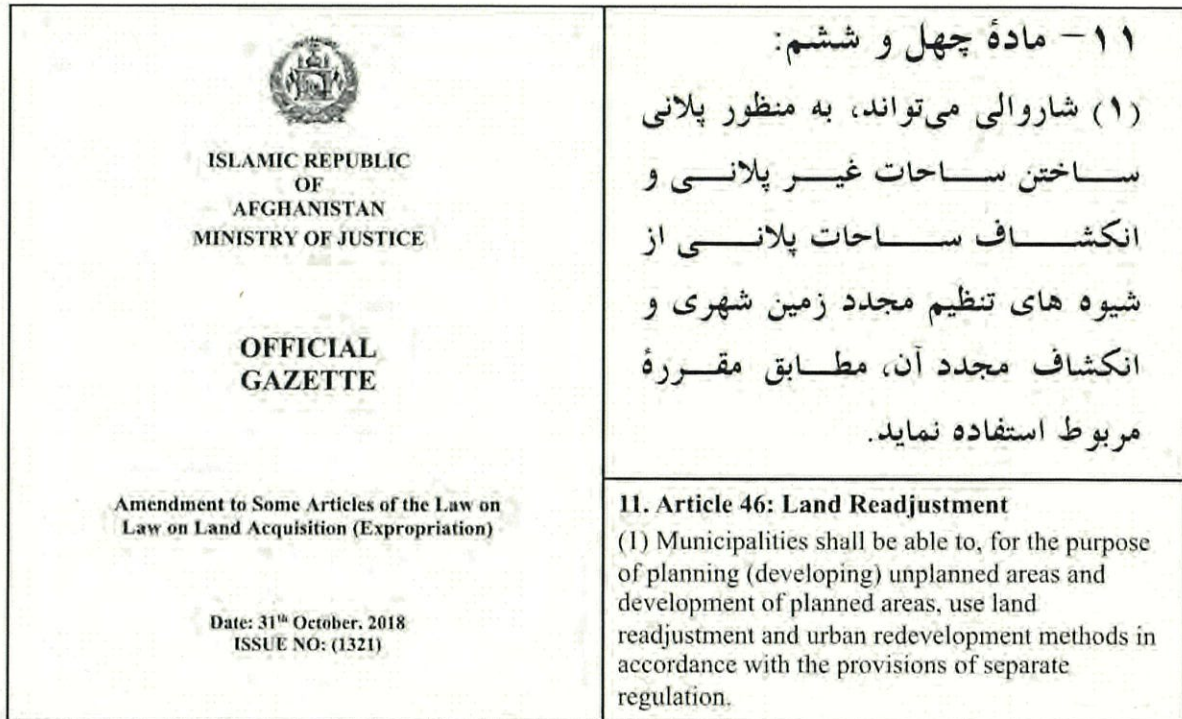
Afghanistan highly hoped that LRUR would be used as an effective tool to solve the issue of unplanned area. As Afghanistan Government strongly requested Japanese Government to extend technical assistance for Afghanistan to introduce LRUR, JICA Project of “The Project for Development

Service for Land Readjustment and Urban Redevelopment for Kabul Municipality” has been implemented for the period of 2016 – 2020. In the course extending technical assistance by this project, KM could establish institutional and framework of LRUR. KM was also exposed to work experience of preparing development plan and business plan and even launching in the implementation through on-the-job training of several LRUR sample projects.

Firstly, in March 2017, the concept of LRUR was written in the article 46 of Land Acquisition law, by taking advantage of the revision of the Land Acquisition Law. This is the first time in Afghanistan that LRUR was stipulated in Afghanistan national law. Secondly in September 2017, KM could establish the byelaw/procedure for LRUR. Thirdly in February 2020, in order to clarify and strengthen the linkage between the national law and the byelaw/procedure, the Cabinet approved the Regulation of LRUR. The official gazette (Issue No.: 1379) of the regulation was published by Ministry of Justice. Then, Afghanistan completed the build-up of the three-layer legal structured framework for LRUR.

In Afghanistan, however, there is neither land value statistics nor official land value data collection. The methodology of examining fair value of real estate has not been established yet. In addition to say, there is no professional qualification system for real estate appraiser. Therefore, the current LRUR system which was established by JICA technical assistance is not based on land value evaluation. It is, as it were, area method. The area method was used once upon a time even in Japan, but not any longer. After it will become possible to conduct fair value assessment properly in future in Afghanistan, then institutional revision of LRUR methodology will have to take place.

Looking into the issue of professional qualification and the issue of securing work quality, there are neither professional qualification system nor national examination system for such as architects, land readjustment technicians, real estate appraiser in Afghanistan yet. It is impossible to secure work quality. It means that just after graduation of architecture faculty of university, anybody can make architecture planning and design. Land readjustment and urban developments can be planned by anybody. MUDL has recognized the seriousness of this issue and started to make research on establishment of institutional framework of national examination as well as accrediting such professional qualification.



Title page of official gazette, amendment of land acquisition law Amended article 46, original Dari and translation to English

Source: Ministry of Justice

Figure 3-11 The Article 46 of Land Acquisition Law and the MoJ official gazette to make public about the amendment of Land Acquisition

While KM and JICA Project Team made strenuous effort to establish such legal and institutional work for LRUR, KM officials gained a series of work experiences from site selection, development plan, business plan and consensus building with residents and land owners. Thanks to these efforts, a sample project of D15-4 which was located in District 15, could launch in implementation. The construction of the 1st phase buildings was completed by the year-end of 2020.



Source: Picture taken by KM officials of LRUR Department

Figure 3-12 The photo of D15-4 after completion of the 1st phase construction

However, the project cycle of LRUR could not be finished by construction completion. The project cycle continues to land plot replotting, right conversion of the land and buildings and temporary resettlement and/or direct resettlement, sales of financial land and financial floor, pay-back of investment etc. As the legal framework and procedures were already established, it is deemed imperative and essential that KM would be exposed to a full series of work experiences.

Although KM could be exposed to such meaningful experiences of LRUR, it is essential to propagate the knowledge and skill of LRUR throughout Afghanistan. LRUR is widely used in many countries. Since MUDL is the ministry to govern and take initiative of Afghanistan urban planning and urban development. MUDL sincerely hopes that MUDL officials would gain such knowledge and skill of LRUR and then prevail LRUR not only in Kabul but also the other local cities.

In reference to PR aspect of the Project of Development service of LRUR for Kabul Municipality, KM endeavored to conduct PR within Kabul City jurisdiction area (KM). The following PR measures were taken for prevailing LRUR to civil society and academism (professors and students).

- Installed PR billboards in Kabul City
- Preparing and broadcasting of PR video
- Preparing and distributing PR pamphlets
- Holding a symposium at Kabul University and Polytechnic University
- Using social media
- Conducting PR activity during Afghanistan Urban Conference



Source: Picture taken by KM officials of LRUR Department

Figure 3-13 The PR billboard of LRUR, installed in District 1 in Kabul City

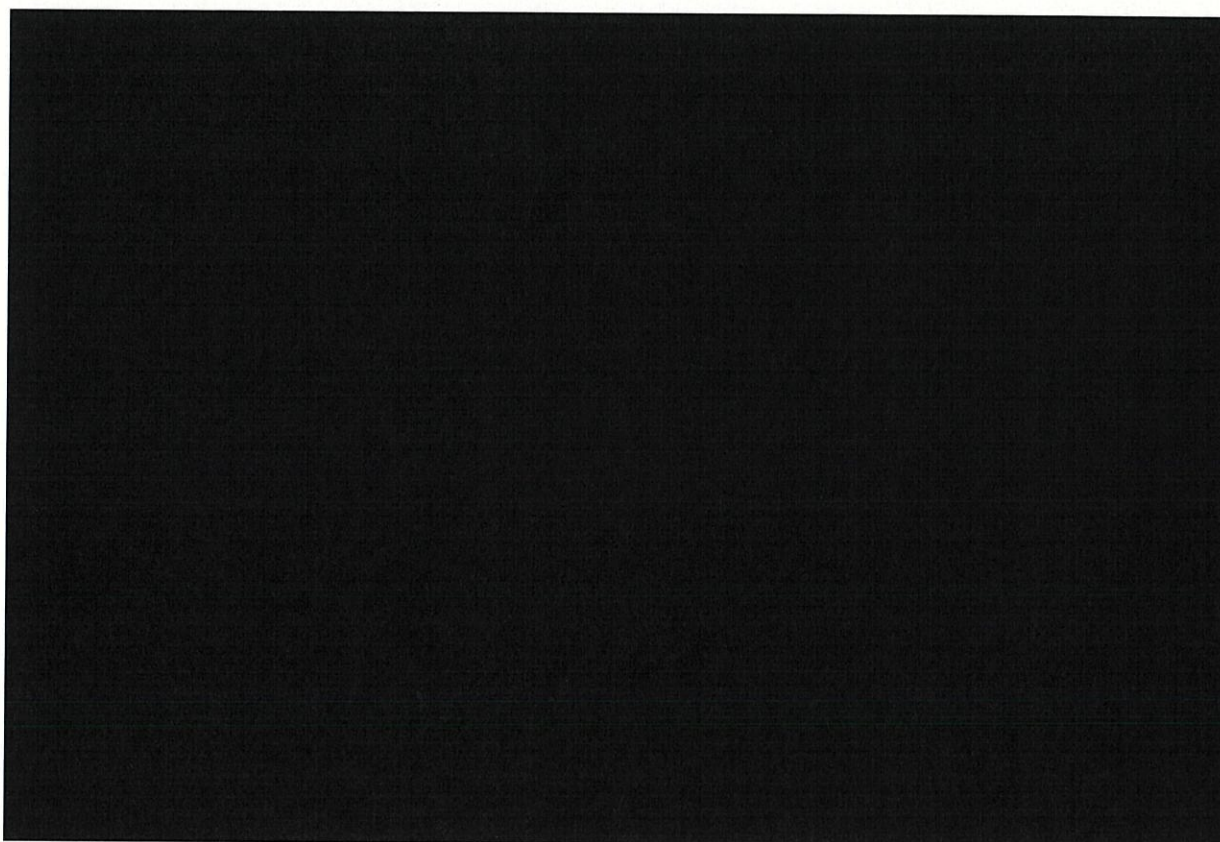


Figure 3-14 PR Video Prepared by Kabul Municipality

3.4 Preparation of Manual, Implementation Support Tool and Supplementary Byelaw/ Procedure for the Purpose of Certain and Smooth Planning/ Implementation of LRUR

The Revision of Land Acquisition Law was enacted in 2017, and Article 46 of LRUR was included in the revised Land Acquisition Law. Then KM established LRUR Byelaw/ Procedure in 2018. In order to clarify the connection between the national law and the Byelaw/ procedure, the Regulation was prepared by KM and approved by the Cabinet in February 2020. Then it became necessary for KM to modify the Byelaw/ Procedure of KM in accordance with the Regulation. Accordingly, KM launched in modification of the LRUR Byelaw/ Procedure, after finishing JICA's technical assistance project of LRUR for KM (After August 2020). The modification work was done from August to December 2020. The revised LRUR Byelaw/ Procedure was approved by the Administrative Council of KM and KM Mayor.

Table 3-2 Legal Institutional and Procedural System Establishment for LRUR

	Law Level	Name of Legal System	Status of Progress	Approval in KM
LRUR	National level	Land Acquisition Law	Done (Already established in 2017)	This national law. No need of KM's approval
	Intermediate level (Regulation)	LRUR Regulation	Done (Already approved by Cabinet in Feb. 2020)	This national regulation. No need of KM's approval
	Municipality level (Byelaw/ Procedure)	LRUR Byelaw/Procedure	First edition was established in 2018. Revision was made during the technical assistance project in 2019 based on the approved regulation, which has now approved.	Based on the monitoring of the operation, the improvement and revision continued for the time being. In February 2021, the 1st revision was approved.

Source: Prepared by JICA Study Team by conducting interview study

Even if the three-layer structure of legal establishment of LRUR (National Law – Regulation – Byelaw/ Procedure) may be established, furthermore it will be deemed as necessary and better for KM to prepare several supplementary manuals and byelaw/ procedures, in view of smooth and efficient planning/ implementation of LRUR projects. In this connection, KM held internal discussion regarding this matter and came up with the list of necessary items as shown below and launched in drafting. At present, drafting for some are done and for others are not done yet. The current situation is shown in the table.

Both KM Administrative Council and Kabul Mayor approved the Byelaw/ procedure on Planning & Calculation of Replotting & Conversion as well as the Manual of Regularization of Informal Settlement in February 2021. Both of them are put into execution and used for the actual projects.

Some items are still under drafting work or under discussion by the Administrative Council. Anyway, KM is continuing to work for furthermore improvement and revision.

Table 3-3 Supplementary Manual and Byelaw/ Procedures to support LRUR's Planning/ Implementation Works

	Law Level	Name of Legal System	Status of Progress	Approval in KM
Other Related/ Supporting Laws, Regulations & Manuals	National Level	Municipal Law	Existing	This national law. No need of KM's approval
		Law on Urban Development and	In 2017, it was approved by the Cabinet. The Parliament's approval process is going on. But, the operation under the Law has already started as a matter of fact.	This national law. No need of KM's approval
	Municipality Level 1 (Byelaw/Procedures)	Byelaw/Procedure on Planning & Calculation of Replotting & Conversion for LRUR	Approved	In February 2021, it was approved. It is currently executed.
		Financial Land and Floor Management Byelaw/Procedure	On national level, the approved LRUR regulation stipulates it. In accordance with the regulation, KM is preparing the in-detail	Not approved yet. It is hoped that the approval will bedone by the end of 2021.
		Relocation Byelaw/Procedure	On national level, the approved LRUR regulation stipulates it. In accordance with the regulation, KM is preparing the in-detail	Not approved yet. It is hoped that the approval will bedone by the end of 2022.
		Sample Procedure of Coordination Committee (Residents and Land Owners) for the Conduct of its Work	This is sample format. No need for approval.	It is used for the operation of LRUR projects.
		Informal Settlement Regularization Byelaw/Procedure	KM's judgement is that KM does not have to set up this byelaw/ procedure. (MUDL is to stipulate, if necessary.) For KM side, the manual as shown below is enough.	In accordane with KM's judgement. KM does not set up such byelaw/ procedure.
		Building Permit (Zoning) Byelaw/Procedure	Approved	In response to the KM's procedure, the national level regulation draft was made. It was approved by the Cabinet and Ministry of Justice in February 2021.
	Municipality Level 2 (Manuals)	Relocation Manual	On national level, the approved LRUR regulation stipulates it. In accordance with the regulation, KM is preparing the manual.	Hopefully it will be approved by the end of 2021.
		Informal Settlement Regularization	Approved	In February 2021, it was approved. KM is using it for project operation.
		Public Participation and Consensus Building Manual for Execution of LRUR Projects	On national level, the approved LRUR regulation stipulates it. In accordance with the regulation, KM is preparing the manual.	Hopefully it will be approved by the end of 2021.
		Land Ownership Clarification Manual	On national level, the approved LRUR regulation stipulates it. In accordance with the regulation, KM is preparing the manual.	Hopefully it will be approved by the end of 2021.
		Guideline of LRUR Technical Committee for the Conduct of its Work	Approved	It is used for the operation of LRUR T.C.

