KABUL – REBIRTH OF A CITY

A THESIS

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Introduction and Overview

I started the work on this thesis to evaluate the impact of post-conflict housing initiatives, particularly those implemented by international humanitarian organizations in the City of Kabul. As an international humanitarian worker, and as a former resident of Kabul, the evolution of housing and urban development over a period of mere 15 years, particularly after an extensive destruction of Kabul's public and private infrastructure, puzzled me. Unprecedented dynamics play in Kabul's reconstruction, which further triggered my intellectual curiosity. Some of these dynamics, which worked simultaneously, included the return of large numbers of displaced populations back to major cities of Afghanistan, particularly to Kabul, the influx of unprecedented amount of funding, and a political and military urgency to stabilize security and markets in the country. While many post-conflict cities have faced these issues, all of these issues have happened simultaneously in few instances.

As the research started, I realized that the root causes of success and failures of the response mechanisms were closely intertwined with policies and practices that the international humanitarian organizations and the national and city governments underwrite. This means the policies and practices that have governed, and continue to govern, the decisions of the city government and the national government, and those of the NGOs and multilateral organizations, directly affect the medium and long-term health of the city's housing, even if those policies and practices were, or continue to be, aimed at short-term relief.

As a result, the question that began to emerge was, "Why is it that some policies have had positive medium and long-term impacts, and some have had negative impacts on the city's housing and development, when reviewed ten or more years after they were executed?" In search of answering this question, I analyzed the impact of a number of the housing interventions that both international humanitarian organizations and the government of Afghanistan had undertaken within the first few years after the fall of Taliban. As I collected data, I noticed two particular trends. First, the impact of the delivery of humanitarian assistance in shelter and settlement is directly correlated with the humanitarian organizations' ability to co-design and co-implement the projects with full participation of the affected population. Second, resident engagement is not only a major contributor to resilient neighborhoods in post-Taliban Kabul's housing, neighborhood, and settlement revitalization, but is also an essential ingredient in other aspects of the city's life, such as the formalization of informal settlements and the conduct of the city government.

For reference and example, in the United States the role of facilitating participatory-planning falls under the jurisdiction of city government. The function of the city is divided between elected members, who govern the city's conduct, and the professional technocrats who see to the daily conduct of the city. This system of city government may have a close resemblance to Walter Bagehot's English Constitution, in which the author defined the two branches of the government as the "Dignified" and the "Efficient." The "Dignified," in this case, represent the voices and interests of the general public and the "Efficient," manage

the daily duties of city-government efficiently.[1] The inter-dependency between the functions of the two assures that both the voices of people and the technical and bureaucratic integrity are preserved.

In post-conflict reconstruction, such as that of Kabul, international humanitarian organization often share, or are assigned, these roles. International humanitarian organizations are often staffed with skilled technical experts and project managers, who value efficiency in project implementation. Expecting technical and management experts to work within their expertise *and* embrace a model of management that engages the public and the city-government, knowing that these expectations could cause delays in their projected deliverables and introduce additional uncertainties to their work, can be a tall order; however, it is necessary for rebuilding resilience.

As this thesis shows, a number of international humanitarian organizations have responded to this call by making a deliberate effort to engage the public and the city-government in the design and implementation of their humanitarian projects. Yet, there are humanitarian organizations who do not believe in the value of engaging the city government and residents through their project planning and execution.

When humanitarian organizations have embraced the concept of participatory planning and implementation, which this thesis calls a Settlement or Neighborhood Approach, their work has left behind traceable evidence of neighborhood revitalization and resilience building. This process is not clean-cut nor risk free. The professionals and experts have had to work through existing cultural and social norms to mobilize the affected population and the city government to address the issue of reconstruction of neighborhoods or formalization of private property, or even the conduct of city government, in a collaborative fashion.

On the other hand, the humanitarian organizations that chose the so-called 'efficiency path' in performing their work and, as it appears, viewed the engagement of the city's residents and city's government as unnecessary burden, adopted a centralized planning approach to deliver their humanitarian assistance. These organizations often cite a series of reasons that maybe justifiable for certain settings, though not in all situations, including corruption in government, the onset of cold winters, short construction seasons, the need for protection of vulnerable population from the elements or physical harm, etc. Due to the fear of corruption, whether perceived or real, and limited professional and management capacity of the city government, they often limit their involvement with city governments and adopt an inside-out management structure. An inside-out management structure is one in which the technical expertise of the actor defines the associated response to a pre-defined problem.

While, at times, each one of these two approaches may be warranted, it is important to assure the contextual application of one or the other in an effort to maximize the promise of success in any social development effort. Therefore, the essence of this research work is

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[1] The English Constitution, written in 1867 and published, is a history and workings of the British political system. Additional comments on the book are provided by OUTblog, a blogpost sponsored by Oxford University Press's Academic Insights for the Thinking World https://blog.oup.com/2010/05/bagehot

to assess the long-term impact of international humanitarian organizations and (Afghan) government entities on fostering resilience in the life and governing of the city. Moreover, this thesis sets to explain the value of interactive and participatory planning and the role they play in lasting stability of Kabul. This thesis reviews the impact of these dynamics on the shelter and housing sector, in the formalization of informal settlements, and in the conduct of city government.

Although there are two general themes, which are the bases of measuring success of the types of initiatives that this thesis has sought to evaluate and document, the overarching focus and direction of this thesis is on evaluating the relationship between public participation and the lasting impact of shelter interventions. The two general themes are:

1. Impact of the efforts of international humanitarian organizations in the aftermath of the fall of the Taliban in Kabul.
2. Daily operations of the City of Kabul as a public and governmental organization.

Both of these themes are built on the question of public and neighborhood participation in planning, execution, and implementation of any given (shelter/housing) project and their lasting impact beyond the life of such interventions. Both themes have experienced top-down and technically-minded programming as well as bottom-up, participatory programming. This research project allowed me to revisit some of the projects that were implemented by international humanitarian organization in Kabul since the fall of the Taliban, and document the structural and social changes in those neighborhoods. I continue to work for one of these international humanitarian organizations that worked in reconstruction and revitalization of neighborhoods in Kabul. As a member of an international humanitarian organization that played a role in the reconstruction of Kabul neighborhoods, and as an academic researcher, I documented my observation and recorded the findings of other researchers and professionals.

Impact of International Humanitarian Organizations: Shelter and settlement is a vital aspect of stabilizing a post-conflict society's economic, social, and security situation. More than the design and the construction efforts; more than the physical protection a house provides; more than four walls and a roof; more than a living space; a shelter is a source of stability, security, and a focal point, which a member of a neighborhood calls home. It becomes more important when a host-city's stock of housing and the related support-infrastructure falls severely short of demand for housing. In post-Taliban Kabul, the severe shortage of housing stock was induced by a combination of reduced supply of housing, through conflict related destruction of housing and housing services, and increased demand generated by the influx of returnees from within the country and from neighboring Pakistan and Iran. The international humanitarian organizations, the Afghan governments, and the private sector all played a role in rebuilding the housing stock of the city. Some of these efforts had positive and lasting results, while others have not. How did they organize their work and what is the impact of these efforts? This thesis has sought to document the approaches that the international humanitarian organizations and other actors embraced, defined as top-down and bottom-up approaches.

- Top-Down Approach: An approach in which the international humanitarian organizations and the national government of Afghanistan planned and executed sheltering programs that were centrally planned by technical experts and executed based on the designers' technical expertise. As this research project shows, regardless of how elaborate the design and execution of centrally planned projects were, ten to fifteen years after their implementation barely any signs of the programs' efforts are visible. Moreover, the application of this approach has failed in building resilience in communities where they were executed. Such programs have often had two common features:
  o The programs were designed primarily to address logistical problems and protection concerns. In other words, to address the problem of housing the practitioners of this approach deemed the logistics and delivery of material to final recipients as their objectives, not the rejuvenation of a dynamic neighborhood.
  o The programs had adopted an inside-out management structure in which the social problem of housing was defined in terms of the expertise of the responding agencies – the thesis further elaborates on this topic.
- Participatory Approach: An approach which is also called as the Neighborhood or Settlement Approach. The practitioners of Settlement Approach made deliberate efforts to involve the affected communities in rebuilding their shelters and different branches of the city government in oversight and planning of their projects. The international humanitarian organizations that embraced the Settlement Approach built on the complexities of neighborhood dynamics and enabled the residents to take part in reconstruction of their vibrant communities.

Daily Operations of the City: Kabul city government, throughout its history, has embraced a culture in which technical experts have defined and prioritized the city's projects and assigned little, if any, regards to the public's wishes and input. Although the city has been working hard, over the past 5 to 10 years, to change this culture and adopt a new culture which embraces the residents' views, through the development of a new Master Plan and execution thereof, the process of embracing such change proves difficult, if not impossible.

- Top-Down Approach: An approach often enforced by the manner in which Master Plans of the city since the 1960s. This approach has embedded an unnecessary, and often ruinous, culture of conduct in the city government. Technical experts have always been in charge of planning and executing the city's projects without any regards to the citizens' voices. Section 4 of this thesis provides a series of examples in which the technical approach to planning the city's conduct has clashed with everyday life of the residents. In addition, as documented in this thesis, this approach remains somewhat prominent and continues to foster a culture of elitism, also referred to as high-modernism, among technical experts and educated citizens.
- Participatory Approach: It is a relatively new approach for Kabul city's government. The most recent Master Plan, developed in collaboration with the Government of Japan, makes deliberate efforts to include the voices of the public. Section 3 of this thesis has sought to document a number of examples of this approach and the challenges it faces, particularly as the city, in collaboration with the UN Habitat, seeks

to formalize land-title in informal settlements. Citizen participation is integral to vibrancy of any city, but the application and embrace of this approach remains difficult.

As this thesis will demonstrate, only those initiatives that have deliberately sought to engage and empower the civil society and the neighborhoods have proven to have positive impacts, such as the Neighborhood, or Settlement, Approach to addressing the post-conflict shelter and housing needs the ongoing joint efforts between Kabul Municipality and UN Habitat in formalizing land-tenure. However, the desire to over-plan and under-deliver predominates the city's life. This notion stems from the pursuit of high-modernist ideology, a term that is borrowed from the book, <u>Seeing Like A State</u> by James Scott, to which this thesis also refers as elitism or urban elitism, which is further described below.

Housing has been an integral aspect of stability of Kabul city's life. Traditionally, housing in Kabul has been a private family affair, informed, organized, and coordinated as part of a kinship and ethnic and religious affiliation. The government first started adopting policies and plans to organize and govern the lives of their subjects after the defeat of the British Empire in 1919. However, the government's pursuit of planning, organization, and modernization has been overly ambitious, somewhat dictatorial, and unrealistic. As it is true in any city, the balance between civic engagement and professional planning is a delicate one. The delicacy of this balance is essential in bringing about social order and sustainable the vibrancy of a city. However, the pursuit of the extremes, whether to over plan the ideal society or advocate for no planning, are more common than not.

James Scott, the author of <u>Seeing Like A State,</u> has described the ambitious involvement of government in planning the ideal city, or in the case of post-conflict Kabul the NGOs and institutions that provide services on behalf of the government, and their subsequent success or failure, as a pursuit of social engineering that originate in combination of four elements.

"First is the administrative ordering of nature and society – the transformative state simplifications. By themselves, they are unremarkable tools of modern statecraft; they are vital to the maintenance of our welfare and freedom."[2] The book calls the second element a high-modernist ideology. It is described as a strong version of self-confidence about scientific and technical progress; the rational design of social order commensurate with the scientific understanding of natural laws. The ideology is not the same as the practice of science, but rather the book describes it as uncritical, un-skeptical, and unscientifically optimistic about the possibilities for the comprehensive planning of human settlement and production. This thesis has described the high-modernism as elitism. The ideology sees the rational order in terms of aesthetics; therefore, an efficient, rationally organized city, village, or farm was a city that looked regimented and orderly in geometrical sense. The third element is an authoritarian state that is willing and able to use the full weight of its coercive power to bring these high-modernist designs into being. The most fertile soil for this element has typically been times of war, revolution, depression, and struggle for

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[2] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London

national liberation. In such situations, emergency conditions foster the seizure of emergency power. This situation also gives rise to the elites who repudiate the past and who have revolutionary designs for their people. The fourth element, which is closely linked to the third, is when a prostrate civil society lacks the capacity to resist these plans. Wars, revolutions, and economic collapse often radically weaken civil society, as well as make the populace more receptive to a new dispensation.

Scott summarizes the assertion by stating, "The legibility of a society provides the capacity for large scale engineering, high-modernist ideology provides the desire, the authoritarian state provides determination to act on that desire, and an incapacitated civil society provides the leveled social terrain on which to build.[3]" Afghanistan, throughout its history of embracing state-sponsored planning and modernization, has experienced all four elements. Since the fall of the Taliban, the administrative ordering of nature and society and the rise of high-modernist ideology has intensified. In the context of Kabul, it is not only the government alone, but some of the international humanitarian organizations that have also embraced high-modernism in their planning and project execution; a concept which was earlier defined as the top-down approach.

This thesis is divided into five sections. The first section will focus on a brief and relevant history of Kabul in an effort to establish a foundation and points of reference for the rest of the thesis. In section two, the thesis visits the effectiveness of housing and neighborhood reconstruction projects in Kabul, paying particular attention to the role of international humanitarian organization in the immediate aftermath of the conflict and the fall of Taliban. In this section, the thesis examines the impact of some of the theories that led humanitarian efforts in shelter sector and which theories have proven effective and sustainable and which theories have not in Kabul. Section three will review the evolution and impact of formalization of land-tenure and property rights. Although there is substantial academic literature, which I reviewed on this topic, which views formalization of land-tenure and the government's ability to enforce property rights as a precursor to economic stability, this research cannot confirm these assertions in the context of Kabul. However, the formalization of land-tenure does seem to play an important role in promotion and sustenance of security and stability. Section four will review the effectiveness of some of the national and municipal governments' policies and plans and compare them with the reality of city life. We will review the manner in which people have started to address their need for garbage collection and water supply, as examples, while the municipality works on developing policies and procedures to provide basic municipal services. Section five will provide a summary conclusion and offer a set of possible recommendations for use in Kabul and in similar situations around the world. The questions this thesis seeks to answer are the following:

1. How have the shelter and settlement efforts, since the fall of Taliban, shaped and affected the reconstruction of housing stock of the city? To answer this question, the

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[3] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London

research relied on prior academic work on post-conflict reconstruction, professional reports, and informant interviews. The reader will see:

    a. A Cluster Approach, which seeks to address temporary humanitarian needs of the affected population with a greater priority to safety and protection from elements. This approach has not proven successful in Kabul. It is worth noting that the use of terminology, 'Cluster,' is a relatively new but the application of the practice has a much longer history.

    b. Under the Settlement Approach, which is also referred to as Neighborhood Approach, all humanitarian efforts are designed and implemented to function as foundational to future recovery and development. Shelter construction and upgrade plays a central role in building in addressing other humanitarian needs of neighborhoods, such as water, sanitation, health, etc. In Kabul, this approach has proven to be most successful.

    c. A top-down government response, known as Land Allocation Scheme (LAS), viewed the provision of land as the most important aspect of addressing urban housing problems. This policy sought to provide land for the landless returnees, in rural or peri-urban areas at best, which served as a posterchild of what-not-to-do. A well-intentioned government intervention placed hundreds of families in a perpetual cycle of poverty and desperation.

2. Does formalizing land-tenure really boost economic development? The available literature suggests that the answer should be yes but the post-Taliban state of Kabul neighborhoods and markets do not necessarily support this assertion. This research finds that:

    a. Formalization of tenure has not necessarily proven to be the precursor to additional investment in homes, neighborhoods, or the market in Kabul. Moreover, the lack of formal documents has not stopped investment in houses and neighborhoods, most likely because the lack of such documents is not a reason for government-led demolition of such settlements. This dynamic may be explainable by a notion that land-tenure in Afghanistan is a proof of position, while referring to formality of title as precursor to economic development treats formalization as proof of functioning property.

    b. Formalization of land-tenure does appear to have positive impact on conflict mitigation and promotion of security and safety. When the proper court system and the law-enforcement are unable to fully enforce civil codes, the void gives way for Taliban and other groups to fill the gap; hence, undermining the legal system. Formalization of land-title provides the much-needed clarity, reducing the need for intervention of groups like Taliban.

    c. The national and municipal governments continue to assign high value to formalization of properties; so, we will also review the process, progress, and efforts, led by Kabul Municipality and supported by the UN-Habitat, the humanitarian organizations and the Governments of United States and Japan, in this arena.

3. Do the policies and practices that the national and municipal governments have adopted serve the expectations of the residents? How do such policies match with reality of life in the city? Review of government documents, interaction with municipal government officials, informant interviews, and speaking with relevant stakeholders suggest that:

a. There is often a divide between government intentions and policies and the life the residents of the city lead. Communication is often one of the major barriers between the municipality and the residents, which led to incorrect assumptions on the part of the residents.
b. Many of the successful policies have emerged as a result of trial and error, not as a result of the strengths of policies, which often offer positive promises.

It is worth noting that in each of these sections are presented from a purview of social, structural, and spatial evolution of Kabul. Moreover, even though the focus of this work is on housing and settlement of people, I hope to include anecdotal stories, proverbs, life-stories, and other similar accounts which were shared with me by those that were interviewed in the course of the research work.

A view of Kabul City – Picture, Courtesy of Khalid Ahmadzai in Spring of 2018.

Criteria for Measuring Success

Resilience - It is a term that attracts attention among international development practitioners. In this thesis, it is a term chosen to measure the impact of the international community and both the national and city governments' efforts in Kabul's residential development. For this thesis, I adopt a social definition the term, which I have borrowed from a New York based organization's website, ThresholdGlobalWork, who defines the term as "The timely capacity of individuals and groups–family, community, country, and enterprise–to be more generative during times of stability and to adapt, reorganize, and grow in response to disruption."[4]

I started the work on this thesis to evaluate the impact of post-conflict housing initiatives, particularly those implemented by international humanitarian organizations, in Kabul City. As I collected data on the status of housing initiatives, which were primarily led by international humanitarian organizations, I noticed similarities in the manner in which the formalization of private property are conducted, which were also facilitated by international humanitarian organizations and United Nations agencies. Moreover, the history of the Kabul City government's conduct, compared to what the city government envisions its role in the future, also shed light to the similarities of the way resilient and not so resilient work on other aspects of city life has been managed during the decade after the fall of the Taliban in Afghanistan.

Before outlining the criteria for measuring success, I would like to offer what I would call recipe for failure. This thesis defines a recipe for failure as one of two extreme scenarios:

1. The government, or in the case of Kabul City, the humanitarian organizations play no role in provision of basic urban services. This scenario is close to anarchy and complete lack of order.
2. Either the government or humanitarian organizations take control of the provision of basic services and expect the residents of the city to quietly and sheepishly follow the instructions of the government, or whoever provides services to the public.

While the first case is not realistic, especially in case of Afghanistan after the fall of the Taliban and the influx of international armed forces, the second scenario is quite feasible. This scenario is one in which technical experts, whether in government or in humanitarian organizations, view their ideas superior to those of non-experts and, in the process, alienate the views and preferences of the public. James Scott, the author of <u>Seeing Like a State</u>, calls the views of this cadre of experts High Modernism and describes the pursuit of authority of this group in the following manner:

> "The troubling feature of high modernism derive, for the most part, from its claim to speak about the improvement of the human condition with the authority of scientific knowledge and its tendency to disallow other competing sources of

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[4] ThresholdGlobalWorks is a New York Based organization that designs and implements social impact initiatives in settings coping with environments of relentless change and increasing complexity. https://www.thresholdglobalworks.com/about/social-resilience/

judgement. First and foremost, high modernism implies a truly radical break with history and tradition. Insofar as rational thought and scientific laws could provide a single answer to every empirical question, nothing ought to be taken for granted. All human habits and practices that were inherited and hence not based on scientific reasoning – from the structure of the family and patterns of residence to moral values and forms of production – would have to be reexamined and redesigned. The structures of the past were typically the products of myth, superstitions, and religious prejudice. It followed that scientifically designed schemes for production and social life would be superior to received tradition.

The sources of this view are deeply authoritarian. If a planned social order is better than accidental, irrational deposit of historical practice, two conclusions follow. Only those who have the scientific knowledge to discern and create this superior social order are fit to rule in the new age. Further, those who through retrograde ignorance refuse to yield to the scientific plan need to be educated to its benefits or else swept aside."[5]

The role and authority of high modernism, or as this thesis refers to them as educational or urban elites, in Kabul is prevalent. The matter is exacerbated by the application of this mindset by international humanitarian practitioners, who possessed superior technical expertise and worked on short-term projects in the city.

Following the what-is-not-good, we will transition to development of criteria for measuring success. The essence of measuring success is the degree to which the public and the city government have been able to work together. In other words, to what degree have the post-Taliban efforts facilitated for interaction between the city government and the residents of Kabul City? Based on this collaborative effort, the criteria are:

1. Housing: Shelter and settlement is an integral aspect of a safe and stable society. In the context of Kabul, housing interventions by international community and private sector players played an essential role in stability of the city's life. This thesis seeks to evaluate the effectiveness of methods that were embraced by national and international stakeholders. As such, this thesis uses the following criteria for evaluating effectiveness of housing interventions in Kabul:
   a. Housing initiatives should be designed in and for the context of the market. How were the post-Taliban housing initiatives planned?
   b. Engagement of the affected population and the city government is integral to successful shelter and settlement planning and execution. Did the shelter and settlement initiatives engage the affected population and the city government in planning and implementation process?
   c. Input from the affected population and city government in design and implementation of shelter and housing projects is essential. Were the inputs

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[5] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Page 93-94

from the people and from the city government incorporated in post-Taliban shelter projects?

   d. Effective housing projects demonstrate long-term positive impact in the lives of its recipients. What are the states of the shelter projects 10+ years after their completion?

   e. In the long-run, recipients of shelter and settlement assistance are better-off than they were prior to receiving such benefits. How do recipients of humanitarian shelter and settlement assistance fare 10+ years after the completion of the projects?

      i. Are they still in need of housing assistance or are they not?

      ii. Are they still in need of humanitarian assistance or are they not?

   f. Shelter and settlement initiatives foster the sense of neighborhood vitality and function. Have shelter and settlement initiatives enabled people to become part of functioning communities?

2. Formalization of Informal Settlements: Customs, traditions and social norms play a major role in effective formalization of informal settlements. In this thesis, we evaluate the effectiveness of the process of initiatives in post-Taliban Kabul in this context. Some of the criteria for evaluating the effectiveness of these initiatives include the following:

   a. Formalization of informal settlements is an incentive to avoid forced evection. Does formalization of ownership of property have an incentive for residents of Kabul?

   b. Effectiveness of formalization in directly related to ability of the process to build on existing social norms and practices. Have the formalization process built on existing social norms and practices?

   c. Interaction between the city government and residents of informal settlement is essential for effective implementation of formalization of property rights. Have formalization initiatives, whether implemented by international humanitarian organizations, the United Nations agencies, or the city government, engaged the affected population in formalization process?

   d. Formalization of informal settlement is helpful for city-government's revenue generation, which in turn benefits the residents.

      i. Do the officials of the city government communicate the mutually beneficial aspect of their work with general public?

      ii. Have the international organizations, who have engaged in formalization of informal settlements, communicated such benefits to city-government officials and the general public?

   e. Formalization of informal settlements offers additional social and economic benefits for residents of the city.

      i. Are there other benefits that formalization of informal settlements could offer for residents of Kabul?

      ii. What are some of those benefits, if any?

3. City Government Function: Similar to effective implementation of housing initiatives and/or formalization of informal settlements, effective function of a resilient city government relies on its ability to engage both the public and the

technical experts. As such, the following criteria are used to measure the performance of the city government's work for Kabul residents.

a. The main functions of the city government's services are directly provide services, regulate the provision of services and/or facilitate the provision of services.

    i. Does the Kabul city government view its responsibilities as provider of services, regulator of services and/or facilitator of services?

    ii. Does the city government view private providers of services as essential to its function or as competitor to its existence?

    iii. If/when budgetary restrictions do not allow the city government to directly provide municipal services, does the government actively solicit the private sector to address the issue?

    iv. If/when the city faces challenges in direct provision of services, does the government communicate these challenges with the city's residents?

b. A city is a hub for cultural, intellectual, social, and ethnic diversity. The city government plays a vital role in preserving and promoting such diversity.

    i. Does the Kabul city government view its role as protector of diversity or does it allow for elements within the city government to undermine it?

    ii. Do the educated elites, or the high-modernists, view the city as a place for themselves alone? Or do they view sharing the space with others as essential to the vibrancy of the city?

Kabul – the Rebirth of a City

Section 1: The Memories of the Past

A television series, produced by The Afghan Film in 1991, called <u>Da Kundi Zoi</u>, which means "The Son of a Widow," perfectly captures the reasons, sources, and cultural sentiments toward migration from the countryside to Kabul. The series tells the story of a young, single, and poor male shepherd, whose father had passed away when he was young and was raised by a single mother, who is lured by the glamorous stories of Kabul life, Kabul girls, promise of employment and the promise of a place to live in Kabul. A male relative comes back to the village to repair their country-home's roof. He invites all close and distant cousins to come and help and promises them that, as they work, he will tell them stories of Kabul. After work, when they break for tea or lunch, the relative tells them stories of Kabul girls. "You know, Kabul girls don't cover their heads. The shirts they wear show so much of their necks. Arms…. Oh arms… don't even ask. Kabul girls are so beautiful."[6] The relative goes on to say, "Life in the city is unbelievable. You do not have to ride donkeys. There are buses. As soon as you get close to the door, the door automatically opens and, when on the bus, when a girl walks in, she would just sit next to you…" The stories of a better life, girls, and the promise of earning a much better income in the city is enough to lure Shadgul, the son of the widow, to move to the city. The storyline captures the country's urbanization trend in general and migration to Kabul in particular.

To understand the successes and failures of the city's housing sector, it is important to gain some level of historic knowledge and understanding of the dynamics that played, or may have played, a role in the process. This section will seek to establish a relevant historical and cultural background, which will serve as a foundation for the remainder of the thesis.

Sub-Section 1 – Historic Background

Like Afghanistan as a country, Kabul city has historically adopted a number of names, such as Kophen, Kophes, Koa and, in 150 A.D. Ptolemy identified Kabul as Kabura. The current name is believed to have initially been given to the Kabul River, which later was given to a wider region that now encompasses a wider landmass stretching through Kapisa, which is now a province north of Kabul. Historic accounts of the city suggest that it was a commercially and strategically important place, as it was located on the main route between India and China. In 1507 Babur Shah, the Moghul emperor, established Kabul as his empire's capital. Later, most of the territory, which is now Afghanistan, had fallen in the hands of the Persian Empire and remained as such until the assassination of the Safavid king and the subsequent collapse of the empire in 1747. The Durranis united several of the Pashtun tribes in Kandahar, established the modern boundaries of Afghanistan, selected Ahmad Shah as their king, and called Kandahar city their capital. In 1776, after the death
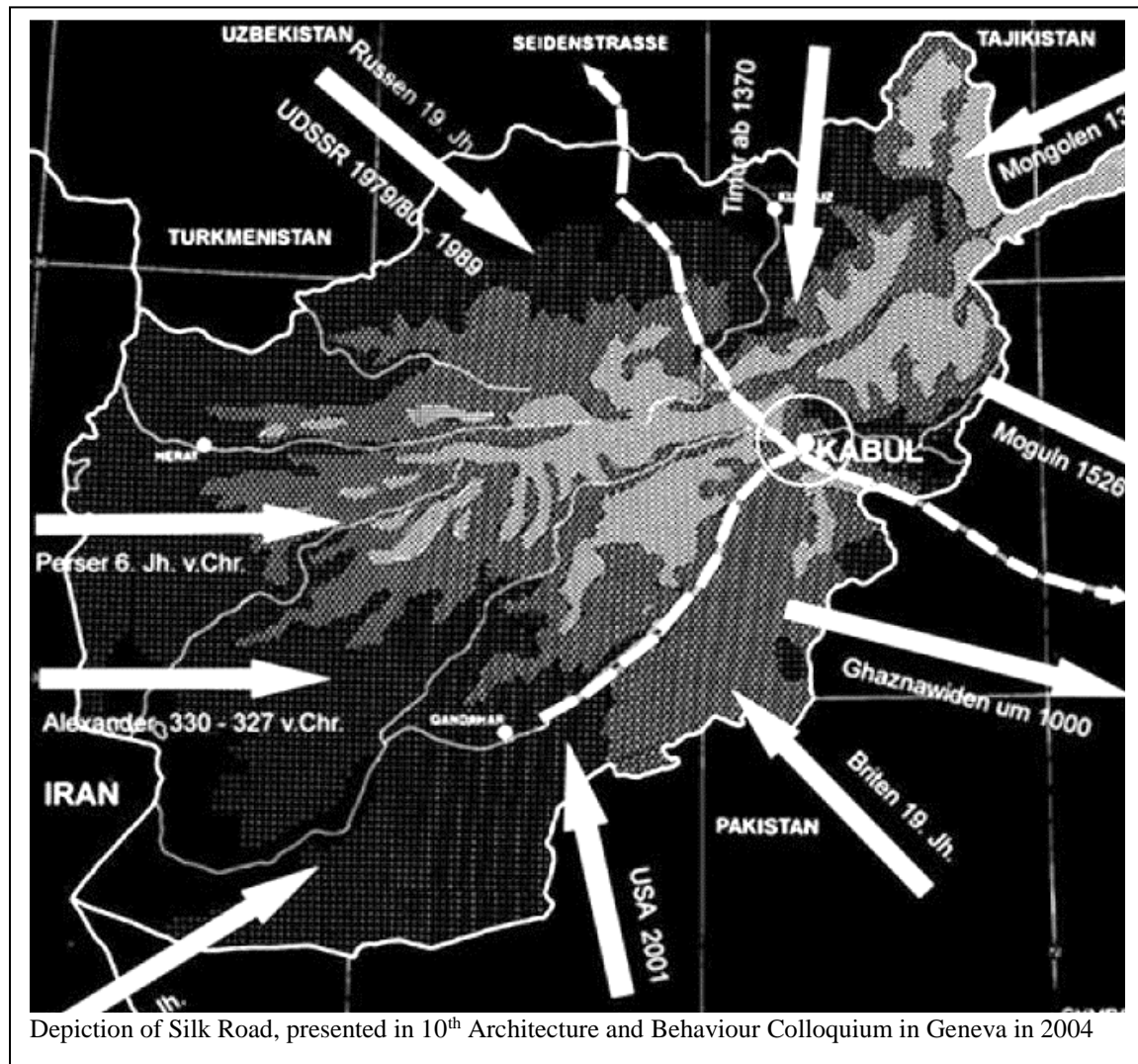
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[6] Da Kundi Zoi series https://www.youtube.com/watch?v=hYBvlMJlUdo The line starts on minutes 16:32.

of Ahmad Shah and the crowning of his son Timur Shah, the capital was moved back to Kabul.[7]

Legend suggests that Kabul was selected as the new capital of the country because of its strategic location, where mountains serve as natural security barriers that surround the city.[8] Academic research suggests that the selection of the site was both because of Kabul's strategic location (security and centrality of the location in relation to the kingdom's provinces) and because of its commercial location, a trading post along the Silk Road.[9]
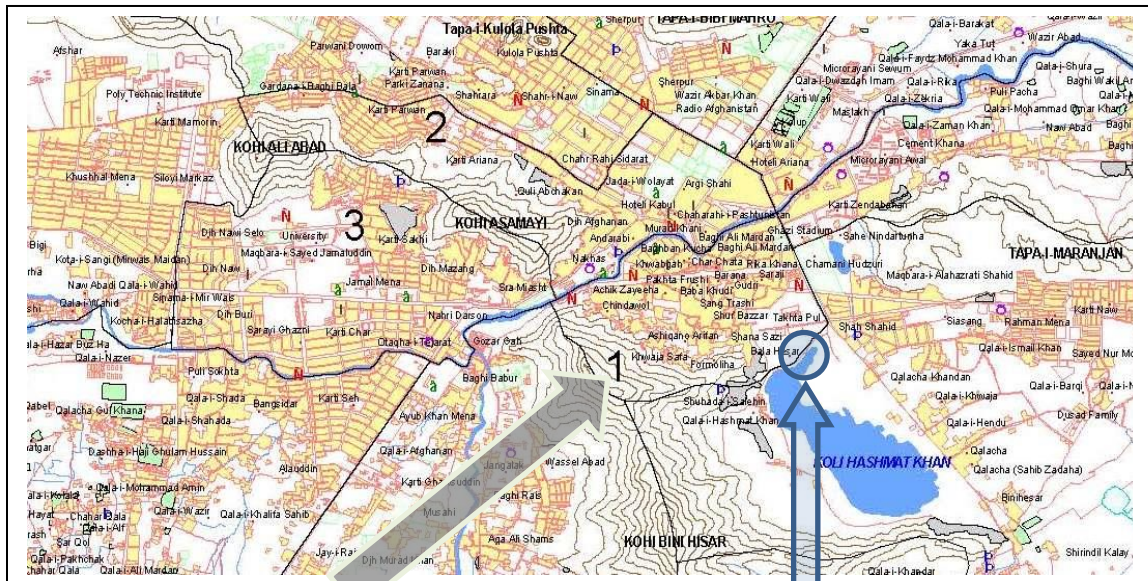

Depiction of Silk Road, presented in 10th Architecture and Behaviour Colloquium in Geneva in 2004

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[7] Development of Kabul: Reconstruction and Planning Issues was presented by at the 10th Architecture & Behaviour Colloquium, facilitated by Agha Khan Trust for Culture, by Babar Mumtaz and Kaj Noschis in 2004, both of whom are professor and lecturer Development Planning Unit at the Bartlett University College London.
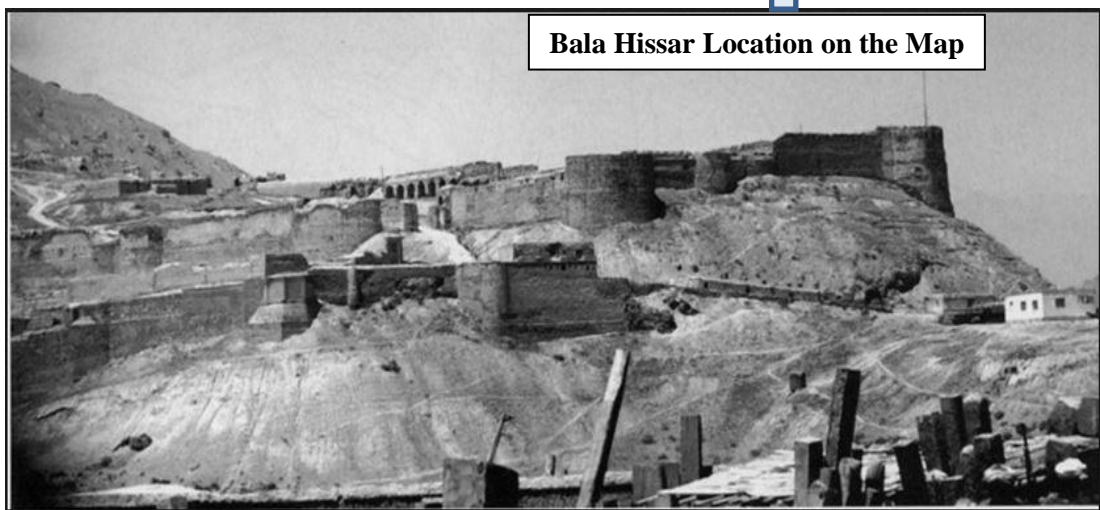
[8] Reference to legend comes from stories that were exchanged in our family and interaction with residents during research.

[9] Development of Kabul: Reconstruction and Planning Issues was presented by at the 10th Architecture & Behaviour Colloquium, 2004.