Source: Prepared by JICA Study Team by conducting interview study

When it comes to daily work of document preparation and feasibility check calculation, KM officials will need some formats or samples of planning documents and calculation excel sheet. In the course of conducting Japan-based training and third-country training, JICA Project Team and KM officials co-worked on planning and calculation. The paper samples and calculation sheets used during the training were compiled are now in the hands of KM officials and used for current on-going LRUR projects.

Table 3-4 Supplementary Manual and Byelaw/ Procedures to support LRUR's Planning/ Implementation Works

Project Level	Name of Sheet	Status of Progress	Status of Use by KM
Project Level 1 (Planning)	Sample of Development Plan	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Sample of Business Plan	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Sample of Replotting Plan	Draft preparation is going on	It will be prepared by LRUR Department and shall be
	Sample of Conversion Plan	Draft preparation is going on	It will be prepared by LRUR Department and shall be
	Sample of Relocation Plan	Draft preparation is going on	It will be prepared by LRUR Department and shall be
Project Level 2 (Calculation)	Project Feasibility Calculation Sheet for LR	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Project Feasibility Calculation Sheet for UR	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Project Feasibility Calculation Sheet for FFL	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Project Calculation Sheet for Replotting Plan	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Project Calculation Sheet for Conversion Plan	Draft preparation is finalized	Currently used by the staff of LRUR Department
	Project Financial Calculation Sheet	Draft preparation is finalized	Currently used by the staff of LRUR Department
Project Level 3 (Scheduling)	To Do List for LR Projects	Draft preparation is finalized	Currently used by the staff of LRUR Department
	To Do List for FFL Projects	Draft preparation is finalized	Currently used by the staff of LRUR Department

Source: Prepared by JICA Study Team by conducting interview study

JICA Study Team held workshop about the current LRUR projects on which KM LRUR Department officials are working on, after finishing JICA Technical Assistance Project of LRUR for KM.

D15-4 (Project site area: 8,900m²) is the project whose planning and preparation was completed during the project period of JICA Technical Assistance for KM. KM could launch in implementation of the phase 1 (Total floor area of the buildings accounts for 6,912m²) in December 2018 and the building construction was finished in Autumn 2020. KM conducted bidding for the construction of Phase 2 of D15-4 (Total floor area: 10,840m²). KM conducted competition bidding for building construction work of Phase 2. Phase 2 is likely to launch in building construction.

3.5 LRUR Projects that KM is Currently Working on After Finishing JICA Technical Assistance Project for KM

After finishing JICA's Technical Assistance Project for KM's LRUR in August 2020, KM held internal discussion on actual LRUR project identification and selected several project sites.

(1) Land Readjustment (LR) Projects

Qale-Bakhtiar LR Project

- This project is located in District 6
- Land Area of Project Site: Approx. 18ha
- The number of landowners: 30
- Progress situation:
 - Concept Plan is made
 - The First draft of land replotting is now under preparation
 - Land survey for each land plot is on-going
 - KM held an explanation/ consensus building meeting. At present, 70-80% of landowners show positive relation

Neela Bagh LR Project

- This project is located in District 7
- Land Area of Project Site: Approx. 11.7ha
- The number of landowners: 269
- Progress situation:
 - Concept plan is under preparation
 - First draft of land replotting plan is made
 - KM launched in consensus building with landowners

Dashte-Barchi (I) LR Project

- This project is located in District 13
- Land Area of Project Site: Approx. 3.2ha
- The number of landowners: unknown, now under survey
- Progress situation:
 - Concept plan is under preparation
 - First draft of land replotting plan is made
 - Development Plan is made.
 - Negotiation strategy for consensus building is made

Dashte-Barchi (II) LR Project

- This project is located in District 13
- Land Area of Project Site: Approx. 14.8ha
- The number of landowners: 248
- Progress situation:
 - Concept plan is under preparation
 - First draft of land replotting plan is made
 - Feasibility study is conducted

- KM is now making preparation to establish Landowners Coordination Committee.

(2) Urban Redevelopment (UR) Projects

91 Family UR Project

- This project is located in District 17
- Land Area of Project Site: Approx. 2.7ha
- The number of landowners: 91
- Progress situation:
 - This is the apartment residential area which was constructed during Soviet Union ruling era. As the buildings are considerably aged and deteriorated, KM intends to undertake urban redevelopment. (KM is the owner of this land and the buildings)
 - The UR planning is undergoing in consultation with Presidential Office.
 - KM is preparing business plan as well as action plan
 - The residential units are for rent. The residents are neither landowners nor building owners. However, it is an issue how KM should treat the residents.

Nekhas UR Project

- This project is located in District 5
- Land Area of Project Site: Approx. 2.0ha
- The number of landowners: unknown, now under survey
- Progress situation:
 - Concept plan is under preparation

Deh Afghanan UR Project

- This project is located in District 2
- Land Area of Project Site: unknown, now under survey
- The number of landowners: unknown, now under survey
- Progress situation:
 - Concept plan is under preparation

Urfani Road UR Project (Linear 2.8km land along Urfani Road)

- This project is located in District 13
- Land Area of Project Site: unknown, now under survey
- The number of landowners: unknown, now under survey
- Progress situation:
 - Concept plan is under preparation.
 - At present, discussion is going on. No definite image of consensus building is not made yet.

3.6 Introduction of Zoning System and Building Control

When JICA began technical assistance for urban development of Afghanistan by Kabul Metropolitan Area Study Project, dependency on detail plan was a source of problems of Afghanistan

urban planning and urban development. Detail plan methodology has been used for Afghanistan government to realize city master plans. In case of detail plan, the government side must determine building location within the site, building shape and building coverage shape of all the buildings. Intensive discussion was held between Afghanistan and Japan about the issue of detail plan methodology. It was also suggested to change the way to take advantage of using private sectors' creativeness and wisdom instead of designing almost all the things by public sector. Afghanistan counterparts have gradually recognized the problem area of detail plan as well as the future direction to introduce zoning system and building control.

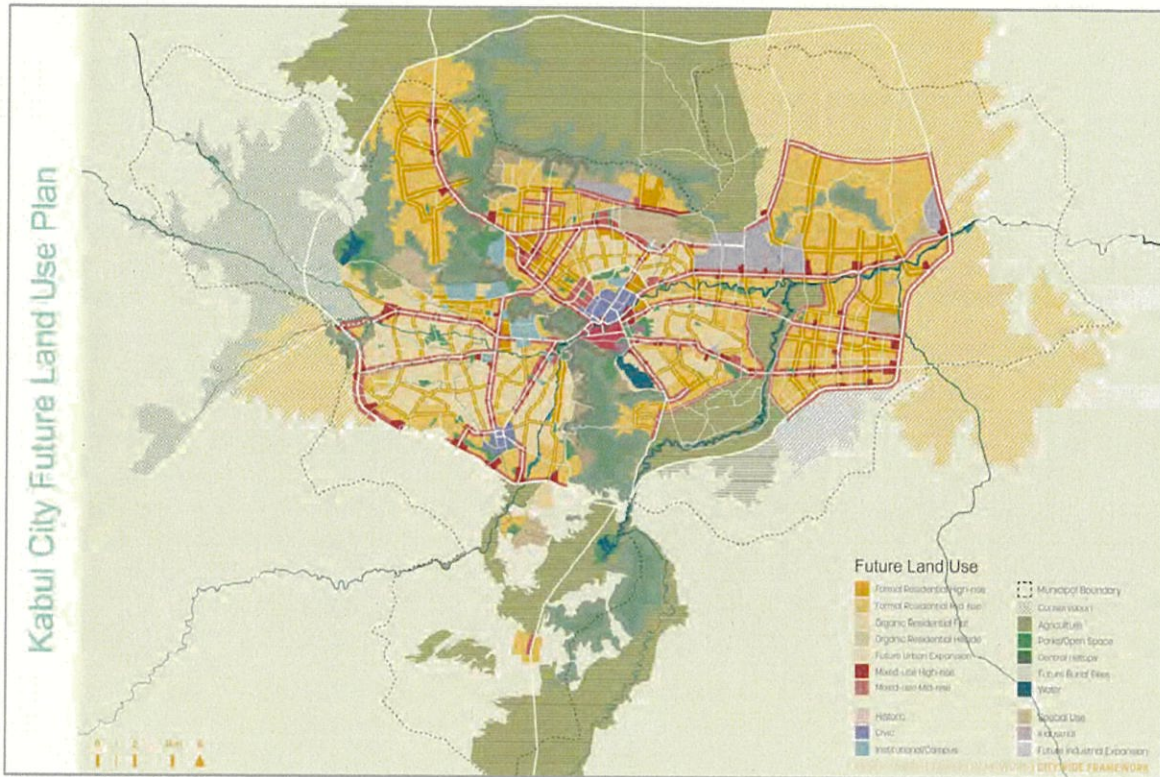
In 2017, Kabul City announced to pioneer introduction of zoning system, and requested JICA to extend technical assistance for zoning for KM. In response, JICA agreed on the addition of technical assistance for zoning to the Project for Development Service for LRUR for Kabul Municipality. In fact, KM started learning on zoning through India-based training as well as Japan-based training. The mechanism of mutual working between zoning and building control as if threads of warp and weft. KM and JICA Study Team conducted a simulation study of applying zoning to the three areas within District 4. However, as it takes time for KM to reach the stage of practical use of zoning, institutional set-up effort has not been finished yet. As for building control, KM continued to discuss about building permit with Ministry of Justice (MoJ) and completed the legal set-up of the regulation on building permit. It was approved by the Cabinet meeting in February 2021. However, the building permit was institutionally conceived to apply it for planned area in Kabul City. It is not designated for unplanned area in Kabul City. It was made in consideration on Kabul City not on consideration of local cities' situation. On the hand, MUDL has started to establish institutional framework for zoning on national law level, in view of the mutual mechanism working between zoning and building control. MUDL intends to establish such three-layer level framework from national law, regulation up to byelaw-regulation. Furthermore, it is necessary to prevail knowledge and skill of building code and zoning to local cities and private sectors. It takes time to prevail zoning system throughout Afghanistan.

3.7 The current Master Plan of Kabul City: KUDF (Kabul Urban Design Framework)

In 2017, Afghanistan Government retained an urban design firm to prepare a report that focused on the urban design principle and physical planning concept for Darulaman Corridor and Massoud Corridor which constitute basic urban axis for Kabul City. For the time being, the scope of work was enlarged in order to cover the whole Kabul City in terms of urban design and physical planning. The report was completed and approved by President Ghani. It was intended to provide fundamental framework for urban design of Kabul City. The report was named as Kabul Urban Design Framework (KUDF). Reflecting the background of formulation of KUDF as written above, the characteristics is more urban-design-oriented and more physical-planning-oriented. In particular, it is characterized by its proposal for the development of axes (corridors) that create the structure of the city and the development of bases (nodes) at the nodes of the axes. On the other hand, quantitative and numerical checks and examinations, as well as their comprehensive and integrated checks, have not been done thoroughly.

As KUDF is positioned as the 5th Urban Master Plan. It is imperative to refer to KUDF in terms of its land use vision, land use concept, prioritized policy of urban planning and development. Concretely speaking, in case of formulating urban redevelopment plans and/or land readjustment plans on a certain site, it is necessary to give consideration on the related parts of KUDF. When preparing land use planning and zoning regulation within Kabul City, it is essential to refer to KUDF

The figure as shown below is the future land use vision of Kabul, proposed by KUDF.