As was the custom in the era, thick walls surrounded Kabul and six large gates controlled the entry to the city. Upon entry into the city, a marketplace normally marked the site, in which merchants, from both outside and within the city, exchanged goods. The most prominent gate was the Bala Hissar (or a variation of other spellings) Gate. Bala Hissar was not only an entry into the city but also marked the Bala Hissar Citadel, which was also a seat of power. The parameters of Kabul city is now one of its 22 districts.[10] The Citadel, the approximate location of which is marked in the map below, is now restored and recognized as a historic site.
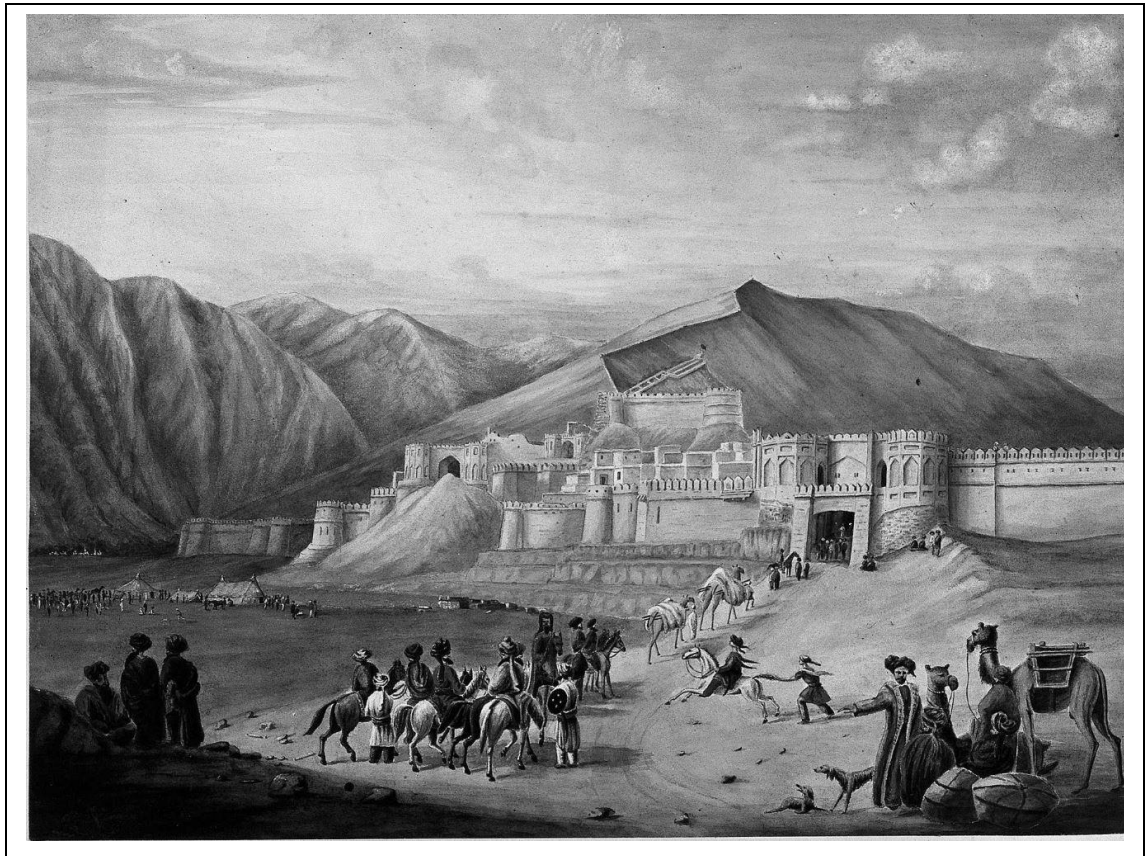

District 1 - The Original City Parameters.   Map of Kabul, Produced by United Nations AIMS

Bala Hissar Location on the Map

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[10] Map of Kabul City's District Boundaries, provided by the Kabul Municipality & Prepared in collaboration with USAID, UNDP and ECHO.

Historic accounts suggest that housing affordability has always been a concern for city residents.[11] Although research does not have conclusive evidence to attribute as the reasons behind the divide between the supply and affordability of housing, the cost of living in Kabul is one potential reason for the divide. Kabul has always been settled by a mix of ethnic and religious groups, whether it was a capital city or not, except for the Qizilbash (a sub-branch of Shi'ia Muslims, a small number of which had settled in Kabul and lived exclusively in the walled and fortified Chindawal and Murad Khani neighborhoods).[12] The religious and ethnically diverse groups were united by Farsi (Persian) language and

customs. Because the city was a major trading post and the seat of government power, only the families that had access to inherited land or those whose move to the city was subsidized by the government could afford to live within the walls of the city. For others, the majority of whom were merchants, commuting to the city was more cost-effective.[13] A painting, publicly available on Wikipedia as part of the description of Kabul's history, best portrays this phenomenon.

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[11] Urban/Rural Dwelling Environment: Kabul, Afghanistan. By Bashir Ahmad Kazimee. Massachusetts Institute of Technology, MA, USA. June of 1977.
[12] Government and Society in Afghanistan: The Reign of Amir Abd al-Rahman Khan, University of Texas Press, Austin and London. 2014. Page 137
[13] Government and Society in Afghanistan: The Reign of Amir Abd al-Rahman Khan, University of Texas Press, Austin and London. 2014.

Another suggestive reason for the divide is the cost of maintenance of construction in the city. Kabul is located on an active fault line, which experiences frequent earthquakes. In general, the primary construction material across the country has been sun-dried bricks. For Kabul, however, the construction work required substantially more wood as reinforcement. However, wood makes suitable habitat for insects of all types, which made life unpleasant in Kabul, especially in the summer.[14] Bashir Ahmad Kazimee has also conveyed this message more succinctly in his 1977 Master of Architecture Thesis from the Massachusetts Institute of Technology (MIT), in his studies of the architectural practices of three Kabul neighborhoods. Kazimee analyzes the physical localities of each of the neighborhoods in terms of land-utilization, layout efficiency and availability, and access to other services to each dwelling.[15] This academic work, like several others in the field, considers the cost of construction, maintenance, and access to services, and markets as crucial elements of affordability of life in the city.

Picture by Kazimee, 1976

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[14] Government and Society in Afghanistan: The Reign of Amir Abd al-Rahman Khan, University of Texas Press, Austin and London. 2014. Page 137

[15] Urban/Rural Dwelling Environment: Kabul, Afghanistan. By Bashir Ahmad Kazimee. Massachusetts Institute of Technology, MA, USA. June of 1977.

A third, and possibly more salient, argument is made about the social connections and interaction. Housing affordability in Kabul was less financial affordability or structural maintenance, but more about social and neighborhood vibrancy. As in any other time in the history of the city, the choice of living in any part of the country, whether urban or rural, is guided by the family's interest and ability to fit in, have access to amenities, and be better able to integrate in the neighborhood in which they will live. This is not only a modern interest, but rather an age-old phenomenon. This phenomenon continues to play an integral role in the stability and sustainability of any housing initiative.

Sub-Section 2 – Spatial Growth

Most of the residents of Kabul live in proximity to major landmarks, many of which were built by the government. The structure of land-ownership will be discussed in Section 2; the expansion of the city took a combination of formal (government-led) and informal (people-led) paths. An 1879 map, sold in paper copies in the streets of Kabul, marks the spatial parameters of the city as, what is now known as District 1 and District 2 (depicted above).

Settlements in Kabul have historically been people-led, without much intervention from the national or city government. In his Master's Thesis, Kazimee records a constant growth of population size in Kabul city by writing, "Kabul, in 17th century, had a population of 10,000. In 1878 Kabul had 23,000 houses with a population of 70,000 people, and the area of the city was 180 hectares. Oscar Von Niemdermayer in 1916 reported the population of Kabul to be 65,000 inhabitants. The area of Kabul had expanded to 400 Hectares."[16] The area expansion and population growth had continued. Kakar suggests that that the population of Kabul rose to 150,000 residents by the turn of the century.[17]

In the 1920s, after the declaration of independence from Great Britain, the victorious King Amanullah started the construction of a new Darulaman Palace as part of his modernization plans. The modernization plan included a national plan, which was developed in 1919 with the help of Soviet Union. The construction of the new Palace was deemed a monumental step towards the modernization of Kabul, which was located in proximity of a narrow-gauge railway. Interviews with current residents of Kabul, particularly the elderly, suggest a mix set of sentiments but there is a general consensus that the plan was too early for its time for a conservative country like Afghanistan.[18] Planned urbanization, particularly the expansion of Kabul, was said to have been one of the highlights of the modernization of the country.[19] Deliberate government-led and planned processes of city expansion took several stages. In this chapter, we will briefly review the government-led expansion of the city through adoption and application of Master Plans and Zoning. In the next chapter, we

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[16] Urban/Rural Dwelling Environment: Kabul, Afghanistan. By Bashir Ahmad Kazimee. Massachusetts Institute of Technology, MA, USA. June of 1977.

[17] Government and Society in Afghanistan: The Reign of Amir Abd al-Rahman Khan 2014.

[18] Interview with Yasin, a long time resident of Kabul and a Cartographer, in April 2017 and a discussion with Abdullah, an elderly man, in January 2017.
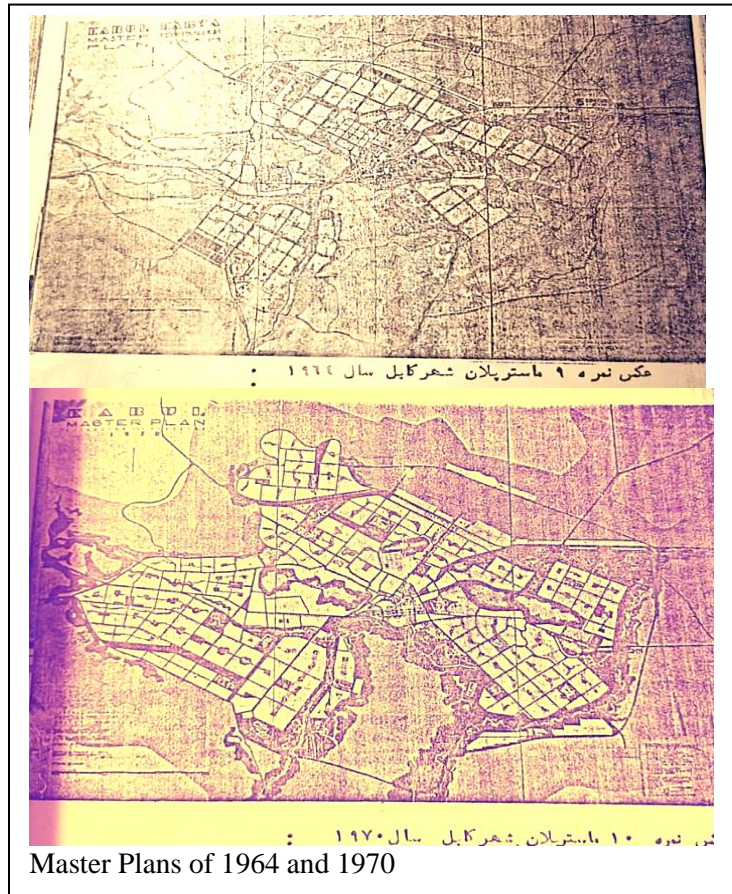
[19] The Promise and Failure of King Amanullah's Modernization Program in Afghanistan. The ANU Undergraduate Research Journal. Volume five, 2013. Published in 2014 by ANU Press, The Australian National University, Canberra, Australia. Written by Andrew Chua.

will review the urbanization trend, induced by a government-led education program and later disrupted by political shocks that caused mass movements of people.

Process of Development of Master Plans: The first Master Plan that was formally adopted for Kabul was in 1964. This plan gave the city 23,780 Hectares (58,762 Acres or 91.82 Square Miles) for an estimated 800,000 residents.[20] The literature suggests that this plan was supported by the Soviet Union as well but the claim is not supported by the Municipality's administrative and technical staff. The first Master Plan is also the first formal attempt at application of zoning in the city.

The second Master Plan was developed in 1970. This time the municipal and national government expanded the parameters of the city to 29,900 Hectares (73,885 Acres or 115.44 Square miles). The second Master Plan projected the population of the city to grow to 1.04 million people.[21]

Ultimately in 1978, the City of Kabul issued the third Master Plan. This time, there was no hidden process; the Master Plan was financed and assisted by the Soviet Union. This modification expanded the city's parameters to 32,330 Hectares (79,889 Acres or 124.83 Square Miles).[22] The 1978 plan would remain as the only formal blueprint of the city's vision until Kabul developed the last, and most

Master Plans of 1964 and 1970

recent, Master Plan in 2011. The Master Plan of 1978 projected the city's population to grow to 2 million. Interviews and professional reports suggest that the Master Plan was a major bottleneck to making progress in the city.[23]

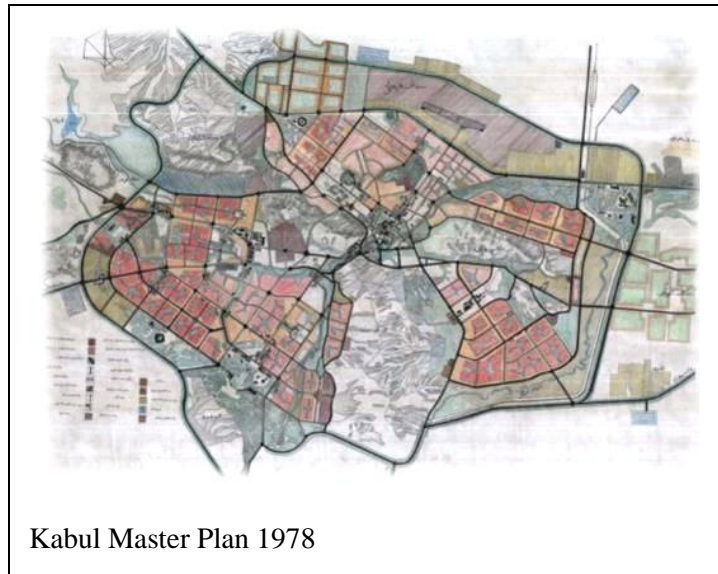The first three Master Plans had many similarities, including:

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[20] Municipal Documents, provided by the Planning Department.

[21] Municipal documents, provided by the Planning Department of Kabul Municipality. Master Plan 1970.
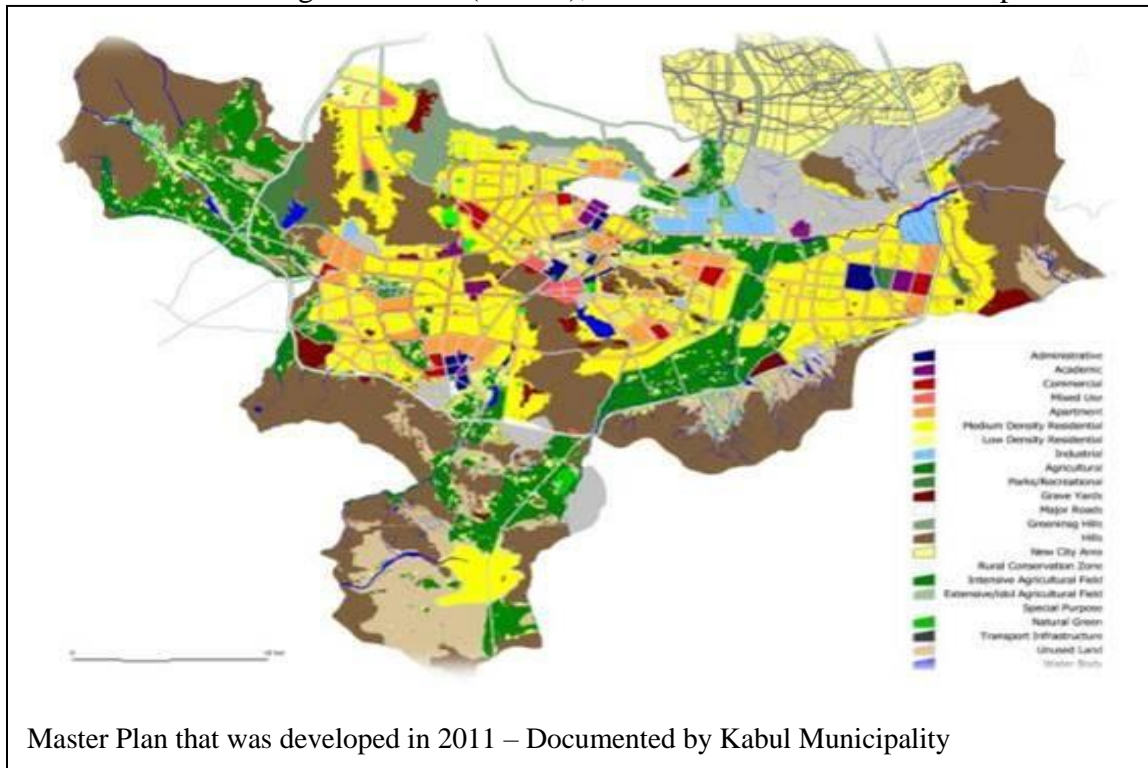
[22] Municipal documents, provided by the Planning Department of Kabul Municipality. Master Plan 1978.

[23] Discussion with the Deputy Mayor of Kabul

1. They gave the national and the municipal government the legal authority to decide on land use matters.
2. Mayoral posts remain a presidential-appointed post, the parliamentary approval of which is the same as that of ministerial posts. Apart from the Kabul Mayor, the Ministries of Water and Energy, Urban Development Affairs, and independent water and electricity corporations are some of the national entities whose authority continue to overlap with each other.

Kabul Master Plan 1978

3. All three plans were to be executed in two stages;
   a. Zoning and land use vision.
   b. Technical plan for land use developed by Kabul Municipality's Planning Department.
4. The Municipal government could inform the existing residents of the application of the plan and offer a government-determined compensation for the land. The land was demarcated in neighborhoods (Guzars), subdivisions and residential parcels and

Master Plan that was developed in 2011 – Documented by Kabul Municipality

redistributed with particular specifications (i.e. no less than two story single-family

units, use of burned bricks and concrete). Government built apartments were completed and distributed to government employees.

The Master Plan created shiny and colorful blueprints for the future of Kabul, but it did not stop incoming families from building new homes on un-planned government land without any documentation or land-deed.

Finally, in 2011, the Government of Japan and the Kabul Municipality decided to develop a new Master Plan. The decision (somewhat) followed the informal expansion of the city. The parliament approved the designation of 102,300 hectares of land (252,789 acres or 395 square miles) for a projected 8 million population. The plans are to be revisited in 2025 for its relevance or possible expansion. Below are two maps; the first is provided by Kabul Municipality (the brown color designates mountains and hills) and the United Nations provides the second map. The Master Plan divides Kabul into 22 Administrative, or Police, Districts.

Sub-Section 3 – Pace of Urbanization in Kabul

The lure of urban living has a short history in Afghanistan. Kazimee's 1976 Master's Thesis refers to the dichotomy of the pace of urbanization in the world and that of Afghanistan. Even though the pace of urbanization had taken deeper roots in the country as a whole by the mid-1970s, over 85% of the population of the country lived in rural areas.[24] Even to this day, people who live in Kabul but their ancestral roots are from a different part of the country, they would refer to their place of origin as the province or village from where their forefathers; not their place of birth (an issue that will be discussed in Section 3 in more details).

The pace of urbanization, which was unintentionally encouraged by the national government, dates back to the 1919 National Modernization Plans. Afghanistan declared independence from the United Kingdom in 1919, after the third Anglo-Afghan war. Following the signing of the Declaration of Independence, which had granted the king substantial political capital and public support, the victorious king, Amanullah Khan, set in motion an aggressive National Modernization Plan.[25] Although the modernization efforts had effectively started under King Habibullah, Amanullah's father and predecessor, who had introduced a set of limited reforms, such as construction of new roads and factories, the construction of the first hospital and hydro-electric plant and the establishment of Afghanistan's first European style school, the Habibia College, the pace and magnitude of reform was limited and slow.

King Amanullah, whose initial title was Amir, who is said to have considered Afghanistan as a backward nation, took on an ambitious strategy, which lasted ten years, until his abdication of power in 1929. The decade-long National Modernization Plan was ambitious but achievable; yet the execution, implementation, and mismanagement of the plan alienated the King's political base. First, the King's plan to unite the country under a strong central government at an unprecedented pace undermined the power and influence of tribal and religious leaders. Second, without the development of an effective bureaucracy, few people could understand or benefit from the reforms, for which they were asked to pay through substantial increases in taxation. Third, and possibly the most significant aspect of the reform, which was intended to strengthen the army, effectively crippled and alienated the army, leaving the King vulnerable to growing resentment in the country. The aspects of the Modernization Plan, which would have encouraged a gradual move from rural to urban settings, included the construction of major public infrastructure and the aggressive pursuit of education for the masses, including a mandatory school attendance for girls and boys. Discussion with residents suggests that the King's education strategy was likely one of the most obvious element of his Modernization Plan that the (rural) public opposed. "My father told us stories of a time, when the Amir (referring to the king) sent his men to our

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[24] Urban/Rural Dwelling Environment: Kabul, Afghanistan. By Bashir Ahmad Kazimee. Massachusetts Institute of Technology, MA, USA. June of 1977.

[25] The Promise and Failure of King Amanullah's Modernization Program in Afghanistan. The ANU Undergraduate Research Journal. Volume five, 2013. Published in 2014 by ANU Press, The Australian National University, Canberra, Australia. Written by Andrew Chua.

village and our elders told the men from Kabul that Amir can have our boys but we do not give him permission to direct the lives of our girls,"[26] recounted an elderly man. A group of untrained common men from north-central Afghanistan led the major uprising that toppled the monarchy in January 1929, led by Habibullah Kalakani, who ruled the country until November of the same year.[27]

The end this era, in 1929, could be marked as the end of the aggressive government led plan, both for economic development and for urbanization purposes. In the 1930s, Zahir Shah, who reigned from 1933 until 1973, adopted a less aggressive and more effective policy and strategy. A main attribute of the success of the new Plan, inspired by the National Modernization Plan, was the concentration of the Modernization efforts in the cities, leaving the rural areas to traditional modes of land-management and governance. In the meantime, the national government began the expansion of Kabul's parameters by claiming land, under a scheme similar to eminent domain.[28] The outlines of new neighborhoods were developed, which included paved access roads, streets, streetlights, necessary access to utilities, and sold the land to public. This intentional, government-led and promoted period was the era of very slow, planned, and gradual migration to cities, particularly to Kabul.

Viewing education as a main instrument of the country's future prosperity, the government sponsored boarding schools for middle school and high school children of rural families in Kabul and other major cities. While boarding schools were available for boys and girls, the overwhelming majority of rural students that attended such boarding schools were boys. The promise of work gruesome than working on the land, and more prosperous life in the city, convinced many families to send their children to primary schools in their rural communities and middle and high school in the city. When Kabul University became fully functional, students that would remain in Kabul for further education would receive free room, boarding, and a stipend. Most of those that attended school in the city/cities remained in the cities upon graduation.[29] My family also exchanged stories of the era. My father, who was born and raised in Kabul province, but outside the city, benefited from this program. He moved to one of the city's government-sponsored boarding schools in sixth grade and stayed in the city through high school. Upon completion of high school, he entered Kabul University to study physics and, because his family did not live in the city, received room and boarding assistance. In addition, he received a monthly stipend to cover his other expenses. Even though my father benefited from this program in 1950s and 1960s, the application of this policy remained intact throughout 1980s and 1990s. When I entered Kabul Medical Institute in 1995, I had classmates and friends whose families lived outside the city, who lived in the Government sponsored dormitory. At least once, I saw a friend receive a cash stipend from the government.

To overcome the fear of lonely life in the city, without the social network and connections on which rural families relied, the government did not rigidly enforce the details of the

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[26] Interview with Yasin, a long-time resident of Kabul, in April 2017
[27] The Promise and Failure of King Amanullah's Modernization Program in Afghanistan.
[28] City's Master Plan and documents provided by the Directorate of Planning
[29] Interview with Kabul residents.

Master Plan on neighborhoods. The government had allowed some degree of natural growth, such as allowing for mixed-use land use planning. This was a noble intention but it also allowed for religious and ethnic clustering of neighborhoods, such as the Shi'ia neighborhoods, the Hazara neighborhoods, etc. Such clustering occurred in parts of the city in which the government did not impose certain requirements, such as the construction of two story single-family houses. In Section A of District 5, for example, where the government made the purchase of the newly available land contingent to the buyers' ability to build at least two story single-family houses, the clustering was linked to wealth – only the relatively wealthy could afford to build two-story houses.[30] However, in Afshar Mina, the neighborhood adjacent to Section A of District 5, such requirement was not imposed and therefore, majority of the residents of Afshar were Shi'ia religious group or Hazara ethnic group. The residents of Section A, on the other hand, were a wealthier group of mix of ethnic and religious background. My elementary and middle schools served both the Section A and Afshar neighborhood, and I had many classmates from the two sides. I have reconnected with some of them over the past few years and reconnected with a couple of them as part of this research project.

This was an unexpected, though positive, development and enforced the notion that housing cannot be viewed from the perspective of financial affordability or the proverbial 'roof over a family's head' alone. Rather, the view that a house is the foundation of a stable and well-connected neighborhood on which other aspects of a stable society stand. Moreover, this notion shows that results are more lasting and positive when formal planning is conducted in collaboration with, and as compliment to, social and cultural preferences. Alternatively, hen planning is done in an effort to simplify the work of the city's government, disregarding the complexities of a city's life, application of such planning fails.

This era had reached its peak by the time the Soviet Union invaded Afghanistan in the end of the 1970s. In this period, the national government also made greater strides in formalizing and recognizing individual land ownership, establishing and promoting the value of education, and successfully establishing and promoting a slow and gradual migration to Kabul. In 1964, the City of Kabul developed its first Master Plan, revised in 1970 and 1978.

Throughout this period, the migration to the city and the pursuit of housing was not limited to the government-sponsored housing projects. Some of the incoming families settled in newly designated and planned parts of Kabul, some to unplanned areas, and some to random sites as informal settlers, mainly along the mountains of Kabul. Regardless of the status of the land, whether they were planned sites or unplanned sites, the Kabul Municipality was able to issue each household a "Safayee" notebook. These notebooks recorded annual tax on each family for the neighborhood cleaning. Although the term means cleanliness, the tax has a closer link to property tax than to a cleanliness fee.

The Land Governance Assessment Framework, a study of land-governance in Afghanistan, which was done by AERU, refers to the period of 1933 through 1978 as a moderate period

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[30] Interview with the residents of District 5 May 2017

in which the Government of Afghanistan took concrete steps to survey land, document land-rights, and unify land-administration systems.[31] The study also refers to the period before this window of time as a traditional period, in which the national government did not consider governance of land a priority.

The invasion of Afghanistan by the Soviet Union in 1979, the installation of the pro-Communist government, and the subsequent changes in population movements did not change the government's urbanization plans. However, the increased focus on (Soviet sponsored) education and government-subsidized housing increased the tendencies of urban living.[32] The majority of emigration from Afghanistan, upon the invasion of the country by Soviet Union, occurred from the countryside, though some also from Kabul and other cities.

As a recognition of growing needs for proper settlement, the government intensified the construction of apartment blocks; a model that was previously used in Soviet Union in an effort to house the post-war masses who were moving to the cities. The sites, known as Microrayon (a term borrowed from Russian language, which is a primary structural element of a residential area. The word means micro-district), was a centrally planned scheme that was initially executed in 1970s and rapidly expanded in 1980s, which provided housing for thousands of families in Kabul.[33] Living in apartment buildings, along with hundreds of neighbors with diverse ethnic, religious, language, and educational backgrounds was promoted as a modern urban lifestyle. In addition to the diversity and harmony, the residents of these apartments had more stable access to some basic amenities, such as electricity, than those who had chosen to live in single-family dwellings. "Do you see that apartment?" an interviewee referred to one of the apartments in his block, as we were chatting, "That was home to the Deputy Minister of State Security – the state intelligence service – and our kids would go to school together, grow up as friends and we were all neighbors. When we got home, I was a civilian and so was he; neither of us were recognized by our jobs but rather by our living proximity to each other," the interviewee said, in praise of urban and apartment living.[34]

As scholarships for higher education in Soviet Union, many other countries of the eastern block and within Afghanistan started becoming available for almost anyone that wanted to study; the government undertook an aggressive housing construction initiative and built thousands of apartments for use. In the beginning, one of the main qualifications for securing one of the apartments was (communist) party membership. As more apartments were constructed, the government added to the qualification list and distributed the apartments to families of fallen soldiers, army officers, and other cadre of the government bureaucracy. Authorized by the Master Plan, inspired by the National Modernization Plan, and financed by the Soviet Union, the ambitious housing project provided homes in pre-

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[31] Land Governance Assessment Framework (LGAF) Afghanistan, June 2017. Afghanistan Research and Evaluation Unit (AREU) Publication Code 1608E

[32] Chat with Akbar, a resident of Microrayon, in April 2017.

[33] Planning Kabul – Politics of Urbanization; Pietro Anders Calogero PhD Thesis and Dissertations, University of California, Berkeley. Acceptance Date 2011. Published in eScholarship University of California

[34] Conversation with Akbar, a resident of Microrayon, in April 2017.

established communities. The project expedited the old Modernization Plan, supplemented by the rapid urbanization. To make the project feasible, land was claimed from informal and unauthorized settlers for a pre-designated price. In addition to the Microrayon apartments, several government Ministries, such as the Ministry of Defense and Ministry of Interior Affairs, had also undertaken similar housing projects for their own employees. The housing project construction continued until 1992, when Afghanistan fell in the hands of the Mujahidin, a group of warriors that had fought against the Soviet Union inside Afghanistan with their bases in Pakistan and Iran. The fall of pro-communist government translated to the second major exodus of Kabul's population. As the residents of Kabul, who had lived in the city during the 1980s, left the city, those that had left the country upon the invasion of Afghanistan by Soviet Union began to return to the country. This two-way population movement brought a large number of new residents to Kabul, while pushing the old residents out of the city.

The period between 1992 until late 2001 marks a decade of conflict, destruction of the city's public and residential infrastructure, and the change of political systems. The Mujahidin overthrew the pro-communist government in 1992 and the Taliban took over the city in the fall of 1996. As is common in most political shifts, the change of power marked mass migration of old residents of Kabul into Pakistan, Iran and farther afield (to the West and to Russia), while marking the return of large numbers of people to Kabul. Reports issued or sponsored by international humanitarian organizations and by JICA refer to the destruction of 50% to 90% of the city between 1992 and 1994 during the factional wars. The centers of conflict were in southern, western, and eastern parts of the city, in different time-intervals, leaving the northern parts of the city fairly unharmed. This is a period in which Kabul lost its image of the promise of education, urban-prosperity, urban life-style, and diversity of race, intellect, and worldview to a picture of destruction, rage, and danger. Travel guides began to refer to the city as one of the most dangerous places to visit; aid worker friends and colleagues refer to this era as a time mixed with sorrow, joy, making friends, losing friends, and everything in between. A large portion of the city's population left the city for the countryside and to the neighboring countries. The price to purchase, or rent, housing dropped drastically and so did the sources of income and employment.
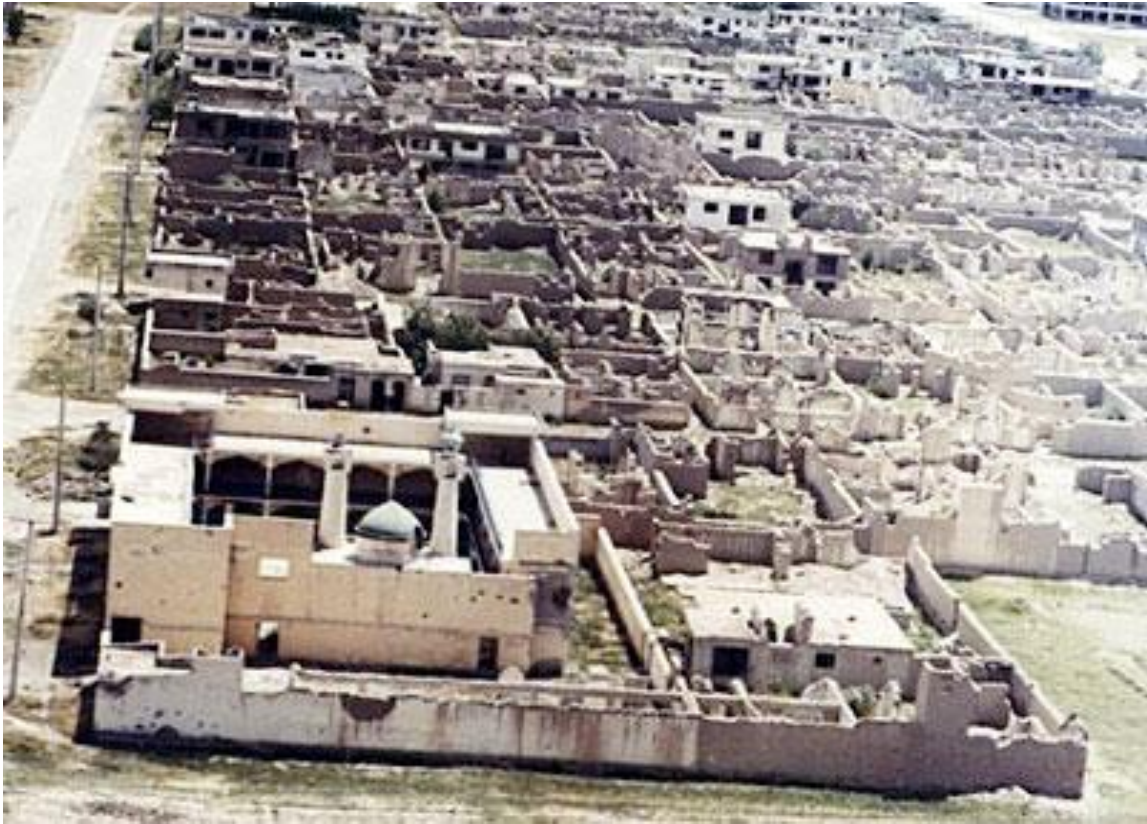
The fighting moved from one neighborhood to another, as if it were a systematic process of destruction. It started in southcentral neighborhoods of the city then crept south and east. By the end of 1994, the only neighborhoods that were not directly affected by deliberate destruction of the city were the northern parts of the city. The overwhelming majority of the city's population moved to the northern parts of the city. I was in the end of my high school years, when the fighting started in 1992. My high school delayed graduation from 1993 to 1994, as our school had to move from one location, in which fighting had started, to a safer location. By 1995, the fighting had stopped but the livable parts of the city had shrunk, as the majority of the public and private infrastructure was burned or destroyed. In the fall of 1996, when the Taliban took over the city and pushed yet another wave of the city's residents out of the city, the number of residents remaining in the city decreased further. The process of exiting the city continued, as the Taliban imposed their centrally designed and executed rules and codes of conduct on the residents. The Taliban regime

was in power from 1996 through 2001, when an American-led military intervention pushed the Taliban out of the city.

An interview with an elderly man reminded me of an interesting phenomenon during the rule of the Taliban.[35] The purchase price of houses kept increasing, while the cost of renting decreased. While the cause of this phenomenon is not documented in any academic literature that I was able to review, anecdotal evidence suggest that the trade of opium, and the income thereof, fueled the purchase and sale of houses in the city. To this day in Kabul, the purchase and sale of houses is often referred to as "turning black money into white" which means, the money that is earned through opium smuggling or bribery can only be turned into legitimate money through purchase and subsequent sale of a property. As for rent cost, because the actual number of families in the city had dropped drastically, most homeowners were happy to find someone to live in their homes, with or without paying rent. Today, even though rent prices are up, there remains a wide gap between rent and the cost of purchase.

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[35] Discussion with Akbar, a resident of Microrayon, in April 2017

First picture is the courtesy of U.S. Army; the second picture is from 1995, when the fighting stopped

The period between 2001 and 2015 marked massive numbers of returning population and the rapid reconstruction of the city. Commercial operators, the foreign embassies, the World Bank, and the Government of Afghanistan undertook the reconstruction of major roads, water systems, and large commercial and government buildings. The humanitarian organizations, led and funded by the US Government, played a vital role in reconstruction, renovation, and upgrade of residential dwellings but because of the magnitude of destruction, no amount of donor money could rebuild the city's residential assets. This sub-section will dovetail into Section 2 of the thesis and will establish spatial, structural, and social foundation for the remainder of the thesis.

As stated earlier, the Master Plan of 1978 remained the primary blueprint that guided Kabul city's plans until 2011, when the city ventured on developing a new Master Plan, this time with assistance from the Government of Japan.[36] As the old versions of the Master Plans had designated the city's technical experts the task of planning urban life the new Master Plan has added a layer of neighborhood participation in planning and designing community infrastructure projects in all neighborhoods of Kabul. As described later in Sections 3 and 4, the execution of all previous Master Plans were done in two stages; 1) desk-planning by technical experts and 2) execution of the plans, only after informing the residents of the government plans. The latest Master Plan, as described by the city officials, has added a third step to the process, which to which the officials refer as Strategic Planning.[37] The latest Master Plan outlines the major direction and structure of the city; prior to execution, the city is made responsible to work with neighborhoods and plan the location of all public projects, such as parks, streets, schools, mosques, and community centers, in collaboration with the neighborhoods. This additional step is essential in building a participatory, resilient, and dynamic city life. Moreover, the incorporation and adoption of this step in all future conducts of the city will undermine the culture of elitism and embrace a more cohesive, integrated, and interactive process that engages the low and the middle class in planning the future of the city.

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[36] Power Point presentations and documents provided by the city officials
[37] Power Point presentations and documents provided by the city officials

Section 2: Shelter and Settlement in Kabul – How Did It Go?

In the immediate aftermath of conflicts, and the subsequent return of families to places they consider safe, international humanitarian organizations often intervene in a number of areas of humanitarian needs. As this study, and several others before it, found one of the most important aspects of effective post-conflict reconstruction is to connect relief with recovery and future development efforts. In other words, planning relief projects that will serve as, and build the, foundation for future development initiatives proves more effective and successful. Moreover, shelter based relief initiatives will establish the effective and functional humanitarian nuclei, on which other humanitarian interventions stand.

Shelter plays a vital function in any society's social, economic, political, and security stability. Aside from the fact that it is one of the most foundational needs of any person, it provides the family with an anchor on which they build their affiliation with their neighbors, neighborhood, and the community at large. A perspective that views housing as a central element of a neighborhood refers to shelter as a verb, not a mere set of walls and a roof. When sheltering is placed in the center of humanitarian interventions, on which all other initiatives could be built, provision of a dwelling by humanitarian organizations will cease to be viewed as a logistics operation or a mere construction initiative that allow a low-income family to have a roof over their head.

One of the main criticisms of internationally funded humanitarian efforts has long been its ability to undermine the state by engaging in project based intervention, which are the responsibility of the government, without engaging the state or the public in design, execution, implementation and oversight.[38] In the case of Kabul, the Minister of Planning and later Minister of Commerce, Sayyed Mustafa Kazimi questioned the role of international humanitarian organizations in public at the time. When his criticism of the international organizations in Afghanistan did not find its intended audience he changed the tone of his criticism from a claim that the NGOs undermine the legitimacy of the government to the NGOs waste the donated money, intended for the people of Afghanistan, on security costs fancy offices and residence buildings.[39] The change of tone attracted the attention of the local media for a short period. The public criticisms of reconstruction work continued and reached a point where the United States Agency for International Development (USAID) deemed it necessary to respond.[40] Then, in 2009, the former Minister of Finance, and the current President of Afghanistan, published a book in which he criticized the role of NGOs as well. Prior to his election as the President of Afghanistan and after a stint as the Minister of Finance and the Chancellor of Kabul University, Ashraf Ghani, an anthropologist and a former lecturer at the UC-Berkeley and John Hopkins University, wrote a book titled "Fixing Failed States" in which he criticizes the predominant models of international humanitarian assistance in post-conflict settings,

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[38] Fixing Failed States: A Framework for Rebuilding a Fractured World. By Ashraf Ghani and Clare Lockhart. 2009.