Source: Kabul Urban Design Framework (KUDF)

Figure 3-15 Future Land Use Envisioned by KUDF

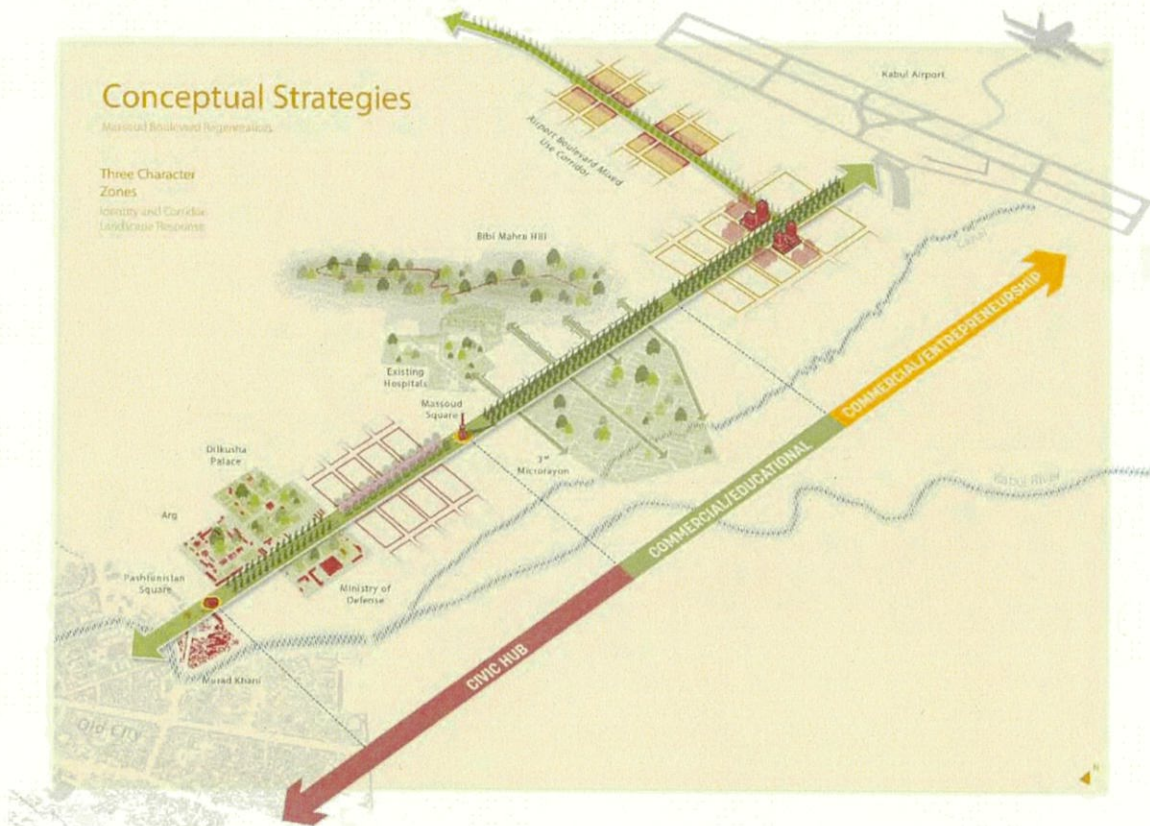
The highlights of urban development projects proposed by are (1) Masoud Corridor, (2) Darul Aman Corridor.

The photo as shown below is the current situation of Masoud Corridor and the next figure shows future development image of Masoud Corridor.



Source: Kabul Urban Design Framework (KUDF)

Figure 3-16 Photo showing current situation of Masoud Corridor



Source: Kabul Urban Design Framework (KUDF)

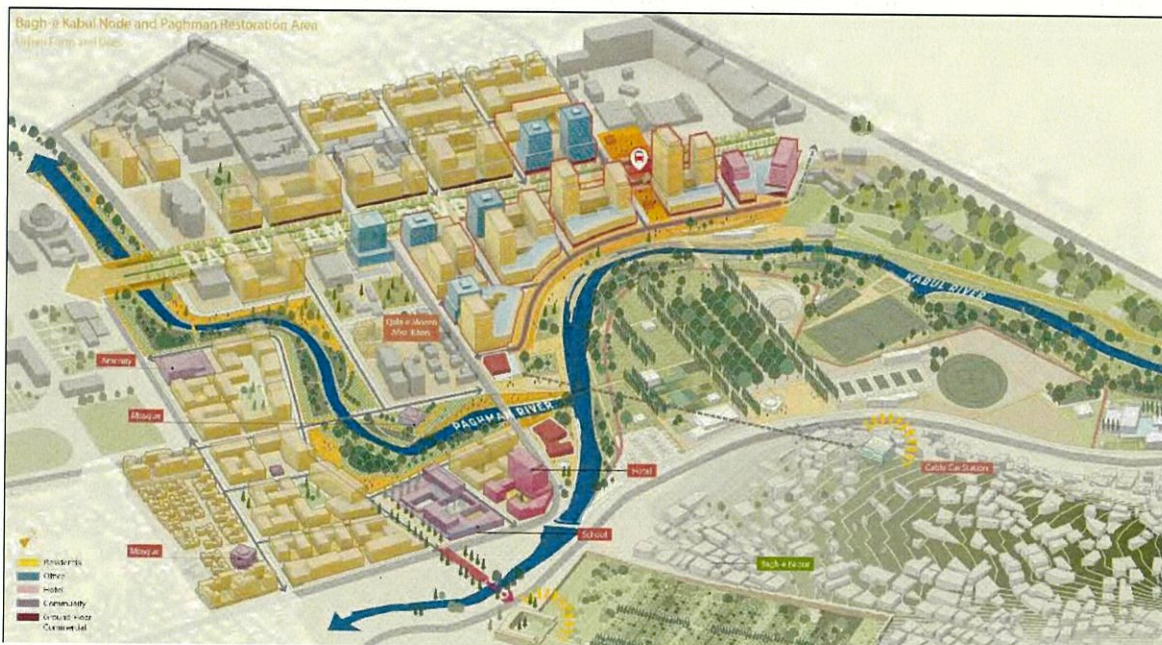
Figure 3-17 Future Development Image of Masoud Corridor

The photo as shown below is the current situation of Bagh-e-Kabul (a part of Darul Aman Corridor), and the next figure shows future development image of the same place (Bagh-e-Kabul)



Source: Kabul Urban Design Framework (KUDF)

Figure 3-18 Current Situation Photo of Bagh-e-Kabul (a part of Darul Aman)



Source: Kabul Urban Design Framework (KUDF)

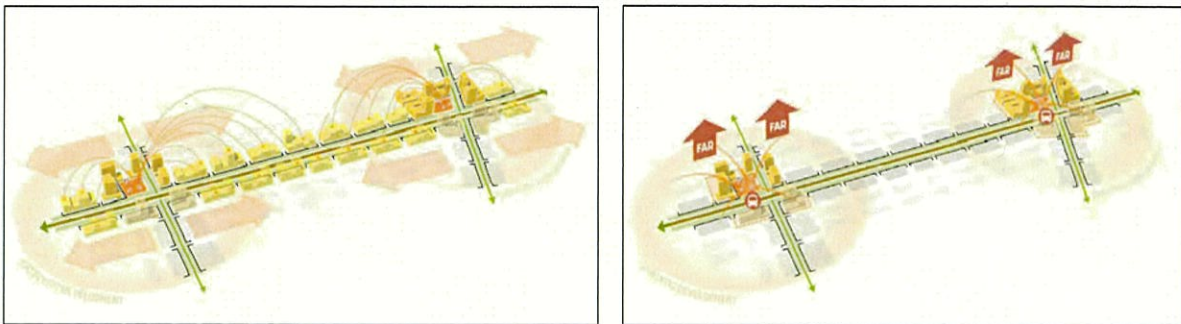
Figure 3-19 Future Development Image of Bagh-e-Kabul (a part of Darul Aman)

In addition to Darul Aman Corridor and Masoud Corridor, development of 12 corridors is advocated for future development axis. In total, 14 corridors are proposed by KUDF to propel future

urban growth of Kabul City.

- Kabul – Ghazni
- Shaheed Mazari
- SW Ring Road
- Kabul – Charikar
- Market
- Airport
- Silo – 40 Meter
- Esttiqlai
- Kabul – Bagram Airport
- Ahmad Shah Baba
- Kabul – Jalalabad
- Kabul – Nangahar

Furthermore, the development concept of “Node and Corridor” is proposed by KUDF. According to KUDF, it is recommended to strengthen mutually helping effect of corridor and node. As “Corridor” plays the role of development axis, “Node” takes effect as concentric core.



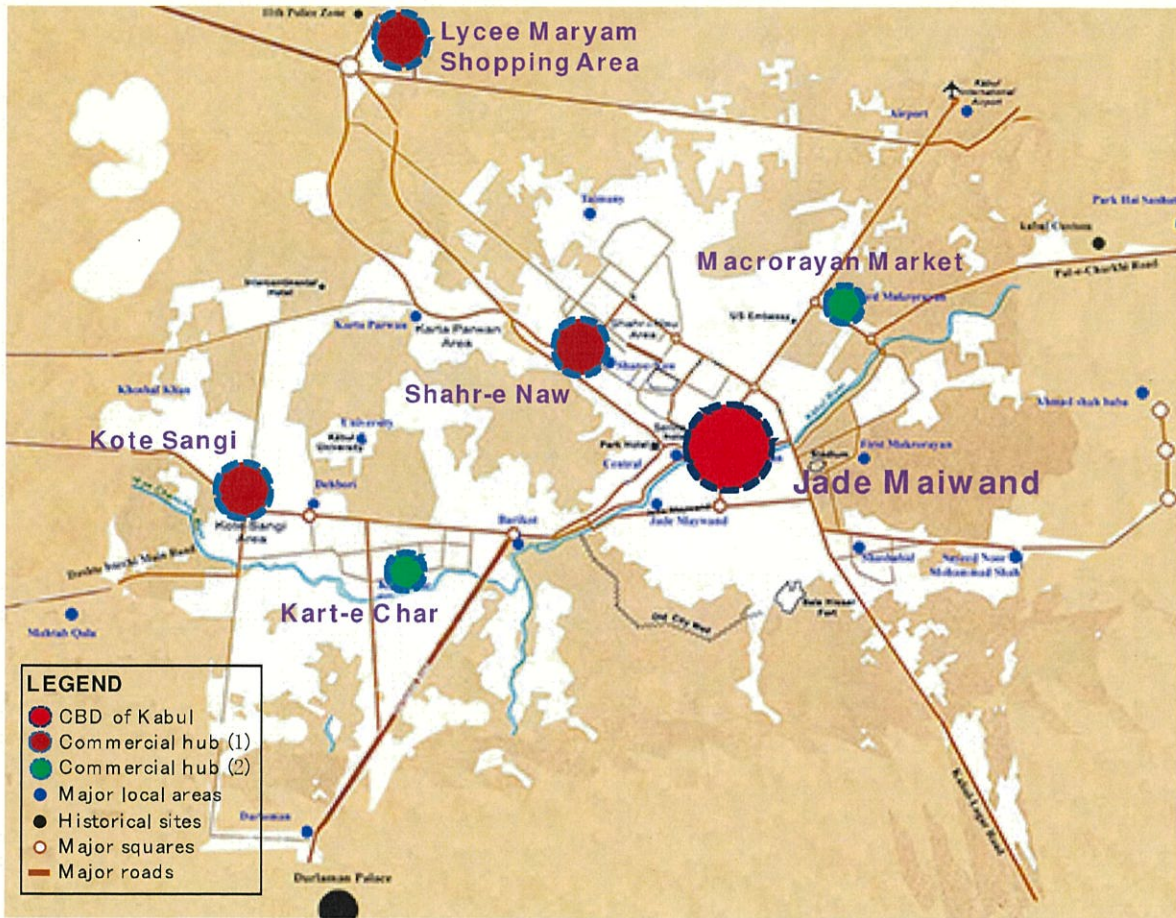
Source: Kabul Urban Design Framework (KUDF)

Figure 3-20 Future Development Image of Bagh-e-Kabul (a part of Darul Aman)

3.8 Progress and expansion of commercial accumulation in Kabul

There are four main business and commercial centers in Kabul:

- Jade Maiwand: Located in District 1
- Kote Sangi: Located partly in District 3 and 5
- Lycée Maryam: Located in District 11
- Shahr-e-Naw: Located in District 10



Source: JICA Study Team

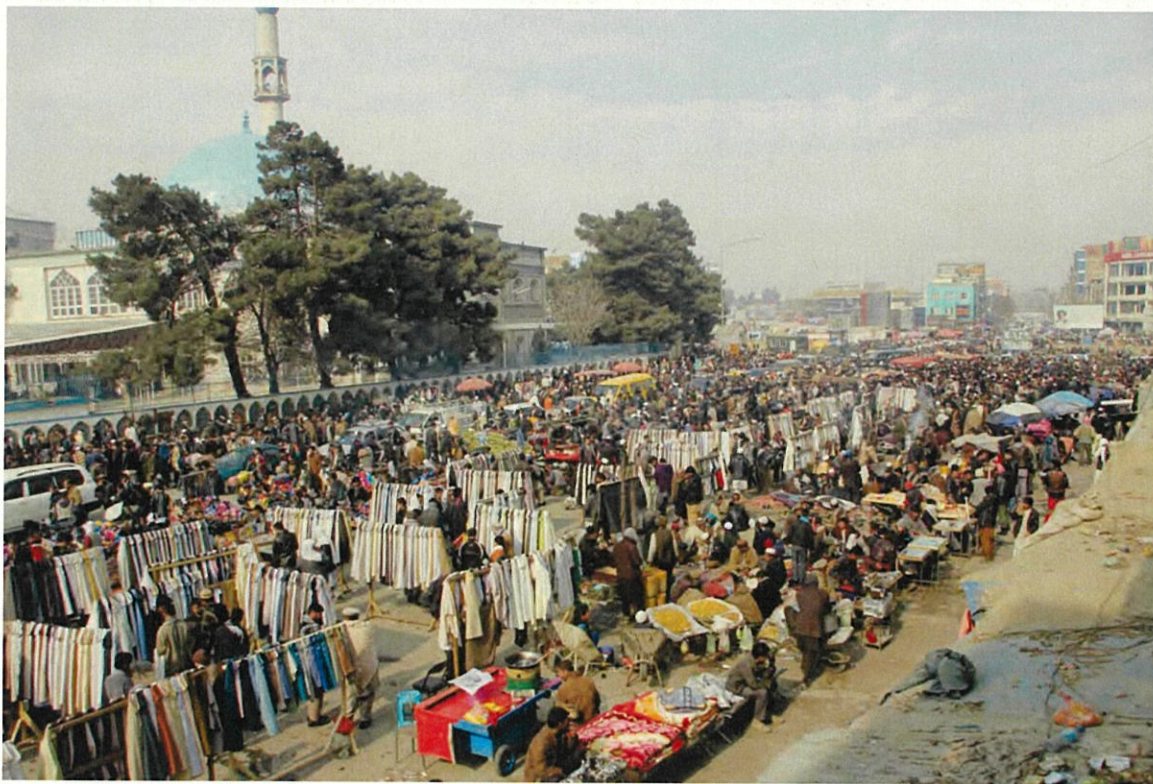
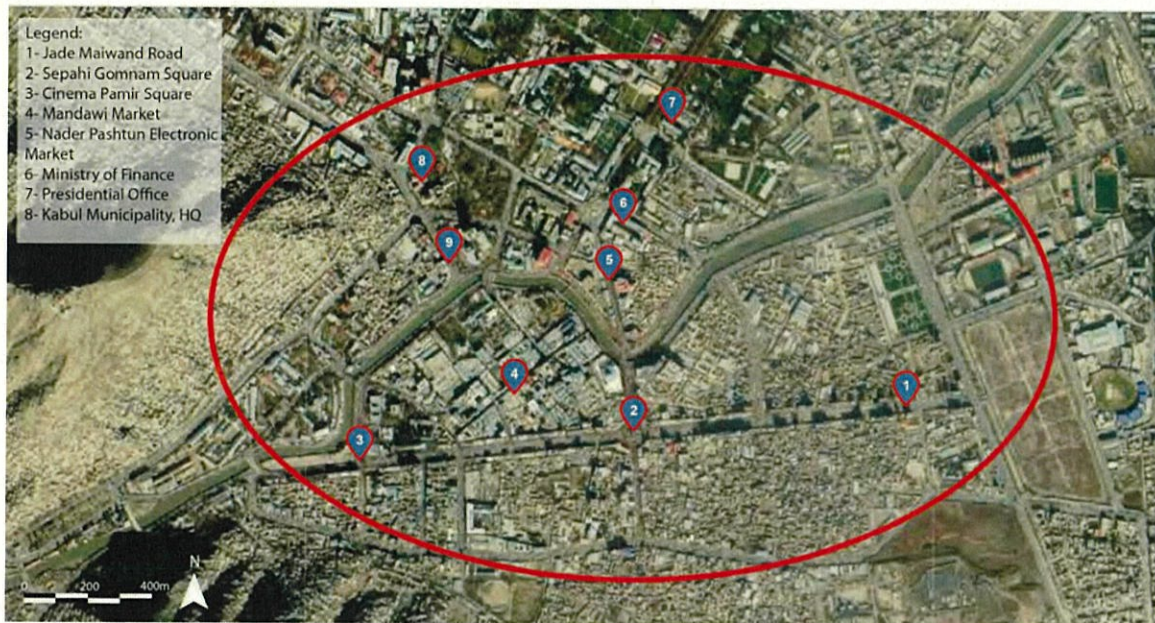
Figure 3-21 Kabul's commercial hub