[39] I have personally watched and listened to interviews and criticisms of the Minister, before his assassination by a suicide bomber in 2007. Published reports of the local media, which I had personally witnessed, are not available online anymore.

[40] A report that was published by PBS in 2012 https://www.pbs.org/newshour/world/usaid-afghanistan.

where the capacity of the national government is at its absolutely minimum level. To paraphrase his criticisms, the international aid organizations, hired or financed by one of the government donors or a multilateral organization, often find it difficult to work with and take direction from the national, or local, government officials. As a result, they do their absolute minimum to keep the government officials informed, while carrying out with their own project-based plans. By doing so, the aid agencies, inadvertently or not, create a parallel state that undermines the legitimacy of the national government and its role as service provider for its people.

In this section, we will first recognize and define a set of frameworks that have led shelter interventions, both by international humanitarian organizations and by national governments. Using the established framework, we will compare the post-Taliban shelter interventions in Kabul and analyze their impact over a decade after their completion. These interventions have been undertaken by international NGOs, the UN agencies, the government of Afghanistan and the residents of Kabul. Following the analysis of the effectiveness of past interventions, we will briefly visit some of the major contributors that affect shelter interventions, emerging activities that have followed shelter interventions, some changes in taste of housing consumption in Kabul. Moreover, as we analyze the effectiveness of the applications of each of the theories, we will judge each approach based on whether or not they fall under the general criticisms of international aid agencies, as builders of parallel state, or not. The effectiveness of each of the measures is based on the stakeholders' ability to foster a resilient environment on which the affected population can build their lives, as the criteria for measuring success defines.

Sub-Section 1 – Common Theories

A set of theories that guide humanitarian response in post-conflict and post-disaster settings has emerged since the end of the World War II, and the birth of state-led, coordinated, and secular post-conflict humanitarian interventions. The use of terminologies that have guided some of the theories have varied over time; but, for the sake of this research, we will use the terms that are currently being used by international humanitarian organizations.

The most commonly used approaches, among international NGOs and the United Nations agencies, are the Cluster Approach and the Settlement Approach. As a practitioner and an aid worker, I have personally been part of the application of both approaches. The application of each of the approaches can be necessary and effective in the right context.

Cluster Approach
This is a management approach to addressing the humanitarian needs of affected population. As such, the practitioners of this approach view their responsibilities from the lens of their own expertise. It is worth noting that the use of the term Cluster Approach only dates back to 2005, but the application and methods of responding to humanitarian situations has a much longer history, regardless of what terms have described them.
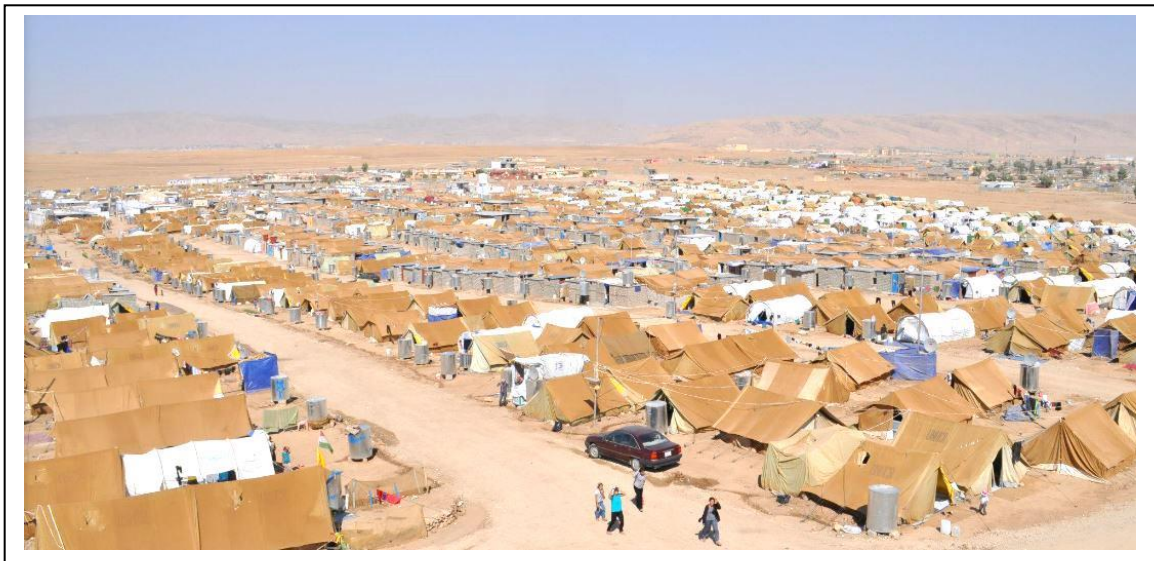
Programs that are inspired by this theory assign a greater level of preference to protection of the affected population, often at a cost to the affected population's ability to integrate in their new homes and markets. Some of the features of this approach include the following:

1. Logistics – addressing the need for shelter is viewed from a logistics standpoint, whereby the construction material is to be procured and delivered from the factory or the market, which is often located at a distance from the affected site, to the recipients or the affected population. Because addressing the need for shelter is viewed from the lens of logistics, the practitioners often look to tents, plastic sheeting, and pre-fabricated dwellings to be delivered for end use.
2. Silos of technical expertise – more than the proper construction of dwellings, provision of humanitarian shelter is viewed from the lens of protection (silo or cluster). As such, the most effective and efficient measure has historically been camp-setup and operation. By establishing and managing camps, the providers and managers of humanitarian interventions are able to draw physical barriers around a newly established space, control the movement of the people inside, manage the logistics of humanitarian kits' distribution, and provide security. In other words, create a controlled environment that allows the providers to manage effectively and efficiently the provision of humanitarian assistance.
3. Division of labor – a sectoral or cluster approach to provision of humanitarian assistance requires the providing agency to declare technical expertise in a particular field. Sector-specific clusters, such as the shelter & NFI (None Food Items) cluster, education cluster, or livelihood cluster, manage and coordinate the responsibilities of aid agencies. Again, such arrangement improves the aid agencies ability to manage the provision of humanitarian assistance in their controlled environment.

This model represents an inside-out management structure, a management structure that plans the provision of humanitarian services based on the technical expertise of the provider. Each field of expertise is designed to be managed by a sector, called a cluster. A representative from a humanitarian organization, most often a UN agency, leads the clusters. For example, the food security sector is led either by the World Food Program or by a Food and Agriculture Organization, UNICEF often leads water and sanitation and education clusters, and the UNHCR typically leads the shelter and non-food items (NFI) clusters. This structure works very well in camp-like situations, where the beneficiaries of the humanitarian-aid goods and services are in proximity of each other and the environment fosters collaborative efforts between service providers. Moreover, because of the nature of the (camp-like) setting and the structure of temporary assistance, the complexities of aid services are reduced and duplication of efforts is avoided.

Shelter, as the first and most visible need of the affected population, therefore, has been influenced by this theory most noticeably. Under the auspices of this theory, shelter is viewed as a temporary measure to protect victims of wars and natural disasters from the elements and ensuing physical and psychological threats. Because the need for humanitarian intervention in shelter construction stems from situations in which large numbers of people have been displaced, the humanitarian practitioners, whose work was

guided by this perspective, view the situation as temporary. Such plans are made under the assumption that the displaced population either will return home, or be resettled in secondary neighborhoods, within a period between a few months and no more than one year. The depth of the application of this theory became more entrenched in the 1970s, 1980s, and even in the 1990s, when large numbers of people in parts of Africa and South and Southeast Asia were forced out of their homes into refugee camps. The protection of the affected population became an essential part of humanitarian organizations' work.
The most common way to visualize this approach are the images of the refugee camps that have taken over our television screens, when we hear about refugee crises and the quick response to the plight of the victims of wars and disasters.

The prevalence of such approach became so embedded in planning of humanitarian aid interventions that regardless of the context, whether in (refugee) camps or an urban neighborhood, the actors continued to view the affected population as residents of a (refugee) camp setting, whose needs for humanitarian assistance were clustered in silos of providers/NGOs technical expertise. In the context of the delivery of humanitarian shelter assistance in urban settings, the actors/NGOs/UN agencies design and implement their programs more in terms of logistics, such as how to plan the delivery and distribution of shelter material from their points of purchase to the affected population. They design their programs less in terms of technical, social, and contextual integrity of the delivery. For example, in a Kabul non-camp setting, it is important to assure any shelter delivery considers the risks of earthquake, rain, snow fall, and changes in temperature in different seasons of the year (from below freezing to upper $+30^{\circ}$ C).

This approach continues to have numerable advocates. In wealthy countries where governments and citizens often underwrite the cost of response to the pleas of the victims of disasters, the images of people in protected refugee camps further justifies this course of action. There are definitely times when the application of this theory is warranted. When the population of one country leaves an international border to seek refuge in a neighboring country, or a farther away place, the hosts are not always eager to allow the newly arrived

people to integrate into their existing communities. The reluctance is often verbalized in economic terms, even if the true reason behind the host governments' reluctance stems from topics such as security or unwarranted or warranted fears of integration of strangers with natives. For example, a host government may say something along the lines of, "If we allow the refugees to integrate in our existing communities, they will cause rents to increase, and they will take away the jobs in the market, undermining economic opportunities for our own citizens."

The host-government officials often do not express their true concern in favor of or against the application of this theory in such circumstances. When a large number of Syrian refugees entered Iraqi-Kurdistan, the Kurdish officials (informally) expressed their concerns, though they did not express their concerns publicly. In a 2013 meeting with the Chairwoman of the newly created committee to address the influx of Syrian refugees, she said:

> "We had this experience before; when the Kurds of Iran had to flee their country, we gave them refuge. We gave them land on which the international community could help the refugees restart their lives, until it is time for them to return home. Moreover, we gave them full access to our markets, where they could find employment and a source of income. Our international partners were eager to help them settle and wanted us to be active partners, for as long or as short as the refugees were in need of our assistance. Twenty years later, the refugees claimed that they needed formal title to the land, so they could sell the land. You have to keep in mind, they are not citizens of Iraq, or of Kurdistan; they cannot own the land in this country. They pulled in the country and successfully claimed the land and as soon as the court recognized their right on the land, they sold it all for large profits. If we allow Syrian refugees the same rights, we are going to have to deal with the same set of problems all over again. Plus, even though most of the Syrians that have migrated to Iraqi-Kurdistan are of Kurdish ethnic background but there are other ethnic groups, such as Sunni Arabs and other ethnic and religious groups, who are sympathetic to ISIS. We cannot afford not to have a tight control over the situation and the places in which the refugees live."[41]

The reasons for the fear of allowing the Syrian refugees' integration in existing communities of Kurdistan became clearer, as the conversation continued. The true fear was the infiltration of political enemies in the midst of the Kurdish communities, hiding in existing neighborhoods, then land-claims, access to labor markets, and/or potential rent increases.

The international community complied with the government and set up several camps across Kurdistan in which the refugees could settle. The incentive for refugees to remain in the camp was that, should anyone leave the camp, even for an overnight outing, they would lose their refugee status, thus depriving them of any assistance that the international

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[41] Interview with Ms. Vian Rasheed, the Chairwoman of the Refugee Board for Kurdistan Regional Government recorded in the Needs and Gaps Assessment of Syria's Displaced Population by Shelter For Life International. October 2013.

community was able to provide. Besides the government's interest in maintaining control of the refugees' movement, the camp setup made the logistics of managing the flow of refugees much easier for the international community. However, the incentive was not strong enough for some of the families, who decided to leave the camps and find rental properties within the cities.

In the Fall of 2013, shortly after the influx of Syrian refugees into Iraqi-Kurdistan, the Kurdish region of Iraq enjoyed a thriving economy. The urban markets, particularly in Erbil city, could absorb large numbers of Syrian refugees as laborers. However, despite the local markets' ability and vibrancy, political biases kept Syrian refugees in camps, necessitating the continuation of humanitarian response. It was not unusual to hear the Government officials talk about the expectations that Syrians will remain in Iraqi Kurdistan for short periods of time. However, as often the case, refugees remained in the region for long periods of time.

Long-term camps for Afghan refugees in Pakistan, for Sudanese refugees in Kenya, and other similar conditions have shown that, even when refugees intend to escape the harshest conditions temporarily, they often remain away from home for years after their flight. While the immediate aftermath of any crisis warrants such approach, the intermediate and long-term impact of such approach may create unintended negative impacts. In 2013, when the first wave of refugees left Syria for Iraqi-Kurdistan, my humanitarian colleagues and the Iraqi government officials spoke about the situation as if it were temporary and as if the Syrians would return home or be settled in a third-country. However, as the year 2017 came to a close, Syrians still remained in Iraqi Kurdistan as temporary refugees.

The international donor community is often not able to continue the level of funding for emergency response indefinitely to sustain the cost of managing camp-like methods. When displaced populations remain away from home for prolonged periods, whether in camps or in non-camp settings, and the level of funding gradually drops, many international actors are forced to close operations, taking away their cloak of protection with them. Moreover, the camp-like situation creates unintentional prison-like conditions for the displaced population, further undermining the intentional humanitarian efforts.

As mentioned earlier, to assure proper security of the camp, and keep the camp clear of infiltration of unwanted individuals, the Iraqi-Kurdistan government kept a strict movement policy in and out of the camp. If individuals or families left the camp premise and did not return before dark, before the camp gates closed-down, the camp would deny the family's return request, and the family would (most likely) lose their refugee status. To ensure the dignity of the displaced population, it is essential that the stakeholders and actors kept in mind the impact of their efforts beyond the life of their projects, even when the response was designed as short-term.

Settlement Approach

The second type of response is referred to as the Settlement Approach, also known as the Neighborhood Approach. The Settlement Approach views shelter as the nuclei of any

humanitarian interventions from where other aspects of a neighborhood's (humanitarian) needs are coordinated and addressed. It views shelter as the most essential element of a family's ability to become an active member of a neighborhood, not as a 'proverbial roof over a family' or a construction and design venture.

Housing is intertwined with a family's social and economic standing in a neighborhood, around which other community services (i.e. water, sanitation, electricity, etc.) can be planned and neighborhood membership can be attained. This is particularly true in post-conflict urban settings, in which many of the (previously) displaced populations come home to rebuild their lives and livelihoods. Because these populations will often not face legal barriers to settle permanently in the cities in their own countries, deliberate steps that facilitate their full reintegration in neighborhoods are necessary. These deliberate steps do not necessarily mean the availability and spending of massive amounts of money; rather it means a close and collaborative effort with the returnee families in rebuilding the infrastructure and revitalizing the neighborhoods. This is how the practitioners of the Settlement Approach, or Neighborhood Approach, define their role in post-conflict humanitarian efforts.

When the Settlement Approach is applied in response to conflicts and natural disasters, this approach places shelter in the center of any emergency response, or other humanitarian interventions, on which to build other aspects of a society. As a result, the Settlement Approach seeks to address the most urgent needs of the displaced population, keeping in mind that the target population will still need to sustain their lives long after the completion of any (funded) project. Unlike the Cluster Approach, the Settlement Approach fosters an outside-in management structure. Some of the most common features of this approach include the following:

1. Design, plan, and execute any shelter or other humanitarian project with recovery, beyond the life of the short-term project, in mind.
2. Design and execute the project for the context of the setting, in which the project is to be implemented.
3. Engage local laborers, construction material, and suppliers.
4. Establish and oversee detailed technical design of shelters, beyond the logistics (construction material procurement and delivery to the intended beneficiaries).
5. Incremental approach to design and implementation of humanitarian shelter construction.
6. Deliberately fosters linkages of support, which help the recipient families re-establish in themselves in their community, to build the foundation of recovery and development.
7. Establish/re-establish the concept of hometown and neighborhood belonging.
8. Multi-faceted and inter-cluster design and implementation humanitarian project, centered on shelter and housing.
9. Plans (and views) a space in which life for a family can function and sustain itself.
10. Assigns greater emphasis on vibrancy of neighborhood than on temporary challenges (alone). In another word, it is a transitional concept from safer places to friendlier spaces.

11. Builds, or fosters, an environment in which alternative sources of financing further construction and investment in the neighborhood, including informal financing and supplier-financing models. [42]
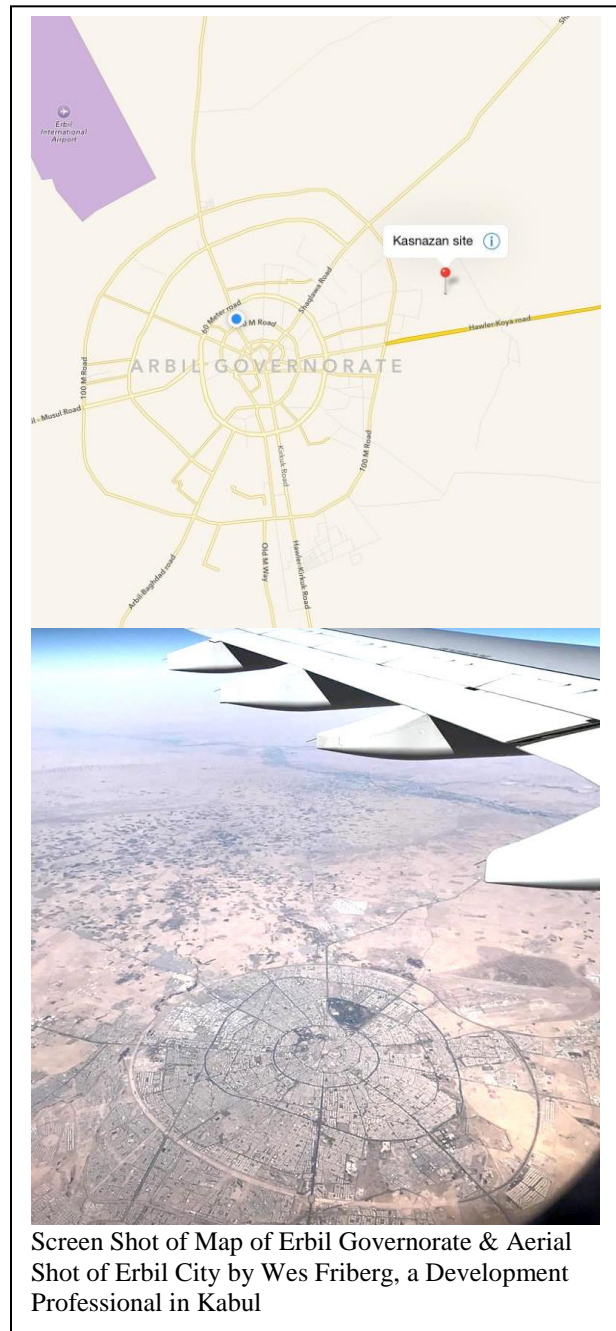
Examples in both Kabul and elsewhere help make this point clearer. After the fall of Mosul, and the nearby towns, in northern Iraq in 2014, the international humanitarian organizations, who were already present in Iraqi-Kurdistan as part of their response efforts to the pleas of Syrian refugees, engaged in responding to the humanitarian plight of the Iraqi citizens, who had escaped the rule of ISIS. The Kurdistan Regional Government (KRG) opened the doors of the region to ethnic and religious minorities, such as Yazidis, Christians, Shabak, Kakayes, and other groups. The first waves of displaced populations sought refuge with relatives. As the old traditional neighborhoods of Iraq are often divided based on ethnic or religious background, the Christian displaced population moved to Christian neighborhoods and others sought and found their co-religionists or relatives near whom they wanted to live. When the coping capacity of relatives and friends were maximized, the remainder of the displaced population moved to public buildings, such as churches and schools. Those who did not have ties in Kurdistan often moved either to public buildings or sometimes lived on the streets. Although the displaced population had settled throughout the KRG-controlled areas, Erbil and Dohuk Governorates hosted a larger proportion of the population.

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[42] USAID/OFDA Shelter and Settlement Training Material https://scms.usaid.gov/sites/default/files/documents/1866/shelter_settlements_training_handouts.pdf & Five Modules of Shelter & Settlement Training Courses by USAID/OFDA https://www.youtube.com/watch?v=tbRqnzU5sYU&t=7s

Because of embedded security concerns, the international organization's freedom to drive around and get to know Kurdistan was limited, to say the least. To help visualize the landscape, in case of Erbil city, the international community's management's movements were restricted within the last of the ring-roads, as shown in the picture, and to the airport area in the northwest. These constraints bred a perception as though the entire living space of Erbil was restricted to the neighborhoods within these ring-roads, which concentrated the international community's response to these areas. Because these are densely populated areas, the international community's response was to provide (seemingly) temporary shelter and other humanitarian assistance for displaced families in public buildings; which was also an approach that the community had undertaken in response to influx of Syrian refugees in Iraqi-Kurdistan. Even though the sites outside the ring-road are not included in the UN and many of the international organizations' secure zones, life for local Iraqis in these sites are not threatening and neither were they unacceptable sites for the displaced population. As an aid worker, and one who had engaged in responding to this humanitarian crisis, I led a series of needs assessments and interviews with displaced population. Within the first year of the displacement, I encountered a number of families who moved from public buildings, camps, and relatives' homes to one of these sites. Even though they were no longer located on sites

Screen Shot of Map of Erbil Governorate & Aerial Shot of Erbil City by Wes Friberg, a Development Professional in Kabul

where their names were registered, they would make the weekly or monthly trip to the distribution sites (often within 30 to 45 minutes on public transportation) to receive their designated assistance.

Because of the relative safety of the region, between 2003 and the fall of Mosul in 2014, Iraqi-Kurdistan attracted a significant amount of private and public investment, including investment in housing. During the influx of displaced Iraqis into Kurdistan, there were

large numbers of residential buildings that were unoccupied. A less costly, and more effective, approach to shelter response would have been an effort that facilitated short-term rental subsidies for displaced families. Such a short-term rent-subsidy would have underwritten the cost of housing, when the families were in desperate need of such assistance, while facilitating the integration of the displaced families in existing markets and neighborhoods. Such integration would have allowed the NGOs to transition out of the assistance business, letting the families fend for themselves; taking a settlement approach to the context of Iraqi-Kurdistan, instead of the familiar approach to protecting the vulnerable from the elements.

The next chapter will show the Settlement or Neighborhood Approach, when applied effectively and is in line with the context of the country (and city) in which it is executed, uses humanitarian assistance to build the foundation of a functioning, thriving and effective neighborhood.

The practitioners of both of these theories, the Settlement and the Cluster Approach, believe their programs are designed around the needs of the affected population. However, when the chain of events leads humanitarian organizations to places where their assistance for displaced population is most needed, the pressure to concentrate on one's technical and managerial expertise is high. Such pressure is sufficient to convince the aid organizations and the donors to look for the most visible and familiar program design, which is often the Cluster Approach. Addressing the people's need for shelter, in such situations, means the design and execution of a logistics plan, which will allow the responders to procure, transport, warehouse and distribute the necessary shelter material, often with little regards to the technical, environmental and management planning on what to do after such materials are distributed.

While in some situations this approach may be appropriate, it is not always; therefore, is incumbent upon all stakeholders, particularly NGOs, to design and execute humanitarian projects in the context of the place in which they work. Moreover, a Settlement or Neighborhood Approach will help stakeholders plan, design, and execute humanitarian interventions that are contextually appropriate, secures the support of government bodies, and treats the beneficiaries of humanitarian interventions with dignity and respect. It is a deliberate effort to design, plan, execute, and provide the humanitarian assistance based on such interventions' impact during and beyond the period of intervention.

Sub-Section 2 – Comparison in the Context of Kabul

Using the theories described above, this chapter will analyze the effectiveness of shelter interventions in Kabul, whether initiated and managed by international NGOs or by other stakeholders. As part of this analysis, I was able to access and review academic literature, professional reports, conduct interviews with residents of Kabul, and visit sites in which international humanitarian organizations, the government of Afghanistan and the private sector engaged in post-Taliban reconstruction of the housing stock of the city. Most of the temporary and transitional shelter interventions in Kabul had taken place within the first
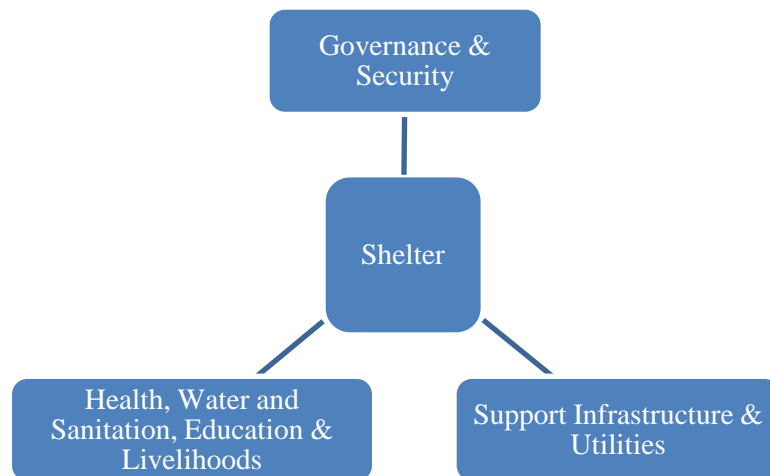
few years after the fall of Taliban. We will review the impact and effectiveness of these interventions by the shelter sector.

The study of the effectiveness of shelter interventions in Kabul has mainly identified three categories of intervention based on their level of effectiveness and using the theories described above; application of the Settlement Approach, application of the Cluster Approach and a third, completely unrelated to the theories defined earlier, the government's top-down response mechanisms.

Settlement Approach

As described earlier, the practitioners of this approach make deliberate efforts to assure that a shelter intervention is central to the context neighborhood's vibrancy, regardless of the magnitude of intervention and the level of funding any individual beneficiary receives. Moreover, the application of this theory designs the short-term humanitarian assistance as foundation for recovery and development.

The design of shelter projects, inspired by the Settlement Approach, puts shelter in the center of an imaginary triangle, surrounded by support infrastructure and utilities, health, safety, and livelihoods, and governance/security.

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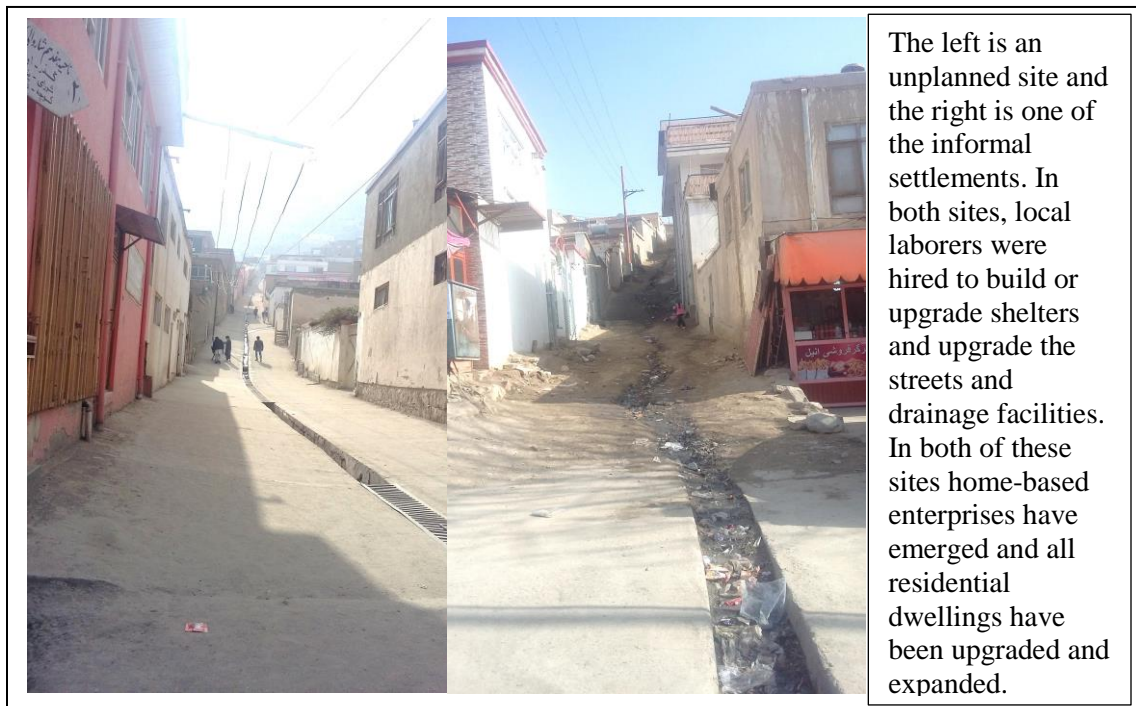
In the context of this analysis in Kabul, I found that this was the most effective approach in addressing the shelter needs of the returnees in the city. The approach served its initial intended purpose of addressing a major humanitarian need (for shelter, sanitation, water, etc.), while building the necessary social and structural foundation for future improvements and expansion. Additionally, the practitioners of this approach were able to build on a vibrant and complex social structure of the affected communities. The practitioners did not seek to simplify the solutions to the question of reconstruction and revitalization of neighborhoods, but rather they were able to foster the rebirth and the growth of interactive, vibrant, and secure neighborhoods. The communities in which such interventions had taken place are fully functioning and thriving urban neighborhoods. The sites in neighborhoods that benefited from this approach can be defined as the following:

1. Planned neighborhoods – existing neighborhoods that were destroyed during the periods of conflict in Kabul and that fall within the technical, legal and social parameters of the Master Plan and the owners possess formal title/deed for the land (even if the deed/right was properly or improperly sold and exchanged to multiple parties.
2. Unplanned neighborhoods – existing neighborhoods that were destroyed during the periods of conflict in Kabul but had never reached their turns to be formally planned and the titles for which be registered with the relevant government authorities.
3. Informal settlements – neighborhoods that did not exist prior to the fall of Taliban and were created as a result of influx of returnees to Kabul.

Shelter initiatives which this thesis consider as proper fit for the settlement, or neighborhood, approach were not all financed by the international aid organizations and donors; some were informally funded and built through the social networks of the family and friends, and some were funded by the residents of the shelters themselves through utilizing their own financial resources. Regardless of financing source, we will review the application of theories that contributed to the success of the application of this model.

It is important to note that not all projects, and actors, who adopted this approach engaged in the construction of shelters in Kabul. They all, however, placed shelter at the center of their humanitarian focus and worked on social and structural elements of the target neighborhoods. As such, if/when the displaced populations were in need of shelter construction and upgrade, the stakeholders addressed the immediate need for shelter and in other instances the successful projects included the construction of latrines, water

The left is an unplanned site and the right is one of the informal settlements. In both sites, local laborers were hired to build or upgrade shelters and upgrade the streets and drainage facilities. In both of these sites home-based enterprises have emerged and all residential dwellings have been upgraded and expanded.

supply, governance, and other related urban challenges, whether they were structural or non-structural. In places where the families had moved into a neighborhood, established

themselves, and had begun the process of establishing a new community, this approach led the stakeholders to address other complimentary structural and non-structural deficiencies. In short, the practitioners of the Neighborhood or Settlement Approach worked through established cultural norms and utilized existing, though informal, dynamic, and complex social structures to enable the neighborhoods to fully engage in reconstruction of their neighborhoods.

Projects that were implemented in Kabul fitting Settlement Approach were observed in Districts 2, 3 and 5. Discussion with local practitioners and review of professional reports suggests that similar projects were completed in other parts of the city as well. All of the neighborhoods that were visited were functioning neighborhoods prior to their destruction in mid 1990s. Not all residents at the time of project implementation were owners of the land on which the improvements were made, some are still renters.

Projects in Existing Neighborhoods:

Shelter Projects: The types of shelter interventions included new construction and upgrade. New construction were often a basic, 300-350 square foot (or about 30-35-square meters), two-room design with a hallway in between. Upgrades, as described by residents, included the addition of doors, windows, roof-repair, and other basic structural improvements. Project reports on shelter intervention by international organizations verified the residents' statements.[43] In addition to the importance of technically sound structures and effectiveness of the design management of humanitarian projects, these reports from the American non-profit organizations emphasize the importance of their efforts to engage the benefiting neighborhoods and beneficiaries of the humanitarian aid.

In all visited cases, the initial structure is unrecognizable. Some families still lived on the structures that the international humanitarian organizations had helped them build, and some had sold their land to others, on which the new owners had built larger houses. The common threats among all houses were the additional construction done by the residing families, or the new family that had purchased old houses. In several cases that we visited, new rooms were added next to the rooms that the humanitarian organizations had helped build; only in a handful of cases did I witness the addition of second-story. Improvements on shelters are harder to measure and observe, because they are now part of a larger house and because the traditional structure of houses in Kabul include perimeter walls, which restricts visual access to the houses. In addition, not all families gave access to assess visually the improvements they had adopted since their return to Kabul and the subsequent reconstruction of their homes.

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[43] Kabul Area Shelter & Settlement Project (KASS), financed by the U.S. Agency for International Development and implemented by CARE International (www.care.org) in 2006-2007 and reported in November 2007. Second case; a Shelter and Sanitation project, implemented by Shelter For Life International (www.shelter.org) in 2006, which was financed by U.S. Department of State, Bureau of Populations, Refugees and Migration (BPRM).

A US-Government funded project built the latrine and the shelter for this family. The latrine's sewage exit is the only visible work from the initial project. One of the lots on the same street was sold and a larger mixed-use building was built, as seen in the picture on the right. Pictures were taken in January of 2017.

I have been an international aid worker since 1999, both in field manager roles and in headquarters in support and oversight of operations and business development. When I visit post-conflict settings and I am introduced as one of the members of the international humanitarian organizations, my conversation with people often focuses on their humanitarian needs and we seek ways to reduce their sufferings. Because of the nature of this thesis, as academic research, I adopted a different role; I often introduced myself as a student who hopes to study the effectiveness of the international humanitarian organizations' work in Kabul. Although this may appear to be a neutral state, it often is not. The position of a researcher, who seeks the opinion of people on effectiveness of international humanitarian aid can easily be translated as, "Did you receive sufficient aid?" to which the answer can often be an emphatic "NO." The lessons I learned through direct interaction with the residents were that, if the residents were asked direct questions about their level of satisfaction with NGOs' assistance, whether in the shelter sector or any other sector, the response was normally that "they didn't do enough." However, when I posed questions indirectly, particularly about comparing their lives in the beginning stages of post-Taliban periods and today, the answers were more optimistic.

To overcome any possible miscommunication and to assure I can capture the essence of people's opinion to this question, I used a concept that psychologists call Anchoring. The ScienceDaily publication describes Anchoring as a common human tendency to rely or "anchor" on a trait or a piece of information to decide.[44] Using the concept anchoring, I would normally ask the residents about the changes in their lives since the fall of the Taliban and their subsequent return to Kabul.

In communities that benefited from the Settlement Approach, people talked about the humanitarian organizations' work as a small experience in a distant past. Interviewees

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[44] https://www.sciencedaily.com/terms/anchoring.htm

talked about the difficulties of life as refugees, or as internally displaced persons (IDPs), and the improvements in their lives since the fall of Taliban, and their hope for a better future. This was also when the blame typically shifted to the government and its inability to control corruption. "Life was tough but it started to improve and we had better income; until the Taliban and the government got onto each other's cases and started fighting each other. In the end, the leaders of both sides live in comfort; it's only we the people who suffer the consequences of their ill-conceived choices," is a sentiment that I heard from several people in Kabul.

One of the responders summed up the impact of the international organizations' work in comparison to their own effort very nicely:

> "The organizations brought some construction material and we bought some to build those two rooms." one of the residents recounted, as we walked through the entry door and the perimeter walls and stood on the courtyard of his house. "Both my sons worked on this house and the organization also hired 2-3 other men to work here. My sons have their own children now and, as our family grew larger, we decided to build more rooms. Now, my older son and his two children live on that side of the house – pointing to the left-side expansion – and my younger son and his children live in those rooms – pointing to the right-side expansion of the house. We eat together in this part – referring to one of the initially built rooms – or outside. Life is good. We are thankful to be alive and back in a place we call our own home."[45]

The man, possibly in his late 50s, was a high school math teacher in Kabul in the 1980s. As the conflict in Kabul started in early 1990s, he and his family migrated to one of the provinces within Afghanistan, and then to Pakistan, where he had started a small business. He no longer teaches; instead, he and a friend own an electronics shop. His sons graduated from college; one works for the government and one works for the World Bank.

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[45] Interview with Alimardan, a long time resident of Kabul, in January 2017.

<u>Water & Sanitation</u>: Shelter projects were complemented with the installation of simple water systems, often hand pumps or hand-dug wells. Latrines, still in place often a decade or more after construction, are still visible. These latrines appear in a striking manner; as the photo shows, the latrines appear embedded in the improved structure of the houses.

When you have a home, you are somebody. Your neighbors take you seriously and you build relationships with them. You know, if something happens to you, your neighbor is the closest friend you can count on, and it is your neighbor who can come to your rescue or completely ignore you. A good relationship with a neighbor is very important. It is more important than your relationship with your cousins. If a burglar attempts to enter your home, a good relationship with your neighbor will help with your safety. If your neighbor has a well, but you do not, a good

Latrine is visible; shelter is upgraded. Picture from January 2017.

relationship helps you access their well. When you all do not have any access to drinkable water, you can help each other and dig a well so you both can use it. When you are both in need of outside help, you can help each other build each other's homes. When you build friendship then you find common you find common interests, such as safety and security, water and sanitation and cleaning the ditches. The organizations helped us here and there with our home and wells, but we built our homes and our wells. Some years after the organizations finished their work in our neighborhood we worked on the house and built more space– Fragment of a conversation with residents in an unplanned neighborhood.[46]

The picture above may not say much, but it will be helpful to understand that when the latrines were built, they were the rudimentary structures and, because the beneficiary families have built on and around the latrines, they look as if they were part of the initial structure of the building.