The city center of Kabul is Jade Maiwand. Foreign currency exchange offices, wholesale commercial districts, electrical appliance commercial districts, etc. are concentrated in Jade Maiwand, along with the headquarters of Kabul Municipality, Ministry of Education, Ministry of Foreign Affairs, Serena Hotel, etc.

Kote Sangi is a transportation node where departures and arrivals of buses to rural areas, and a central terminal for buses operating in the city is located. Shopping streets for electrical appliances and entertainment facilities such as billiards game centers are also concentrated in this area.

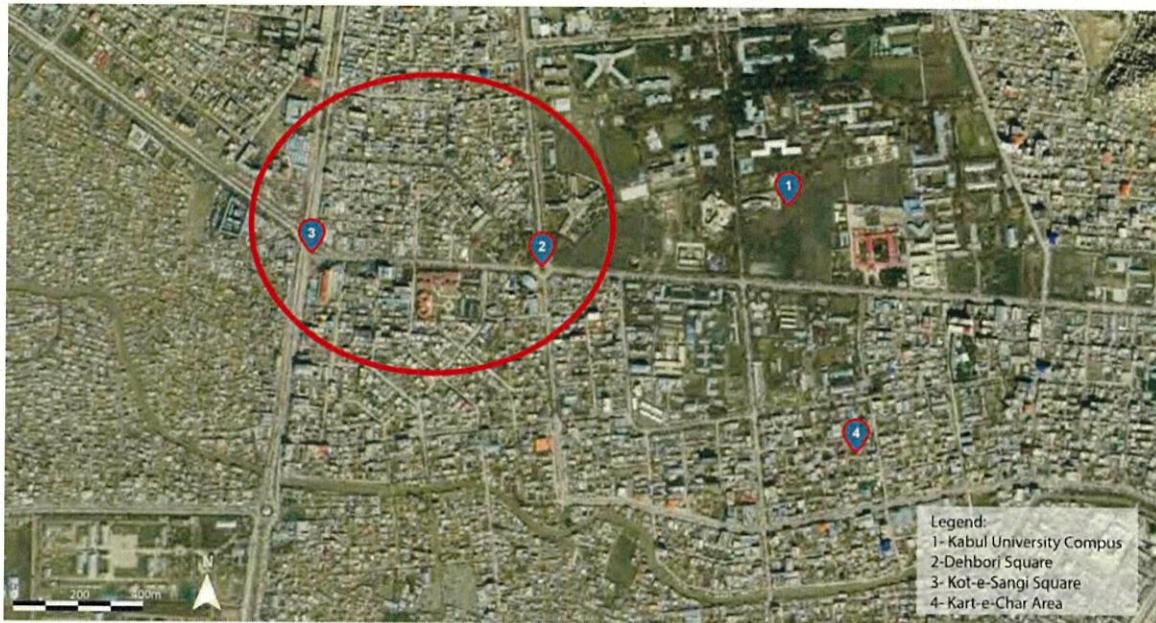
Lycée Maryam is a state-of-the-art fashion town in Afghanistan, with a collection of clothing stores, jewelry stores and a restaurant district.

Shahr-e-Naw is where private offices are most concentrated. Many financial and telecommunications companies, travel agencies, and airline offices are located in this area. Many private educational institutions such as language schools and offices of international organizations are also located in this area. Shahr-e-Naw is a place where the mid-to-high-rise building is making the most progress due to the concentration of business-related offices.



Source: JICA Study Team

Figure 3-22 Jade Maiwand (Located in District 1)



Source: JICA Study Team

Figure 3-23 Kote Sangi (connecting District 3 and 5)



Source: JICA Study Team

Figure 3-24 Lycée Maryam (Located in District 11)



Source: JICA Study Team

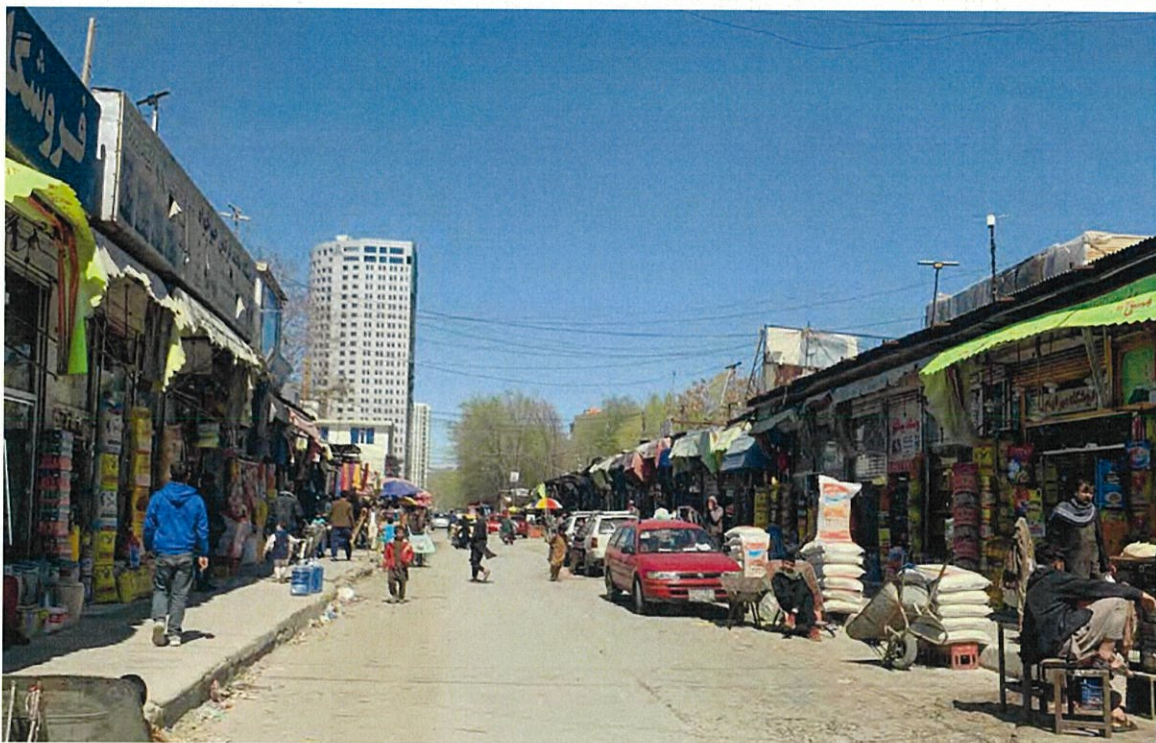
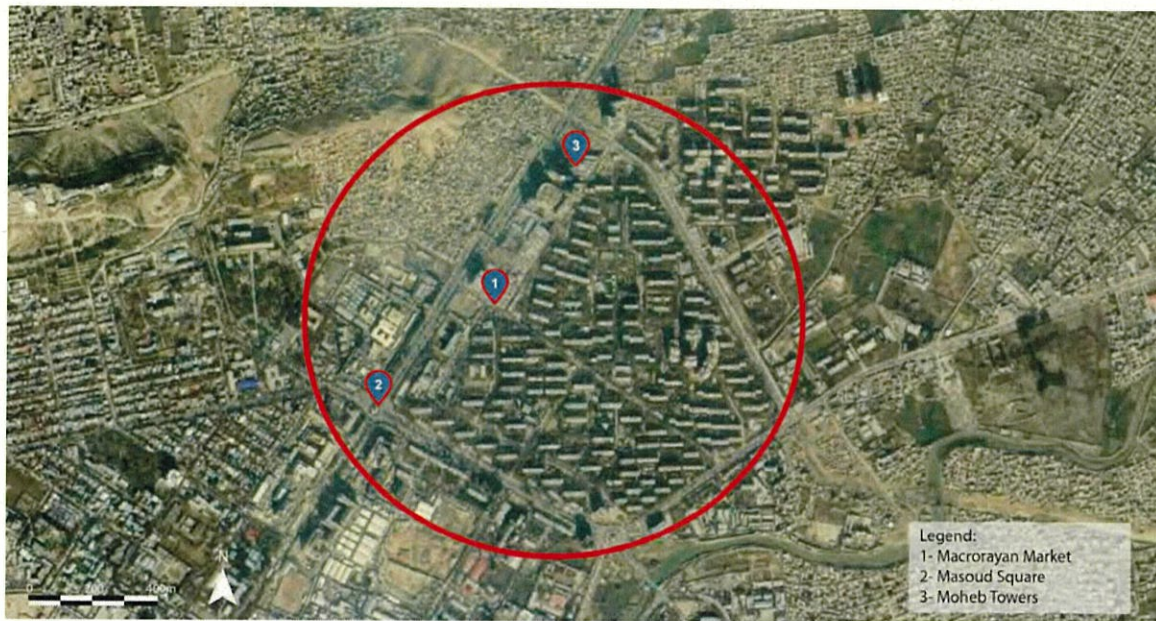
Figure 3-25 Shahr-e-Naw (Located in District 10)

In addition to the above four commercial nodes, the following locations have recently begun to progress commercial development.

- Macrorayan Market
- Kart-e-Char

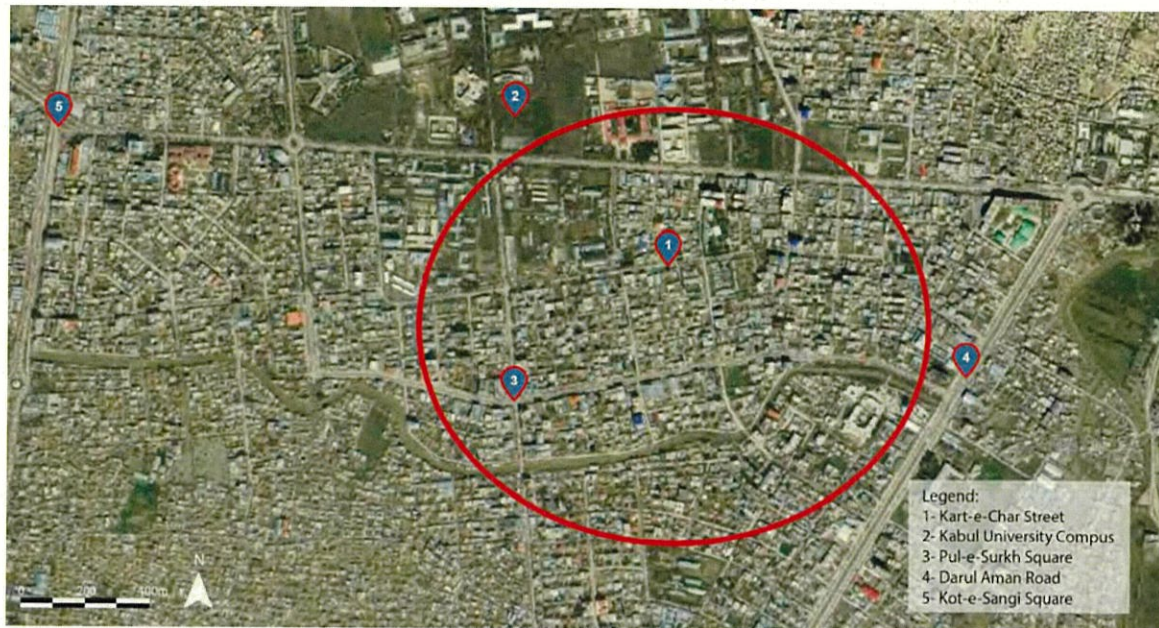
Macrorayan Market is close to the airport, therefore the concentration of airport-related businesses, IT companies, and transportation-related commercial development has begun.

Kart-e-Char has a similar direction to the above-mentioned Lycée Maryam, and the concentration of fashion-related commercial business has begun.



Source: JICA Study Team

Figure 3-26 Macrorayan Market (Located in District 9)



Source: JICA Study Team

Figure 3-27 Kart-e-Char (Located in District 3)

Although these examples are considered to be comparatively smaller-scale development, mixed-use urban redevelopment projects that combines multi-functions such as commercial, business, housing, etc. have recently started in different districts of Kabul City. As an example, there are two development cases in District 4, one development case in District 9 district, and one development case in District 6 which are as follows:

- Moheb Towers Mixed-use: located in District 9
- Ayoub Tower: located in District 4
- Taksar Tower: located in District 4

■ Ahmadyar Residents: located in District 6

Table 3-5 Urban redevelopment projects in Kabul City

No	Project Name	Location	Site Area (Ha)	Construction Period	No. of Buildings/Plots	No. of Floors	No. Units	Apartment Type	BCR	FAR	Population	Sales Price \$/m2	Rent Price \$/Month	Category
1	Moheb Towers Mixed-Use in Massoud Corridor	D-9	1.2	2015~now	6	28F 22F 20F 8F	702	2,3,4,5,6	N/A	N/A	4914	1800-2200	N/A	B
2	Ahmadyar Residents	D6	0.8	2021-2024	1	25F 13F 6F	230	3,4,5,6	32%	950%	1610	1000-1400	600-1200	A
3	Taksar Tower	D4	0.12	2017-2019	1	15F	52	Offices and Residential	79.5%	1336.0%	Apr. 600	900-1201	450-900	A
4	Ayoub Tower	D4	0.059	2018-2021	1	17F	32 Units and 26 Shops	Commercial and Residential	75.5%	1596.0%	N/A	1000-1300	500-1100	A

Legend:
Category A- Surveyed based on the actual development on the project site area
Category B- Surveyed based on the approved plans in the archives of MUDL and KM

Source: JICA Study Team

The construction of the Moheb Towers mixed-use complex development in District 9 began in 2015 and was scheduled to be completed in 2021. However, it is not confirmed yet whether the construction work would have been completed as scheduled or not. The occupancy has started in the completed part, and the Afghanistan office of the Asian Development Bank has moved to the commercial building of this complex. In addition, these development cases are not one of the cases in which land parcels of multiple landowners and residents are amalgamated together to convert the ownership of their land to floor area of the building. These development cases carried out by proceeding with land acquisition.



Source: JICA Study Team

Figure 3-28 Moheb Towers Mixed-use

The Ayoub Tower was scheduled to be completed in 2021. However, it is not confirmed whether the construction work has been already completed or not. On the other hand, the construction of Taksar Tower was already completed in 2019.



Source: JICA Study Team

Figure 3-29 Ayoub Tower



Source: JICA Study Team

Figure 3-30 Taksar Tower

The construction of Ahmadyar Residents in District 6 was scheduled to launch in 2021. It was in the concept stage as of August 2021. The figure as shown below is a perspective image of the project. Although it was scheduled to be completed in 2024, it is not confirmed yet whether the construction work has been making progress as scheduled or not.



Source: JICA Study Team

Figure 3-31 Ahmadyar Residents

3.9 Recent Housing Development Projects in Kabul

This section describes the progress of housing development projects in Kabul City in recent years.

In Afghanistan, main style of housing supply is the sale of residential land plots. People build their own house on the purchased land plot or ask a carpenter to build a brick house. Housing supply style to sell a land plot with an already-built detached house on the plot is very few in Afghanistan. (It is the mainstream in Japan). Multiple dwelling complex (apartment) has not been main style of housing supply in Afghanistan. However, as Afghanistan has been influenced by Soviet Union in many aspects, a part of public housing supply has been done in the form of apartment buildings. Typical cases are Macrorayon 1 and 2 in District 16, and Macrorayon 3 and 4 in District 9. As time goes by, in mid-2000s, Private developers have begun development and sale of apartment-type housing. The trend has been gradually strengthened year by year. One of the reasons may be that there is no more vacant land left for the sale of residential land plot in the existing urban area of Kabul City. Another reason is that the changing orientation of Kabul citizens towards housing has led to an increase in the construction and supply of apartment-type housing in the already established urban areas of Kabul City. In addition, residential land is also sold in the periphery of Kabul City and in the suburbs outside Kabul City (such

as districts 6th and 7th at the southwestern part, districts 21st and 22nd at the eastern part, districts 17th, 18th and 19th at the northern part, etc.). As a whole, sale of residential land plot is still main style of housing supply at present.

(1) Apartment housing complex as urban development projects

The table below shows some of the examples of recent apartment housing complex projects in Kabul City. There are 27 cases.

Table 3-6 Apartment housing complex development projects in Kabul City

No	Project Name	Location	Site Area (Ha)	Construction Period	No. of Buildings	No. of Floors	No. Units	Apartment Type	BCR	FAR	Population	Sales Price \$/m2	Rent Price \$/Month	Category
1	Afsoter	D-11	1.5	2002-2005	14	7	N/A	1,2,3 & 4	24.50%	225%	N/A	685	275	A
2	Golden City	D-8	6	N/A	23	10	N/A	2,3	25%	269%	N/A	876	N/A	A
3	Hewadwal City	D-8	12	N/A	60	6	N/A	1,2,3,4	12.60%	93%	N/A	386	250	A
4	Stanikzai City	D-8	4	N/A	5	9	N/A	2,3,4	30%	270%	N/A	475	250	A
5	Gulchana Condominiums	D-11	1.4	2004	8	9	N/A	1,2,3,4	24%	213%	N/A	712	275	A
6	Customized City	D-4	5.5	N/A	8	5 & 3	N/A	2,3	40%	550%	N/A	850	360	A
7	Gulbahar Towers	D-16	2.5	N/A	10	11	N/A	2,3,4	40%	440%	N/A	1200	400	A
8	Qasaba Khawaja rawash Project	D-15	27.8	2012-2017	77	6	2052	2,3,4,5	N/A	N/A	14098	740	180	B
9	Aria City	D-10	228	2006-now	53	5	2022	2,3,4,5	N/A	N/A	14154	900	300	B
10	Macrorayan 5	D-9	30.93	2010-now	19	18	1368	3,4,5	60%	300%	9567	950	300	B
11	China Aided Housing Project in Darulaman	D-6	21.18	2020-now	56	5	1400	2,3,4	N/A	N/A	9800	N/A	N/A	B
12	Qatar Aided Housing Project in Silo Road	D-5	6.25	2020-now	32	6	768	2,3,4	N/A	N/A	5376	N/A	N/A	B
13	Township in front of Polytechnique Area	D-5	2.3	N/A	8	10	320	3,4	N/A	N/A	2240	800	350	B
14	Sana-i-Ghaznawi	D-15	350	2015-now	59	6 & 10	2196	2,3,4,5	N/A	N/A	10980	400	300	B
15	Lala Residential Project	D-15	28.33	2015-now	10	15	560	3,4,5,6	N/A	N/A	2800	370	300	B
16	Sadaf Residential Complex	D-15	14.16	2017-now	4	15	276	2,3,4,5	N/A	N/A	1500	490	350	B
17	Banayi Residential Complex	D-8	N/A	2016-now	40	6	1440	2,3,4,6	N/A	N/A	10080	750	200	B
18	Gulstan Township	D-9	42.63	N/A	9	5	607	2,3,4,5	N/A	N/A	4249	N/A	N/A	B
20	Police Township	D-4	118.34	2017-now	43	6	1200	2,3,4	N/A	N/A	8400	N/A	N/A	B
21	Rahman mina Township	D-8	N/A	2015-now	21	25,20,10	2625	2,3,4,5	N/A	N/A	N/A	N/A	N/A	B
22	Kamaz Township	D-15	172	N/A	101	9,6	3636	2,3,4,5	N/A	N/A	25452	N/A	N/A	B
23	Emirate Township	D-15	48.3	2013-2018	111	5	3330	2,3,4	N/A	N/A	23310	450	100	B
24	Azizi Plaza	D-9	1.3	2011-2019	1	23	N/A	3,4,5,6	N/A	N/A	N/A	800	N/A	B
25	Salim Karwan	D-12	15.6	2008-2015	12	7,10	2940	2,3,4,5	N/A	N/A	20580	700	180	B
26	Nasaji Bagrami	D-8	103.69	2016-now	19 Blocks	6	681	2,3,4,5	N/A	N/A	4767	N/A	N/A	B
27	ONYX Rahman Mina	D-8	46.1	2012-now	78	6,12,14	1086	2,3,4,5	N/A	N/A	7602	900	N/A	B

Legend:

Category A- Surveyed based on the actual development on the project site area

Category B- Surveyed based on the approved plans in the archives of MUDL and KM

Source: JICA Study Team

➤ Qasaba Housing Complex Development Project (Qasaba Khawaja Rawash Project)

The Qasaba Housing Complex Development Project is located in the district 16th, and 77 residential building were built on 28 ha of land. Originally, the Ministry of Urban Development and Land (MUDL) developed the housing complex on the government-owned land. Almost all the 77 buildings are 6-story apartment buildings. The Ministry of Urban Development and Land (MUDL) is the implementing authority of this project. Construction was carried out from 2012 to 2017. All the apartment units have been sold. The Ministry of Urban Development and Land (MUDL) outsourced construction to a private construction company, and post-construction maintenance is outsourced to the Housing Construction Corporation (HCC), which was previously under the umbrella of the Ministry of Urban Development and Land (MUDL). All sales are carried out at the planning and design stage as

“pre-sale”, and all the units are sold out. The purchaser or occupiers of this residential complex is general public (citizen).



Source: JICA Study Team

Figure 3-32 Qasaba Housing Complex Development Project

➤ **Aria City Development**

Development and sale of Aria City was carried out by private developer. It is located in the district 10 of Kabul City, close to Kabul International Airport. As for the land, private developers have purchased the land of Kabul Municipality and acquired the informal residential area in the surrounding to prepare the land for development. At the time of the approval of Aria City, the planned land area was 290 ha, but the actual area developed so far is about 20 ha. The construction work began in 2004 and is still underway. Land acquisition of informal settlements is a very difficult task, so it may be difficult to develop 290 ha at this point, and development is likely to end at approximately 20 ha. The apartment buildings are 6 stories high. In addition, small offices, shopping centers, and other social and public facilities such as schools, hospitals, mosques, etc. have also been developed.

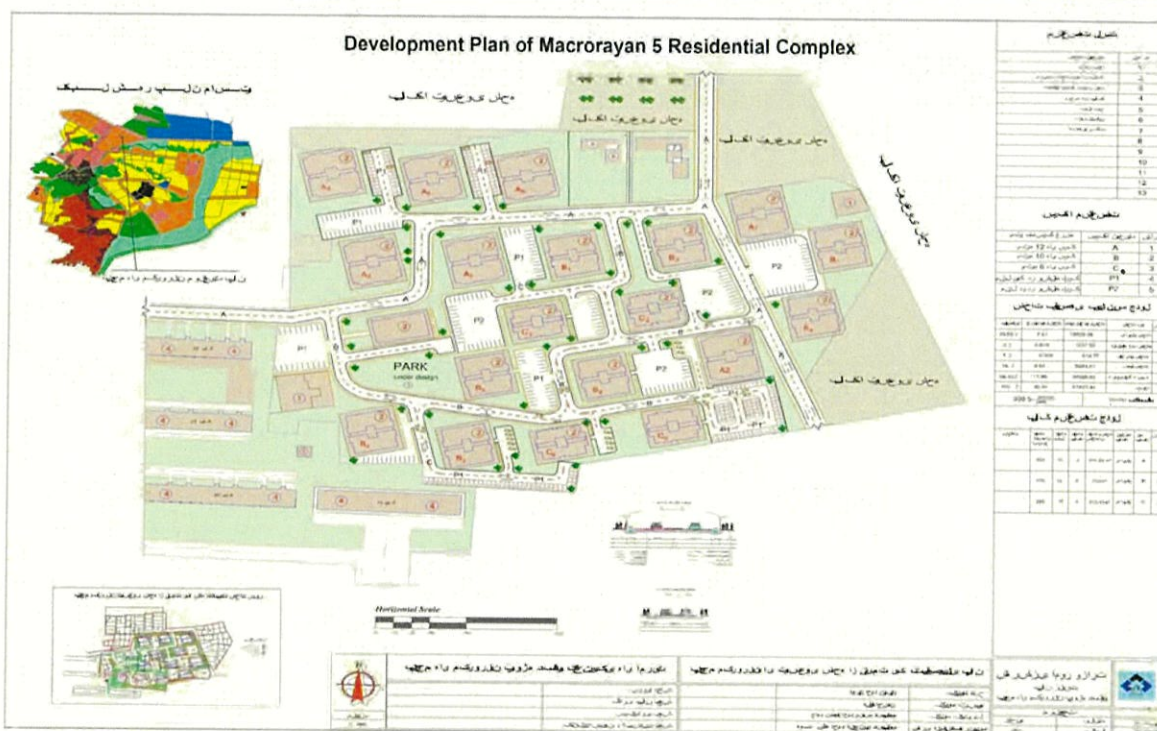
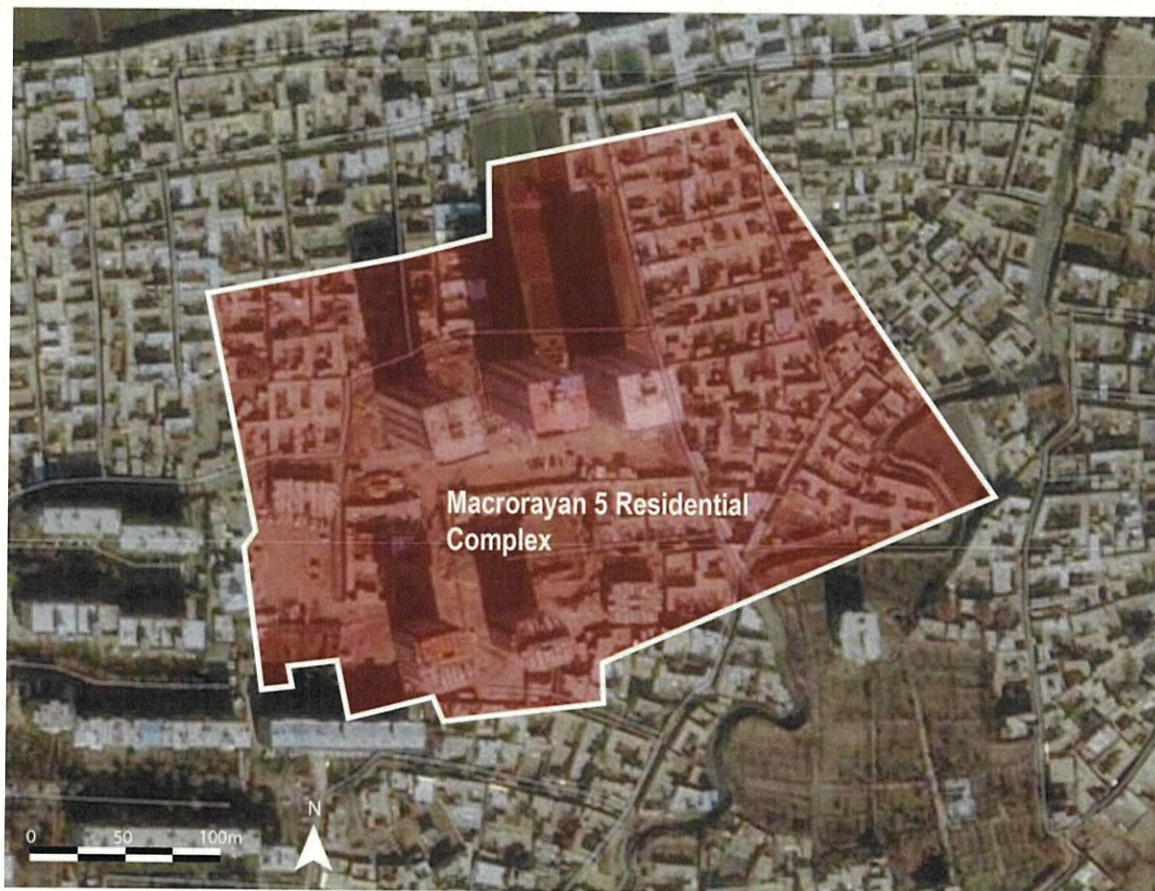