<u>Public Infrastructure</u>: The most visible public infrastructures that were built at the time, and are still being used, are the drainage systems and street-improvements. The NGOs that worked on these public projects hired the youth from the beneficiary neighborhoods. Some of the projects were completed between 2005 and 2010. Conversations with residents suggest that the projects, in each of the sites, were implemented within a few months, between March and November, when the implementation of construction projects is feasible due to weather constraints. This suggests that the project management team in each project left the site upon completion of the project, but the projects facilitated for the birth
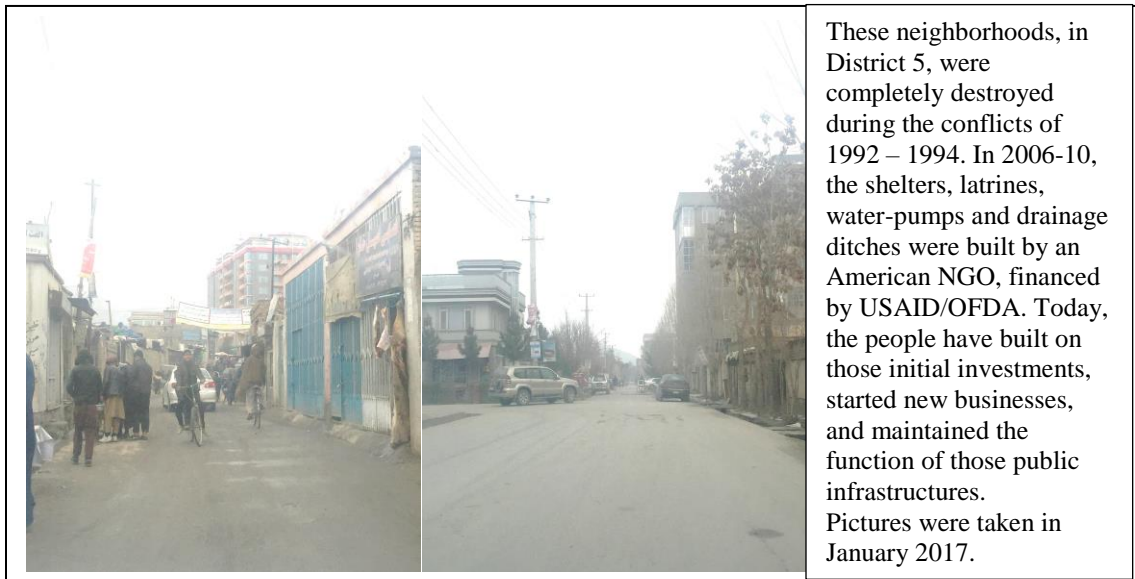
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[46] Conversations with Akram, a UN-Habitat official in Kabul, in April 2017 and with Kabul residents in January 2017

of a functioning neighborhood. This notion was enforced by KAS[47] report, as the report reiterates the importance of their efforts in building and empowering the neighborhoods in which the projects were being implemented.

We talked about small businesses that have emerged on each street and the (relatively clean) streets, the drainage ditches and other structures, the conversation turned to the neighborhood watch group. Every few streets have created their own neighborhood watch groups. The watch groups are primarily young men who take turns walking the streets at night to provide a level of security for their neighborhoods. These groups increased the safety in their neighborhoods to a level high enough for garbage collectors to decide to come to the neighborhoods and collect the daily garbage and clean up the latrines (the topic of garbage collection will be discussed in more details in Section 4). The small businesses that have emerged in these neighborhoods have taken it upon themselves to clean the drainage ditches.

"These shops [pointing to the shops at a little distance from where we were standing] are owned by some of the families in this street. If the water on this ditch sits still, it creates an unpleasant odor. The shopkeepers clean this whole section to make sure their customers are not driven away by the odor of these ditches." - The fellow interviewee, who had invited us to see his expanded house, described.[48]

These neighborhoods, in District 5, were completely destroyed during the conflicts of 1992 – 1994. In 2006-10, the shelters, latrines, water-pumps and drainage ditches were built by an American NGO, financed by USAID/OFDA. Today, the people have built on those initial investments, started new businesses, and maintained the function of those public infrastructures.
Pictures were taken in January 2017.

The intentional efforts of the international aid organizations, who had simply viewed the provision of (short-term/humanitarian) shelter as the foundation of a neighborhood's vitality, fostered the sense of neighborhood reconstruction, instead of individual family-focused interventions.

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[47] Kabul Area Shelter & Settlement Project (KASS), financed by the U.S. Agency for International Development and implemented by CARE International (www.care.org) in 2006-2007 and reported in November 2007.
[48] One of the interviews with residents in January 22, 2017, Kabul

The shape, structure, and emerging dynamics of these neighborhoods would make Jane Jacobs happy. The providers of the humanitarian assistance had not simplified the delivery of aid to individual families; instead, they worked through the social complexities of the neighborhoods and deliberately sought to engage the residents in reconstruction of their homes and neighborhoods. These neighborhoods have all adopted a mixed-use land use practice; businesses have emerged in residential neighborhoods and, as the need dictated, the people have come up with practical solutions to provide 'eyes on the street,' or the neighborhood watch groups. The aid agencies merely provided a nudge to start the process of neighborhood revitalization, as they helped the newly settled families with the most basic aspects of rebuilding their lives. These projects were not only logistical efforts to assure proper construction material reached the intended beneficiaries. The projects provided part of the construction material, technical advice, oversight, labor-cost, and engaged the residents in reconstruction of their homes and neighborhoods. Their work gave birth to the beginnings of a thriving neighborhood, in which the residents actively participate, and in which inside and outside investors have taken interest to develop further.

This foundational work took place at a time when the returnee populations were (economically) not so well off and the lack of such humanitarian assistance would have held the family back (likely) for many years. Often in post conflict settings, the displaced populations that return home find the cost of rent or reconstruction of housing as one of the most challenging part of their reintegration. By methodically positioning humanitarian assistance to underwrite some of these basic costs, while engaging the affected population in reconstruction of their neighborhoods, the reintegration process is much smoother. In the context of Kabul, the stakeholders provided the returning population with basic construction material and technology, which were familiar to the residents, and hired local laborers in design and construction of their new shelters. Even though these were meant to be short-term humanitarian interventions, they rejuvenated social dynamics in emerging neighborhoods. Once families had a place to call home, other aspects of neighborhood restoration were coordinated from within the community, without any interference or assistance from the international community or the national or city government.

The success of the application of the Settlement Approach is also evident in planned and unplanned sites, whose residents did not receive outside financial and/or material support. The story of Shams, a taxi driver in the city, conveyed this message well.

> "I grew up in Darullaman, where my father and grandfather were born, raised and are buried. After the fall of Najib's government (the last pro-communist President of Afghanistan), when fighting between factions of Islamic parties intensified, we moved to Khairkhana (northern Kabul). Our people talk about cherishing the sacrifice of veterans, but when they hardly ever give enough respect to actual veterans. When the Taliban took over Kabul, I joined the fight, as my brother moved my children and his family up to the north, outside Taliban control. During one of our battles, four of us were cut off from the rest of our team. We escaped to the mountains; just the four of us with our guns. We walked for four days and finally reached Salang (a north central mountain district) and found ourselves in the middle of a herders' community. By the time we reached there, there wasn't much left of

our shoes and our clothing. We ate snow and whatever grass we could find for those four days and were extremely cold. We were cut off from our families and our troops and no one knew what happened to our relatives. The families in the small village in Salang cared for us; they fed us and helped us reconnect with the rest of our guys. After we defeated the Taliban and brought our families back home, we did not receive any assistance from the government or from the organizations (a term often used to refer to foreign NGOs) to rebuild our homes. Luckily our home was not completely destroyed. We had been away from it for nearly eight years so the rain and snow had damaged the roofs. We worked together with our neighbors and rebuilt all the houses in our street. It was like a large Ashar (volunteer work), where all neighbors worked together to build each other's homes. In the beginning, it was enough to get us started. My brother and I worked very hard and have been able to add more rooms to our house. I think we have made our father proud, because we do not owe anybody for restarting our lives and rebuilding our home; the home that we both inherited from our father."[49]

Shams has driven his taxi since his return to Kabul, after the fall of the Taliban, and tells tales of his time as a soldier and the sacrifices he and his family made to defeat the Taliban. He tells stories of a neighborhood in ruins, which came back to life and has now become home to many family. He recounts the rough time he and his family lived through and wishes none of his children will ever experience those times as adults. Shams has six children, four of whom were born after his return home.

Discussion with the residents of these sites also brought another fact to surface. The unplanned streets were often located only blocks away from the planned sites (this is briefly described in Section 1, and will be elaborated on in Section 3). The planned sites are deemed to also be formal neighborhoods, where the title and the deeds of the property were registered with the government prior to the onset of conflicts. Conversely, the unplanned settlements do not have registered deeds with the government, and they are not part of the (old) Master Plan. However, in all cases, the people possess municipal documents, the Safayee (or cleanliness) document, which is essentially the document for registering property tax (a topic that will be further explored in Section 3).

Informal Settlements:

Kabul is no stranger to informal settlements throughout her history but the influx of population after the fall of the Taliban induced an unprecedented number of returning refugees and internally displaced people to move to the city. As discussed in Section 1, the planning and formalization of settlements in Kabul do not have a long history. Prior to the government's deliberate attempts to plan Kabul's emerging neighborhoods, all settlements in Kabul occurred informally. The pace and rate of informal settlement, settlements on any empty land that was not demarcated or claimed by individuals, whether on flat land or on hills and mountains, took a new shape and pace after the fall of the Taliban. Hillsides and mountainsides in central and southcentral parts of the city, and flat land in the western,

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[49] Interview with Shamsuddin, taxi driver and a long-time resident of Kabul, in January 2017

northern, and eastern parts of the city were the most obvious available land, which hosted many of the Afghans returning to the city.

Because settlement in the hills and mountainsides poses additional physical risks, and because informal hillside settlements were subjects of previous studies, we emphasized the evolution and development in hillsides, more than those of flatlands. Moreover, the municipal officials also told us that flat parts of the city that were included in the old Master Plan, but populated by incoming families after the fall of Taliban, without prior government authorization, are part of their first waves of formalization of titles. The issues of physical risk, lack of formal title to the land on which people, the way in which these settlements have remained intact, and have thrived, made focusing on hillsides more appealing.

The physical risks that people on the hills and mountainsides face are both immediate and long term. The immediate, and most visible, risks stem from the slopes; the steeper the slope the higher the risk. Rainfall and cold weather exacerbates the risk; when it rains or snows, particularly when the temperature drops below freezing, the paths going up to the houses become riskier. It is even worse when children are to haul water for the families' daily use from lower elevation. The nature of longer-term risks stems from the relationship between the stability of large boulders and seismic activities. The mountains of Kabul are rocky and large boulders dominate the sights of the mountains. Yet because there are no historic reports of rolling boulders, the risk is not perceived as viable. However, many of the houses built alongside the mountains are built next to or under some of the large boulders. If the foundations of these boulders have loosened, they pose serious threats to the families in proximity of these rocks and to those that live along the paths of such (potentially rolling) rocks. The risk is worsened, and possibly more real, by the prospect of earthquakes. Because Kabul is on active fault lines, earthquakes are a common phenomenon. Fortunately, there have not been any major seismic activity over the past 15+ years; but, if seismic activity occur, it could be a serious risk to lives of the residents.

A study, conducted by Shelter For Life International, an American NGO, and sponsored by the United States Agency for International Development, Office of Foreign Disaster Assistance (USAID/OFDA) in 2010 had proposed that, based on the steepness of the slopes, essentially, the hillsides be divided into two sections: areas that should be

A Site on TV Mountain, Kabul. Photo from April 2017

upgraded and areas that should not be upgraded.[50] An upgrade recommendation, in this

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[50] An Assessment of Hillside Settlements in Kabul, Afghanistan. January 2010. By Shelter For Life International (www.shelter.org), Afghan Geodesy and Cartography (an Afghan Government Agency) and Cooperation for Reconstruction of Afghanistan (CRA)

context, meant not to disturb the families who have already built themselves dwellings along the hillsides and, to make their living condition even easier, to provide access to potable water, waste-disposal, sewage treatment, and access to sanitation units - mainly latrines. Conditions that would make upgrading not feasible, or effective in this context, include some of the following:

1. Slope steepness of over 15%.
2. Elevation of more than 1,860 meters (6,102.36 feet), unless it is demonstrated that provision of water is financially feasible and sustainable.
3. The distance from an existing road is more than 50 meters (164 feet).
4. Along all hillside ridgelines.

The Municipality officials told us that the city had decided to act on these recommendations and wanted to work with the national government to declare the area with slope-steepness of more than 15%, or elevation of more than 1,860 meters, as national parks. Because of the limited resources, the city says, they have not been able to push forward with this plan.[51] Moreover, whenever the city officials reach out to the residents of informal settlements and discuss the possibility of eviction, they are asked for land in a different part of the city on which to settle.[52] Because of these limitations, the city has not prioritized the resettlement of families in riskier parts of the city.

It is worth mentioning that the shelter and settlement projects that were designed to work together with affected communities and support their neighborhoods have resulted in more effective and vibrant communities. On the other hand, programs that that were designed to only address the most visible, and short-term, needs of the people for shelter and protection from the elements, typically result in less vibrant communities. As a researcher and an international aid-worker, it is my assessment that even though the capacity of the national and municipal government was limited during the implementation of these projects, by taking a Neighborhood Approach and building the foundation of future neighborhood improvement, the actors fostered a grassroots system that was replicable, scalable and accountable. Moreover, the Neighborhood approach fostered the ideals of interactive dialogue between the government and the governed, an important feature of an accountable democracy. The interaction and dialogue between residents and city officials is not always smooth, perfect, nor orderly. At times, the city government's technical experts expressly prefer to go back to the old days, whereby they planned and simply informed the residents of the city's plans prior to execution. But, to borrow the term that the author of Seeing Like a State, the pursuit of simplicity of government function will only strengthen the role of an authoritarian system. [53] The beauty of such a messy, complex, and imperfect system is its

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[51] Reference to conversation with Deputy Mayor and Akram, an Urban Planner and Architect with UN-Habitat, in January and April, 2017

[52] The City's Director of Planning referred to the lack of available land as one of the reasons they cannot force people out of the informal settlements. He also used the settlements adjacent to Kabul International Airport as another example, whereby the settlements pose security risk to the airport but lack of available land restricts their ability to address, or mitigate, this risk.

[53] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London

ability to foster an accountable interaction between the technical experts and the ordinary citizens. In my opinion, this is one of the major achievements of entities that embrace the Neighborhood Approach through their humanitarian assistance.

Cluster Approach

As described earlier, the application of the Cluster Approach was devised for conflict zones; but, the practice is dominant among a number of aid organizations and donor governments. Moreover, even though the use of the term Cluster has only been in use since 2005, the application of the approach dates back to post World War II and was given much greater prominence in the 1970s, 1980s, and even through parts of the 1990s, as the Cold War influenced the Western Governments' strategies and philosophies of global engagement.

In conflict, and some post-conflict settings, the displaced populations are often scattered within or outside their countries' international boundaries. Because access to the sites on which the affected population lives is not always easy, logistics and movement of goods to the affected population has often taken a greater precedence, than the way in which these aid-packages are put to use. Moreover, because the delivery of the humanitarian goods and services is easier to measure in the short-term, the donor governments have found it more appealing to support initiatives that are inspired by this approach. To address the shelter needs of the affected population, the practitioners of this approach give protection a greater priority, over integration of people in markets and the intermediate and long-term impact of humanitarian assistance on the lives of the affected population.

As the trend has repeated in many countries since the end of World War II, the international aid agencies, including the UN agencies and some NGOs, have perfected the model of camp setting and refugee camp management. The model, as conceived at the time, was an inexpensive and easier-to-manage model than other alternatives, since the target beneficiaries are located in one geographic area and protected by the host government, often under the supervision of one of the UN agencies. Since the expectation was, and continues to be, that the displaced population would remain in camps for short periods of time there is no need to develop any structure that will be left behind and become a burden to the host government. This model intrinsically resembles the civilian version of war-planning and military-style execution and operations management; the technical experts often design, plan, map, execute, and deliver goods to their intended beneficiaries. The affected population, in this case, is often passive recipients of humanitarian assistance. Moreover, the model prioritizes the protection of the displaced population from the elements, and from physical dangers that they may face. As such, building virtual or physical barriers around the camps create necessary boundaries that keep intruders away. Those inside the camps would temporary structures, such as tents, buckets for storing water, blankets, mattresses to sleep on, and other basic necessities.

Expectations rarely came true, as such camps ended up remaining in place for years, not merely a few months. A World Bank report suggests that displaced populations are often

not able to return to their places of origin and remain in exile for an average of 17 years.[54] Tents, on the other hands, often do not remain intact for more than a few months. Even when the application of this theory is the most relevant approach, given the context to which the displaced population lives, the support of the host government, and a host of other reasons, the model is quite expensive. In addition, the initial need for protection from the elements and from physical danger turns the camps into virtual prisons; the displaced population's need to abide by certain rules, often imposed by the host government, requires them to remain in camp settings at all times. Movement out of the camp overnight is viewed with suspicion and requires a set of bureaucratic permissions. If families leave the camp for extended periods, they may lose their access to humanitarian assistance, which is often their only means of survival, since they do not have permission to work. All of these measures, even if harsh, may be necessary in certain contexts, but are not applicable across the board.

While this approach is appropriate in certain contexts, as described earlier, the application of this approach in post-Taliban Kabul has proven unsuccessful and, to the extent that it is measurable, has sustained dependence on humanitarian aid for years after the assistance was first provided. For this study, we identified one of the sites in which internally displaced population had settled.

In 2008, after major military operations by joint Afghan and international forces, a large number of people from Helmand Province fled their homes. While many of the displaced population moved to Pakistan and to the neighboring provinces, a few hundred families ended up in Kabul. It is not quite clear whether the families found the empty plot of land in west-central part of the city, not too far from the Polytechnic University, to settle on or if the aid organizations, in collaboration with the national and city government, identified the site and sat up the camp. Reports[55] from aid organizations and news agencies suggest that the Ministry of Refugees and Repatriation (MORR) was involved in coordinating humanitarian assistance for the families.

In the beginning, a number of NGOs and UN agencies provided the families with food rations, non-food assistance (such as tents, blankets, water-delivery, installation of water-pumps, etc.) but, as their stay in Kabul prolonged, the assistance gradually dried up. However, even though their displacement was deemed temporary, nearly ten years after their arrival they remain in need of humanitarian assistance. When asked about the way the aid organizations delivered humanitarian assistance to this site, interviewees described the process as:

> "The organizations came and took all our names and the information about our families and then a truck showed up and gave us our tents. Tents and blankets arrived first. We sat up the tents and used the blankets on the floor. Later they brought us some floor mats and other essentials. The first winter was very hard so.

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[54] Development for Peace, an initiative of the World Bank. http://blogs.worldbank.org/dev4peace/how-many-years-do-refugees-stay-exile. Published on September 2016

[55] InTheseTimes report, filed in November 2016 http://inthesetimes.com/article/19606/inside-afghanistans-camps-for-the-internally-displaced

We realized that our tents would not last another winter so we all begun building our houses. We used the tents on the roofs."

Families continue to plea for humanitarian assistance, whenever there is an opportunity. While the international aid organizations have long stopped providing any assistance, local businesses provide food or clothing for the families during Eid celebrations (the twice per year religious festivities, one of which marks the end of Ramadan and the second celebrates the sacrifice of Prophet Abraham, who had offered his son as sacrifice to God).

Picture was taken in May 2017.

The application of a well-intended approach has given birth to one of the longest, yet little known, humanitarian crises in Afghanistan. The site has become Kabul's proverbial Pruitt-Igoe[56] housing project; the public housing complex in St. Louis, Missouri, which has long served as an icon of racial segregation, citizen-alienation, and overlooking the value of place-based, community-oriented housing initiatives.

When the tents could not hold together, the residents found alternative solutions for improving their shelters. In many cases, residents used the tarpaulin, which were at one point their tent-homes, as roof-insulation. The conflict in Helmand, their home province, has not ceased and so has continued their plight for humanitarian assistance. The land on which they have squatted belongs to the Afghan Ministry of Defense, according to the residents[57]. "Every once in a while, when a journalist tries to fill air-time, he or she comes here for a visit and produces a report about us. Sometimes the report's purpose is to highlight the incompetence of the government. After their reports air, wealthy people from the city bring clothing and sometimes food. Otherwise, we are forgotten," said a resident[58]. In 2017, during interviews of residents, we were told that the government decided to find land for families and move them to other parts of the city. However, this promise may not be realistic as available land within Kabul to which the families can move is close to impossible to find. Moreover, the site on which they live is in proximity of major labor markets and has access to transportation; finding a similar site within Kabul will likely cost a lot for government. Before finalizing this thesis, I asked one of my colleagues[59] in Kabul

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[56] Pruitt-Igoe was a public housing project from 1950s in St. Louis, Missouri which has become a poster child of failed public housing initiatives. http://www.pruitt-igoe.com/urban-history.

[57] Interviews with IDPs in Charahee Qambar, Kabul, in May 2017

[58] Interviews with IDPs in Charahee Qambar, Kabul, in May 2017

[59] A follow up visit by Amir Salimi was conducted in April 2018.

to visit the families again. Nearly a year after the interviews, the families are still on the same site. My colleague asked one of the residents about the ownership of the land and they repeated the same line; the Ministry of Defense owns the land and that they have received eviction notices which they ignore.

A move to another piece of empty land would essentially restart the cycle dependence. A Settlement Approach would have brought a much needed, and longer-term, impact to the lives of the people in this instance. A shelter-centered approach would have provided the people with sufficient building material and technical assistance that they would have reused in the future. Additionally, as it has happened with the residents of the informal settlements, a properly implemented and shelter-centered approach would have given birth to well-functioning neighborhoods, which would have helped the displaced people of Helmand make a case in court to buy, acquire, or lease the land from the Ministry of Defense.

An ill-conceived humanitarian assistance, which had a short-term splash, has created a long-term nightmare for the government and people of Kabul and to those who benefited from such assistance. The aid agencies, who advocated for the application of Cluster Approach, in this particular context, did a disservice to the people, despite their intention to address an immediate humanitarian need of a displaced group in need of humanitarian assistance.

It is hard to fully judge the application of this approach toward the criticisms that, presumably, international aid organizations have a project-based tunnel vision, find it easier to work around government policies, and often create parallel states. Because the strength of the Cluster Approach is to utilize the expertise of the implementing agency to address a pre-identified humanitarian need and establish the most effective logistics system to deliver humanitarian supplies to intended beneficiaries, it gives us a new angle from which to judge the effectiveness of the Cluster Approach in the context of Kabul. Therefore, judging from the strengths of this method, the application of this approach was not appropriate for the context of Kabul as the approach did not empower and engage the grassroots in design and implementation of the projects and did not fostering an environment by which the government and the people establish an interactive and accountable interaction.

Presidential Decrees and Displaced Population

If a proposed solution meets at least one of the following three criteria, migration experts consider it a lasting, sustainable solution:

1. If the displaced population returns home.
2. If the displaced population integrates in their new local markets.
3. If they leave for another part of the country, whereby they will no longer be considered vulnerable, displaced populations.

The government of Afghanistan has tried or promoted all of these options at one time or another. While the intentions of the government were noble, the ability of government to address effectively the plight of the displaced population, and the executions of some of the related projects, has proven unsuccessful. One of these well-intentioned government initiatives was the Land Allocation Scheme (LAS).

In 2005, after the continued flow of returnees from the neighboring countries and population movement within the country, particularly to the cities, President Karzai issued the Presidential Decree 104, which decreed that intact and uncultivated government land was to be identified and redistributed to landless returning refugees and internally displaced people (IDP). The decree became part of the National Development Strategy for 2008 – 2013, which establishes the refugee, returnee, and the IDP plans, and commits to support the international community in their efforts to provide housing for these population groups as the government finds and allocates land to them.[60]

Under the auspices of this decree, the government identified 29 sites throughout the country. The national government entity, the Ministry of Refugees and Repatriation, worked with the provincial governments and their municipalities to identify available (intact and uncultivated) land that belonged to the government. Because many of the National Government Ministries owned land across the country, and so did provincial, municipal, and other layers of government, the definition had to be narrowed to the type of land that:

1. Was the property of the national government, but not cause additional disputes with National Government's Ministries.
2. Was not being disputed for communal or individual ownership.
3. Was not agricultural land.

The site that met these criteria for Kabul was Barik Aab, located in the north in the outskirts of the city limits at the time (although the 2011 Master Plan has brought Barik Aab within the parameters of the city). A trend that is unfortunately, fairly common in post-conflict settings is the (national and sub-national) government's attempt to over promise and under deliver. The case of Barik Aab, however, was not only an issue of poor planning but also the pressure that the government agencies were put under in order to identify the land for distribution and move families to those sites.

Barik Aab, which means Narrow Water, fit the criteria. The Ministry of Refugees and Repatriation (MORR) led the initiative, and demarcated the site for 2,500 families. In the beginning, a few hundred families moved onto the site. One of the individuals, Bill Kish, an American aid worker, who had visited the site on behalf of an American NGO at the time, said that this was possibly the poster child of what not to do. He recalled, "There was

[60] Land, People and the State in Afghanistan, a Case Study 2002 – 2012, By Liz Alden Wily; The Research Funded by the US Institute of Peace and Published in 2013 by AERU. Also sourced from Afghan National Development Strategy 2008 – 2013. Also sourced from Landlessness and Insecurity: Obstacles to Reintegration in Afghanistan; By Ingrid McDonald. Published in 2011 on MEI-FRS (Middle East Institute-Foundation purla Recherche Strategique.

a reason that no one had settled on this site. The cost of transportation between Barik Aab and Kabul's main labor markets was at, or below, the daily labor rate in Kabul. This meant if the families were expected to find employment in Kabul, they would either have to forego all their earnings only to commute back and forth or find a secondary residence in the city and come home infrequently. These were both unfeasible options for families, who had just been placed on a government-issued land."[61]

Barik Aab in 2007. Picture by Bill Kish, who was a humanitarian worker at the time.

Access to water was non-existent on the site; the water table was too low to rely on surface water, which would have either had to been accessed through installation of hand pumps or hand-dug wells. The MORR had committed to tanker water to the sites but, given the limitations to their budgets, they could not tanker water every day. International NGOs, in general, were reluctant to engage in assistance, and further encourage new settlements in Barik Aab but the handful that did engage either lacked sufficient resources or willingness to fully supplement the MORR's capacity. Therefore, water was a sought-after and hard to source commodity from the beginning stages of the site. A common picture, at the time, was watching people walk back home with their empty canisters, because the tankers that had brought water into the site distributed all they had.

To make matters worse, camel spiders infested the site. Camel spiders are not poisonous but they can, and do, bite humans. A camel spider bite could break the skin and cause itching, irritation, pain, and discomfort. People who worked with, or visited the, families talk about the adults and children who suffered camel spider bites.

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[61] Phone interview with Bill Kish in May 2017, a former humanitarian worker, who used to work in Afghanistan.

It was common to hear that camel spiders may not be poisonous, but their bites do cause a lot of pain and discomfort. Couple this discomfort with lack of access to health facilities in and around the site, and the prospect of life in Barik Aab becomes bleaker. Occasional makeshift health clinics were at the mercy of international NGOs, if/ when, they were able to bring visiting doctors and nurses to the site, but the families did not have regular access to health care facilities.

The lack of water, lack of access to health care facilities and lack of access to financial resources to help them build their homes were not the end of their miseries. Several years of drought was ensued by a heavy rainfall in 2008, which caused major flooding. For Barik Aab this meant disaster. The MORR's land-demarcation process had not taken into account the original paths of water. The location of some of the homes was on the location of the riverbed, which had been dry for several years. As the flooding began, the riverbed was the natural path for floodwater to pass through. Several houses were washed out by this flooding incident, causing additional pain to the families.

Picture by Bill Kish, Barik Aab 2007.

A decade later, many families that initially settled in Barik Aab have left the site; however, there are still hundreds of families without alternatives who remain in Barik Aab. The residents remain dependent on aid-agencies' goodwill to provide them with (inconsistent) medical care, tanker-water, provide occasional food-assistance and other handouts. The situation in which they live continue to put the residents in dire need of humanitarian assistance but there is not enough assistance to address some of the most basic human needs of the population.

An American volunteer organization[62], which continues to work in Barik Aab to this day, provides mobile clinics, food-aid, and other necessities. Similar to my analysis, they point to the fact that there is not enough funding and resources in the world to sustain ill-planned communities continuously, while the residents of these communities remain in need of humanitarian aid. Not only do such ill-conceived plans not serve the humanitarian needs of the population, they sustain the cycle of poverty, destitution, and indignity in perpetuity. Moreover, such efforts can be defined as the types of patchwork that continue to put increasing strain on municipal governments' efforts to serve their population.

It is true that landlessness and land disputes are some of the major impediments to the proper resettlement of displaced populations, but top-down measures, even if well-intended, have not been effective. Top-down interventions that have proven ineffective are

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62 Interview and follow-up correspondence with Mohamma Khan, a Program Manager at SOZO-International; an American organization that provides humanitarian aid in Afghanistan.

those that resemble military-style planning, inspired by war-era planning and execution. While the simplicity of such a military style organization is enticing, this style of organization is counter-productive when the plans suppress the voices of the people at the interest of a perceived vision of how a peaceful society should look. When (and if) top-down plans foster the engagement and participation of the citizenry in planning, execution, and governance of communities, they are more resilient and sustainable. These types of plans, which involve community throughout the process, may appear messy, less organized, not so perfect, but end more successfully because of resident engagement. Before selecting an available site for land-distribution and the settlement of vulnerable people, it is essential to ask questions like the following:

- Why have the sites been idle and available for all these many years?
- Are there reasons for why these sites were never (formally or informally) claimed?
- Are there reasons that need to be considered prior to the execution of a new settlement?
- Do moving people from public buildings to such frightful conditions warrant the actions of any government, let alone an infant and emerging democracy that seeks to increase public participation in the life and future of the country?

As described earlier, the informal and unorganized settlements, which were initiated by the settlers themselves, have proven more successful than the well-intended and poorly planned options, whether these options were executed by international aid organizations or by the national government. The tendency to over-plan and under-achieve is one of the most salient challenges that the Kabul municipality government recognizes and seeks to address. With all this in mind, the case in Barik Aab serves as a poster-child of 'What-Not-to-Do for Afghanistan' or elsewhere in the world. This is a pre-fabricated solution, which is possibly appropriate for certain contexts, but cannot, and should not, be seen as a one-size fit all solution.

In 2009, after a stint as a Minister of Finance, the current President of Afghanistan wrote a book, Fixing Failed States, in which in criticizes the outdated mode of delivering international relief and development. Some of his criticisms of international aid organizations is that they create parallel states, operate stand-alone projects, and do not cooperate and coordinate with the governments of the host countries. Even though the Barik Aab project was initiated by the Government of Afghanistan it fails all of these criteria. In pursuit of addressing the settlement of the displaced population, the government came up with a land-allocation plan that ironically makes the plan close to impossible to sustain. More importantly, the people were not included in any of the planning and land-distribution process, further undermining the government's efforts to establish and promote an accountable and interactive democratic system.

Barik Aab is one of several settings in which the government or aid organizations sought to address a social problem through a military-style, centrally planned solution. Other sites, not part of the Government's Land Allocation Scheme (LAS) have experienced similar fates. While in Barik Aab the government led the resettlement efforts, in other instances the international humanitarian organizations have facilitated similar efforts to settle displaced populations, with financing from international donors.

Sub-Section 4 – Contributing Measures of Stability

The practitioners of all the aforementioned theories would claim that they designed and executed their projects based on the needs of the people at the time. Because the affected population, who benefited from each of the interventions, was in dire need of immediate assistance each type of assistance is justified in the context of the time. However, what became clear in this thesis was the definition of shelter and housing. In the context of Kabul, if /when shelter were interpreted as a response to an individual family's humanitarian need from a purview of protection, the intermediate and long-term impact of this theory proved more harmful than intended. However, when shelter interventions were provided in the context of neighborhood vitality, or revitalization, in which sheltering and housing is not mere walls and a roof but a fundamental ingredient of stability, safety, and future recovery, the efforts proved more successful.

In addition to the application of these theories, a literature review, a series of in-person interviews, and analysis of professional reports suggest some of the following issues as contributors to the success of the Settlement, or Neighborhood, Approach in the context of Kabul.

Government Support: Interaction with, and support of, municipal and national government is as important in selection of resettlement sites as is the provision of planned humanitarian intervention. Additionally, the nature of such collaboration is important. Communication and interaction with government officials, merely to keep them in the loop, is not sufficient; interactions and communications must delve deeper into the government's existing plans, consulting maps, plans, and drawings of the selected sites prior to execution of the project, and engaging the government officials in social and technical aspects of the project. As Ms. Kadirova, in her research on implementation of post-conflict reconstruction and development aid initiatives states, engaging the government officials in social aspects of the project will address the need for improved governance, citizen-government interaction, and government's visibility in public, as the main providers of the public services.[63] Interviews with municipal government officials and the residents of Kabul city suggest that the capacity of the government offices (municipal or district – level capacity) was limited in the immediate aftermath of the fall of the Taliban.[64] In the context of Kabul, not only did the government lack the necessary capacity to regulate the activities of the (national and international) NGOs and actors, they could not provide basic information to guide the activities of such actors. The neighborhood-based shelter initiatives seem to have had a closer collaboration with the government, despite the limitations on technical and managerial capacity in Kabul Municipality. This assertion is based on discussions with municipality staff, who recalled their involvement in some of the projects, and personal experience in implementation of different types of projects in Kabul city. On the other

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[63] Implementation of Post Conflict Reconstruction and Development Aid Initiatives: Evidence from Afghanistan. Journal of International Development; J. Int. Dev. 26, 887-914 2014. Published on April 8, 2014 on Wiley Online Library. By Diloro Kadirova, Department of Politics and International Relations, University of Oxford, Oxford, UK.
[64] Conversation with officials of Kabul City government between January and July of 2017

hand, even though it is likely that the practitioners of the Cluster Approach did interact with city government officials, the Cluster-Approach they are not considered as the type of stakeholders who considered the city government's policies and preferences in design and execution of their plans. Instead, they are deemed to have served a very short-term need with a very short-term intervention.

Technical Assistance: The organizations that based their projects on application of the Neighborhood Approach provided basic construction training and technical assistance in proper construction of the shelters. In this approach, meant that a trained engineer works with skilled laborers and general laborers to assure structural integrity of the construction. Project reports by international aid organizations, who adopted the Neighborhood or Settlement Approach, refer to the provision of engineering and labor-skills training as part of their projects. Academic literature, particularly Ms. Kadirova's research, considers the technical and administrative capacity building as an essential element for long-term recovery in Afghanistan. In the application of the Cluster Approach, when target families received tents or other non-food items via direct-delivery, no technical assistance was deemed necessary. Because of the nature of the distribution of the humanitarian assistance, the emphasis of such projects was on the logistics of making aid-packages available to affected population, and not on the intermediate and long-term impact of such interventions. For that reason, the need for technical and administrative capacity building was not deemed essential. Some of the Government-led initiatives also repeated this approach. In LAS, the government focused on making land available to the displaced population, without strongly considering the populations' ability to build on the land. Therefore, the LAS did not focus on technical assistance and administrative capacity building.

Labor Participation: Reports and interviews with residents suggest that in application of the Settlement or Neighborhood Approach, the international humanitarian organizations made deliberate efforts to hire general and skilled laborers from within the target communities. Project reports suggested that the organizations, who had adopted the settlement approach, hired both men and women as general laborers and other posts.[65] Based on other information, because the actors of Settlement Approach actually managed the process of construction of shelters and other neighborhood infrastructure, the process required training and hiring construction laborers. The projects that were guided by the Cluster Approach, however, did not require additional implementation staff, beyond the administrative and distribution staff, so such projects did show signs of local-labor participation. As for the government's intervention, since the government sought to address the need for land, there is no sign of local-labor participation in Barik Aab.

Risk – Nature and Mitigation Measures: Project reports[66] by international humanitarian organizations, who adopted the Settlement Approach, make references to applications of

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[65] Shelter and Settlement projects reports that were financed by USAID and implemented by two American aid agencies between 2004 and 2010.

[66] Delivery of Humanitarian Shelters in Urban Areas - Kabul Area Shelter and Settlement (KASS) Report by CARE International, Kabul 2007, and Urban Displacement and Growth Amidst Humanitarian Crisis by

some of the most essential risk-management measures that are appropriate for the context of Kabul. The nature of risk, in the context of Kabul, varies. But, for this section, we will only review the risks associated with earthquake. The Government of Afghanistan, through the Afghanistan Disaster Knowledge Network, offers a comprehensive list for other types of risks, particularly those caused by natural phenomena.[67]

Kabul lies on active fault (seismic) lines, which makes the occurrence of earthquakes part of everyday Kabul life. As mentioned in Section 1, this feature of Kabul has historically made residential and commercial construction a costly endeavor in the city. Interviews[68] with Afghan experts suggest that the rapid reconstruction of the city, financed by the international community, Afghan entrepreneurs, and multilateral organizations, such as the World Bank Group, have underestimated this risk. Commercial buildings, in particular, are vulnerable to the risk of tremors. In February 2017, a wedding hall that was built after the fall of the Taliban collapsed, further proving the concerns of the experts.[69]

Visiting the sites on which residential units were built by international organizations, who embrace the Settlement or Neighborhood Approach, was more encouraging. Organizations that adopted the Settlement Approach had integrated basic seismic impact reduction measures in the design of the shelters and in training of the construction labor, who were hired on the projects.[70] However, examples of Cluster Approach, or government-led, interventions did not demonstrate the application of such risk management measures.

As a professional who has worked on Kabul's residential reconstruction since the fall of the Taliban, I was involved in the planning and implementation of shelter and settlement projects in Kabul. During design and implementation, we made painstaking plans to assure basic structural and non-structural measures were put in place, as to minimize any future, potentially catastrophic, impact due to earthquake. We worked with masons and carpenters to incorporate basic safety measures without substantially increasing the cost of construction. Moreover, we provided mock disaster drills and demonstrations to promote the concept of safer construction. One mock drill included showcasing a shake-table, which mimics earthquakes.[71] Two identical model houses are built on a shake-table; one house is built without safety measures, and the second incorporates some basic safety measures. When the shake-table simulates an earthquake, the house with basic safety measures withstands the simulated earthquake, and the other house collapses. These are examples of

Charles Setchell, United States Agency for International Development, Office of Foreign Disaster Assistance, 2007.

[67] Afghanistan Disaster Knowledge Network http://www.saarc-sadkn.org/countries/afganistan/hazard_profile.aspx

[68] Interviews with Sediq Quiam in January and May 2017, a structural engineer, seismologist and technical expert who has worked and lived in Kabul all his life.

[69] One of the reports by media outlets on the collapse of the Asmayee Wedding Hall https://www.scoopnest.com/user/TOLOnews/828146453201707008

[70] Site visit in January and May of 2017 to Southwestern part of Kabul and review of shelter and settlement reports by project reports by CARE International and Shelter For Life International for 2004 – 2007.

[71] Shelter and Settlement project reports by Shelter For Life International in Kabul 2004 – 2007 and Seismic Hazard Reduction project report by Shelter For Life International, 2010. These programs were sponsored by United States Government.

practices that the practitioners of the Cluster Approach did not deem necessary; hence, undermining the risk mitigation measures in construction of residential units.

Gender and Social Inclusion: The application of the Settlement Approach also had its fingerprints in gender and social interactions. Project reports[72] refer to hiring both women and men as general laborers and for administrative duties. Moreover, the water and sanitation activities included training and promotion of hygienic practices, which engaged both men and women. While this effort might appear trivial, deliberate efforts to engage women in all types of market-activities were vital in the immediate aftermath of the Taliban rule. In short, the deliberate design and structure of the Neighborhood Approach, in the context of Kabul, opened a greater opportunity for men and women to be part of the implementation of the projects. Cluster Approach-based projects, on the other hand, did not leave behind any measurable, or memorable, signs of gender or social inclusion. This thesis does not suggest that the projects that were based on a Cluster Approach did not include women in their work. It is very likely that the international organizations, who distributed humanitarian aid-packages to affected populations, hired both women and men in administrative and management levels. However, because such logistic-oriented projects did not require the hiring and training of local general and skilled laborers, the interventions did not need to hire or train local laborers.

Models of Financing: In this section we briefly reviewed available financial resources for families, whether they own or rent their dwellings, to improve and upgrade their homes. We also visited new residential sites but, for the sake of this thesis, the appropriate mechanisms are those types of financing that allow, and/or enable, families to build on the homes that international humanitarian organizations initially constructed. With that in mind, when stakeholders and residents discussed models of financing, two different pictures emerged.

1. Formal-Models: The first picture is the ideal situation, which is common around the world. The ideal situation is one in which formal financial institutions provide the necessary financing for residential and commercial construction. The application of this picture is real, in Kabul, but it is limited to institutional activities and not typically residential financing. Institutional activities can be divided into two sub-categories:
    a. Commercial financial institutions – there is evidence of formal lending initiatives to upgrade and rebuild residential dwellings but they are restricted to larger dwellings, the owners of which possess formal title and can meet the necessary collateral requirements to benefit from such financing.
    b. Non-commercial financing institutions – this group includes a list of international humanitarian and development organizations that provided financing benefits for upgrading low-income houses. However, I recall a conversation with one of Habitat For Humanity's senior staff from their United States office a few years ago, who had said that neither their

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[72] Shelter and Settlement projects reports that were financed by USAID and implemented by American aid agencies between 2004 and 2010, including CARE International, Shelter For Life International.

traditional model of housing construction financing and nor other innovative models of lending had been successful in Mazar-e Sharif and Kaul.

2. Informal-Models: In 2009 and 2010, the AERU researchers conducted an analysis of institutional and informal lending practices.[73] Inspired by these reports, this thesis reviewed sources of financing, particularly by families that had benefited from the shelter and settlement projects, financed by international donor organizations. The summary of our findings can be sub-divided in the following groups:
   a. Existing Networks – informal lending between friends and family is a common phenomenon throughout Afghanistan. The study refers to borrowing from family and friends as a common option. But it is not typically the most readily utilized arrangement. The structure of lending/borrowing between family and friends is such that the borrower is indebted to the lender, because even when the borrower pays back the principle, the interest on the principle is in form of social credit, not in terms of financial interest. This means when one borrows from a family member, or from a friend, the social indebtedness dictates that the borrower is required to return the favor at any time in both parties' lives.
   b. Supplier Financing – this model of financing is not unfamiliar or unusual; however, the mode and degree at which this informal financing was talked about and was utilized, according to the interviewees, was exceptional. People talked about buying construction materials, but not labor, on credit and paying back the supplier on weekly or monthly installments.

Beyond noticeable improvement on shelter and settlement initiatives, financed by international donor organizations, private enterprises in Kabul, and other cities of Afghanistan, undertook the construction of new residential units as well. Because Afghanistan does not have a functioning mortgage system and services (a system that uses the value of land and improvements on a piece of land as collateral for other market exchange and transactions), construction firms served as facilitators. Most of the residential structures that private construction firms built are multi-story buildings. The financing structures they created included a multi-phased payment plan. In this plan, the buyer was asked to pay 25% - 50% of the price of the apartment before the start of the construction. Additionally, 25% - 50% when a pre-determined percentage of construction of the unit was to complete (often at 50% completion level) and the remainder of the price of the unit was payable upon full completion of the construction and prior to move-in date.[74]

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[73] Building a Viable Microfinance Sector in Afghanistan. By Paula Kantor and Erna Andersen. January 2010. Published by Afghanistan Research and Evaluation Unit (AREU); Briefing Paper Series.
[74] Interview with Khalid Ahmadzai, a former resident of Kabul, who had purchased an apartment for his family in Kabul in mid-2000s, in April 2017.

Section 3: Access to Land

The works of Hernando de Soto, a Peruvian Economist, particularly the Mystery of Capital – Why Capitalism Triumphs in the West and Fails Everywhere Else, has had a widespread influence on the value of formalization of land tenure and its connection economic prosperity.[75] Truly, formalization of land tenure and property rights is one of the fundamental aspects of sustainable economic development. However, formalization of land-tenure in and of itself is not the proverbial 'silver bullet' to solve the ills of economic stagnation.

In addition to security of tenure, de Soto argues that formalization of land tenure and property rights links the widespread informal and extra-legal tenure with formal economy.[76] Moreover, in his opinion, the economic assets of the small, informal urban businesses are "dead capital" because of their inability to enter the formal (financial) markets. These markets should be revived by the official legal system in an effort to turn these assets into liquid capital, which can in turn be used as formal credit and collateral for further investment in the market.

While de Soto makes an economic argument for the security of tenure, the UN Global Campaign for Security of Tenure for the Urban Poor shifts the discussion from economic to social value of land tenure by seeking to protect dwellers against eviction.[77] In other words, de Soto's economic argument links the formalization of land tenure to economic vibrancy, while protection against eviction seeks to formalize possession of title, adding to the possessor of titles' peace of mind, whether or not this possession is linked to formal markets. While the security of tenure is an important issue to pursue, the success of formalization of property rights is highly dependent on the government's ability to develop, execute, and enforce achievable policies.

Let us take the institutionalization of trust as an example in the context of western nations. In the absence of any government involvement, societies normally develop social safety nets and credit systems built on kinship, family circles, and physically living in proximity of one another. A family, therefore, can buy goods from the neighborhood grocery store and bread from the local bakery because their place of residence provides the necessary collateral and the history of the family's transactions with local merchants provides them the necessary credit. Businesses thrive as a result of such informal, yet effectively enforced, social contracts. Western governments have often built on this established social contract and have developed institutions that essentially provide four services:

1. Provide citizens with a centrally managed national identification number.
2. Develop mechanisms to protect merchants from defaulting consumers.

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[75] Mystery of Capital – Why Capitalism Triumphs in the West and Fails Everywhere Else. By Hernando de Soto. Published by Basic Thesiss, NY in 2000.
[76] Extra-Legal tenure is a tenure that is not formally recognized by the government but is recognized and enforced through informal social mechanisms.
[77] The Influence of de Soto's The Mystery of Capital 2002. By Edesio Fernandes. Published by Lincoln Institute of Land Policy

3. Develop mechanisms to protect consumers from merchants' possible predatory practices.
4. Link the consumers with merchants through public or private institutions as mediators.

The Government of the United States of America, for example, provides Social Security Numbers through the Social Security Agency[78] and provides basic consumer financial protection and oversight of private credit bureaus through the Consumer Financial Protection Bureau[79] for all American citizens, working residents, and permanent residents. In addition to national government institutions, local and state institutions maintain the registry of the ownership of property, such as land, and enforce ownership of such property through established legal frameworks. So, for example, if a consumer purchases or rents a house but fails to pay the agreed upon amount, the established eviction rules and laws provide the necessary protection for such businesses to reclaim their property. On the other hand, if a business charges a consumer a higher-than-agreed-upon amount for the purchase of goods or provision of services, the established rules and laws protect consumers from such predatory practices.

The function of all of these services, through government institutions that protect both the consumers and the investors, bring the theories of de Soto's Mystery of Capital to life. The lack of such functioning institutions in a country diminishes the economic promise of formalization of property rights. However, the ability to register and maintain a title or proof of ownership of a property, even when such government policies and practices, which are administered by the aforementioned institutions, are absent, provides the necessary protection against arbitrary evictions and helps maintain social standing in a community.

How do governments of less developed countries view the formalization of informal market conduct? In general, governments follow one of the two paths as they seek to formalize the informal conducts in their markets:

1. **Government views this informal conduct in the market as a nuisance and seeks to control it.** The policies that governments frequently adopt and choose to enforce are heavy-handed and ineffective. Large, urban settings are often the first target of such policies, as these settings offer a great concentration of residents and businesses. Technical experts and inspired populist politicians often develop these policies. It is not unusual to hear city officials talk about the government's vision to turn their city into another Paris or Dubai. However, when asked for clarification, the same officials describe the cosmetic structure and high-rise buildings of Paris and Dubai, not the function of these cities in which their citizens play an integral role. This vision of how a city should be formed and function are often inspired by military-style planning and justified through scientific jargons; a mindset that the

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[78] www.socialsecurity.gov
[79] https://www.consumerfinance.gov/about-us/

authors of <u>Seeing Like a State</u>[80] refer to as "high modernism" and this thesis calls elitism. In his 1993 paper[81], "Formal and Informal Institutions in the Labor Market, with Application to Construction Sector in Egypt," and in his 1996 paper[82], "Formalizing the Informal? The Transformation of Cairo's Refuse Collection System," Dr. Ragui Assaad documents both of these dynamics - the effective conduct and enforcement of contracts and property rights in the informal sector, and the ineffective, but heavy, hand of the government that has sought to regulate these conducts. What makes the governments' efforts to regulate these sectors ineffective is the adoption of a set of policies that read well on paper but have no bearings in real life. These policies often add backbreaking financial and compliance burden to the informal sector, while adding little, if any, benefits to register formally a property or business. As a result, if remaining unregistered does not result in eviction or other similar penalties, people do not register their property or conduct. However, when registration becomes mandatory, and the informal sector has no choice but to comply formally, the act of formal registration becomes a simple showcase. Dr. Assaad's interviews with two garbage collection groups in Cairo in Formalizing the Informal[83] documents this notion very well. "While the zabbaleen and wahiya were forced to adopt a legal form that the CCBA (the government body) could relate to, the companies they formed were only a veneer on a system that remained essentially informal. Referring to the CCBA, a leader of the wahiya expressed it aptly by saying: "They told me: 'wear a hat so that I can see you'" Underneath the "hat", the system remains essentially unchanged, relying on personalized, heterogeneous arrangements between individual wahiya and zabbaleen."

2. The government views the informal conduct of the market as an integral aspect of social life and develops institutions to work alongside the informal sector in a manner than formalization offers greater benefits to the informal sector. The history of formalization of private property in the United States is a prime example. Hernando de Sodo, in the <u>Mystery of Capital</u> records this aspect of Western Nations', including that of the American, history so vividly:

> Gradually, Western nations became able to acknowledge that social contracts born outside the official law were a legitimate source of law and to find ways to absorbing these contracts. Law was thus made to serve the popular capital formation and economic growth.

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[80] Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London

[81] Formal and Informal Institutions in the Labor Market, with Application in Construction Sector in Egypt. By Ragui Assaad, University of Minnesota. Published in World Development, Vol 21. No. 6, Pages 925 – 939. 1993

[82] Formalizing the Informal? The Transformation of Cairo's Refuse Collection System. By Ragui Assaad, University of Minnesota. Published in the Journal of Planning Education and Research Vol. 16. No. 2. Pages 115-126. 1996

[83] Formalizing the Informal? The Transformation of Cairo's Refuse Collection System. By Ragui Assaad, University of Minnesota. Published in the Journal of Planning Education and Research Vol. 16. No. 2. Pages 115-126. 1996 Page 26

This is what gives the present property institutions of the West their vitality.

And that:

> In each country, apparent lawlessness was not really about crime but a collision between rule making at the grassroots level and role making at the top. The revolution in each case involved the gradual merging of both systems.[84]

For the emergence of property rights system in the United States, the author writes:

> Like Third World authorities today, American government tried to stem the exponential increase of squatters and extralegal arrangement; but unlike Third World authorities, they eventually conceded that, in the words of one U.S. congressman, "the land system is virtually broken down… and instead of legislating for them, we are to legislate after them in full pursuit to the Rocky Mountains or the Pacific Ocean." What U.S. politicians eventually learned, as Francis Philbrick put it, was that the "forces that change the law in other than trivial ways lie outside it." Even the celebrated Act of 1862, which entitled settlers to 160 acres of free land simply for agreeing to live on it and develop it, was less an act of official generosity than the recognition of a fait accompli: Americans had been settling – and improving – the land extralegally for decades. Their politicians gradually modified the law to integrate this reality into the official legal system and won some political points in the bargain. Having thus changed their laws to accommodate existing extralegal arrangements, U.S. officials left the assets of the American settlers and miners primed to be converted into capital.[85]

> It is a methodical and incremental process of planning, execution, and regulation, which involves both the government and the governed. The normal complexities of social life are the bedrock of such interactive formalization process, in which the people play as much an important role as does the government.

A social system is resilient when the imperfections of life and the complexities of human interaction are fostered and built upon. These imperfections give birth to, and sustain, the vibrancy of a city; they foster an interactive process, between the government and the citizens, in which all participate. These seemingly chaotic social interactions and imperfections are the foundational blocks of free, functioning, and resilient cities.

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[84] Mystery of Capital – Why Capitalism Triumphs in the West and Fails Everywhere Else. By Hernando de Soto. Published by Basic Thesiss, NY in 2000. Chapter 5: The Missing Lessons of U.S. History. Page 128.
[85] Mystery of Capital – Why Capitalism Triumphs in the West and Fails Everywhere Else. By Hernando de Soto. Published by Basic Thesis, NY in 2000. Chapter 5: The Missing Lessons of U.S. History. Page 129-130.

However, it is not unusual to find the educated elites of the societies, particularly in less developed countries, oppose the latter form of formalization as it is deemed to be inferior to their expertise and the way a society should be regulated and organized. This class of the society in less developed nations assumes that the ills of the society are rooted in the chaos of society caused by "those" less than perfect people that move to their city. The ideal city is perceived to be one in which administrative oversight of the city is simple, and the mundane social structure and function of a city is unnecessary. James Scott, in the Seeing Like a State, refer to these preferences as the geometric order of a human settlement, in which "delivering mail, collecting taxes, conducting a census, moving supplies and people in and out of the city, putting down a riot or insurrection, digging for pipes and sewer lines, finding a felon or conscript, and planning public transportation, water supply, and trash removal are all made vastly simply by the logic of the grid."[86]

The aesthetic consideration and administrative function of a city views a society from the perspective of a mechanical engineer, who designs an engine whereby the interactions of different parts of the engine have predictable outcomes and in which anomalies are controlled and constrained by design. This consideration is also inspired by a military planning process, in which there is little, if any, room for the complexities of human interaction, and the chaotic structure of a society is deemed as a risk to the order of the society.

In the formalization of land-tenure, a successful process is not one in which a set of technical experts and bureaucrats determine the mode of formalization in a distant office location and inform the residents about the decision. Successful formalization processes build on existing practices of protecting property rights and shapes the formalization processes accordingly. Moreover, the role of government institutions is realigned so the citizens can hold these institutions accountable, as the institutions establish and enforce agreed upon rules and procedures. This is the form of formalization of property rights in which government institutions facilitate for the citizens' assets to be alive and dynamic, and when they institutionalize an informal circle of trust. Such mode of accountable institutionalization of trust builds an interactive process between the citizens and the private sector, protected by the government's institutions. For effectiveness of formalization of property rights, simple registration of property rights will not turn them into active assets but a mix of government policies and practices that protect such registrations make the dynamism of formal property feasible. The application of this notion in countries that seek to stabilize their markets without fully integrated, trusted, and accepted institutions, which substitutes the informal credit system, the registration or ownership will not have the promise of economic riches.

Another factor that makes the formalization of property rights effective is the understanding of the interdependencies of government institutions. In theory, government institutions are interdependent organizations, where the mandates of one complement the

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[86] Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Page 57.

mandates of another, and where all serve of the public. But what makes the effectiveness of such institutions mute is a vision in which the institutions view themselves as independent, individual silos of operation. In such settings, the sustainability and prosperity of economy is not often viewed to be linked to stability of the inter-related web of institutions. Furthermore, such lack of effective interdependency further diminishes the trust of the public in government institutions. The view of independent silos requires institutions establish and maintain trust between two strangers in a society, and widens the gap between the government and the citizens. In addition, when this chain of interdependencies is broken, the bureaucrats within the government institutions deem themselves superior to the general public and the general public lose trust in institutions. This perpetual cycle of mistrust (from the public's view) and elitism (from the educated elite who serve in the governments apparatus) give way to self-destructive measures in the market. When government fosters this mode of operation, formalization of property will achieve the promise of economic prosperity.

How have these theories applied to land-ownership and institutional registry of land-ownership as a fundamental element of economic stability in Afghanistan? Land ownership, or claim to a piece of land, is one of the major contributors to a family's social and cultural status in Afghanistan. The pace, mode, and rate of urbanization helped give greater value to formality, registration, and documentation of the ownership of the land, which in turn helped evolved the process of assigning economic value to land, both for agricultural land and urban land. Since the fall of Taliban, and the influx of returnees to Kabul and the rest of the country, the exchange value of urban land, particularly land in Kabul, increased substantially. This phenomenon occurred regardless of the landowners' ability to produce land-title.

Since 1933, and the start of the process of formalization and administration of land in Afghanistan, land-governance has evolved substantially, though most of the guiding language that governs the land-governance stem from about 30 laws and Presidential Decrees[87]. Furthermore, the Constitution of 2004 establishes a legal framework to safeguard the rights of individuals to own property[88]. Despite the laws, decrees and, most recently, the constitutional inclusion of the right of individuals to own property, there are a series of customary, religious, and civil/legal codes that govern the administration of property rights, which further confuses, and at times undermines, the role of the government as the sole source to administer the individuals' rights to own property.[89]

Although considerable academic literature on the topic of land-ownership and property rights reviewed for this thesis view the formalization of land-tenure and protection of property as a cornerstone of a thriving economy, there are a handful of publications in the context of Afghanistan that also view the impact of formalization of land-title on safety

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[87] Land Governance Assessment Framework (LGAF) Afghanistan, June 2017. Afghanistan Research and Evaluation Unit (AREU) Publication Code 1608E. Pages 41and 109.

[88] Land Governance Assessment Framework (LGAF) Afghanistan, June 2017. Afghanistan Research and Evaluation Unit (AREU) Publication Code 1608E. Page 109

[89] Community-Based Dispute Resolution Process in Kabul City, March 2011. Afghanistan Research and Evaluation Unit (AREU) By Rebecca Gang. Publication Code 1107E.

and security. Two studies in the context of Afghanistan, from the list of articles and books reviewed for this thesis, look into the value of formalization of land-tenure from different perspectives. In addition, a handful of professional reports recognize other benefits of formalization of land-tenure in the context of Afghanistan. But, since the fall of Taliban, the majority of the formalization of land-tenure projects that the international community has financed emphasize the economic value of formalization of land-tenure.

"Legalize Informal Settlements to Give Voice to the Poor to Demand Basic Services," views the formalization of land tenure as a means to empower the urban poor[90] while "Land Conflict in Afghanistan," attributes a great deal of value to formalization of land-tenure as a means to mitigate, and resolve, conflicts.[91] Professional reports from international-donor funded projects, "Land Tenure and Property Rights in Afghanistan," sponsored by USAID, and "Addressing Land Conflict in Afghanistan," sponsored and published by the US Institute of Peace, analyze the contradictory application of the series of civic and customary laws that govern land-tenure. Both view the formalization of land-tenure as major contributor to conflict mitigation efforts in Afghanistan. While there are enumerable research works to link the formalization of land-tenure and economic-prosperity, there is little academic research on impact of formalization of land-tenure and protection of property rights on stabilization and sustained security in post-conflict settings.

This section of the thesis revisits the history, administration, and application of formalization of land-tenure in Kabul. This thesis did not find any major link between formalization of land-tenure and greater economic activities; we could not find any major reason to assert that investment, particularly local-investment, was hindered in neighborhoods that are not recognized by the government as planned sites or the residents of which lack formal title to the land on which they live. However, this thesis does assert that the process of formalization and formal recognition of ownership of property, which involves the city government and the residents, offers the promise of social stability and physical security. In addition to the benefits of formalization for the residents of Kabul and society in general, the interactive process of formalization adopted by the Kabul Government, and supported by UN-Habitat, further fosters interaction and accountability between the city government and the residents of the city. Section 4 of this thesis explores this topic.

Sub-Section 1 – History of Land-Tenure

Building a historic context is necessary to understand where we stand and how we got here, before judging the effectiveness and efficiency of the application of any government policy, social habits, and societal dynamics. To assure a proper context is provided, it is fair to briefly review the history of land-tenure in urban Afghanistan, particularly in Kabul.

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[90] Legalize Informal Settlements to Give Voice to the Poor to Demand Basic Services by Stefan Schute and Brandy Bauer. Published in May 2007 as part of Afghan Research and Evaluation Unit's (AERU) www.AERU.org.af Policy Note Series on Urban Poverty Reduction in Afghanistan.
[91] Land Conflict in Afghanistan: Building Capacity to Address Vulnerability by Colin Deschamps and Alan Roe in 2009. Published by Afghan Research and Evaluation Unit (AERU) www.aeru.org.af.

As described in Section 1, formalization of the ownership of land in Afghanistan only goes back to the turn of the 20th Century. It stemmed from an intention to modernize the country's social and market conduct, which included the introduction and establishment of a regular taxation regime. The effectiveness of a modern tax regime is highly dependent on formal recognition of boundaries around individual property, on which tax is scheduled to be imposed.

A study of land governance in Afghanistan, conducted by AERU, divides the history of land-governance into the following timeframes:

- Traditional (Prior to 1933): A period in which there was no formal recording of land.
- Moderate (1933 – 1978): A significant period in the history of land-governance in Afghanistan, which marks government's efforts to survey land, document land-rights, and unify land-administration systems.
- Radical (1978 – 2001): A period in which Afghanistan experienced multiple changes of government and each government sought to develop and enforce a different mode of property rights. This is also a period in which many land-records, including ownership and taxation documents, were lost or destroyed.
- Modern (2001 – Present): A period that has witnessed major policy changes, including the enshrining of the protection of private property rights in the constitution, citizens' ability to settle in any part of the country, and just compensation where land-rights are acquired for public purposes. It also witnessed the country's first National Land Policy and the restructuring of the land-administration. [92]

The process to actually formalize land tenure started in 1960s, even though the government's preparation work on this topic started in 1933, inspired by the National Modernization Plan of 1920. The process of formalization started as follows:

Formal Land Administration: The first attempt to formalize land-title was the establishment of AMLAK[93] and municipal land authorities in 1930s. Because an overwhelming majority of people lived in rural areas, AMLAK was tasked to register the ownership of each block and parcels of land that was claimed[94].

In a Special Report for US Institute of Peace in 2015, authors Erica Gaston and Lillian Dang write, "In addition, in the 1960s and 1970s, the Afghan government led an initiative—supported and promoted by the U.S. Agency for International Development (USAID) and other international donors—to expand land titling and registration and to develop a record of all registered and certified property claims in Afghanistan, known as a cadastral map. These maps never included any coordinates, however, making it difficult to

[92] Land Governance Assessment Framework (LGAF) Afghanistan, June 2017. Afghanistan Research and Evaluation Unit (AREU) Publication Code 1608E. Pages 41
[93] AMLAK, an Arabic work that refers to property, is an Afghan government land-administration entity that was created in 1964 as a department supervised by the Ministry of Finance and charged with registering rural land-ownership and collecting land-tax.
[94] Land Governance Assessment Framework (LGAF) Afghanistan, June 2017. Afghanistan Research and Evaluation Unit (AREU) Publication Code 1608E. Pages 41

locate land parcels, and the project was primarily carried out in the urban areas of a few provinces, by some estimates no more than 30 percent of Afghanistan's territory."[95]

The exact process, in which government would follow throughout the country to document each individual's ownership of the land, was not standardized but informant interviews suggest there has emerged a process that is prominent to this day. If/when a group of neighbors (normally 2 or 3 male neighbors) testify the ownership of a piece of land and the AMLAK would register the land to the assigned person's name. Moreover, land claimed for grazing and public use was designated as public land.[96]

Each provincial center was the provincial urban setting for the province and the administration of urban land was assigned to each municipality. The jurisdiction of the municipal government is pre-defined. Municipal governments are responsible for providing land use planning services, roads, street maintenance and cleaning, and solid and liquid waste management.[97] Land that was not within the jurisdiction of the municipal government and were note designated as agricultural land, such as forests, marshland, etc. were also designated as public land. State institutions, such as the Ministry of Defense, Ministry of Interior Affairs and others also claimed and owned land, which are designated as state land.

Formalization of land in Kabul took a series of paths. Many of the neighborhoods that constituted the original Kabul, which were briefly discussed in Section 1, are still deemed unplanned. The expansion of the planned neighborhoods, which followed each era's Master Plan are documented, and the owners of each of the parcels of such planned neighborhoods possess their respective land titles.

The picture on the left is of Kart-e Char, a planned site. The picture on the right is of Dogh Abad, an unplanned site.

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[95] Addressing Land Conflict in Afghanistan. US Institute of Peace. June 2015. By Erica Gaston and Lillian Dang

[96] Discussion/interview with the man in Herat Restaurant in January 2017. The statement of the interviewee was reiterated by Akram, a UN-Habitat official in Kabul, who was interviewed in April of 2017.

[97] Meeting with Engineer Atayee, from UN-Habitat, and the Deputy Mayor of Kabul City in January 2017.

A dilemma arises from this structure of land administration – the line between state land and public land is often blurred. When the jurisdiction of the cities are expanded, land that was not under the AMLAK management are defined as municipal land was often claimed by city governments to be used for expansion of the city. The expansion of municipal jurisdiction often translated into planning new (residential) neighborhoods. This has been a particular challenge in Kabul, as the city experienced a large inflow of population after the fall of the Taliban regime.

There were several sites on which existing settlements were located but, because they were not perceived as agricultural land, administered by AMLAK, or municipal land, administered by the respective municipalities, they were deemed as informal settlements and subject to the government's reclamation. A good example of this expansion is the construction of multi-story residential buildings in eastern parts of Kabul – the Microrayons[98]. Such land could be confiscated legally from the residents to allow for expansion of the City of Kabul. Although it is not well documented, the municipal government officials said that for each family who lost their land for construction of the multi-story buildings, the construction of which were accelerated under the pro-communist governments in the 1980s, were offered an apartment or a piece of land in a different part of Kabul.[99] As a former resident of Kabul, these statements echoed old memories and anecdotal stories that were told in my family about the way the Microrayon apartment buildings came about, and the manner in which the land was initially confiscated.

Types of Ownership: The process of the formalization of land-tenure efforts began with cities, though Kabul received more prominence and visibility. Through the process of formalization of land-tenure, individuals would be recognized as the owners of the land. In the Food Security and Land Governance Factsheet for Afghanistan, financed by the Government of the Netherlands and written by the IS Academy on Land Governance, the authors record the following:

> "Afghanistan's land is vested: (1) individually in private individuals and entities; (2) communally in families, clans, (3) communities –generally pasture; and (4) in the government. There is some inconsistency among the various legal classifications of types of ownership. The Civil Code, Law on Land Management, Presidential Decrees, Agricultural Master Plan and

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[98] Microrayon is derived from a Russian word, which means a small district. According to the History of Urban Development in U.S.S.R., by Ernest T. Hendrix and published by University of New Orleans and International Geographical Honor Society, the urban population of Soviet Union went from 8% in 1913 to 48% in 1948 and to over 60% in 1980. Mirorayons offered an unprecedented opportunity for post-revolution social engineering of the country, in which the Soviet Government built thousands of apartment blocks throughout the country. The article can be found at https://gammathetaupsilon.org/the-geographical-bulletin/1980s/volume25/article3.pdf. Using the same term, the concept was translated in the context of Kabul city.
[99] Phone call with one of the technical experts in Kabul City in March of 2017.

Sharia all classify land differently. Under the 2008 Law on Managing Land Affairs, all land not proved to be private is deemed to be state land."[100]

While the AMLAK manages land use in rural areas, and municipal authorities manage land use in urban areas, the court system is the primary entity that registers and enforces ownership of property and verification of ownership. The enforcement of property ownership, especially when inheritance enters the conversation, becomes more complicated. First, while in principal the courts are charged to enforce the ownership of property, other parties also play enforcement roles, such as the council of elders, relatives, etc. Moreover, both the court and the non-court entities use civic law as well and the Shari'ia, or Islamic, Law for confirming and enforcing property rights. The Courts either recognize the legitimacy of the ownership document or deny such recognition. However, if the parties that are involved in a dispute decide not to accept the decision of the court, law enforcement does not get involved in the process to enforce the courts' decision.

The constitution, land-laws, presidential decrees, and any other related civil code make this concept appear to be a clear and straightforward; but in reality, it is complicated. In fact, the concept of individual land-ownership is constantly challenged, whether in the city or outside the city. While the civic codes define, and presumably enforce, individual ownership of property, the customary laws and the application of Islamic Law (Shari'ia Law) undermine the validity of the constitutional laws. The following sub-sections of this section elaborate on this topic.

Sub-Section 2 – Application of Land-Tenure

Hernando De Soto's "The Mystery of Capital" made a significant contribution in convincing the leaders of emerging markets, as well as many development practitioners and policy analysts, to assign great value to formalization of property. He had offered a simple answer to address the roots of poverty around the world, as he had identified informality as *the* barrier to fluidity of exchange of capital. The concept has become so popular that in the 2014 World Economic Forum, former U.S. President Bill Clinton declared De Soto as "probably the world's most important economist," as reported by John Gravois of Slate in 2005.[101] Referring to the western market structure, in which the proof of ownership of a property is sufficient collateral for business and other investment loans, De Soto called the informal property in less developed countries as dead capital, which cannot be collateralized for investment in the market; hence, a hindrance to multiplying the capital's opportunity to circulate in the market more effectively.

Since the fall of the Taliban, multilateral organizations and government officials from around the world, international NGOs, private contractors and many other stakeholders

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[100] Food Security and Land Governance Factsheet, a report written by the Land Governance for Equitable Sustainable Development; prepared under the auspices of LANDac – The IS Academy on Land Governance – and compiled by Royal Tropical Institute (KIT – Thea Hilhorst and Nicolas Porchet) at the Request of the Ministry of Foreign Affairs – The Netherlands. Page 4. 1.2 Land Tenure Form.

[101] The De Soto Delusion by John Gravois, published by Slate.com, an online magazine, on January 29, 2005.
http://www.slate.com/articles/news_and_politics/hey_wait_a_minute/2005/01/the_de_soto_delusion.html

have incessantly preached the economic value of formalization of property and land-title in Afghanistan, especially in Kabul. All non-governmental stakeholders that were interviewed on this topic in Kabul, including Afghan technical experts and professionals, and international professionals justify their involvement in formalization of land-tenure efforts as building a solid economic foundation for the city, and for the country as a whole. Stakeholders involved in formalization of land-tenure are primarily international NGOs, the UN-Habitat, and a handful of local, private non-profit organizations.

As mentioned in the beginning of this section, there are valid reasons to present the formalization of property rights as the cornerstone of economic development in a nation. However, the missing piece is the availability and function of government institutions that protect and enforce the ownership of the property. Additionally, it defines the role of the government and the role of the society in establishing institutions that facilitate (and protect) the interaction between market suppliers, such as investors, vendors and producers, and market consumers, such as buyers and users of property. When such infrastructure is missing in the market, the formalization of title will serve as mere proof of ownership, which will have its social benefits, but it cannot effectively enter the market transaction as collateral or any other form of economic asset. In other words, the interdependencies between the government institutions' ability to facilitate for fluid exchange of capital and service and protect both, the investor and the consumer, is the missing piece in the picture of formalization of capital as cornerstone of economic development. It is not to say formalization of property is not a vital piece of the society's stability, whether economic stability or otherwise. Formalization of property in the context of Afghanistan plays a role in physical security of the cities.

There are some stakeholders who recognize other benefits of the formalization of property rights, such as social advantages and physical security benefits. A handful of stakeholders in Afghanistan recognize and emphasize the direct link between formalization of land-tenure and stabilizing security and market conduct, including the US Military and conflict-management researchers. Although there are only a few reports and analyses that review the connection between security and formal ownership of land, the link appeals for the context of Afghanistan – a topic which this thesis will further explore. This view is not popular among most stakeholders, including the government official, local and international technical experts, and international aid and development professionals. However, as the topic is further researched and evidence gathered, it is my expectation that the broader implications of the formalization of land title be embraced.

In discussions with the municipal officials, on the other hand, I learned that the officials view formalization of title from a different angle. When asked about the value of formalization of land-ownership and property in unplanned and/or informal settlements, the city officials referred to the lost revenue from taxation. One Kabul senior engineer said the following:

> "People expect us to provide sanitation and street cleaning services, for example. We have great plans to provide all these services but the implementation of all of these plans requires money. Can you imagine? Hundreds of houses are bought and

sold throughout the city every month; we lose 4% of the purchase price on each transaction… People from the informal settlements always come to our office and ask for all municipal services, such as street cleaning, garbage collection and etc. Once they work with us to formalize the properties in their neighborhoods we will be able to provide them with excellent services, which we offer to other neighborhoods."[102]

When the topic was brought up with the residents of informal settlements, the main set of values that the residents assign to formalization of land-tenure are associated with social status and the fear that government may plan major infrastructure projects on their land, particularly roads, which could be cause for eviction. While there is no government precedence on forced eviction for unspecified reason, there is eviction precedence that is justified by formalization and neighborhood planning and construction of major public infrastructure projects, such as roads. As mentioned earlier, as part of implementation of the City of Kabul's Master Plan, when the municipal government selects a site, construction of roads is one of the first projects they implement. In this case, whichever house that is on the path of the planned road will be the target of eviction first. However, since there are no major and obvious infrastructure plans through existing informal settlements, formalization of land tenure is not a major incentive for people, particularly for those who fear eviction. "The people from the city government have come here many times," said one of the residents of one of the unplanned sites, "and talked about issuing people titles. But, they come and then they disappear for months or years and then they send a different set of people to ask the same questions. I don't know if the government really does plan to build new roads here or not but they make sure we remember our neighborhood can be planned at any time."[103] This quote conveys the sentiments of the people in informal and unplanned sites quite clearly.

Sources of Municipal Government Revenue: Although earlier in this section I refer to one of the municipal official's statement about the loss of 4% tax on property sale on transactions that involve informal settlements, further research shows that the 4% is the share of ARAZI.[104] A schedule of sources of municipal revenue sources is provided by the Deputy Ministry of Housing and Urban Development[105]; the most common sources of revenue are below:

1. Safayee tax: The closest form of property and land taxation, Safayee means sanitation.[106] The municipal government documents refer to four brackets, based on the value of the property, which are:
    a. Residential dwelling (0.3%)

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[102] Discussion with one of Kabul Municipality's Senior Engineers on January 26th, 2017.

[103] Interview with Gul Ali, a resident of one of the informal settlements on TV mountain near Kabul University in May 2017.