Source: JICA Study Team

Figure 3-33 Aria City Development

➤ **Macrorayon 5 Housing Development Project**

The Macrorayan 5 project is developed as housing supply project by Ministry of Urban Development and Land (MUDL) by urban redevelopment method of FFL in unplanned residential areas in District 9. Initially, it was planned to develop 19 apartment buildings on a site of about 30 ha, but so far only 5 apartment buildings have been actually constructed. Now the construction work is still suspended, but according to MUDL, it will start again soon.



Source: JICA Study Team

Figure 3-34 Macrorayan 5

(2) Detached residential complex development projects

The number of projects to develop detached residential complex in a large area in Kabul City has been decreasing recently. Below is a table summarizing the three detached residential complex projects.

Table 3-7 Detached residential complex development projects in Kabul City

No	Project Name	Location	Site Area (Ha)	Construction Period	No. of Buildings/ Plots	No. of Floors	No. Units	Apartment Type	BCR	FAR	Population	Sales Price \$/m2	Rent Price \$/Month	Category
1	Omid Sabz Township	D-13-6	295.6	2013~now	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	B
2	Ghaib Baba	D-7	221	2015~now	3766 plots & 69 Blocks	12	3504	2,3,4,5	N/A	N/A	N/A	15000/Plot	N/A	B
3	Saramiyasht Township	D-5	79.3	2017~now	218 Plots & 16 Blocks	N/A	538	2,3,4	N/A	N/A	3766	N/A	N/A	B

Legend:

Category A- Surveyed based on the actual development on the project site area

Category B- Surveyed based on the approved plans in the archives of MUDL and KM

Source: JICA Study Team

➤ Omid Sabs Development

Omid Sabs Township is developed by a private developer on a land of about 300 ha located near Darul Aman Palace in the southwestern part of Kabul City. In addition to planning the necessary social and public facilities alongside with housing, a simple sewage treatment facility is set up in the downstream area by utilizing the sloping terrain, and the treated water is pumped to the upstream area to the park in order to secure the necessary water for the green space. About 200 ha of the planned area which makes 2,000 to 2,500 units have been already constructed. However, still there are many land plots where no buildings have been constructed. It seems that unplanned land was purchased to create land for planned residential area and developed.



Source: Kabul Municipality and JICA Study Team

Figure 3-35 Omid Sabs Development

CHAPTER 4 PROGRESS OF DEVELOPMENT OF LEGAL SYSTEM REGARDING URBAN DEVELOPMENT IN RECENT YEARS

4.1 Enactment of the basic law for urban development (Law on Urban Development and Housing)

During the technical assistance to the urban development field in Afghanistan in 2006-2009, the focus was on the formulation of the Kabul Metropolitan Area Master Plan and technical assistance for new town development in the northern suburbs of Kabul in the Dehsabz area. Laws and systems in the field of urban development in Afghanistan at that time were underdeveloped and immature in various aspects and it was pointed out that improvements are needed to be made in the future. (Details in this regard can be found in the chapter on the city planning system, in the Kabul Metropolitan Area Master Plan Development Survey Report and the attached sectorial report.) Many efforts regarding establishment of institutional framework have been made in the last decade. This chapter takes a look at the progress made regarding institutional and legal framework.

First of all, the root of the problem was that there was no basic law in the field of urban development (such as the City Planning Law in Japan). Ministry of Urban Development and Land (MUDL), which is in charge of urban development policies and systems on the national level, has since proceeded with numerous studies and enacted the Law on Urban Development and Housing on December 18, 2017. The Law on Urban Development and Housing consists of 6 Chapters and 30 Articles. The main purpose of this law is the following eight points.

1. Draw a vision of urban development in Afghanistan.
2. Sustainable and balanced urban growth.
3. Provide ground for creating a favorable urban system to achieve public welfare.
4. Provide the ground for the construction of towns and residential complexes in compliance with cultural and environmental standards.
5. Prevent unplanned urban growth from chaotic expansion and unsustainable urban growth.
6. Provide basic urban services, urban infrastructure and housing.
7. Preserve historical sites, monuments and culture.
8. Create an environment for the private sector to invest in urban development and housing construction.

The Law on Urban Development and Housing stipulates the following matters.

- ✓ The Law on Urban Development and Housing explains the principles and general rules of urban planning.
- ✓ It defines the roles, responsibilities and authorities of the Ministry of Urban Development and Land (MUDL).
- ✓ It clarifies the hierarchical structure of Afghanistan's urban planning (Comprehensive National Development Plan, Regional Plan, City Master Plan, Strategic Plan, Guiding Plan (Emergency Plan), Detail Plan, etc.).
- ✓ The above plans are consulted and approved by the High Council for Urban Development.
- ✓ The law defines urban development projects including; land readjustment, urban renewal, urban upgrading and rehabilitation of historic sites.
- ✓ Detail plans, development plans, etc. of major cities are consulted and approved by an endorsement committee established in the Ministry of Urban Development and Land.

4.2 Shift from planned economic (authority-led) system to regulation-guided system based on market mechanism

Originally, the city planning of Afghanistan was strongly influenced by the former Soviet Union, and there is a history of continuing based on the planned economic system in which public entities regulate the planning and development contents of the city. City planning is centered on Detail Plan as development tool which is prepared based on the City Master Plan and Structure Plan. This is similar to the city planning system in Germany (F-Plan and B-Plan) and Northern Europe.

The city planning system, which is mainly based on the detail plan, defines the detailed of urban area including the layout and form of the buildings. There is an advantage to this system because the city planning administration can decide in detail what kind of urban area will be formed. Even in Japan, detail plan was used as an important city planning tool for systematically forming urban areas by deciding the details of the district in the areas where development control only by zoning system is difficult in the 1970s. These areas include areas where development guidance is required for facilities that are nodes for urban policies, and in areas where sufficient consideration is required for landscape formation.

In Afghanistan, detail plans are formulated in all city planning areas, and the city planning administration decides in detail to form urban areas. However, it is difficult to control development through detail planning system in countries with rapid urbanization and strong housing demand due to rapid population growth. In Afghanistan Government does not update and revise master plans and structure plans regularly. On the other hand, development projects must suit to master plans and structure plan which are not so regularly and frequently updated. Detail plan regulates even each building shape and building coverage location. Therefore, it is difficult to take advantage of private sector's creative idea and wisdom. Taking a look at government side, it is difficult to secure sufficient manpower and budget to promptly respond to market demand. Recently Afghanistan government is also trying to introduce "regulatory guidance" planning system that encourage individual and private sector development within the regulatory framework rather than the public entity defining all the contents of development by detail plans. Discussions for shift of the system began around the time of the JICA Metropolitan Area Master Plan Development Survey. In 2006, the Ministry of Urban Development (currently the Ministry of Urban Development and Land) established a department to consider the introduction of the Building Code and Zoning System, and proceeded with the draft to some extent. This was taken over by the Afghanistan National Standards Authority (ANSA), and in 2012 a draft of "Urban Development Code" with the contents of the land use planning system was compiled, but it was not well disseminated and not recognized by local municipalities and government agencies.

On the other hand, in Kabul City, the revision work of the Kabul City Master Plan was carried out in 2011 with the cooperation of JICA and approved in 2012. Regulatory guidance planning system or "zoning system" was introduced in the supplementary report of the master plan. The Building Code and zoning system, which are expected to be introduced in the future, are under consideration to be customized in the contents of Afghanistan system so that they will be gradually integrated or shifted from the detail plan system of urban planning.

In 2016, during the time of Mayor Habibzai, policy to shift from the detail planning system to land use planning system (zoning) was clarified. In response to this trend, in the "Project for Development Service for Land Readjustment and Urban Redevelopment Projects for Kabul Municipality", training for land use planning and zoning was conducted in Japan and India to provide capacity development. On the other hand, the Ministry of Urban Development and Land (MUDL) is

currently focusing on study of zoning system, where Kabul Municipality has compiled zoning contents into building permit system which was approved by the Cabinet in February 2021 under the name of Regulation on Building Permit and Prevention of Construction Violations.

It is expected that the Ministry of Urban Development and Land (MUDL) will carry out the compilation work regarding the zoning system in the future. However, it is important to pay attention on how to incorporate and practice the relevant parts of the Kabul Municipality's building permit system. It seems that there is still a long way to go before the zoning system is actually widely used by local municipalities nationwide.

4.3 Improvement of legal framework regarding land

(1) Governance regarding Land Registration

In underdeveloped and developing countries, there are many disputes and issues related to land, and many countries are troubled by land issues. Afghanistan is no exception, and land problems are often a hindrance to urban development in Afghanistan. In Afghanistan, there are many cases where the war causes temporary evacuation from and migrating Afghanistan to abroad for finding job opportunity, thus the problem of absentee landowners is often encountered during urban development projects. On the other hand, other land related issues include occupying the land by force (Land Grabbing) by warlords which were formed during a long war history of Afghanistan.

In addition, although there is an official system for land registration in Afghanistan, many people do not carry out the official land registration due to hectic process of being time consuming and costly requirements for the land registration. Official land ownership documents (Official deeds) are registered after the applicant prepares the documents and pay expenses and is examined by the court, but for the general public, the cost burden is large and preparation of the necessary documents is a big hassle. Customary land ownership documents, on the other hand, proves land ownership by the head of the community (Wakil Gozar) or neighbors signing the transaction documents. These documents are known as customary deeds in Afghanistan. So far, in reality, many have avoided the official land ownership registration process and have followed the customary community recognition of land ownership. However, such customary land ownership recognition systems are fragile considering many cases of losing or robbing of documents, reselling land, or illegally disposing of public land due to long wars and conflicts in the country, and in many cases the ownership and boundaries of the land are unclear.

In Afghanistan, land acquisition is generally used in order to carry out public projects such as road development. Although land acquisition is often stopped due to insufficient compensation for land or unappropriated alternative land replacement, but the unclear land rights that are the basis of construction are also a hindrance to the progress of land acquisition project, which is a prerequisite for development. Even when carrying out project under the newly introduced land readjustment and urban redevelopment methods, there are always obstacles related to land issues such as many lands with unclear land rights and the expansion of large unplanned urban areas.

In order to improve this situation, efforts have been made in recent years to improve land related problems through international technical assistance and domestic efforts. In 2017, Land Management Law was enacted and National Land Policy (NLP) was formulated and approved by Afghanistan Government. It is advocated by NLP to make improvements in relation to land issues as follows:

- i. Land registration
- ii. Land survey

- iii. Land price appraisal
- iv. Accurate geodetic technology and precise map preparation
- v. Land data base and IT
- vi. Capacity development of human resources of land administration and management

(2) Land Registration

It is evident that land issues are deeply related with urban planning and urban development. This is the case with every country in the world. In Afghanistan, however, land governance is considerably weak. There are so many land disputes in Afghanistan cities as well as in rural areas. Due to long lasting conflicts and wars, records of land registration have been destroyed and/or scattered. Forgery of official land documents is also serious in Afghanistan. The land issues are deteriorated furthermore by internal displaced people (IDP) and refugees returning from foreign countries, very high total fertility rates (TFR), urban sprawl etc. It is of great difficulty to improve land issues. It is said that merely around 20-30% of land plots have undergone official land registration.

Land registration was a judicial matter in Afghanistan (It was revised recently. Now people must go to MUDL, not to the Court. People must prove that the land concerned is their own land. This is one of the reasons why Afghanistan national people are unlikely to make official land registration. In Afghanistan, people must pay fee to the MUDL (3% of the land value), MoF (1%) and Municipality (1%), respectively. In total 5%. (Until quite recently, it was 7%) Because of such fee burden, Afghanistan people do not feel like conducting official land registration. According to MUDL, merely around 30% of land plots are officially registered while less than 10% in rural areas.

In general, instead of obtaining official deed, people prefer to obtain customary deed. This is a conventional document of proving the land ownership in Afghanistan. The proof of the landownership by customary deed becomes valid by community witness. Community leaders (Wakil Gozar) make signature on customary deed.

Afghanistan Government intends to make changes in such land registration situation. Firstly, Afghanistan Government has changed that governmental responsibility of land registration was transferred from the Court to MUDL. Now people do not have to go to the Court, but to go to MUDL and submit necessary documents to MUDL. MUDL conducts administrative check and give approval. MUDL's administration work, not the Court's approval matter.

It is noteworthy to mention that the revision of Land Management Law (approved and established on July 31, 2008) underwent revision on April 15, 2017. The revised part of the law stipulates that in case of not having official land ownership documents, people can prove their land ownership by submitting several substitute documents to Afghanistan Government. In parallel and simultaneously, Afghanistan Government enacted the Regulation regarding how to make land registration in case of regularizing informal settlements (unplanned area).

(3) The regulation to stipulate how to deal with land matters in case of regularizing informal settlements (unplanned area)

How to regularize informal settlements (unplanned area) is regarded as one of the most serious and important matter in urban planning and urban development of Afghanistan. In this connection, MUDL could successfully enact the regulation regarding this matter. It is "The Regulation on Managing Affairs Related to Unofficial Urban Estates". It was approved by the Cabinet on February 26, 2018. This Regulation is comprised of 4 chapters and 28 articles. Main aims are as follows:

- To set forth the steps and procedures regarding land survey and land registration in informal area (unplanned area)
- To guarantee the right of occupancy (residing) or the right of landownership of residents of informal settlements (unplanned area)
- To amplify investment opportunities of informal settlements (unplanned area)
- To promote cooperation and coordination of the governmental organizations concerned with to the managing, monitoring, approving, checking the land matters and the regularization matters

It is a big value of this Regulation that it sets forth how to conduct land registration in informal settlements (unplanned area). To date, a lot of intensive discussion has been held among the related government organizations as well as the concerned private sectors. However, it was of great difficulty to establish consensus about this sensitive issue. In this Regulation, it is also stipulated that the land matter is to be governed by the land authority (ARAZI). Thereafter, ARAZI was merged within MUDL in December 2018. ARAZI is one of the Department of MUDL. Before this, MUDL (Ministry of Urban Development and Land) was MUDH (Ministry of Urban Development and Housing). The name was altered.

Below is a summary of the procedure for land registration in the informal areas in five stages. The right of ownership obtained by this procedure is provisional land ownership. Five years after the registration of the provisional ownership, the procedure for transferring to the original land ownership is carried out, and the registration of the ownership of the land is completed.

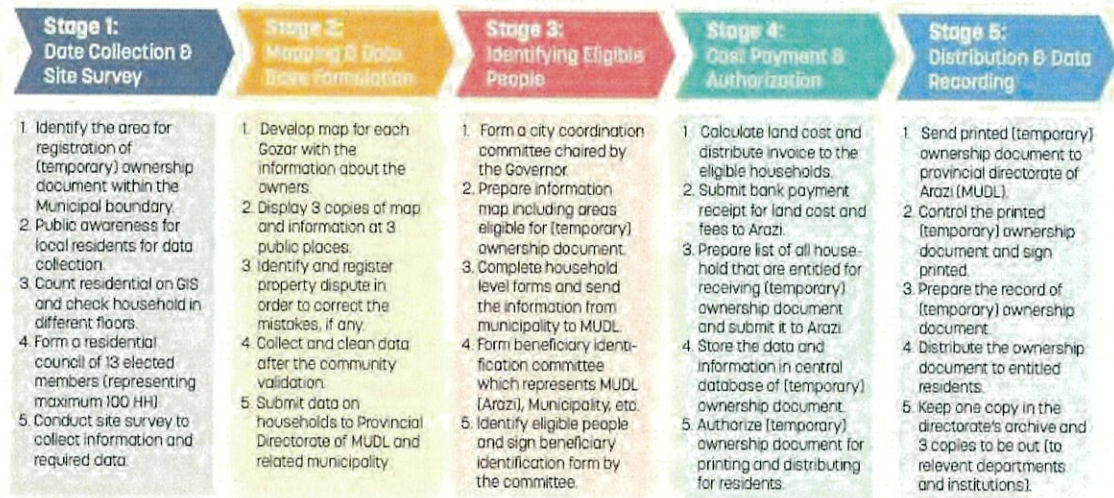
Stage 1: Data / information collection confirmation survey of the target area

Stage 2: Mapping and database formulation

Stage 3: Conformity check for conditions that the target area should meet conditions with the residence history of the resident household

Stage 4: Calculation and payment of provisional land ownership acquisition fee and approval of provisional ownership

Stage 5: Registration of provisional ownership



(Source) Created by JICA study team from UN-Habitat report

Figure 4-1 Informal land registration procedure

This Regulation also advocates that not only public sector but also private sector and citizen shall make cooperation for urban development and urban redevelopment as well as contribute their land for infrastructure development such as road widening.

This Regulation is based on Law on Managing Land Affairs. As afore-mentioned, firstly the Law was enacted in 2008 and then revised on April 15, 2018. Thereafter, furthermore revised on October 17, 2018. The law is currently comprised of 13 chapters and 119 articles. The objectives of this Law are as follows:

- Objective 1: to stipulate all the matters of land,
- Objective 2: to solve land issues
- Objective 3: to regain the land illegally occupied or plundered
- Objective 4: to regain the land illegally developed and sold
- Objective 5: to use Government land appropriately in compliance with the related laws

This Law pertains to almost all the related matters of land: i) land deeds; ii) land survey, iii) geodesy, iv) how to prove land ownership, v) land lease, vi) land grabbing, vii) illegal land occupancy, viii) penalties and fines etc.

(4) Revision of Land Acquisition Law

In Afghanistan, public projects such as urban infrastructure development were generally carried out by land acquisition. However, it has been pointed out by international donor agencies, etc. that the cost of compensation for land acquisition is too low, and that there is no mediation of land for temporary or permanent relocation. In response to this, the Land Acquisition Law was revised in 2017. The revised Land Acquisition Law consists of 7 Chapters and 53 Articles.

In the “Project for Development Service for Land Readjustment and Urban Redevelopment Projects for Kabul Municipality”, the legal base such as law, regulation and bylaw (procedure) for land readjustment and urban redevelopment was established. However, since there was a strong concern that

it will take a long time or it may not be possible to enact a new law only for that purpose of land readjustment and urban redevelopment, by taking advantage of this timing, the methods of land readjustment and urban redevelopment was described in the newly inserted Article 46 of the revised land acquisition law.

The revised Land Acquisition Law is stated to be the basis for achieving the following eight objectives.

1. Providing the ground for the fair acquisition of the property of individuals.
2. Regulating methods of identification of properties under acquisition.
3. Provide the ground for the implementation of urban master plans and plans of projects for the sake of public interests.
4. Determining the criteria for establishing a fair exchange of properties under acquisition.
5. Providing the ground for the transfer of government property for the implementation of projects for the sake of public interests.
6. Resettlement of property owners in large national projects.
7. Compensation for the owners and other persons affected by the acquisition process.
8. Increasing the positive impact of the acquisition.

Land Acquisition Law defines the mandates of individuals, implementing body and relevant government authorities involved in the land acquisition project, criteria and process for appraisal of properties under acquisition, and resettlement of affected persons within and outside of the city master plan area.

In addition, it is significant for Afghanistan to specify for the first-time land readjustment and urban redevelopment projects that are carried out with the participation of residents and landowners, in addition to the land acquisition projects that is unilaterally carried out by the public side. It is also worth mentioning that by utilizing these methods it is significant that not only the public side will burden the project cost, but also the project cost will be collected by using the market mechanism.

(5) Improvement of Safai Tax System

In Afghanistan, there is an official registration procedure and transaction system for land registration and transactions, but there is also a traditional community-based land transaction system and land registration certification (a system in which ownership is certified by neighbors and the mayor (wakil gozar) of the town in which the person lives), and those two systems coexist. Official land ownership is registered after the applicant prepares the documents and fees, and is examined by the court. On the other hand, customary land ownership is recognized as a valid document that proves the ownership of the land in question by having the head of the community and several neighbors witness and sign the transaction documents. The figure below shows an example of a customary land registration certificate by the community.

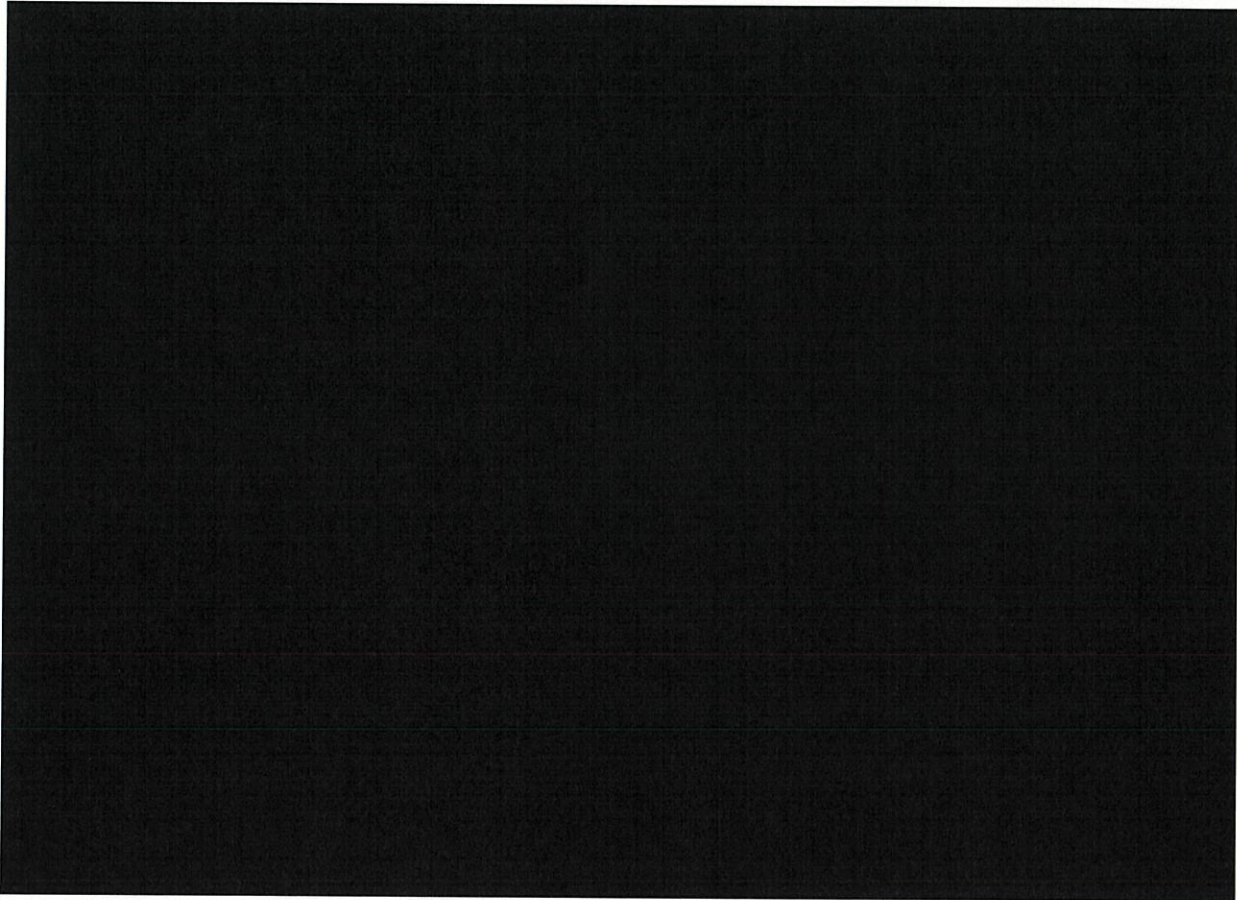


Figure 4-2 Back page of customary deed showing the witnesses signature and photos

In reality, many people seem to avoid registering their land ownership under the official system and follow the customary method because of the complicated procedures and large costs involved in following the official system. In addition, the ownership and boundaries of land are often unclear due to the loss of documents caused by past conflicts, robbery and resale of land, and private illegal disposal of public land.

This delay in modernizing the country's land registration and transaction procedures has been one of the main reasons why urban development projects and infrastructure projects in the country have not progressed quickly. In general, public works projects in the country are carried out through expropriation of land, and when expropriation is carried out, compensation for the expropriated land and alternative land are supposed to be provided. However, because the land rights are unclear, it is often difficult to identify the target of compensation or alternative land provision. Thus, the delay in modernizing land registration and transaction procedures has been a hindrance to urban development and improvement projects in this country. In addition, most of the residential land development and housing construction in response to the rapid population growth has led to the rapid expansion of unplanned residential areas without formal procedures, leading to the continued expansion of land areas with unclear land ownership. In order to promote urban development, it is a requirement that the ownership of land can be confirmed. This land ownership problem is a pressing issue for the Ministry of Urban Development and Land, which is responsible for urban planning administration.

The country has a tax collection system called the Safai Tax, which is very similar to the property tax in general. Owning land alone is not subject to the Safai tax, but constructing a building on the

owned land is subject to the Safai tax. In principle, this Safai tax could only be imposed from districts that were officially designated as planned settlements. For example, about 70% of the houses in Kabul City are in unplanned settlements and informal settlements, so the Safai tax could only be collected from about 30% of the houses. In order to improve the financial health of the municipality and increase tax revenue, Kabul City has recently launched an effort to encourage people in unplanned settlements to pay the Safai tax, with the support of USAID.

In order to be able to collect fees from unplanned settlements, Kabul City, with the support of USAID, has implemented a project to distribute three types of booklets to each household for housing in the city: planned settlements, unplanned settlements, and informal settlements. By distributing these booklets, residents will be able to know which of the three categories their houses belong to, and Kabul City will also be able to know the number of dwelling units in each of the three categories, which is expected to help the government collect basic information and taxes.