[104] ARAZI is the national government authority that administers land throughout the country. It is a successor to AMLAK

[105] Municipalities in Afghanistan. Deputy Ministry of Municipalities, Islamic Republic of Afghanistan. June 2014. Pages 33-24 http://dmm.gov.af/Content/files/Municipalities%20in%20Afghanistan_final(1).pdf

[106] A notebook of utility and other municipal payments, which is also used to prove informal land ownership

b. Government building (0.6%)
　　　c. Manufacturing and industrial buildings (1%)
　　　d. Commercial buildings (0.75%)[107]
　2. Sales tax on purchase of properties: The most recent information refers to 1% of the value of the sale.[108] This tax is referred to as the Charge on Qabala (property deed).

The Charge on Qabala is only retrieved on sale of properties that are formal and the owners possess legal deed for the said property. This is a major source of revenue that the municipal government loses on sale of properties in informal settlements.

For Safayee tax, the municipal government issues the Safayee notebook to all dwellings in both planned and unplanned neighborhoods, regardless of if the resident possesses a form deed for the land or not. The possession of a Safayee notebook is an excellent source for future formalization of properties. However, the ability of the Municipal Government to effectively issue the Safayee notebook to all (newer) informal settlers has been challenged since the large return of people to Kabul after the fall of the Taliban. Moreover, the government's ability to enforce the collection of property taxes is not always clear. People may possess Safayee notebooks but whether or not they pay their property taxes is debatable.

It is hard to give an estimate of the percentage of the population who had possessed such document had actually paid their Safayee tax, but interviews with municipal officials suggests that the rate of payment was quite high until 1992, when the pro-communist government fell[109]. Interviews with residents of the unplanned neighborhood compliment the municipal officials account; the Safayee notebook was deemed a valuable document in purchase and sale of properties in the city.

In Kabul, in addition to the municipal governments and the court system's involvement in land management, the following national government ministries are also involved:[110] [111]
- The Ministry of Urban Development Affairs develops and executes plans for all cities in the nation, including Kabul.
- Independent Directorate.
- Central Authority for Water Supply and Sewage manages potable water supply and sewage in the city[112].

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[107] Vulnerability to Corruption Assessment of Municipal Revenue Collection by Independent Joint Anticorruption Monitoring and Evaluation Committee, July 2016.
http://www.mec.af/files/2016_07_11_Municipalities_VCA_(English).pdf page 11.
[108] Municipalities in Afghanistan. Deputy Ministry of Municipalities, Islamic Republic of Afghanistan. June 2014. Pages 33-34. http://dmm.gov.af/Content/files/Municipalities%20in%20Afghanistan_final(1).pdf
[109] Conversation with one of Kabul Municipality's engineers on January 26th, 2017
[110] Urban Poverty Report: A Study of Poverty, Food Insecurity and Resilience in Afghan Cities. Produced in 2014 by Danish Refugee Council (DRC) and People In Need (PIN). Pages 122-123
[111] Vulnerability to Corruption Assessment of Municipalities Revenue Collection. By Independent Joint Anticorruption Monitoring and Evaluation Committee. Kabul, July 2016. Page 19.
[112] Afghanistan – State Building, Sustaining Growth, and Reducing Poverty. A World Bank Country Study. 2005. Washington, D.C. Page 143.

- Da Afghanistan Breshna Sherkat (DABS), a state owned company, manages the supply of electricity and maintenance of the electric-supply system.[113]

These are some of the examples of overlapping responsibilities of national government agencies and Kabul municipality in managing government services in Kabul, adding to the complexities of life in the city.

Households in unplanned neighborhoods normally possess an Urfi (customary) ownership document. The Urfi documents are often generated through customary conduct (two witnesses testify and an informal council of elders verify the inheritance of the property) or the receipt of sale of the property, which may take precedence over the development of the Urfi (ownership) document. In buying and selling a property, the owner of which has an Urfi document, a receipt of purchase is generated as a backup for a newly developed Urfit document. The legitimacy of Urfi documents is mainly based on the

A sample of a Blank Urfit Document

testimony of, at least, two adult (often male) witnesses who sign (or place a fingerprint next to their names); the same witnesses also sign the purchase receipt. Neither of these documents are formally registered with any government bodies.

In informal settlements, in which the families do not even have access to an Urfi document, buying and selling of properties are not hindered, as long as a receipt of purchase is generated and witnesses' testimonies are documented in purchase receipts. In both cases, the receipt of purchase (and the Urfi document) requires at least two or three witnesses. The lack of Urfi documents, however, has not stopped the city government to issue Safayee documents to residents of unplanned or informal neighborhoods. Families who have acquired the Safayee notebook use it as additional proof of ownership. In these cases, the Safayee notebook provides greater credence in the sale and purchase of properties in unplanned and in informal settlements.

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[113] Da Afghan Breshna Sherkat is a State Owned electricity company, responsible for provision and management of electric supply to the nation. https://main.dabs.af

An Urfi document is often generated during the sale of a property, although the owner can generate the document prior to the sale as well. The pictures of the sample Urfi documents are sold near the Kabul Provincial Office by street vendor/facilitators who provide clerical services for general public, particularly for those that do not read and write. Both of these samples assume that the document is generated during the sale of a property. The first document has a place-holder for pictures of the buyer and seller then the text outlines a statement in which the seller testifies, in front of witnesses, that the property is his/her legitimate property and confirms the amount that was paid for the sale. The second document has two charts to document the biographies of the seller and the (new) buyer; the text outlines the exact location of the property, in relation to landmarks or neighbors' properties, and has a standard language for testimonies of each of the parties. Both forms have blank placeholders for the names of the parties and their witnesses.

Second Sample of a Blank Urfi Document

As it is evident by now, the majority of the neighborhoods of Kabul are either unplanned or informally settled and there is no precedence that lack of formal ownership documents have been used as grounds for eviction. There is only one exception to this statement. In cases where the municipal and/or national governments have decided to build new public infrastructure, such as roads, parks and other amenities, the government has evicted the residents and has taken over the private property for use for such purposes. Such cases may resemble similar rules as that of Eminent Domain in the United States. In all such cases, the residents of the acquired property are compensated; they are either given another piece of land in a different part of the city, an apartment in one of the government-sponsored multi-story buildings, or cash.

In addition, the lack of formal ownership documents has not been grounds for reduced investment in upgrading, sale and exchange, or lease of any residential property either. In other words, if the owner of a property does not possess a government-issued title, a receipt of purchase from the previous owner, then two to three witnesses, who are often relatives or neighbors, have sufficed for sale of property.

The notion of losing one's property to the city or national government and receiving compensation for the property, either in cash or via land in a different part of the city, is discussed as a matter of fact. As a former resident of Kabul, who spent all of his formative years in the city, throughout the 1980s and 1990s, I personally heard friends and relatives talk about this notion. For example, in the mid-1980s, the national government ceased my grand-uncles' property for a major infrastructure project; the government gave him another piece of land in Khair-Khana, which is located in District 11, northern part of the city.

In recent years, because of the large influx of returnees to Afghanistan and particularly to Kabul, the application of the expectation of cash or land in a different location for loss of land however, has become more and more difficult for the city. As an example, in my January 2017 meeting with the Deputy Mayor, Mohammad Yasin Helal referred to the dilemma the city and the national government faces in expansion of the Kabul International Airport:

> "Kabul airport's main runway is separated from the adjacent neighborhood by posts and barbed wire. It is a major security risk. What if a President of another country visits Afghanistan and a sniper sits in one of the houses and shoots the plane? At the moment, all high profile international flights come in and out of the U.S. Air Force base outside of Kabul Airport at a different site. But, when the international forces are no longer in Afghanistan, the civilian runways will be back in use as normal. We went and talked with families that live in proximity of the airport and offered them cash for their property. In all cases, the families told us they do not need cash; they can take a piece of land in exchange. But, the city does not have any land to give or exchange. We can't just kick people out of their neighborhoods, in which they've lived for generations, without some form of compensation." [114]

Verification of Ownership: Recently, the Afghan government took some much needed and, possibly long-overdue, steps to streamline the administration of land-tenure by establishing ARAZI, an independent land management authority; this process took multiple steps. First, Decree number 638 established the Board of Restitution of Grabbed Land.[115] Decree 23 merged the Land Department of the Ministry of Agriculture (AMLAK) with the Board of Restitution.[116] Through Decree 24 ARAZI was created as an independent land authority and was tasked to take over the administration and registration of all land throughout the country, whether rural or urban.[117] ARAZI reports to the Inter-Ministerial Board.

This means that the same agency administers the registration and verification of ownership, the administration of transfer of title through purchase or inheritance, and other related matters. ARAZI's revenue mainly comes from a tax on land sale and registration fees. While the establishment of ARAZI has been a significant step forward, challenges to streamlining the process persist. "Clashes between municipalities and the Ministry of Urban Development Affairs (MoUDA) have worsened over the decade impeding the development of urgently needed new system of governance, including how burgeoning informal settlements can be regularized, and land-grabbing curtailed. ARAZI still has no control over the cadastre. The court resisted changes to their role and powers more strongly

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[114] Meeting and discussion with M. Yasin Helal, the Deputy Mayor of Kabul City, on January 26th, 2017
[115] Land, People, and the State in Afghanistan: 2002 – 2012. By Liz Alden Wily, Sponsored and Published by the United States Institute of Peace and the Afghan Research and Evaluation Unit. Page: Main:42
[116] Land, People, and the State in Afghanistan: 2002 – 2012. By Liz Alden Wily, Sponsored and Published by the United States Institute of Peace and the Afghan Research and Evaluation Unit. Page: Main:42
[117] Land, People, and the State in Afghanistan: 2002 – 2012. By Liz Alden Wily, Sponsored and Published by the United States Institute of Peace and the Afghan Research and Evaluation Unit. Page: Main:42

than they did in 2002, despite, or because of, blatant conflict of interest and (alleged) rampant corruption in their ranks."[118]

Registration of ownership of property in Afghanistan faces some unusual challenges. Below are two of the most obvious challenges:
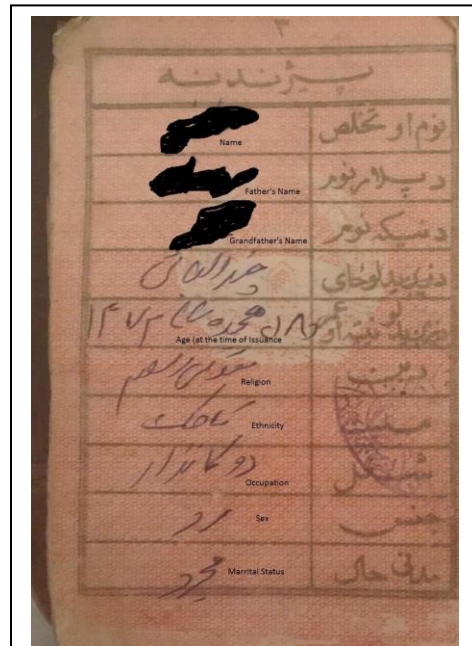
- Proof of Identity of an Individual: Afghanistan issues a national identification card, Tazkera, to all citizens. Historically, people would acquire their Tazkera in the province of their birth, and most likely, the place of their ancestral birth. A Tazkera, which is shaped as a pocketsize paper notebook, would refer to the name, father's name, age at the time of acquisition (not normally the date of birth), ethnic background, and the holder's ancestral origin. This has not normally been an issue, except for the pace of population movements away from their ancestral places of origin to other places, particularly to Kabul. A Tazkera is needed for proof of identity for almost any type of interaction with the government; whether it is for acquiring a business license, registering one's ownership of a vehicle, or registering any other form of property. Because many false copies of Tazkera's have been forged over the years, the government requires the holder to verify the authenticity of the document, before formally recognizing the holder as a legitimate, legal, and authorized party to engage in a major financial transaction, such as purchase or sale of a property. But because each Tazkera refers to the ancestral place of origin, the holder is required to travel to the mentioned province, or districts of the mentioned province, and acquire the necessary verification. This may be a loophole, paving the road for corruption and bribery. The national government has undertaken measures to counter this issue by launching a digital identification card (ID). The process of issuing the digital ID has faced several hurdles, including the process of verification of the authenticity of the holder's existing (paper) Tazkera and the applicant's citizenship. Women, especially rural women who have moved to the city, typically face more challenges to acquire a digital ID. Many rural women do not possess a national ID, thereby naturally undermining their legal and civic role in the country. However, once the process is complete, it will bring a much needed consistency, stability, and cohesion to interaction between citizens and the government. Nevertheless, the process may take a long time, maybe years, to execute fully.

- Enforcement of Legal Title: There are two main issues in this regard in Kabul, as well as Afghanistan in general.
    o Many houses and properties have been bought and sold to many people simultaneously, both by people who have been the legitimate owners of the property and by people who have not been the owners of the property. This is true for planned neighborhoods, unplanned neighborhoods, and informal settlement sites. In planned and unplanned neighborhoods, many property owners have come back only to find someone else claiming title to their land. In September 2002, President Karzai appointed a Land and Property Dispute Court to deal with land dispute related issues. But the court function had to be

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[118] Land, People, and the State in Afghanistan: 2002 – 2012. By Liz Alden Wily, Sponsored and Published by the United States Institute of Peace and the Afghan Research and Evaluation Unit. Page: 8

dismantled because of corruption and incompetence of the officers in the system.[119] The challenge to verify the authentic owner persists. The issue has a different nature in informal settlements, particularly in flatlands. Interviews with Kabul Municipal officials and review of reports suggest that, after the fall of the Taliban, powerful warlords claimed large plots of the land, particularly in northern parts of the city (in Khair Khana), demarcated the land in parcels, and sold the parcels to willing buyers. "The sellers have disappeared and the receipt of purchase is the only document the current resident has," Kabul's Deputy Mayor told me. "It is not peoples' fault to buy the land. We have to deal with the criminal acts of the seller at a later date but we have to come up with a way to formalize the buyers' purchase."[120] The most recent Master Plan, issued in 2011, required a participatory planning process and neighborhood involvement in planning. The Municipality has begun the implementation of this participatory process in certain parts of the city, including informal settlements. Except for sites on which the Master Plan requires the construction of major road networks, most of the residents will remain on the land even after the application of the Master Plan and formalization of their title. During our interviews, Municipality officials described a well-thought out participatory neighborhood planning procedure, for formalization of informal settlements, the application of which is unprecedented and essential for stability of the city.

I wanted to test these stories, whether I had learned about the process as a resident of the city, through what people conveyed to me, or what I learned in interviews with city government officials. Purchase of a property was more expensive than I could afford, but the next closest act that resembles the procedure of formal registration of a land-deed is the registration of a private business. So, I sat out to register a business in Kabul. Apart from application and formal processing fees, business registration required the minimum of a (equivalent of) USD $500 deposit in a bank account. Furthermore, like most other formal registration of ownership of properties, it requires the authentication of the owner's identity documents. I had renewed my Tazkera (the national identification card) in 1993, when I still lived in Kabul. As it is

First page of a Tazkera

customary, I had registered my place of origin as the town in which my father

[119] Land, People, and the State in Afghanistan: 2002 – 2012. By Liz Alden Wily, Sponsored and Published by the United States Institute of Peace and the Afghan Research and Evaluation Unit. Page: Main:31
[120] Interview with Deputy Mayor of Kabul in January 2017

and his ancestors were born and raised. My ancestral place of origin is part of Kabul province but not of Kabul City, even though I was born and spent the first 23 years of my life in Kabul. My Tazkera, like all others in Afghanistan, registers my name, my father's name, my grandfather's name, my place of origin (not place of birth), my age at the time of issue of Tazkera, my religion, my ethnicity, my occupation, my sex and my civil (marital) status. Although the government of Afghanistan has made the process of registration of a private business incredibly simple, the authentication of identity card can cause delays. The agent who processed my business registration application reviewed all the necessary documents and, when he got to my Tazkera, asked if I had authenticated it in my place of origin. While this is seemingly a mundane issue, the problem with authentication of my Tazkera was complicated. In 1993 when I acquired my new Tazkera, an active war was going in my ancestral place of origin, which was located outside the perimeters of Kabul city but it is part of Kabul Province. So the Kabul's Provincial Offices (Kabul City is part of Kabul Province) had issued my Tazkera. However, after the fall of the Taliban in 2001, I was told all record-books were moved out of Kabul Province into the Districts where they were supposed to be kept. However, because parts of Kabul City were also under heavy fighting, some of the original records had been destroyed or burned; mine were among the (presumed) burned documents. As a result, my ancestral place's District Office could not authenticate my Tazkera either. The only alternative left to me, without original records, was that I had to find relatives whose names were in government's records in my father's place of birth's District office, to testify of the authenticity of my documents. Following this step, I could then go to the District Office to receive the necessary authentication of my documents.

o Inheritance Challenges: While the civil code identifies people as individuals, regardless of their marital status or gender, the application the civic law in transfer of inherited property is anything but simple. Moreover, it is inequitable for the poor and for women. One of the publications of Jura Gentium[121], titled <u>Sharia and National Law in Afghanistan</u>, documents the plurality of the laws in Afghanistan as the following:

> "Legal pluralism is the hallmark of Afghan legal reality. Afghan law is a combination of Islamic law, state legislation, and local customary law."

> And that …

> "Despite the existence of official law, i.e. the formal legal system established under the provisions of a constitution, the socio-legal reality is not reflected by it, and the law in the books does not represent the norms that actually govern the lives of the majority of the population. For ordinary people and villagers, who form the majority of the populace,

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[121] Jura Gentium is a Journal of Philosophy of International Law and Global Politics
http://www.juragentium.org/about

tribal/customary and Islamic laws are more significant and actually better known than any state legislation. As a result, in Afghanistan it is not the implications of sharia or sharia-based law that, at least for the moment, prevents the application and implementation of international legal and human rights standards, but the lack of a system by which the rule of law may be established so that the legal system is capable - practically, socially, politically - of guaranteeing and enforcing laws effectively."[122]

Here are some of the overlapping confusions:

- The civic law identifies each child, regardless of gender, as heir of the parents' property, while the essence of the ownership of the property is shared by the husband and wife. Though straightforward, the application of this is rarely practiced.
- Customary rules on ownership of land vary from region to region. In the north and northeast, ownership of land is defined individually, but in the south communal ownership is not uncommon. The practice has come down from the times when grazing land was shared but the application of communal land ownership never completely dissipated.
- Application of Islamic Law (also known as the Shari'ia law) is common, although Shari'ia too identifies ownership individually. However, the confusion comes in dividing inheritance. According to Shari'ia Law, daughters of a deceased male inherit half a share of a son and the wife inherits one eighth of the husband's property, but if the two did not have any (biological) children, the wife qualifies for one fourth of the deceased husband. However, it is very common for daughters to forego their inherited wealth upon marriage and move to the new spouse's house, and for mothers to live with sons until the end of their lives, without claiming even the one eighth the Islamic Law grants them. A divorced and/or undocumented, or secret, wife (a marriage that was not recognized) does not inherit anything.[123]

Investment and Land-Tenure: In research for this thesis, I could not verify the theoretical link between formalization of property-rights and improvement in (local and external) investment. In the context of Kabul, it is possible that lack of tenure has not been a reason for loss of property during formalization. Moreover, purchase and sale of such fixed assets have occurred, and continue to occur, whether or not the property is formally registered with the government. When a property is registered with the government, the proof of sale is also registered with the court. But, if/when the property is located in an unplanned site or in an informal settlement, the seller issues a receipt of purchase, similar to the pictures of the Qabala forms presented above, which attests that the purchase is witnessed by at

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[122] Sharia and National Law in Afghanistan, by Nadjma Yassari, Mohammad Hamid Saboory. Published in Jura Gentium in 2010. http://www.juragentium.org/topics/islam/en/yassari.htm

[123] Al-Islam.org is a Digital Library of Depository of Islamic Rules. https://www.al-islam.org/a-summary-of-rulings-makarim-shirazi/rules-inheritance. And Islamic Inheritance Calculator http://www.inheritancecalculator.net

least two or three people, completes the transaction, and issues the receipt of purchase to the buyer. Moreover, the resident of the (formal, informal or unplanned) neighborhood can acquire Safayee documents from the city. The combination of the receipt of purchase and the Safayee notebook are often used as proof of ownership, assigning little, if any, value to the formality of the documents.

A Hillside, Informal Settlement, the ownership of which continue to invest in improvement of their homes

The above picture was taken in April 2017 in an informal settlement, located northwest of Kabul University. The site, similar to several other hillside settlements, has been subject of studies and structural improvements. Even though some of the houses are located in risk-prone parts of the mountain (places that are immediately beneath large boulders, which are deemed to be vulnerable in cases of strong earthquakes), the families value their homes as any other family in the world.

The example of the hillside informal settlements and those of unplanned neighborhoods in Kabul do not represent isolated events. After the fall of the Taliban, and the subsequent influx of international aid organizations and military presence in Kabul and other cities in the country, Afghanistan experienced rapid growth in income and enterprise-investment. The current president of Afghanistan has mentioned in his speeches that during 2005 and 2010 there were at least 600,000 international civilians and military personnel in Afghanistan at any given moment. In addition to hiring Afghan nationals for organizations in which the international professionals worked, these 600,000 international professionals represented the type of lifestyle and consumption habits that required them to spend more money in their city, or rural community, in which they worked, than Afghan citizens did.

The combination of improved employment with international organizations and emerging enterprises the income of Kabul residents substantially improved. Because the eviction of residents from unplanned and/or informal settlements did not have regular precedence, investment in one's home was not deemed a risky endeavor.

While this thesis does not dispute the economic importance of formalization of land-tenure, I cannot verify the link between formalization and increased (local or international) investments in the context of Kabul. In fact, whether the house is located in planned sites, unplanned sites, or in informal settlements, all neighborhoods of Kabul have experienced tremendous growth and investment, both in improvement of housing condition and in incubation of small and medium size enterprises.

Sub-Section 3 – A Case for Security

While this thesis cannot claim to establish a direct link between formalization of land-tenure and increased investment, as one of the main elements of economic prosperity, there is a case to be made between sustained security and stability and formalization of property rights. The findings of academic research, direct observation of cultural interactions, interviews with experts from UN Habitat and the city, value of land in family life and a series of other social values and dynamics shaped this assertion.

Peter Giampaoli and Safia Aggarwall, wrote in their January 2010 report to USAID that "Local disputes in Afghanistan are related in part to conflicting claims over land and resource rights, including disputes related to resettlement of Internally Displaced Peoples (IDPs) and refugees, conflict over control of pasture and water, and participation in the opium economy. The sale or lease of state-held land by the government subject to counter customary claims is causing tension. The Afghan Government and the international donors are increasingly recognizing the link between land and resource tenure and efforts to bring peace and stability and are supporting some tenure reform activities. However, these initiatives remain limited in scope and size. Further support to land and resource tenure reform can help address root causes of instability in Afghanistan – by expanding to complementary activities or implementing pilot projects addressing specific tenure concerns."[124]

Formalizing claim to land, whether through government institutions or through customary procedures, has tremendous social value in Afghanistan. A cultural trait that has been inherited from the old rural and agrarian life in today's urban life and continues to be valued, even as Afghanistan's urban settlement is projected to exceed 50% of the population in near future. While land-ownership can be acquired through purchase, government allocation and transfer of ownership, confirmation of individual ownership

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[124] Land Tenure and Property Rights in Afghanistan: Do Long Term Property Related Conflicts and Grievances Forster Support for the Taliban? By Peter Giampaoli and Safia Aggarwall, ARD Inc., January 2010. Sponsored and Published by USAID as an Issue Brief

and transfer of title through inheritance are two of the main issues that officials from UN Habitat[125] consider as most problematic.

Confirmation of Individual Ownership: Sponsored by USAID, Kabul City Government and the UN-Habitat have launched a project that gradually formalizes the ownership of land-tenure in Kabul City. The project is called "Kabul – Strengthening Municipal Nahias Programme (K-SMNP)." The objective of the project is to survey and register 426,000 properties, which will translate into improving titles for 2.9 million residents and an additional 96,000 businesses. The UN-Habitat annual report describes the formal process as a series of deskwork and in-person survey.[126]

The office/desk-work includes a series of activities to digitize the existing dwellings on a map and link the digitally marked parcel to any document that is associated with the property. The Deputy Director of Planning for Kabul Municipality described the process as a series of arduous tasks that will ultimately allow them to click on one link and have access to all documents associated with the property. The associated documents include the property deed, sale and purchase documents, necessary permits for upgrades and improvements, tax documents, etc. The UN-Habitat, as the primary implementing partner to Kabul Municipality, issued its Municipal Government Support Program (MGSP) annual report for September 2015 – September 2016 in which it describes the project's achievement in the following manner: "The project has established an improved operational system for property registration and we have agreed on the implementation modality with government partners. Following consultative meetings with partner agencies, the property survey forms were consolidated to be able to collect data for both safayee fee and occupancy certificates. The technical system for property survey and registration includes a user-friendly Android application and an institutionalized safayee fee collection system. The implementation methodology for the property survey was improved to increase citizen involvement and oversight through improving the role of Community Development Councils (CDCs) and Gozars. This, in turn, will also increase the survey speed and contribute to strengthening the social contract between citizens and the state."[127]

The UN-Habitat system is well planned and, when it is completed, it will streamline land-administration and municipal government services efficiently. The implementation of the process by UN-Habitat and its adoption by the communities in reality, however, is not that easy. When I asked a technical expert about why it is important to formalize land-tenure, his response was the promise of economic growth. But, when he was asked about the process of formalization, he could only view the process as a means to resolve conflict.

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[125] Discussion/interview with the man in Herat Restaurant in January 2017. The statement of the interviewee was reiterated by Akram, a UN-Habitat official in Kabul, who was interviewed in April of 2017.
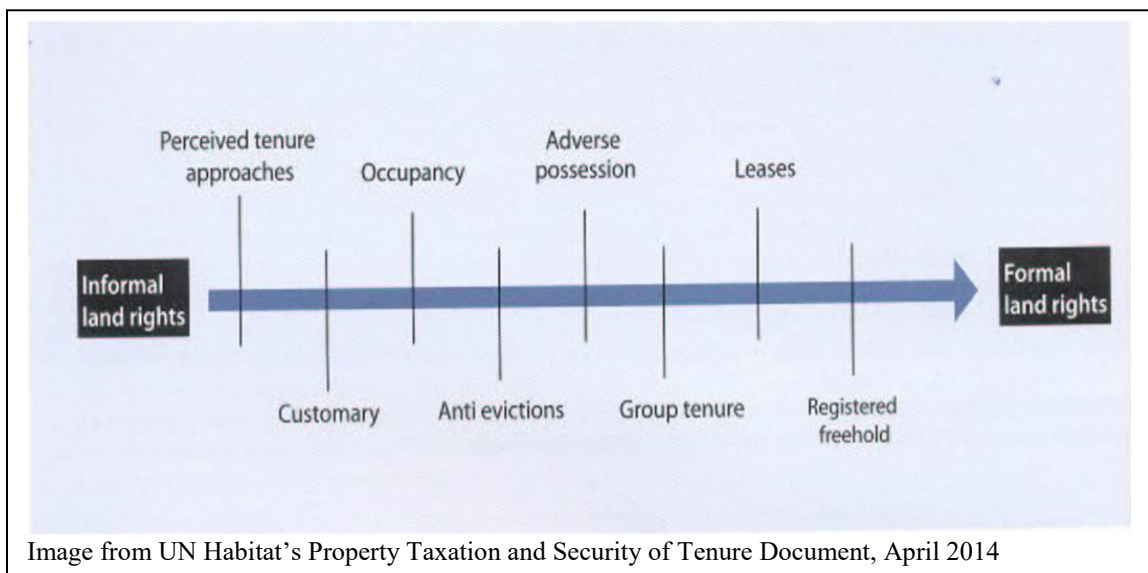
[126] USAID Kabul – Strengthening Municipal Nahias Programme. Operated by Kabul Municipality and UN-Habitat. Annual Report – April 2016 – April 2017.

[127] Municipal Government Support Programme (MGSP) Annual Report. September 2015 – September 2016. Produced by UN-Habitat in partnership with European Union Commission for Humanitarian Aid (ECHO), Afghanistan Ministry of Urban Development Affairs, Afghanistan's Independent Directorate of Local Governance, ARAZI and Kabul Municipality. Issued on November 2016

These experts, who work on a land-tenure formalization process in Kabul, and are employed by this joint project, described the process and the tensions that have arisen through confirmation of ownership of property in one of the informal settlements beautifully.

> "When the desk work is done, a survey team of at least one man and one woman visits the family. The first objective is to record the names of the family members and other related census. When the whole process is complete, we post the names of each head of household along with his or her picture on a board in a public location. This is because we want to make sure that if the family has forged whatever document they have (Safayee documents, receipt of purchase or any other document), the neighbors will testify. What has normally happened is, when the neighbors see pictures of one person they inform other family members. The family member comes to investigate the site and, if the picture on display is of one of the brothers, the second brother argues that his name is intentionally removed to assign ownership to one brother, while the property belongs to all of the siblings. Tension between siblings on who owns the family's property, regardless of who has paid for it, persists in almost all settings. We know there will come a day when all property ownership is formalized but until that day comes we will fight one parcel at a time."[128]

The ultimate deliverable of the project will be an interactive system that maps Gozars (neighborhoods), Nahias (districts), and the city, and link each parcel of land to relevant local organization. A separate report, issued by UH-Habitat on property taxation and security of tenure attempts to visualize the process of formalization as the following:[129]

Image from UN Habitat's Property Taxation and Security of Tenure Document, April 2014

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[128] Interview with Akram, a Technical Expert on Afghanistan's Land Ownership Formalization and a Long-Term Consultant to UN-Habitat and Kabul Municipal Government, in April 2017
[129] Housing, Land and Property Task Force, Property Taxation and Security of Tenure. By Jan Turkstra, April 2014, UN-Habitat

Inheritance and Land-Tenure: As described earlier, while the constitution and the laws of Afghanistan recognize men and women as equal citizens, the practice of inheritance is very different from the letter and spirit of the law. Whether a property has a formal deed, a proof of purchase, or an Urfi document, it is often in the name of the father of the family. If/when the father deceases, the land becomes the property of the wife (or the mother of the couple's children). If more than one wife, the property is equally divided. In practice, however, a mix of Islamic Law and customary law apply. In other words, the siblings and father of the deceased often make the final decision on whether to grant the full title to the deceased person's widow or not, particularly if the deceased person has not left behind any children. If the family decides to pursue Islamic Inheritance Law, however, the application of Islamic Law passes the property on to the owner's decedents based on a formula; it gives the widow $1/8^{th}$ of one share, if the couple did not have any children, and $1/4^{th}$ of a share, if the deceased person leaves behind a widow with children.[130] Biological sons each receive one share and biological daughters are entitled to half of a male share.[131] There is an Islamic Inheritance Calculator.[132] which I tested on a number of scenarios. The results of each of the tests came out according to the inheritance rules by Panjab Judicial Academy, but I cannot verify the authenticity of the system beyond my tests.

Customary practices, however, varies from both, the statutory structure and the Islamic Law. Under the customary practices, the married daughter foregoes her share, leaving all shares to brothers and the mother often lives with one of the sons (often with the eldest son) and does not claim ownership of any of the husband's property, even though the widow is technically the owner of all assets that are left behind. Application of customary law depends on geography; in places where communal land-ownership is common, the community decides the share of inheritance, otherwise the application of Islamic Law takes precedence.

A research paper by AERU describes a dispute resolution process. "Typically, a range of dispute resolution mechanisms is available that could be grouped into formal and informal dispute resolution mechanisms. Formal dispute resolution mechanisms include the formal court system, administrative dispute resolution, and state-administered or sanctioned alternative dispute resolution mechanisms. Informal systems for dispute resolution typically involve community leaders, village elders, village assemblies, or committees in resolving disputes. They may or may not have formal recognition by the state or under the law. Alternative dispute resolution and informal systems may overlap."[133]

When disputes arise, the normal dispute resolution body is supposed to be the court-system. In reality, however, there is very little, if any, trust in the formal court system. The lack of trust stems from corruption in court, and other government, systems. As noted earlier, the

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[130] Al-Islam.org is a Digital Library of Depository of Islamic Rules. https://www.al-islam.org/a-summary-of-rulings-makarim-shirazi/rules-inheritance

[131] Inheritance According to Islamic Sharia Law, by Panjab Judicial Academy. http://www.pja.gov.pk/system/files/Inheritance.pdf

[132] Islamic Inheritance Calculator http://www.inheritancecalculator.net/

[133] Land Governance Assessment Framework (LGAF) Afghanistan. A Final Report by Afghanistan Research and Evaluation Unit (ARUE). June 2017. Edit by Victoria Grave. AREU Publication Code 1608E.

post-Taliban government created a special land-dispute resolution court by Presidential Decree in 2002.[134] However, the court was dissolved. A report issued by TransConflict in 2013 analyzed this dynamic in the following manner: "Since a huge numbers of refugees have returned to Afghanistan since 2002, many referred to the courts to retrieve their land and property. In response, the government established a Special Property Resolution Court (SPRC) in 2002 to address returnee's complaints regarding land disputes. However, the SPRC did not provide effective solutions and collapsed in 2005; primarily because of the inability and unwillingness of law enforcement agencies to implement its final decisions. Since then, land and property disputes have been dealt with by normal courts."[135]

A 2017 case study by AREU reports a new development in statutory structure of land-dispute resolution, "The new ARAZI has now created a Land Dispute Resolution Department and taken the extraordinary step of proposing that this will be the only legal entity for submission of complaints and resolution of land disputes in the country. This can hardly be acceptable to communities or courts. It also contradicts the pledge of ANDS[136] (2008) to recognize CDCs[137] and other non-state actors as sites for dispute resolution for which a draft national policy was prepared in 2009. Like so many policy documents, this was not made into a formal decision and has not been applied."[138]

The lack of a reliable dispute resolution has created a major void in Kabul governance, and in Afghanistan in general, which is consistently exploited. Two separate research papers, one sponsored by the United States Army[139] and the second by the U.S. Institute of Peace,[140] recognize the lack of a formal system as an opportunity for Taliban to step in. In places where the Taliban have influence, and visible presence, disputes are brought to an appointed judge; the just only uses Shari'ia (Islamic) Law as basis for decision making, disregarding the country's constitution, civic laws or any customary law. The consistency, and force, by which the Taliban governing bodies have been able to mediate disputes undermines the role and authority of the central and provincial governments.[141]

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[134] Land Tenure and Property Rights in Afghanistan: DO Land Tenure and Property Rights (LTPR) Conflicts and Grievances Foster Support for The Taliban? Property Rights and Resource Governance Briefing Paper 5. By Peter Giampaoli and Safia Aggarwal; Sponsored by USAID, January 2010: Page 3

[135] Land Dispute and Governance in Afghanistan. By Dr. Nezamuddin Katawazi. Published in TransConflict; a The Global Coalition for Conflict Transformation. October 2013. http://www.transconflict.com/2013/10/land-disputes-governance-afghanistan-110/

[136] ANDS Stands for Afghanistan National Development Strategy. The Government has issued a number of iterations; this quote is from ANDS 2008.

[137] CDC is Community Development Committee, a customary and informal governance structure, the role of which is embraced by the national government throughout the country.

[138] Land, People and State in Afghanistan, 2002 – 2012. A Case Study by Liz Alden Wily, Edited by Sradda Thapa, Published by AREU, Financed by US Institute of Peace. AREU Publication Code 1303E. Page: Main:92

[139] Post Conflict Reconstruction: A Joint Project of Center for Strategic and International Studies (CSIS) and the Association of the United States Army (AUSA); A Task Framework; May 2002

[140] Addressing Land Conflict in Afghanistan, A Special Report by US Institute of Peace, Serial Report 372, June 2015.

[141] Land Tenure and Property Rights in Afghanistan: DO Land Tenure and Property Rights (LTPR) Conflicts and Grievances Foster Support for The Taliban? Property Rights and Resource Governance Briefing Paper 5. By Peter Giampaoli and Safia Aggarwal; Sponsored by USAID, January 2010

The "Land Tenure and Property Rights in Afghanistan" report, conducted by Peter Giampaoli and Safia Aggarwal in January 2010 and sponsored by USAID, makes several references in this regard. Even though the emphasis of the report is on rural areas, the implications of their assertions are true for Kabul as they are for rural areas.

> "Taliban have established shadow governments throughout Afghanistan, with provincial and military leaders appointed to command activities."[142]

The report also asserts:

> "Conflict over land rights and inequitable tenure may foster support for the Taliban in rural areas, undermining the U.S. Government attempts to create stability and a prosperous Afghanistan."

A separate report, issued by the U.S. Institute of Peace in 2015, refers to land-tenure related disputes as a primary driver of conflict in Afghanistan.[143] When the national and municipal governments are unable to address these seemingly minute issues, grievances fester and, over time, further undermine the role of the government.

Although historically there have been alternative conflict resolution mechanisms, such as community-based dispute resolution and/or council of elders, which are also measures to which some reports refer as potentially successful and promising methods of conflict resolution, over two decades of conflict, instability and population movements have weakened the application of some of these historic methods. Rapid urbanization has also been a contributor to the ability, or inability, of old, traditional methods to be effective, as families that have moved to the city(ies) have much looser social ties and obligations than those who live(d) in traditional rural communities; a notion that further necessitates the effective involvement of a formal, legitimate, and responsible government.

As the Taliban's real and perceived influence grows, establishment and enforcement of land-tenure becomes increasingly essential for stability of the government and the society. It is the proverbial 'broken-window theory'[144] of Afghanistan. Formal recognition and enforcement of ownership of property further legitimizes the government's role as the main stabilizing force for the country.