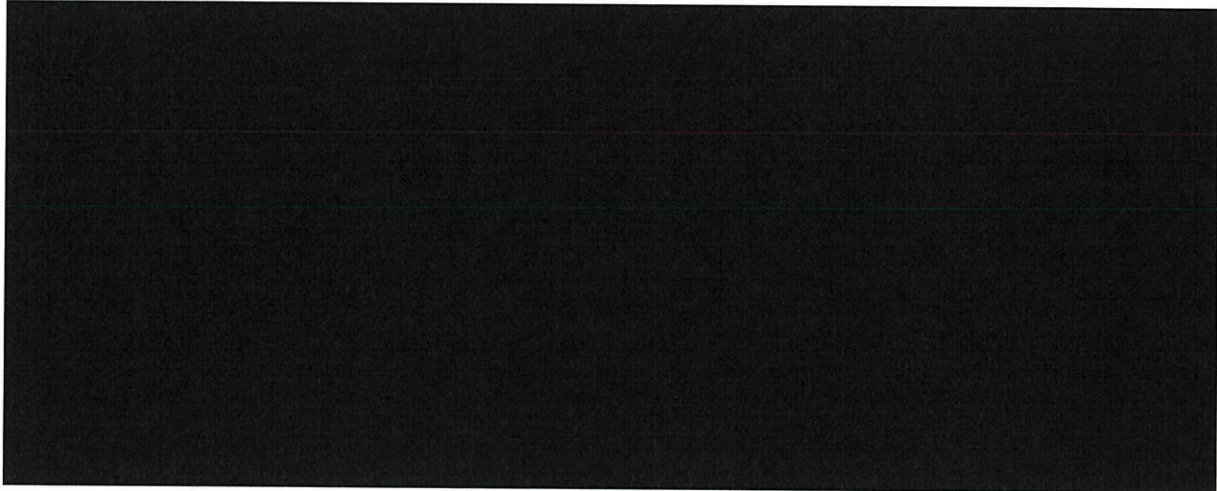


Figure 4-3 Distribution of Safai Booklet

4.4 Institutional and legal framework for Housing

(1) Housing issues and Afghanistan Government's housing policy and objectives

As aforementioned in Chapter 2, the speed of Afghanistan population increase is very rapid. For this quarter century (1995-2020), the population of Afghanistan has grown more than double (2.2 times bigger). The tendency of prolific population is symbolized as the total fertility rate (TFR: 4.47), 2018. The natural increase is particularly remarkable. It means that the pace of Afghanistan population increase will not easily go down. On the other hand, the population age structure of Afghanistan is very young. The child population (less than 15) occupies 42.5%, while the productive age population (15 or more – less than 65) occupies 54.9%. The aged population (65 or more) occupies only 2.6%. These tendencies and characteristics of Afghanistan population will definitely generate big pressure for Afghanistan Government how to suffice strong and huge demand for housing. Although the fact that the population is young and fertile looks apparently lucrative, Afghanistan Government is confronted with the issue of housing shortage. In accordance with rapid population increase, Afghanistan Government must accelerate housing supply. However, it is a very difficult task to achieve sufficient housing supply in harmony with the rapid population increase. After all, the big gap between housing demand and supply will worsen the issue of urban sprawl, rampant expansion of informal settlement (unplanned area), bad living condition etc.

While Afghanistan government has been exerting utmost effort to accelerate housing supply, there are another socio-economic, financial issues to hinder improvement of housing demand/supply gap. Namely, even if an ordinary citizen may want to purchase a house, he or she cannot use housing mortgage loan. As a matter of fact, the system of housing mortgage loan has not been established in Afghanistan yet. Ordinary people will have to rely on personal borrowing from their parents or relatives. Although no problem for rich family, poor family cannot make fund procurement for housing. In general, one possible way for an ordinary citizen is to build a house for himself by brick masonry. Residential performance is a secondary issue.

To date, the governmental effort for housing supply has focusses on direct supply acceleration. MUDL or HCC has undertaken residential development projects. However, as the demand/supply gap is so huge, the volume of direct supply is very trivial as compared with the housing market scale. Another problem is location. So far, these governmental projects have been planned and implemented concentratedly in Kabul or the suburb of Kabul.

With the reference to private developers' housing projects, private developers are keen about profit margin. They are willing to take up the projects whose profit margin is considerably lucrative. More or less, those projects are residential development for high income groups. Private developers usually do not allocate their investment fund for affordable housing projects for low/ middle income groups. Although market volume for affordable housing for low/middle income groups is huge, not only governmental organizations but also private sectors have not been allocating their financial and technical resources for affordable housing so much.

In many countries, housing demand is one of the important factors to stimulate economic growth. In Afghanistan, however, the mechanism of using housing demand for economic growth has not been established. Adversely, the gap between housing supply/demand has been functioning as to deteriorate informal settlement issue, urban sprawl, and living condition etc. In Japan, there was a big housing shortage just after World War II. As Japan achieved high economic growth in 1950s and 1960s, residential construction and mass housing supply played a very important role of economic growth engine.

Looking into legal and institutional aspect of housing, not only private developers but also consumers and governments are weak in terms of compliance. This is, in a sense, breeding ground for illegal sub-division of land, land grabbing, urban sprawl and rampant encroachment of informal settlement (unplanned area). In 2014, a small scale of consumer survey was conducted in District 7, 8, 11 and 15. Many residents purchased land from illegal developers although they had recognition of illegal developers and/or land grabbers. For instance, in unplanned area of District 15, 46% of residents purchased land although having recognition of illegal developers. In unplanned area of District 8, the percentage was 30%. In addition, as regards the question of why you came to live in Kabul, many people answered that the main reason was insecurity of the former living place.

Taking a look at the reason why they had to purchase the land with recognition of illegal development, ordinary low/middle income group people rarely come across such opportunity as to purchase formal lands from formal developers at reasonable price.

In this context, Afghanistan Government set forth Afghanistan National Housing objectives which was approved by High Council for Urban Development in April 2019. They are shown as follows:

- I. To create a conducive environment to ensure appropriate housing right for all citizen of the country
- II. To transform the housing sector into one of the economic growth engines
- III. To prepare and strengthen participation framework for the development of a sustainable and inclusive housing sector
- IV. To establish effective financing systems for the supply of appropriate and affordable housing for all citizen
- V. To increase efficiency in supply and development of housing
- VI. To prevent the development of informal and unplanned settlements areas for the sake of sustainable development and finance of housing projects
- VII. To use land public properties for the development and finance of housing projects

The related government entities are exerting effort to realize these objectives. They are confronted with many problems and obstacles, but major issues are as follows

- Legal and institutional set-up and governance for housing sector
- Housing finance
- Land supply and Unused land
- Private sector's participation and PPP

(2) Change in Governmental Effort Direction for Housing

Afghanistan Government has advocated to improve access to land and house so that every citizen can have decent house. So far, Afghanistan Government has spent budget for directly supplying projects by implementing individual residential development projects. However, this way and methodology has limitation in terms of budget amount, number of housing units to be supplied, location. Taking a look at how big the impact is, it is deemed as essential to allocate more effort for legal and institutional framework, housing finance, land access, regularization of informal settlement, etc. Afghanistan Government should exert effort for improving bottleneck condition rather than for direct supply. In addition, Afghanistan Government should focus on housing for low/middle income class rather than that for high income class.

The governmental support should be dedicated to affordable housing for ordinary citizen, improvement of house/apartment purchase condition such as mortgage loan system, regularization of informal settlement, legal and institutional framework.

(3) Strengthening of Legal and Institutional Framework and Governance for Housing

Looking into the legal and institutional framework for housing, it is still insufficient and weak in Afghanistan. In reference to governance for housing sector, it is also necessary to strengthen governance and compliance. The Law of Urban Development and Housing was established in December 2017. This law mostly pertains to urban planning and urban development. Although Chapter 4 pertains to housing, it does not stipulate housing matters so much. Chapter 4 includes only two articles (Article 22 and Article 23), which stipulate housing matters very broadly.

MUDL intends to conduct the followings:

- i) To review and examine existing laws and regulations related to housing to find out the deficiencies, to establish systematic and visionary framework

- ii) To conduct capacity development for MUDL staff in terms of housing-related law and deepen the knowledge and skill
- iii) To draft new laws, pertaining to affordable housing, housing finance, condominium/apartment
- iv) To envision how MUDL shall commit to housing sector
- v) To conduct capacity development for MUDL staff in relation to affordable housing, housing finance, condominium/apartment
- vi) To review direct housing supply projects already planned

In reference to condominium law, most of the residences in Afghanistan were detached houses. Apartment buildings were very rare. In recent years, however, apartments have become popular in big cities. Young generations have tendency to prefer apartments. Some people prefer apartments rather than detached house from the viewpoint of security. In fact, Qasaba Housing Complex, Aria City, Khushal Khan Housing Complex were recently developed and sold out due to high popularity. However, it is now regarded as the issue that landownership is not guaranteed for apartment. The floor part ownership is guaranteed but Afghanistan developers do not give common sharing ownership of land. In this connection, MUDL is studying about possibilities of enacting condominium law.

When it comes to affordable housing, MUDL is checking several ways of approaching (land supply, construction technology, housing finance, private sector's participation and cooperation etc.). MUDL will have to envision how to set forth legal and institutional framework for affordable housing.

With the reference to housing loan mortgage, MUDL and MoF have to consider about weakness of Afghanistan national finance, weakness of financial sector of Afghanistan, per capita annual income etc. Although it is difficult task, housing loan mortgage is deemed as essential for Afghanistan in view of future housing sector development of Afghanistan.

(4) MoF and MUDL Started Discussion about Housing Finance

At present, housing demand in Afghanistan is very large, but housing supply cannot catch up with housing demand. In order to make both ends meet between housing supply and demand, housing loan mortgage is one of ace cards to solve the issue. However, the system of housing loan mortgage has not been established due to several reasons such as fragility of financial sector, weakness of national finance, and low per capita income.

In 2009, the law for Mortgage on Immovable Property in Banking Transaction was enacted. Since then, no supplementary laws and regulations have not been established. Recently, however, MUDL and MoF started discussion on how to establish housing mortgage loan system. They looked into the matters: 1) policy; 2) law and regulation; 3) implementation organization and feasibility; 4) capacity development; 5) lender side; 6) borrower side; 7) interest rate, repayment period, loan amount etc.

(5) Land Supply to Accelerate Housing Supply

In order to accelerate housing supply, it is deemed as essential improve access to land. In general, land issue is deeply concerned with housing issue. For instance, simplification of land registration, promotion of regulation of informal settlement (unplanned area), effective use of governmental land, strengthening governance of land, long-term vision of land use and urban development etc. By making effort for these matters, it is imperative to realize formal and reasonable land supply.

(6) Private Sector's Participation and PPP

It is of great difficulty for the Government to accelerate housing supply without private sector's participation. The Presidential Office, Kabul Municipality, MUDL and the other related governmental agencies are currently exerting effort to include private sector for urban development. The department of treating PPP and inducing private sector's investment was added in KM's organization in 2018. MUDL also added such function and in-house organization.

4.5 Legal framework for local government

Afghanistan is a centralized country with weak local governance system. In many countries, the direction of decentralization is usually gradually strengthened. However, Afghanistan took a different direction and tendency to strengthen more centralized position in recent years.

One of the typical examples of strengthening of the centralized system is that when the master plan for Kabul City was formulated with JICA support from 2010 to 2011, the main body of the master plan formulation was Kabul Municipality. However, the 2018 KUDF formulation was basically prepared by the Ministry of Urban Development and Land (MUDL) and the presidential office, during which time the City Planning and Implementation Department of the Kabul Municipality has little to do with the process of its preparation. Once preparation of KUDF was completed, it was left for municipality to implement. The Strategic Development Framework (SDF) for major local cities, which was prepared in 2020, was also formulated by the Ministry of Urban Development and Land (MUDL) through its local departments in provinces.

This centralized concept of local governance in Afghanistan is unique. In general, in many countries, states, provinces (prefectures), and city municipalities other than national governments are considered local governments. In Japan as well, prefectures and cities are local governments. However, in Afghanistan, Municipalities are treated as local governments, while Provincial Governments are local branch offices of national government and are not treated as local governments. Therefore, there are two different laws dealing with each: (1) Municipal Law which has jurisdiction over municipalities that belong to local governments; and (2) Law on Subnational Governance which has jurisdiction over the provincial government as a branch office of national government.

(1) Municipal Law

Municipal Law is a law that has jurisdiction over Municipalities such as Kabul Municipality, Herat Municipality, etc. This law was enacted in 2000, the end of the Taliban administration. The Constitution of Afghanistan requires that the mayor and the city council members be elected by citizens' votes, where the Municipal Law of 2000 stipulated that the mayor be appointed by the president. The law was revised on October 15, 2018, as discussions on local government became more active. The new Municipal Law consists of 34 Chapters and 229 Articles.

The main purpose of the Municipal Law which was revised in 2018 is to: (1) set the criteria for determining the municipalities, municipal districts (wards), and Gozars; (2) establish procedures for formulating land use plans within the municipalities; (3) determine that the municipalities have the authority to construct infrastructure and supply urban services; (4) ensure coordination and cooperation of municipalities in implementing the responsibilities of ministries and governmental authorities; and (5) determine matters related to the finances of the local government.

The Municipal Law of 2018 also defines the roles and responsibility of Independent Directorate of Local Governance (IDLG) in relation to municipalities, and divides municipalities into 3 ranks which

were defined as category 1, category 2 and category 3.

(2) Law on Subnational Governance

Afghanistan is made up of 34 Provinces, and the provincial government that has jurisdiction over these provinces is not a local government, but rather a local branch office of national government to govern the province. Municipalities are given autonomy, so the mayor and city council members are elected by the citizens who live in the city. On the other hand, the provincial government is not given autonomy, and since it is a local branch office of national government, the top of the provincial government which is governor is appointed of the president. Taking these into account, Law on Subnational Governance regulates matters related to affairs of provincial government.