The case that builds a link between formalization of land tenure and stabilizing security of Kabul, or Afghanistan, is making its way through the formal government channels and, more than economic impact of formalization, security shows an immediate and tangible

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[142] Land Tenure and Property Rights in Afghanistan: DO Land Tenure and Property Rights (LTPR) Conflicts and Grievances Foster Support for The Taliban? Property Rights and Resource Governance Briefing Paper 5. By Peter Giampaoli and Safia Aggarwal; Sponsored by USAID, January 2010: Page 1
[143] Addressing Land Conflict in Afghanistan, A Special Report by US Institute of Peace, Serial Report 372, June 2015. Page 1.
[144] A concept that was first described in 1982 by Wilson and Kelling, who assert that disorder is not directly linked to serious crime; instead, disorder leads to increased fear and withdrawal from residents, which then allows more serious crime to more in. http://cebcp.org/evidence-based-policing/what-works-in-policing/research-evidence-review/broken-windows-policing/

promise. The rhetorical claims about the promise of prosperity and increased government revenue as a result of formalization of tenure remains an integral aspect of municipal government's officials as reasons for recognition and registration of land tenure. This notion may not disappear, and possibly, should not be dismissed.

Section 4: Interface between Government Policies and Everyday Life

The divide between government policies and their implication on everyday life has always been part of the fabric of Kabul's life. Yasin, a resident of the city, a Cartographer, and a major contributor to several studies on Kabul's urban life, often describes the government's laws and policies as "the beautifully written and well-intended pieces of work that are only good for shelf-decoration; not for application."[145] Technical and policy experts, employed by the municipal government, on the other hand, describe the development and adoption of some of the government policies from a different light – sometimes in terms of the government's ability to control the population density in the city and other times in terms of government's ability to charge and collect the due taxes.[146]

Adam Smith is quoted to have said, "Common to all men is the propensity to truck, barter and exchange."[147] It may be true to the nature of people, but it is not very common for people to report willingly such transactions to government, whose perceived role is taxation and regulation. This notion is particularly true in settings where the governments commend little trust, if any, in the minds of citizenry. In the context of less developed markets, a combination of (correct or incorrect) perception about the roles and responsibilities of government together with the citizens' voluntary willingness to report their propensity to truck, barter, and exchange questions the value of formalization of property and its benefits to residents.

One of the most salient points that legitimizes the role and effectiveness of any government is its ability to develop and adopt policies that citizens can easily embrace and are relatively easy to enforce. However, it is not uncommon for governments to establish idealistic policies but lack both the ability to enforce those policies or convince the citizens to embrace them. Informal social contracts, which are embedded, accepted, and enforceable in Kabul, as well as many other less-developed markets, could and should be the basis for adoption of new policies. These informal institutions are often perceived to be inferior to the status and intellect of the urban elite, most of who hold government posts.

Numerous academic researchers and professional experts have studied the topic of informal institutions. One of the most relevant articles is the "Formal and Informal Institutions in the Labor Market, with Application to the Construction Sector in Egypt" by Ragui Assaad of the University of Minnesota, which was published in World Development Journal in 1993 and printed in Great Britain. The article argues that:

> "Urban labor markets that are characterized by absence or ineffectiveness
> of regulation by legal and bureaucratic institutions can nonetheless be

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[145] Interview with Yasin, an Afghan Cartographer, Kabul resident was interviewed on April 40, 2017

[146] Interviews and phone calls with one of the engineers, who works for Kabul City Government in January and March, 2017

[147] Wealth of Nations by Adam Smith. 1776.

subject to powerful institutional forces based on customary norms, group cohesion, kinship and social networks."[148]

The findings of this article are repeated in the case of post-Taliban Kabul. However, this is not a post-Taliban phenomenon for Afghanistan; the labor markets in Afghanistan have been regulated through these informal channels of governance even under the most stringent rulers, such as the pro-Communist regimes, when the attempt to stretch the hands of the government in all aspects of social life was most aggressive and rigorous.

In this Section, we will visit the workings of Kabul Municipality by reviewing a few cases which attempt to demonstrate the government's (often pure) intentions to develop, adopt, and execute policies that either have no relevance to everyday life of the city, or their applications are too costly or completely out of context (or both) in Kabul.

Sub-Section 1: The Rise of Technocrats and Urban Elites

Education in general, and institutionally recognized higher education in particular, has brought many benefits to the world. Some of the benefits include, economic prosperity, individual freedom, improved awareness of one's surroundings, undermining hereditary social status, and challenging some of the most commonly held social misperceptions. While the list of benefits is endless and the promise is unparalleled, it has also produced a set of undesirable characteristics. Many of these characteristics are social and behavioral traits that show themselves in unique forms in each major city.

One of the most salient traits in the list of undesirable characteristics is a form of urban elitism. Urban elitism is a widespread and global phenomenon; it is not new to Kabul or any other major city in the world. Unlike the past, in the age of social media and instant global news, the demonstration of such behavior is harder to hide. The behavior is often embraced by elites and educated cadre of a major city, assigning themselves superior social status and considering those that do not fit their pre-defined criteria inferior. Urban elitism takes different forms in different cultures and nations. In the West, for example, they occupy both ends of the political spectrum and have often masked themselves as champions of the middle class. In less developed markets, they are advocates of aesthetics, such as shiny tall buildings and low-density neighborhoods, as signs of progress and progressiveness. What is common in all settings is the groups' elevated self-perception. They are often well educated and economically better off.

In the context of Kabul, these groups mock the ideals of the country-folk and often dismiss their ideas as unworthy of the modern era. While in most cases these urban-elites consider themselves friends of the poor, they are often first to dismiss the plight of the poor and are frequently first to distance themselves from those whose economic and social status appear to be lower than those of the elites. An American political pundit, whom I personally

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[148] Formal and Informal Institutions in the Labor Market, with Application to the Construction Sector in Egyt. By Ragui Assaad. University of Minnesota, Minneapolis. Published in World Development, Vol. 21, No. 6, Pages 925 – 939, in 1993.

happened to hear on a major American TV network, puts it well by referring to this group as those "who sit around with the $5 cup of cappuccino and commiserate with the poor."

In Kabul, majority of the urban elite work for, or hope to work for, the government. They are impressive, young, and ambitious men and women, who have studied in some of the world's most reputable colleges and universities. Their experience inside and outside the country has brought an unprecedented vibrancy to the conduct of government ministries and agencies. Most of them often speak two languages, if not three or four. In addition, unlike the old(er) cadre of the country, most of whom were educated during the pro-communist government, they receive a higher pay from their service.

Despite their excellent education, technical knowledge, and professional ambition, they often bring with them a sense of social and cultural bias that may continue to hurt the country's efforts to manage the pace and rate of urbanization and address the daunting housing shortage that Kabul, and most other cities in the nation, faces. They pursue a technocratic approach to government services, planning the city, enforcement, and application of the Master Plans, and their role in bringing about these dreams.

In his book, Understanding Cairo: The Logic of a City Out of Control, David Sims documents a similar attitude in Cairo. He tells tales of how Cairenes associate all the ills of the society, the population that cause health concern and the chaos and disorder that ensue the life of the city from the perspectives of the elites of the city. The elites, in his stories of Cairo, blame the incoming migrants from the countryside for all such ills, giving little regards to the fact that their cars cause the unimaginable congestion in the city.[149]

David Sims documented the tales of Cairo, repeated among Kabulis. In public and social settings, these biases are easily visible, as those that consider their status above those of the less educated, congregate in their own quarters and maintain their own cliques. I have heard from many people, particularly technocrats, and the educated, about how the large and uncontrolled influx of people from the country has damaged the beauty of the city, while the loss of beauty is often associated with smog, traffic congestion, and tasteless, tall commercial buildings that do not follow some of the most basic construction codes.

In his PhD thesis, titled Planning Kabul: The Politics of Urbanization in Afghanistan, Dr. Pietro Andres Calogero documents some of the harmful instances beautifully.

> "Land-use planning turned out to be an entirely different challenge. I began by inventorying the types of land-use I saw, and observing what seemed to work. Given the weakness of regulatory enforcement in Kabul at times, I thought that a very minimal, easily enforceable code would be the best place to start. I was surprised to discover than an Afghan-American from Northern Virginia was already working with the Ministry team (of Urban Development Affairs, which used to be called the Ministry of Urban Development and Housing – MUDH), translating the Fairfax County

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[149] Understanding Cairo: The Logic of a City Out of Control, by David Sims. First Published in 2010 by The American University in Cairo Press., Cairo, Egypt and New York, New York.

Planning Code into Farsi. I raised several concerns about this effort. First, the Fairfax Code is primarily designed for low-density suburban development, with the embedded 'Euclidean' assumption that land uses should be segregated. Kabul was already three times as dense as San Francisco, and commercial uses were dispersed throughout residential areas. As it happens, the mixed-use, low-rise, density of Kabul fits a pattern that many urban designers in the United States aspire to. It fits Jane Jacobs' description of vibrant, urbane development better than any of the Transit-Oriented Development I had seen or helped design. This was largely out of necessity: Kabul was walkable because most Afghans could not afford cars. It was a sustainable pattern of urban development because Kabulis cannot afford to consume resources the way that Westerners do. It seemed to me that the ideals embedded in the Fairfax Code were thoroughly inappropriate; Afghans probably could never afford to suburbanize the city, and I did not think it was a good idea to promote this American model on Kabul when so many American planners regarded our own suburbanization as a mistake. Furthermore, the Fairfax Code was extremely elaborate. I felt that it would be more feasible to start with a very simple code that was easily enforceable and developed from scratch with Afghans who were familiar with Kabul."[150]

This is an expression of an engrained biased in favor of low-density in the largest city by pushing citizens back to the countryside. The danger of such elitism is the presumption of superiority, which seeks to create the homogeny of intellect at a cost to the society's sustained wellbeing. In his book, SCALE, Geoffrey West puts it beautifully:

"Cities have emerged as the sources of the greatest challenges the planet has faced since humans became social. The future of humanity and the long-term sustainability of the planet are inextricably linked to the fate of our cities. Cities are the crucible of civilization, the hubs of innovation, the engines of wealth creation and centers of power, the magnets that attract creative individuals, and the stimulant for ideas, growth, and innovation. But they also have a dark side: they are the prime locus of crime, pollution, poverty, disease, and the consumption of energy and resources."[151]

David, a dear friend who used to work as a social scientist for the International Security Assistance Forces (ISAF), and has continued work as a social science researcher in Afghanistan, expressed his frustration with this group of elites by saying, "the first thing you notice in their offices is their diplomas from George Town University, Kabul University, or somewhere else. Within the first five minutes of conversation, they want to make sure you know they are superior to you, as they have attended lectures of such and such (name-dropping) intellectuals in the United States or Europe. They often refer to their

[150] Planning Kabul: The Politics of Urbanization in Afghanistan: By Pietro Andres Calogero. University of California, Berkeley. A PhD Thesis, Accepted in 2011.
[151] Scale: The Universal Laws of Growth, Innovation, Sustainability, and the Pace of Life in Organisms, Cities, Economies and Companies. By Jeoffrey West. Penguin Press, New York, New York, 2017.

own circle of friends as the source of knowledge, undermining any reference to the rest of the country. I prefer to hang out with that proverbial illiterate farmer than with any of these new urbanites."[152]

The urban elites of Kabul, as those of many other developing cities, look only to the latter aspect of this statement, ignoring the vibrancy the freedom of movement and residency one's country offers. Such perspectives assign the ills of the city to country-folk who, presumably, do not deserve to live in their city, while crediting themselves for any positive development, the innovation, the ingenuity, and the (obvious signs of) prosperity. When such attitudes predominate a city's governance, unrealistic and extreme policies emerge.

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[152] Conversation with David in May, 2017 in Ras Al-Khaima, UAE

Sub-Section 2: Municipal Services

Effective and responsible provisions of municipal services are one of the most frequently highlighted, most visible, and often least appreciated services that any city provides for its citizens. Whether a city provides the services directly, sub-contracts the services to outside or facilitates for private firms to provide municipal services (such as garbage cleaning, water supply, wastewater treatment, etc.), the task can be daunting. When the service is provided smoothly, citizens hardly notice the trouble a city has to go through to meet their demands. But when there is any minor problem in provision of such services, the citizens notice. When the citizens of such city live in an accountable or aspiring democracy, the citizens' complaints are audible. The municipal governments often respond to these audible voices with well-intended policies and plans, even if the application of such policies is far from realistic or achievable.

The provision of municipal services is one of the market activities that has attracted, and continues to attract, market actors when the city government leaves a void in the system. In some cities of the world, historically organized groups who often work within an extra-legal system fill the void. I borrow the term 'Extra Legal' from Hernando De Soto's *Mystery of Capital*, in which he describes the failure of government that gives birth to alternative legal measures outside the government's ability to regulate. An extra-legal system is one that is often not recognized or regulated by the formal government but has deeply rooted enforceable policies and procedures. In some cities, the providers of municipal services are organized groups, who have established their public legitimacy over a long period of time yet in other cities the providers emerge as actors who seek to fill a void in the market.[153]

In his 1996 papers, *Formalizing the Informal? The Transformation of Cairo's Refuse Collection System*, Dr. Ragui Assaad describes a well-engrained system of social contract between the citizens and two groups, the Zabaleen and the Wahiya, in Cairo, who share kinship and ethnic ties to each other, who provide garbage collection services. These two groups have seeming monopoly on provision of one of the municipal services, which has made government intervention an unnecessary externality. In cases such as those of Cairo, where two established groups provides such services, government interventions, whether they are as part of a formalization efforts or an attempt to improve tax collection, disrupts a fluid and working system. The paper refers to an interview with one of the garbage collectors, which sheds greater light to this statement. The interviewee complains about the government's licensing requirement, in an effort to formalize the garbage collection system, by saying "They told me to wear a hat so I can see you." The paper reports that while the government's requirement for registration or licensing agreement can be met, the system and the services that the two groups provide remain unchanged. This is an example of an instant in which the government's efforts negatively disrupts a fluid system,

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[153] Mystery of Capital – Why Capitalism Triumphs in the West and Fails Everywhere Else. By Hernando de Soto. Published by Basic Thesiss, NY in 2000.

established by the public, enforced through social contracts, built on by the credit worthiness that comes from sustained positive reputation.[154]

While Cairo's garbage collection is an excellent example of organized efforts by pre-identified groups who have provided municipal services for generations, the provision of much of such municipal services in Kabul has evolved in an unorganized fashion. I reviewed two municipal services – garbage collection and potable water supply. Although I spent much time to understand the nuances of a number of municipal services, particularly residential and commercial garbage collection, and potable water, this thesis may only scratch the surface on the topic of municipal services. Several municipal services, such as garbage collection, water supply, solid (human) waste removal, and treatment and liquid waste are addressed by a combination of organized municipal government and a series of private individuals and entities. This thesis will briefly shed light on some of the most obvious services and compare them with municipal and national government policies and plans, as expressed by in-person interviews with City of Kabul officials, and reports issued on these subjects.

Garbage Collection in Kabul: I spent my formative years in the City of Kabul. As a child in the 1980s, the sight of full or overflown municipal waste dumps was not unusual. However, the frequency of such sightings depended on, what I used to consider, the social and economic status of the neighborhood. Higher status neighborhoods were often referred to as Planned Neighborhoods, which meant they received regular municipal services. Despite the availability of services, overflown garbage dumps could be seen in planned neighborhoods. Unplanned, and informally settled, neighborhoods often lacked a pre-designated dumpsite and the metal, city-issued large bins. So, one would see piles of residential garbage on an empty lot.

Picture from January 2017, near Silo/Bread Factory, shows the overflown municipal garbage can

Interviews with municipal officials suggest that the city government provided consistent and uninterrupted garbage collection services in all neighborhoods of Kabul until 1992, at

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[154] Formalizing the Informal? The Transformation of Cairo's Refuse Collection System. By Ragui Assaad, University of Minnesota. Published in the Journal of Planning Education and Research Vol. 16. No. 2. Pages 115-126. 1996

which time the spread of conflict into the city disrupted the provision of services.[155] Interviews with the residents of the city do not contradict the officials' claims, although they do provide greater clarity to official statements. One of the residents, who lived in Kabul throughout the conflicts after the fall of the pro-communist government and throughout the rule of the Taliban, explained it this way. Until the fall of the pro-communist government in 1992, the Kabul Municipal Government provided garbage removal services. Even though the quality and consistency of the provision of the services was not consistent in all neighborhoods, people knew that the city was responsible for garbage collection. The city did provide street cleaning services, especially in planned neighborhoods, which had paved roads. They also provided streetlights and watered their plants.[156] As a former resident of Kabul, I echo this resident's statements.

Conversations with municipal officials suggest that the city has excellent plans to address the municipal waste removal and management. It is common to hear officials talk about the city's policies and plans as though they are being implemented, even if such plans are ideals for the future. In a conversation with one of the city's engineers, who has worked for the city since his graduation from college in the early 1980s, I learned about the hundreds of garbage collectors that the city has hired.[157] Additionally, the city has a large fleet of garbage trucks that the government of India donated to the city to address the city's garbage problem. While the ideas and claims sounded excellent, I wondered why I had not seen any of the trucks or the municipal employees, who collect the garbage. Curiosity led me to learn about the private garbage collectors of the city. Nasir, my driver and a long-time resident of Kabul, told me that the Kabul Government has truly begun to collect some of the large piles of garbage from some neighborhoods. He further said that some neighborhoods, such as Kart-e Parwan, Wzazir Akbarkhan, and the neighborhoods near Kabul University continue to receive City of Kabul Government services, especially if garbage piles in proximity of main roads.[158] Additionally, I learned that even though the sight of garbage piles has not disappeared, because of major limitations in Kabul Municipality's capacity, the lack of municipal services has opened business opportunities for garbage collectors. I continued to search and learn about the evolution of these seemingly random businesses that provide municipal services. The sight of municipal workers before dawn, cleaning the streets of the city, was common, and so was the understanding of some of these responsibilities of the government of Kabul City. Although, in my opinion, the city makes an intentional effort to engage the residents in governance and municipal affairs, it has a difficult time conveying this message to the public. The government is more often viewed as regulator and provider, and less as a representative of the people to provide necessary services on behalf of the public. I believe it is more an image issue than an issue of responsibility and duty.

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[155] Interview with one of Kabul Municipality engineers, with a long career in the city, in January 2017.

[156] An informal interview with one of the city's residents over lunch in April 2017, who said he has lived in Kabul city all his life and so had his ancestors.

[157] Conversation with one of the engineers at City Government in January 2017.

[158] Discussion in the car in January 2017, as we were driving from near the Silo/Bread Factory, after taking the picture of the garbage pile depicted above.

The fall of the Taliban in the fall of 2001 happened after nearly a decade of civil unrest and major disruption to the manner in which all government entities provided necessary services. Kabul Municipality, a government institution with very limited financial resources, and even more limited skilled labor, was inundated by a growing demand for its services. As the demand for municipal services continued to grow, the available resources continued to diminish. Even after the fall of the Taliban and the subsequent (national and international) efforts to rebuild the government, and other, institutions in the country, garbage collection had become one of the least urgent tasks that the government had to address, when forceful land-grab and unregulated construction of residential and commercial buildings required greater attention.

In the first few years after the fall of the Taliban something innovative emerged in this arena, namely garbage collection as a source of income. I first encountered this phenomenon in 2009-2010, when I was visiting an informal settlement site as part of my job, though I did not pay much attention to it. I met a boy of about 13-15 years old with a wheelbarrow, who was going door to door and collecting the household garbage. He neatly packed his wheelbarrow with plastic bags. I remember asking how many houses he could serve in one day, and how much household would pay for his services. I do not remember how many houses he said he could serve in a day but he did tell me he was paid 200 Afghanistan (approximately USD $4 at the time) per month per household.

Between January and May of 2017, I traveled to Kabul three times. Each time my colleague, Amiruddin, would help plan and set up appointments with government and UN officials, businesses, technical experts, and residents before my arrival. In one of the settings, Amir and I spent time with two brothers, who worked in garbage collection services in the city. They taught me about the evolution of the garbage collection services in the city since 2002. Their description of the current collectors matched those of some of the residents, with whom I discussed the topic. Moreover, the process and methods by which services are actually provided do not always match the description of the municipal officials in residential settings. The one instance in which the city has made tremendous strides is in street cleaning, a topic which will be addressed later.

In the beginning, teenage boys provided the collection services. The process was uncoordinated, unorganized, and unregulated. It appears that innovative children in random neighborhoods started going around neighborhoods and offering their garbage collection

Picture was taken in January 2017. It shows one of the modern-day garbage collectors, transporting the garbage plastic bags in the middle of a busy road in the city of the city with his donkey-drawn cart.

services for a fee of 200 Afghanis per month per house (the exchange rate between early 2000s and 2010 remained at USD $1 for 45-50Afghanis; in January – February 2017 USD $1 exchanged for 66 Afghanis). This story matched my personal encounter with the teenage boy in 2009-2010. They told me that the boys provided their services for residential dwellings. The demand for their services grew rapidly so they often expanded their businesses by adding a donkey-cart. Initially, the donkey carts were supplementary to the wheelbarrow, whereby the door-to-door collection would take place with a wheelbarrow and, when the wheelbarrow would fill, the cart would serve as a collection bin. The process has drastically improved over the past 5+ years but the expansion and organization of the new ways of garbage collection has not taken out the wheelbarrows, the collector boys, nor the sight of donkey carts. I was told, however, that donkey carts are more common methods of collecting garbage from commercial buildings than in residential settings but, nonetheless, the process is still visible. The picture below was taken on a snowy day in the winter of 2017, which helps visualize the notion.

As the word spread through the city, the demand kept expanding and the providers continued responding to the needs of the residence. However, because the efforts of these ad hoc garbage collectors were not centrally organized, the expansion of their services translated into piles of residential garbage in random places in the city. Piles of garbage became nuisance, people begun to complain, media outlets begun to air the cries of the people, and this is when the city recognized the problem. Nasir, my driver, said in 2010 the city begun an orchestrated effort to clean up the piles of garbage and move them to a number of pre-designated sites. But, interviews with municipal staff suggest that the city government had always been privy to the issue but the lack of financial resources prevented the city to act. But, when they were able to pay for the services, they responded accordingly.

A Municipal Garbage Collector collects Garbage from one of the main streets of Shahr-e Naw. Picture was taken in April 2017 from my hotel room.

The rise of sporadic garbage piles around the city may have served as a wakeup call for the city. Since the start of cleaning these sporadic piles, Kabul has continued the provision of the services. In addition, the city has hired a number of street cleaners and issued them with orange colored uniform, who are increasingly visible in mostly commercial parts of the city. The street cleaning crews are one of the frequently noticed services that the municipality provides the city. The public display of municipal services, whether through hiring of large numbers of street cleaners or by planting trees around the city, is a tradition that goes back to 1980s, when the pro-communist government was in power. Regardless of the reasons, the street cleaners provide valuable service to the city's residents and commercial building users.

The involvement of the city and the growing demand or the services of garbage collectors opened new doors of interaction between the city and the private collectors. As the city begun to devise plans on how to regulate the collectors' works, the business of garbage collection further emerged. The process from the perspective of the collectors was described as the following:

> "In the beginning there were people with wheelbarrows. When the demand for garbage collection services grew, there came a cart with a donkey. The collectors would go door to door and, when their wheelbarrows fill, empty the barrow in the donkey-cart. In the next stage of growth came motorcycles, which replaced the donkeys. Even when I say the donkeys were displaced, they were not displaced. The new ways of collecting garbage changed without replacing the old ways. In other words, you will still be able to see the wheelbarrows and collectors, donkeys and carts and government trucks that clean up the piles from the streets. So, we have not

taken work away from other people; we have just created new ways to address the problem."[159]

One of the most fascinating points about the evolution of the garbage collection in Kabul is where it stands today, from its first stage of its evolution after the fall of the Taliban. On one hand, officials at the city government seem to have decided that they need to further regulate the activities of the collectors, and on the other hand, the ad hoc collectors have been able to bring garbage collection and processing a very long way.

Left the process of collection and sorting; on the right is a remaining piles of plastic bag

Today, garbage collection in Kabul is not a collection business only but a combination of collection and processing. Contrary to the municipal plans, the collectors' method has developed into a more methodical and (self) organized structure. Garbage collection work in Kabul has evolved in a unique and innovative way. The private collectors are the primary interface with individual households and businesses. They collect and transport the garbage to a pre-determined site for further sorting. Before the city garbage-collection trucks reach the dumpsite, collectors sort the garbage looking for items that can be resold, such as glassware, metal, and other marketable goods. Organic products are often set aside for composting and resale to farmers. Normally, a series of plastic bags is left for the city to collect; the same types of plastic bags that are used in retail stores around the world. A typical collector may be involved in any or all activities in the following chain:

1. Door-to-door collection of garbage in wheelbarrows.
2. Reloading unloading the barrows onto donkey carts or motorcycle-drawn carts.
3. Transportation of garbage from near residential (or business) collection-site to a pre-designated dumpsite.
4. Sorting of garbage into metal, plastic, glass, other and food/organic-items.
5. Sale of sorted and marketable items to their respective market actors.
6. Preparing the remainder of garbage, which have not sold, for the city to collect and process.

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[159] Interview with Adam Khan, one of the collectors, in May of 2017

Following these steps, the city garbage trucks collect the remaining garbage for the final dumpsite. The fact that the city's financial constraints have kept the municipality away from such an organically-evolved structure of garbage collection and processing has proven to be more useful than if the city had possessed the necessary financial resources to organize, process, regulate, and dispose of municipal waste.

The city's main priority remains addressing the shortage of housing for existing and new residents. Because of this phenomenon, the idea of regulating the current service providers or completely banning the independent collectors, so the city directly provides the services, is not a point of current discussion. In addition, because of financial constraints, prioritizing the housing sector and limited professional capacity the city sees its role as facilitator of the services rather than providers of the services. This mindset has allowed for an organic birth and growth of services providers to address some of the most visible of municipal services. However, there is no guarantee that this mindset will continue to prevail. In speaking with the technical experts[160] one does get the feeling that they prefer a much heavier hand on either regulating of services or taking over the provision of the services. A gradual evolution of regulating the services might be a more appropriate way to go, as the city does not have a spotless record of accomplishment of provision of such municipal services directly. But a rapid transition to fill some of its perceived roles, as regulator and provider, will most likely prove destructive.

The city government has proven to be more effective in providing street cleaning services directly. It may not be the most visible service but they can excel at cleaning and lighting the streets and allow the private sector to further evolve and continue to provide other necessary services. Currently, the City of Kabul provides street cleaning services in a handful of communities but the desire to increase the reach of these services is a noble, and achievable, goal.

Latrine Cleaning: In the 1980s, it was not unusual to hear stories of farmers coming overnight and cleaning out people's latrines in single-family housing neighborhoods. If one would drive on the streets of the city before dawn, the sight of a donkey drawn cart, full of human waste, moving toward the countryside was common. This would normally happen in neighborhoods that were located on flat lands, not in those that were located on hillsides. Only some families, who would compost the human waste and use the compost as fertilizer, would restrict access to their latrines so not to lose the human waste to farmers from the countryside.

Although after the fall of the pro-communist government, and the subsequent civil conflict that had destroyed majority of the city's infrastructure, the frequency of such collection had slowed down, the process had continued, on and off, even throughout the rule of the Taliban. "After the fall of Taliban the farmers stopped coming to Kabul for some time. But, the farmers and their donkey carts' travel resumed within a couple of years after the fall of the Taliban. While in the past the latrines were cleaned with or without the permission of

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[160] Separate conversation with one of the municipal engineers and a civil engineer, who has lived and worked in Kabul throughout his 60+ of his life.

the residents of the house, today the farmers charge a fee for their cleaning services."[161] This too is evidence of another decentralized and organic evolution of one of the municipal services that is provided without the city's involvement. Because human waste management is not in the list of the city's priority, the providers can comfortably continue their services in the near future without fear of any government disruptions.

After the fall of the Taliban, and the subsequent engagement of international community in rebuilding Afghanistan, several international donors and humanitarian organizations engaged in construction of latrines. A visible sign of these interventions is the design of latrines. As the picture shows, in the new design latrines' outer door is closed, which means the content of the latrines no longer spill over the outer walls of the latrine. A concrete door is built to close the hole, which can be removed to clean the latrines' contents. This latrine was built by *Shelter For Life*, an American aid organization, the efforts of whom were financed by the United States Agency for International Development, Office of Foreign Disaster Assistance (USAID/OFDA).[162] The implementers of these types of projects have used and improved on the familiar designs for the latrines; the latrines are essentially an elevated room with single or double pit latrines, located outside of the main

Picture of one of the Latrines that USAID had sponsored and Shelter For Life International had built in Kabul in 2004.

living quarters. The elevated floor of the latrine sits on a box-like container that holds the solid waste. The waste can be deposited outside of the house through the whole, which the revised design added a removable concrete wall. The application of this design appears to have been adopted throughout the city and all new single-family units, which include a similar latrine, have incorporated the design. When removing the waste, the collector will remove the removable concrete door, remove the excrement, and close the door again. Unlike the past, the family now has to pay for cleaning the latrine to whomever agrees to provide the service. In casual discussions, people joke about the good old days when farmers stole the contents of their latrines – now they must pay someone to clean their latrines.

Liquid waste for single-family homes is either collected in a septic tank, which is often dug and covered immediately outside the perimeter wall or is guided to the drainage ditches of the street. In conversation with the city's technical staff, we learned that the city has plans to build and process the liquid waste into fertilizers. However, upon further investigation,

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[161] Amiruddin's description of how the farmers collect garbage from the city today, compared to the way they used to collect in the old days.
[162] Shelter For Life International is an American non-governmental, non-profit organization that continues to work in Afghanistan and is based in the State of Minnesota. More information on the organization can be found at www.shelter.org

we learned that the idea of building a fertilizer factory has been in place for decades and, if/when such a factory is constructed, the only practical source of liquid waste that the factory can access will be from multi-story buildings.

Potable Water: In a 2005 report on Inventory of Ground Water Resources in Kabul Basin[163] the US Geological Survey researchers referred to a 2002 study[164] which had reported a 4-6 meter decline in Kabul's water-table elevation as a result of 3-4 years of drought. This decline in water table could not have come at a worse time. The year 2002 marked one of the largest return of exiled people back to their homeland in the world since the end of World War II in a short period. As described in Section 1, the drop in water table elevation after years of drought and the return of large numbers of people back to Afghanistan happened at a time when overwhelming majority residential, commercial, and public infrastructure had been destroyed.

Kabul water supply is the responsibility of Afghanistan Urban Water Supply and Sewerage Corporation[165], a parliamentary mandated independent state-owned company. Historically, in all urban settings of Afghanistan, the company has been responsible for mapping and laying the necessary piping to all planned neighborhoods and supplying them with running water. This government agency has a website[166] but the website does not contain any information. The corporation's Facebook[167] page does contain limited amount of information about the agency, such as the company's main responsibilities for water supply in Afghanistan's urban settings. I was unable to meet and interview officials from the company but was able to source reports and interview residents on water-supply related matters. GIZ[168], the German Government's International humanitarian and development organization, commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ), provides financial and technical assistance for water supply sector in Kabul. A report on one of their ten-year projects states, "Only one in ten residents in the capital Kabul and one in five in the provincial capitals are connected to the drinking water supply system, which is in a poor state of repair."[169]

[163] Inventory of Ground-Water Resources in Kabul Basin, Afghanistan; by Robert E. Broshears, M. Amin Akbari, Michael P Chornack, David K. Mueller, and Barbara C. Ruddy. United States Geological Survey (USGS) Afghanistan Project, Product No. 001. Prepared in Cooperation with the USAID. Scientific Investigation Report 2005-5090. Department of Interior, USGS. Reston, Virginia.

[164] Inventory of Ground-Water Resources in Kabul Basin, Afghanistan. USGS Afghanistan Project, Product No. 001. Scientific Investigation Report 2005-5090, Reston, Virginia; Page 13, Refers to Towards a Policy for Sustainable Use of Groundwater by Non-Governmental Organizations in Afghanistan: Hydrogeology Journal, v. 10, no 3, pages 377-392. By David Banks and Soldal Oddmund, 2002.

[165] Afghanistan Urban Water Supply and Sewerage Corporation is National Government Organization.

[166] Website of Afghanistan Government's Urban Water Supply and Sewerage Corporation http://www.auwssc.gov.af/

[167] Afghanistan Urban Water and Sewerage Corporation https://www.facebook.com/pg/AUWSSCHQ/about/

[168] GIZ represents the German Federal Ministry for Economic Cooperation and Development (BMZ). One of the sectors for which the agency provides technical and financial support is urban water supply. https://www.giz.de/en/aboutgiz/profile.html

[169] Access to Drinking Water 2008 – 2018. https://www.giz.de/en/worldwide/14701.html

One of the technical experts I met was quite critical of the Company's operation and effectiveness. "The Company supplies the same amount of water, on daily basis, as it did in 1970s, when the population of Kabul was a fraction of its current number. Moreover, it only supplies water to planned neighborhoods, while majority of the neighborhoods of Kabul are not planned neighborhoods. Even in planned neighborhoods, the population size has drastically increased."[170]

Similar to the evolution of garbage collection in Kabul, water supply has experienced its share of innovative solutions devised by residents, neighborhoods, and private-sector providers. Moreover, like the evolution of garbage collection in the city, I realize that what I will be able to document in this thesis may only be a drop of contribution to the ocean-size scale of the issues. It is also worth noting that, similar to post-Taliban neighborhood vitality, neighborhood watch groups and the evolution of garbage collection and of water supply in the city would make Jane Jacobs proud. The actual work of water supply has been undertaken by the grassroots, whether in a public forum or as private enterprises. It is common for city officials to talk about grand plans that the city and the national government has, whether on water supply or on other municipal services. In an interview, after talking about one of the grand plans that the city and national government has in place, the Deputy Mayor of Kabul paused, composed himself and said, "The truth is, we in the government plan and make policies and promise a lot but we make these plans without the knowledge of how to pay for them. We are good at building plans and developing policies but when time comes for action we act like ostrich. Sometimes we, in the government, act like ostrich (the word for Ostrich in Dari is Shutur Murgh; a mix of two words, the first means camel and the second means bird); when you ask us to carry a load, we will tell you we can't carry a load because we are a bird; if you ask us to fly, we will tell you we are camel, we can't fly."[171] In an unprecedented candor, the Deputy Mayor summarized the contrast between what policy makers plan and what the conditions of the city allow them to become realistic.

In the immediate aftermath of the fall of the Taliban regime, international humanitarian organizations implemented a series of familiar water supply projects, including drilling boreholes and installing hand pumps that would serve up to 50 families at a time to digging hand-dug wells. In these instances, the dropping surface-water table and the constant need for repair and maintenance of the hand pumps was a challenge. The continuous drop in the water table, possibly caused by major deforestation of the country in general throughout the 1990s, the lack of rain, and the rise of population of the city required the pumps to reach deeper and deeper to tap the water. However, as an aid worker, I can tell with certainty that almost all handpumps that are installed by international humanitarian organizations in Kabul can reach a maximum depth of 60 meters (about 197ft). On the other hand, like any mechanical object, these hand pumps required technical expertise and money to maintain and repair. In my experience, there was also miscommunication between the residents of Kabul and the international aid organizations that installed the hand pumps. People expected that the humanitarian organizations would provide the necessary maintenance and

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[170] An interview with Sediq Quiam in May 2017, a structural engineer, seismologist and technical expert who has worked and lived in Kabul all his life.
[171] Meeting with Deputy Mayor of Kabul in January 2017.

repair of the pumps, while aid organizations assumed that by transfer of ownership, all future responsibilities were at the hands of the residents of the benefiting neighborhoods.[172] Many of the hand pumps are idle or are not in working condition because of this communication error.

As the pumps begun to breakdown and repairs did not come through, entrepreneurs saw an opportunity. A number of private providers devised business plans to pipe and provide potable water to neighborhood residents for a fee. Starting in 2008 and 2009, small enterprises emerged in the city and started with a cohesive plan to provide running water for residents. The provision of

Out of order hand-pump, picture by Amir Salimi, July 2017

water was planned and provided in stages, which was to take days, not weeks or months. Discussions with private providers suggest the following stages had to take place, before the water would flow in the pipes.[173]

- In the first stage of selecting a neighborhood, the representative of the enterprise would hold a meeting with the residents of the single-family homes on one or two streets at a time to introduce their offerings and conditions. They would normally offer to bring in potable water for a usage-fee, which would be determined by a hardware that was owned and managed by the provider.
- One of the most salient conditions was the piping arrangement; the business would layout pipes on both sides of a street, if all of the families on the street would pay for piping and labor from the main vein to their homes. The price for the household piping and labor was presented at the meeting. Interviews suggest that in almost all cases the residents found the price acceptable and agreed to work with the providers.
- The provider would establish a community-managed fund, to which all families contribute, for paying the household level piping and labor. Once the funds reached the pre-determined limit, the work would begin.
- The work would take place in three simultaneous stages:
    o Drill deep borehole, often 150 meters or deeper;
    o Layout the street level pipes and valves;
    o Layout household level piping.
- Within a short period the water would begin flowing.

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[172] My personal account and experience in dealing and working on water-supply projects in Afghanistan, in general, and in Kabul city in particular.
[173] Interview with Basir in Kabul in May 2017, who used to own and operate a private water supply company, along with his brothers, but had to shut down the business after nearly two years of operation.

- Former providers claimed that they would test the biological and chemical content in the water before they would make the water available for consumers. We could not confirm these claims, since no documents or independent eyewitness was provided.

Technical experts at the water and sewage authority found this arrangement unacceptable. We also learned that often the officials' opposition were not with water-supply but with provision of public services by private enterprises. "They had the vision and the picture of how the government functioned in 1980s and because they were all trained in Soviet Union, they assumed businesses had evil intention and should never provide public services," said an interviewee, who used own and operate a water-supply company.[174] Although sufficient reasons for why of this decision was not justified, there is a dominant perspective, particularly among those that were educated in and before 1980s in Afghanistan or in former Soviet Union, that provision of public services should not be given to private enterprises.

Today the water and sewage corporation considers the agency responsible for all water supply services. However, the old pipes through which water used to flow to each single-family home in planned neighborhood is too narrow (two inches thick, to be exact) and therefore insufficiently equipped to address the needs of the people. In a handful of neighborhoods, whose residents possess sufficient financial means, the households have taken it upon themselves to address their water supply issue; they have dug deep well (150 – 200 meters deep). Water is pumped through the drilled well to an elevated tank, from which the water is distributed to each household. In yet some other neighborhoods, the residents have dug or drilled a central communal well, from which the neighbors collect, carry the water in containers and store the water for use in their homes, as shown in the pictures below. In discussions with residents of one such neighborhood, we learned that their new water pump is meant for supplementary supply of water, as the water flows to the pipes only for one hour a day. While this is an innovative move by the residents, this is a privilege that only the economically well-to-do can afford. The cost of capital for installing a new deep well and the associated distribution network is quite high. Banning private enterprises to provide necessary investment will not only address one of the highly

First picture, covered deep well & elevated tank. Taimani, Kabul

Pictures courtesy of Amir Salimi, July 2017.

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[174] Interview with Basir in Kabul in May 2017, who used to own and operate a private water supply company.

needed public services but will benefit the poor more than the middle class and the well-off.[175]

It is true that over the past five+ years, the municipal and national governments have embraced policies and practices that have corrected for some of the old trend; the development of unrealistic and unenforceable policies. Even though these are small steps, they are necessary. However, the development of new policies do not always translate into embracing of the changes by government bureaucrats; bureaucrats who were trained inside and outside Afghanistan in the 1980s remain skeptical of the involvement of private businesses in provision of public goods. Moreover, for the implications of new policies, especially in instances where the application of Master Plan is discussed, municipal officials have begun to assign significant importance to residents' participation in adoption of such policies. For example, as the Deputy Mayor described, "the new Master Plan is a guide. The plan will be discussed with each neighborhood and get their feedback and, using their feedback, we will develop our technical plan. In the past, we would develop the technical plan, which was guided by the Master Plan, and then inform the residents."[176] This is a major change in the mode of municipal government's operation. In the past, the development of Master Plan and the execution of Master Plan were deemed to be the responsibility of technical experts. This shift of mindset, to take the decision away from technical experts and engage the populous, is a significant step forward. This process will not only improve the function and credence of Kabul Municipality, it will add to the value and role of democracy in a functioning society.

When trust in government is low, regaining the trust of the public requires an intentional effort to present the government as partners of people, not mere regulators of the daily conducts of life. The notion of adopting the role of a partner and facilitator of safe, productive, and prosperous life is likely one of the most effective way to re-establish the role and legitimacy of the government, even though it is possibly going to be tireless work. As partner-facilitators, the city governments can enable neighborhood groups to engage citizens as partners and look for private and public providers and financiers to address some of the municipal services, rather than devising unrealistic policies and continue to be viewed as bottlenecks to the fluidity of a neighborhood's function. As facilitators, the city government can more effectively be able to regulate quality of services, take an equitable stance on protecting the vulnerable, and assure private providers do not abuse their privilege through a participatory, engaged, and accountable process that engages the citizens in decision making and regulating.

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[175] Interview with Sediq Quiam, a Seismologist and structural engineer and a long-term resident of Kabul city, in May 2017.
[176] Meeting with Deputy Mayor in January 2017

Section 5: Summary and Conclusion

Housing and settlement is an integral part of a stable, thriving and functioning society. A home allows a family and an individual to partake in stability of their thriving and functioning society. It is the core on which other aspects of a flourishing neighborhood are built. In post-conflict settings, assistance and investment in shelter and settlement allows the affected family to underwrite the immediate cost of recovery and use their income on food, health and other necessities of life. Without such investment, the family might be forced to prioritize the cost of construction or rent of shelters over the cost of healthcare, water, and sanitation, and so on, falling in perpetual cycle of poverty.

While such investments are essential, the manners in which the international humanitarian organizations deliver them influence the role and effectiveness of city and national governments in the eyes of the citizens. Moreover, the mode of investment delivery affects the structure and mechanisms by which the city, and national, governments are expected to deliver public services. A military-style planning, similar to those of technically minded planning, would seek to address the issue in the most efficient manner; a manner in which the every possible outcome is calculated for and uncertainties are removed from the process. This type of planning, while efficient, may be effective in launching mechanical engines but proves ineffective in vibrancy of social engines. This is true in built-environment as it is in post-conflict reconstruction, where international humanitarian organizations facilitate for delivery of basic (housing and other) services. Therefore, engaging the affected population in delivery of humanitarian assistance, or in facilitating any aspects of a rule of law and formalizing an informal market, is essential. It is important to make deliberate efforts to foster an interactive environment between humanitarian assistance providers and with the municipal and national governments and leave room for public to take part in any such post-conflict reconstruction efforts.

In this thesis, we have analyzed three different contexts in which the role of general public and the role of professional/technical experts in planning and managing a city's social life. This thesis reviews notions of public engagement in post-conflict reconstruction, particularly the reconstruction of housing and residential neighborhoods, formalization, and protection of property and the delivery of municipal services. This is a messy and, presumably, unorganized process, especially when it is compared to centrally planned technical planning operation. But how do the outcomes compare? From the small set of samples, what have we learned about the effectiveness or efficiency of post-conflict reconstruction?

When the need for humanitarian interventions is extremely high, civilian experts tend to design programs and policies that address the very short-term needs of the affected populations; an approach that is common among military planners and operators. The urgency to address such needs at a short period requires the designers and managers of such interventions to plan for and deter the possibility of any types of risks that could delay or deter the implementation of such plans. The most visible risks, in the context of Kabul's post-Taliban era shelter and housing reconstruction, was the relatively short construction season, because of cold winters, and the need for assuring proper and adequate protection for the affected population; protection from the elements, protection from physical harm

and protection from unforeseen risks. However, while the plans and designs were laid out with best of intentions, several of humanitarian shelter projects failed to envision the impact of their work beyond the life of a project, to which this thesis refers as the Cluster Approach to post-conflict housing reconstruction. There were some, on the other hand, that planned for more comprehensive settlement projects, to which this thesis refers as the Settlement or the Neighborhood Approach. What were the set of motivating factors that led the stakeholders to choose one type of approach and intervention over another and how did they shape the future of housing in Kabul?

Additionally, in the context of post-conflict Kabul's transition from short-term emergency response mechanisms into planning for longer-term stability we reviewed the impact of formalization of property rights on the economic and security stability of the city and particularly on urban housing in Kabul. Prevailing wisdom suggests that the government's ability to register, formalize, and integrate property rights into a functioning market will lead to additional investment in all sectors of the city's market. While the merits of impacts of such notions are not contested, the registration and formalization of private property in the context of Kabul will have greater promise of conflict mitigation. It is mainly because lacking a formal ownership document is not grounds for eviction by the government. Land-related conflict is viewed as one of the most visible and contentious sources of conflict in Afghanistan and addressing land-title formalization is deemed as a major contributor to the safety and stability of the city, in addition to the government's legitimacy. What are the barriers, then? How does the government address these issues and what else can be done, especially in the context of a primate city, a city with population more than twice the size of the next biggest city in the country, which continues to wrestle with housing shortage? How can social contract and informal practices guide the development of policies and practices that guide achievable results in formalization efforts?

The culture of policy development and execution is a significant influencer of the nature of housing and urban living. The dichotomy between policy and practice is not unusual in the world's major cities and not a new concept for Kabul either. However, when such dichotomies lead to harmful attitudes and policies, they are damaging to the life, prosperity, and vibrancy of the city. So what? What can be done about the notion? How can policy development processes and procedures be designed to address the concerns of the city's residents, without compromising the urban vibrancy? How can city government engage the public in planning and policy execution, while promoting a responsible, accountable, methodical and friendly urban life?

In previous sections, this thesis attempted to outline some of the policies and practices that each stakeholder have adopted and the consequences and impacts that those policies have born. Moreover, aside from outside humanitarian interventions, this thesis also reviewed other complimentary policies and practices that have influenced the vitality and viability of effective housing interventions and municipal services in post-conflict Kabul. In this section, we will recap the work of the previous sections and offer a set of proposed suggestions for future interventions in Kabul and elsewhere in the world.

Sub-Section 1: Understanding the Context

In an effort to better understand post-conflict housing phenomenon in Kabul, it is essential to have a fair understanding of the history and background of the city's residential dwellings and the pace and rate of urbanization. Not only is understanding the historic context, social and cultural preferences and the understanding social and cultural connection to land and home helps researchers and practitioners put topic of housing research in better context, it allows them better relate to the people will benefit from our academic and professional work.

A major aspect of a centralized plan to modernize the country included a systematic strategy to increase urban dwelling and expand urban jurisdiction, particularly in Kabul, started in the earlier parts of the 20th century but, because the notion faced such stiff opposition it wasn't until the middle of the century when the government was able to finally take some actionable steps. Despite methodical efforts, a move away from agrarian life of the country and embracing city-life took a much slow and gradual pace. For example, one of the sacred creeds of the Afghanistan's patriarchal rural life has always been the duty to protect Zan, Zewar, Zameen (Woman, Jewels, and Land). While urbanization has softened the intensity of this cultural phenomenon, the sentiments remain intact.

Understanding the dynamic connection between land and the belonging to a community, a pact, a tribe, or a social contract, is not engineering, mechanical or an economic phenomenon. It is a cultural and social phenomenon, the understanding of which will enable actors to plan and execute effective and lasting projects, whether those projects are humanitarian in nature or commercial. Planning with these social dynamics and social contract in mind will require deliberate efforts to engage the citizenry and assure the voices of all segments of a neighborhood is heard. Even though this process is messy, the results are more promising and longer lasting. However, it is not unusual for international humanitarian organizations, the governments, and private businesses to plan their post-conflict interventions without regards to the history, tastes and preferences, cultural relevance and the context of the situation. While short-term impact of most interventions that may inject cash to a post-conflict maybe positively visible, the intermediate and long-term impact of such interventions may not be as desirable.

In the context of Kabul, through this research, it has been my intention to first communicate the relevant historic context of housing, land, social and economic value of land and the pace and rate of urbanization, before explaining the process and methods that many humanitarian actors undertook to address housing needs of the city. Moreover, by devoting the first section of this thesis to a brief historic overview of land and urbanization process in Kabul, I hope this research serves as a nudge to encourage my international development practitioner and academic researcher colleagues to look at their interventions, whether in Kabul or elsewhere, based on the historic and cultural relevance of their intervention. Additionally, despite how technically sound any humanitarian intervention is designed, ignoring the historic and cultural relevance of any intervention will only lead to intermediate and long-term negative impact, further harming the recipients of international

humanitarian aid. In such cases, the affected population will be put in worse condition than not address their humanitarian pleas.

Sub-Section 2: Housing and Urban Settlement

Building on historic, social, cultural and governance background of the city, a look at relevant stakeholders' intervention in post-Taliban Kabul housing paints a better picture of the manner in which international aid organizations and Government of Afghanistan's response to address the housing needs of millions of displaced populations in the city. By the time the Taliban regime was ousted, majority of Kabul's residential, commercial, and public infrastructure had been destroyed. Against the backdrop of a destroyed city, large numbers of extremely poor returned refugees, a safe and Taliban-free country, the onset of winters, and the promise of returning home, any type of (short or long-term) humanitarian interventions offer the chance of improving the lives of the affected population. However, our implied codes of professional ethics should dictate the nature of response we design, as aid organizations and as entities that can influence the policies of host government, and execute.

Stakeholders took a series of different approaches to the post-Taliban housing interventions in Afghanistan in general, and in Kabul in particular. Three of the most common approaches that guided the interventions of many of the stakeholders, particularly the government and international humanitarian organizations, included the following:

1. A Cluster approach, which viewed the protection and very short-term needs of the affected population as a logistic problem to be addressed. The cluster approach response mechanisms, which led the activities of international humanitarian organizations, assumed that if they would address the issue of logistics of moving supplies from the market to those that need housing/shelter supplies will meet the need for short-term housing. This response mechanism suggests that, as long as the affected populations receive the necessary tents or shelter material, they will be able to erect the tents or build their own homes.
2. A neighborhood or settlement approach, which viewed housing in the context of a community and neighborhood, designed and implemented shelter and housing projects in the context of the affected populations' new or returning home-communities. Practitioners whose programs were inspired by a neighborhood approach have had the most positive and lasting impact on the reconstruction of the city. Neighborhoods who had benefited from such approach have been able to build on the notions of community belonging and have initiated other stabilization work such as neighborhood watch groups and street cleaning.
3. A land-based approach, led by the government of Afghanistan, which assumed that the provision of land to the landless would meet the housing needs of the displaced populations. To respond to the pleas of many displaced population, who were living in public buildings, the government made a general assumption that provision of undisputed land to the displaced families will address their housing needs. The initiative, known as Land Allocation Scheme, is deemed a failure because of the location of the land that the government has distributed. The families that have

benefited from this Scheme remain in need of humanitarian assistance, almost ten years after they had to move to their new land.

Over a decade after the implementation of these projects, we are able to assess the impact of the housing interventions. It is worth noting that, even though I tried to capture every possible sentiments of the affected population, review professional and research publications and capture government officials' formal account of the housing challenges in the city, this thesis does not fully capture the housing dynamics of the city. So, it will be important if a follow up research is conducted to further explain the housing related issues and offer practical suggestions to address the housing needs of the city, particularly affordable housing for landless populations.

Building on the findings of research, below are a set of related development, which need to be recognized. These are a set of random, though related, issues that are vital to the housing sector in the city and will shape the future of the city's residential dwellings. One of those is the role of private sector in addressing housing shortage in the city. Even though their emphasis will not be on affordable housing, as they have demonstrated through their investment in the city, but the sheer investment in housing will address the supply side of the equation and address a portion of the demand, reducing the pressure on the market.

Private Sector Housing: The private sector has played an important role in building all of the city's new multi-story, multi-unit apartments and in rebuilding many of the old, and destroyed, housing stock of the city. They have utilized low-interest and no-interest financing plans to the market; a concept that was familiar to Afghan society, and the concept of decentralized and micro-level municipal services, such as independent water-supply system, heating systems and solid and liquid waste disposal, a process that was previously only utilized in government subsidized multi-family housing project, such as those of Microrayon. By utilizing and integrating such familiar concepts in Kabul, the private sector took a similar approach as that of the practitioners of the neighborhood or settlement approach had done in addressing the shelter needs of the poor of the city.

The application of one of these familiar concepts has been the utilization of informal financing mechanisms. Informal financing has been common in Afghan culture for generations, while majority of international humanitarian organizations and formal financing corporations have been trying to formalize lending and borrowing since the fall of Taliban. A report by AERU[177] in 2010 investigated the nature of micro-finance in Afghanistan and recognized that, despite the best efforts of international actors to formalize the conduct, the informal lending and financing has been more effective. In construction sector, the utilization of this form of financing has taken a few paths. We have reviewed a number of these financing mechanisms in Sector 2 of this thesis. One of the informal financing mechanisms that were not fully embedded in the country's general market conduct has been the direct sale of fully built apartment units and single family houses.

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[177] Building a Viable Microfinance Sector in Afghanistan. By Paula Kantor and Erna Andersen. January 2010. Published by Afghanistan Research and Evaluation Unit (AREU); Briefing Paper Series.

A form of informal financing, the direct sale of newly constructed apartment units has taken deeper and deeper roots in Kabul. The arrangement works this say[178];

1. The developer secures a piece of land and the necessary permission for water and sewage treatment
2. The developer puts forward an architectural design of the apartment units for public to view and bid on for a pre-determined price. There is often a payment condition but no interest;
    a. The buyer is required to pay a certain percentage of the cost of the unit before the construction begins.
    b. A second payment is made when the construction of the unit is complete but cosmetics works still needs to be done. The future owner can put a lock on the door in this stage.
    c. The buyer pays the remainder of the price upon completion of the construction. In this stage, the deed is transferred to the new buyer and the buyer occupies the unit.
3. The selection of buyers is often done through a lottery, since there are more buyers than there are available units.
4. The process can take up to two to five years.

Similar to the settlement or neighborhood approach, the process is interactive and involves both the developer and the (future) buyer in the entire process; once the developers identify the potential buyers and financing mechanisms are agreed upon, the buyer chooses which unit to purchase, while the developer continues to build on both form and function of the construction. The stability of the investment is certain as the buyers begin to view their newly purchased units as their homes, a place of belonging and a member of a new community.

Even though the works of private sector contractors primarily benefit the middle income and high-income families of the city, they are the segment of the society that were previously unable to purchase and own their own homes. In the past, home ownership

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[178] Interview with Khalid Ahmadzai, a former resident of Kabul, who had purchased an apartment for his family in Kabul in mid-2000s, in April 2017.

required cash for full payment of a piece of land or a house[179]; a concept that was often unreachable for many people. The national government's centralized efforts to build and sell, often at subsidized prices, were the only promise of owning a unit in a multi-family dwelling in Kabul, and few other cities.

As it is clearer by now, a deliberate effort to bring a balance between technically sound and organized planning and full engagement of the citizens is an ideal case. This has been demonstrated by cases that were reviewed under the settlement, or neighborhood, approach that international humanitarian organizations embraced as well as those cases that were initiated by private sector-developers. Furthermore, as we have reflected on success and failures of some of the housing interventions by the international humanitarian organizations and by the government, it is appropriate to offer a set of suggestions and tools to future actors, whether they are humanitarian organizations or commercial operators. For this section, I will divide my recommendations in three following categories:

1. Tools for future plans: There are a number of tools that are being used for planning housing and shelter initiatives in post-conflict settings, though my recommendation will focus on two specific tools. They are the following:
   a. Emergency Market Mapping and Analysis Toolkit (EMMA Toolkit)[180] – a helpful tool, the kit is gradually gaining popularity in international humanitarian circles. The toolkit's basic premise is a three-pronged approach to analysis; 1) what is already in the market, 2) identify the gap, and 3) what to do about addressing the gap. EMMA Toolkit is excellent for field staff and practitioners as a helpful tool in analysis and design of response mechanisms.
   b. Blue Ocean Strategy[181] – Blue Ocean Strategy is a book that came out in 2014 and challenged the conventional wisdom about the value of competition and innovation in the marketplace. Although the book is written for business and product development professional, it is an excellent guide to planning humanitarian response and strategy. The premise of the book is to enable the reader to think about, and design, uncontested market space and making competition irrelevant. While in commercial setting, the quality of service and offerings is evaluated by those who pay for the service, in humanitarian response settings, the recipient of the humanitarian assistance benefit from the largesse of the wealthy nations, while the funding governments and organizations follow their own strategies and policies. This tool allows the practitioner to consider the interests of all parties.
2. Stakeholders: While the list of stakeholders in housing sector can be long and often include governments and commercial entities, in post-conflict settings, the list also includes the international humanitarian organizations. Learning from the context of Kabul, this recommendation is primarily geared toward international humanitarian organizations that will work in future conflict and post conflict settings. One of the most salient contributions that any international humanitarian organization can do is to

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[179] Interview with Khalid Ahmadzai in March 2017
[180] Emergency Market Mapping and Analysis Toolkit http://www.emma-toolkit.org.
[181] Blue Ocean Strategy , Expanded Edition: How to Create Uncontested Market Space and Make the Competition Irrelevant. By W. Chan Kim and Renee Mauborgne. https://www.blueoceanstrategy.com/book

fully engage with municipal government and foster an environment that includes the participation and empowerment of the city government. Two of the most visible areas, in the context of Kabul, are the establishment and enforcement of construction codes and the construction or drainage systems. The best way to demonstrate this phenomenon is to refer to what went wrong, in an effort to encourage future stakeholders to learn from the lessons of Kabul.

o Construction Code Enforcement: As mentioned earlier, Kabul lies on an active fault line, which makes earthquakes a common phenomenon of the city's life. Interviews with experts[182] and the city's officials[183] suggest that the city has an established construction code, the enforcement of which has been a major challenge throughout the life of the city. The post-Taliban construction boom focused more on building and less on the strengths of the structure. Interviews also suggest[184] that, when a home or business owner visits the city's code enforcement office to receive construction permit, the evaluators often do not visit the site to assure structural integrity of the construction. Instead, we were told, the evaluators often recommend one of the construction contractors and tell the applicant that, if he or she employs the recommended contractor, there is no need for additional inspection. While this might make the life of the applicant easier in the short-run, the repercussions can be devastating. In February 2017, a worst-case scenario took place, when a commercial building collapsed due to code violation and inappropriate material use. The collapse of Asmayee Wedding Hall is a stark reminder of long-term impact of how some basic steps can prevent the loss of property and life.

o A number of international humanitarian organizations worked on restoring Kabul city's drainage systems. Drainage system restoration was, in the immediate aftermath of the fall of the Taliban, a measure to combat food shortages and unemployment in the city, through food for work and cash for work employment opportunities. However, because of the lack of a cohesive partnership and interaction with the city most of the drainage systems do not drain the water into Kabul River, or any other final destination. As a result, heavy rains and snow cause floods and standing water in the streets. While this phenomenon has become a familiar occurrence, I personally witnessed the impact of a rainy day in

Shahr-e Naw, Kabul. January 2017

Shahr-e Naw, a mixed-use commercial and residential neighborhood, in

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[182] Interview with Sediq Quiam, a Seismologist and Structural Engineer and a long-time Resident of Kabul City, in January 2017.

[183] Meeting with Deputy Mayor of Kabul City in January 2017.

[184] Interview with Sediq Quiam, a Seismologist and Structural Engineer and a long-time Resident of Kabul City, in January 2017.

January 2017 where the rainwater had made it impossible for pedestrians to use the streets and even motorized vehicles would move with difficulty. On one hand, it undermines the city's legitimacy in the public eyes and on the other hand these seemingly short-term projects, even if they meet their short-term goals, impact the quality of life negatively in the long-run. This picture, I hope, serves as a professional motivation whereby engagement of the citizens and of the city's government is not deemed to be an unnecessary headache but an endeavor that will have lasting impact on the lives of the residents of the city.

Sub-Section 3: Private Property and Security

As I was writing the section on private property and formalization of land-ownership, a colleague referred to a quote, whose source I could not find; the quote said "we easily equate light to enlightenment." The context of this quote was in a criticism of the assumption as though bringing electricity to remote parts of the world will equate to bringing enlightenment to those same parts of the world. I have been in countless circles in which the discussion of formalization and registration of private property has had a similar tone; a tone, which suggests that formalization of private property, is (presumably) the proverbial silver bullet to reversing poverty. I have heard people quote Hernando de Soto, the Peruvian Economist and the author of the Mystery of Capital, as though his book and writings suggest that all any government can and should do is to pursue formalization and registration of private property in an effort to, what he calls, bring dead capital to life. The truth cannot be farther from this assumption. The Mystery of Capital makes no such statement. In fact, as mentioned in Section 3, the book devotes a section to the history of how the United States Government embraced and, effectively, adopted a process of formalization and registration of private property.

While formalization and registration of private property is an important feature of pursuit of economic prosperity, it is not the proverbial silver bullet. The ability of governments to embrace processes and measures that are aligned with predominant customs and practices of a society is an important feature of the process. As this thesis elaborates in Section 3, and further describes below, the effectiveness of the process of formalization of private property in Kabul requires a close collaboration between the government and the general citizens.

Throughout Afghanistan, formal or informal property ownership is either recognized individually, communally or as state-owned. In Kabul city, the most common practices is private and state-owned properties. Because the city has been inhabited by non-Kabulis, and has always had in-migration from around the country over the past century, it has never established communal ownership. In early 1980s, after the invasion of Afghanistan by the Soviet army, the government confiscated land and houses of families in the city that had left the country for the West[185]. In 1990s, after the fall of pro-communist government and

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[185] Most of the confiscated houses were in Wazir Akbar Khan, a neighborhood that was originally populated by wealthy families, families close to the royal court and high-profile government officials, and in Shahr-e Naw, also a high-income neighborhood. I had relatives and family friends whose homes were confiscate by the national government.

the subsequent destruction and mass migration out of the city, the Mujahidin commanders, who were now become part of the new government, took over many of the previously government confiscated properties. During the reign of Taliban, from Fall of 1996 through 2001, no substantial changes took place in formalization or perpetuation of informal property systems, as the Taliban took guidance from the Islamic law, also known as Shari'ia Law, in recognizing property ownership.

After the fall of the Taliban, and the return of many of the old warlords and strongmen, a new phenomenon took roots; public and state-owned land were demarcated and sold to thousands of families[186]. Moreover, thousands of other families who found empty lots on mountains and hillsides laid claims to the land and built their homes; none of whom possess a government registered title to the land on which they live. Additionally, even before the rise of the pro-communist government, only a handful of neighborhoods in the city were deemed as planned and the residents possessed government-issued titles.

Today, over a decade later, as the city's jurisdiction has expanded and the demand for its services has increased, it tries to bring a sense of normality to all neighborhoods, whether they are planned, unplanned, or informal settlements. Formalization of land and property title is deemed to be one of the most important aspects of achieving this goal. The national government has taken a series of steps to address the problem but the task is daunting. Some of the most overwhelming aspects of formalization process in the context of Kabul include the proper verification of individual-owner's legal identity and the question of family-ownership of a property.

The question of verification of owner's legal identity is described in Section 3, but the issue of family-ownership of title through assigning the ownership to one individual in the family has proven to be difficult. As described earlier, when a property is (formally or informally) titled to one person and, 20-30 years later, the formalization process registers the property in the name of one of the heirs; an issue that has caused many tensions and conflict between family members. Research and professional reports, to which I have referred earlier, have proposed the direct link between the lack of formal individual ownership of property and conflict.

Although formalization of land-title is often linked to its impact on attracting investment and bringing economic prosperity, in the context of Kabul, the process of formalization of properties have surfaced its importance to the city's security and stability. While economic value of formalization is not irrelevant, the lack of recognized title has not stopped investment in neighborhoods, in homes and in businesses. Moreover, prioritizing the security and stability impact of formalization will serve as additional precursor to economic impact of formalization. The government's effort to issue digital identification cards to each of Afghanistan's citizens is to be applauded. Even though the process is messy and difficult, the outcome will make all the efforts worth the difficulty. Moreover, USAID, on behalf of the American people, and other international stakeholders have spent much time, energy, efforts and funding on formalization of property and majority of their emphasis has been on economic impact of formalization. So, it is my recommendation that additional

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[186] Interview with Deputy Mayor of Kabul in January 2017

efforts be focused on security and conflict-mitigation impact of formalization of land tile, not on its economic impact alone.

Furthermore, the public's ability to trust the government adds to government's credence. This is especially true if the government officials are known to be corrupt and undermine whatever investment that is, or will be, made in strengthening government institutions. So, engaging the public in the workings of the government is an essential step forward in enhancing the credibility of the government. In other words, the effective formalization of property and enforcement of property rights require intense collaboration between the government and the governed; the engagement of the public, the government's ability to continuously earn the trust of the public, and the ability of the government to only adopt policies that are enforceable. Government of Afghanistan has made great strides in adopting measures that minimizes face-to-fact interaction between government bureaucrats and the public, such as the incorporation of e-governance. Incorporation of e-governance reduces the in-person interaction between the public and the government officials, thereby reducing the need for bribery and fueling corruption. On the other hand, the city's Master Plan makes it a requirement for the city to develop the detailed technical plans of neighborhoods in close coordination with the residents of those neighborhoods. These are daunting but necessary tasks for future stability and functioning of the city.

Sub-Section 4: Government Policies Versus Everyday Life

Similar to the manner in which reconstruction of (post-conflict) residential neighborhoods need full participation of the people or adoption of policies and practices that enable the government to formalize effectively informal property-ownership require public participation, the workings of a city's government require the engagement and participation of her citizens. The process of citizen-participation and public-engagement is messy and is not a favorite of trained professionals in any municipality. Public participation in city government, however, assures the application of enforceable policies and adoption of relevant practices.

It is not unusual for less developed countries' governments to develop and adopt policies and promote practices that may promise magnificent future but may not have much depth in reality of life. Kabul, and Afghanistan in general, is not immune to this. The author of Seeing Like A State has made an incredibly descriptive and convincing case about the preferences of the state to standardize and make the process easier for tax collection and bringing normalization. One of the passages of the book outlines the essence of this chapter beautifully[187]:

> State and city planners have striven, as one might expect, to overcome this
> spatial unintelligibility and to make urban geography transparently legible
> from without. Their attitude toward what they regard as the higgledy-
> piggledy profusion of unplanned cities was not unlike the attitude of

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[187] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Page 55

foresters to the natural profusion of unplanned forests. The origin of grids or geometrically regular settlements may lie in a straightforward military logic. A square, ordered, formulaic military camp on the order of the Roman *castra* has many advantages. Soldiers can easily learn the techniques of building it; the commander of the troops knows exactly in which disposition his subalterns and various troops lie; and any Roman messenger or officer who arrives at the camp will note, a far-flung, polyglot empire may find it symbolically useful to have its camps and towns laid out according to formula as stamp of its order and authority. Other things being equal, the city laid out according to a simple, repetitive logic will be easier to administer and to police.

City planning offices, in most of the less developed nations including Kabul, are staffed with engineers. Engineers are trained to value order and organization. In addition, modernity and expression of progress is perceived to be demonstrated by the order and cleanliness of straight lined streets. Moreover, the preference for order and presumed simplicity to administer and police gives additional reasons to develop policies and procedures, even when these policies and procedures are the types of theories that have no relevance to the culture and social interaction of the setting that is to be governed. This preference is best described in the same page of the same book by a reference to Descartes:

> Whatever the political and administrative conveniences of a geographic cityscape, the Enlightenment fostered a strong aesthetic that looked with enthusiasm on straight lines and visible order. No one expressed the prejudice more clearly than Descartes: "These ancient cities that were once mere *straggling* villages and have become in the course of time great cities are commonly quite poorly laid out compared to those *well-ordered towns that an engineer lays out on a vacant plane* as it suits his fancy. And although, upon considering one-by-one the buildings in the former class of towns, one finds as much art or more than one finds in the latter class of towns, still, upon seeing how the buildings are arranged – *here a large one, there a small one* – and how *they make streets crooked and uneven,* one will say that *it is chance more than the will of some men using their reasons that has arranged them*." [188]

In one of the earlier sections of the book, James Scott, the author of Seeing Like A State[189], describes the order of a scientific and productive forest, which is deemed to produce higher yield and income. Yet, this preference for order and scientific congruity gave birth to disorder and disease. In Kabul, as described in Section 4, this presumed pursuit of order and modernity has created much unnecessary cultural, social and structural upheaval. The

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[188] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Page 55
[189] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Part 1, Chapter 1.

educated and the elite assume it is the Dehakee (the country people) who have taken over their way of life and have destroyed the pursuit of beauty in their city.

However, it is this presumed disorder that perfectly illustrates the beauty of a city; it is not the aesthetic order and presumed modernity. It is Jane Jacob's 'eyes on the street' that give vibrancy to the city's chaotic life, not the centrally, over-planned, erection of a skyscraper. It is common to hear the Mayors and city officials tell tales of how the new policies will create a new Dubai in their city. But to what these officials refer are not the fluidity of life and business conduct in Dubai, it is the skyscrapers and the clean and orderly parts of the city. A city's ability to allow for in- and outflow of people, foster creative and productive interaction between citizens, and promote the ideals of a place where the chaotic interaction within the masses gives birth to innovation and gives it vibrancy. The vibrancy of a city is not in its ability to allow its technical experts to centrally plan and execute precision and esthetic beauty.

One of the major contributors of the industrialization era was the ability to modularize and combine a series of social, structural, cultural, and other phenomena in boxes or categories. The process made life orderly and simple(r). But, in countries with accountable and functional democracies, the beauty of imperfection and chaos lived alongside the structural order of the cities. The beauty of imperfect citizen-based and led democracy enables a society build bridges of interaction between common citizens and technical experts. This balance is easily overlooked, when technocrats are put in charge of society's engineering. In such cases, the imperfections of a city, which are the basis of its beauty and function, are deemed to be outdated and unmodern. The technical rigidity and perfection may harm the fluidity of a society's imperfect structure and conduct. If/when a market's structural evolution and the rise of skyscrapers are the result of fluid market interaction, even if such interactions are imperfect, the city's stability will be lasting. But, when such structural orders are imposed through technical stringency and through removing (the imperfect) views and involvements of the citizens, the city's modernism reflects the ugliness of the dictatorial process that has imposed the perceived beauty on its citizens.

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[129] Housing, Land and Property Task Force, Property Taxation and Security of Tenure. By Jan Turkstra, April 2014, UN-Habitat

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[137] CDC is Community Development Committee, a customary and informal governance structure, the role of which is embraced by the national government throughout the country.

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[145] Interview with Yasin, an Afghan Cartographer, Kabul resident was interviewed on April 40, 2017

[146] Interviews and phone calls with one of the engineers, who works for Kabul City Government in January and March, 2017

[147] Wealth of Nations by Adam Smith. 1776.

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[151] Scale: The Universal Laws of Growth, Innovation, Sustainability, and the Pace of Life in Organisms, Cities, Economies and Companies. By Jeoffrey West. Penguin Press, New York, New York, 2017.

[152] Conversation with David in May, 2017 in Ras Al-Khaima, UAE

[153] Mystery of Capital – Why Capitalism Triumphs in the West and Fails Everywhere Else. By Hernando de Soto. Published by Basic Thesiss, NY in 2000.

[154] Formalizing the Informal? The Transformation of Cairo's Refuse Collection System. By Ragui Assaad, University of Minnesota. Published in the Journal of Planning Education and Research Vol. 16. No. 2. Pages 115-126. 1996

[155] Interview with one of Kabul Municipality engineers, with a long career in the city, in January 2017.

[156] An informal interview with one of the city's residents over lunch in April 2017, who said he has lived in Kabul city all his life and so had his ancestors.

[157] Conversation with one of the engineers at City Government in January 2017.

[158] Discussion in the car in January 2017, as we were driving from near the Silo/Bread Factory, after taking the picture of the garbage pile depicted above.

[159] Interview with Adam Khan, one of the collectors, in May of 2017

[160] Separate conversation with one of the municipal engineers and a civil engineer, who has lived and worked in Kabul throughout his 60+ of his life.

[161] Amiruddin's description of how the farmers collect garbage from the city today, compared to the way they used to collect in the old days.

[162] Shelter For Life International is an American non-governmental, non-profit organization that continues to work in Afghanistan and is based in the State of Minnesota. More information on the organization can be found at www.shelter.org

[162] Inventory of Ground-Water Resources in Kabul Basin, Afghanistan; by Robert E. Broshears, M. Amin Akbari, Michael P Chornack, David K. Mueller, and Barbara C. Ruddy. United States Geological Survey (USGS) Afghanistan Project, Product No. 001. Prepared in Cooperation with the USAID. Scientific Investigation Report 2005-5090. Department of Interior, USGS. Reston, Virginia.

[163] Inventory of Ground-Water Resources in Kabul Basin, Afghanistan. USGS Afghanistan Project, Product No. 001. Scientific Investigation Report 2005-5090, Reston, Virginia; Page 13, Refers to Towards a Policy for Sustainable Use of Groundwater by Non-Governmental Organizations in Afghanistan: Hydrogeology Journal, v. 10, no 3, pages 377-392. By David Banks and Soldal Oddmund, 2002.

[164] Afghanistan Urban Water Supply and Sewerage Corporation is National Government Organization.

[165] Website of Afghanistan Government's Urban Water Supply and Sewerage Corporation http://www.auwssc.gov.af/

[166] Afghanistan Urban Water and Sewerage Corporation https://www.facebook.com/pg/AUWSSCHQ/about/

[167] GIZ represents the German Federal Ministry for Economic Cooperation and Development (BMZ). One of the sectors for which the agency provides technical and financial support is urban water supply. https://www.giz.de/en/aboutgiz/profile.html

[168] Access to Drinking Water 2008 – 2018. https://www.giz.de/en/worldwide/14701.html

[170] An interview with Sediq Quiam in May 2017, a structural engineer, seismologist and technical expert who has worked and lived in Kabul all his life.

[171] Meeting with Deputy Mayor of Kabul in January 2017.

[172] My personal account and experience in dealing and working on water-supply projects in Afghanistan, in general, and in Kabul city in particular.

[173] Interview with Basir in Kabul in May 2017, who used to own and operate a private water supply company, along with his brothers, but had to shut down the business after nearly two years of operation.

[174] Interview with Basir in Kabul in May 2017, who used to own and operate a private water supply company.

[175] Interview with Sediq Quiam, a Seismologist and structural engineer and a long-term resident of Kabul city, in May 2017.

[176] Meeting with Deputy Mayor in January 2017

[177] Building a Viable Microfinance Sector in Afghanistan. By Paula Kantor and Erna Andersen. January 2010. Published by Afghanistan Research and Evaluation Unit (AREU); Briefing Paper Series.

[178] Interview with Khalid Ahmadzai, a former resident of Kabul, who had purchased an apartment for his family in Kabul in mid-2000s, in April 2017.

[179] Interview with Khalid Ahmadzai in March 2017

[180] Emergency Market Mapping and Analysis Toolkit http://www.emma-toolkit.org.

[181] Blue Ocean Strategy , Expanded Edition: How to Create Uncontested Market Space and Make the Competition Irrelevant. By W. Chan Kim and Renee Mauborgne. https://www.blueoceanstrategy.com/book

[182] Interview with Sediq Quiam, a Seismologist and Structural Engineer and a long-time Resident of Kabul City, in January 2017.

[183] Meeting with Deputy Mayor of Kabul City in January 2017.

[184] Interview with Sediq Quiam, a Seismologist and Structural Engineer and a long-time Resident of Kabul City, in January 2017.

[185] Most of the confiscated houses were in Wazir Akbar Khan, a neighborhood that was originally populated by wealthy families, families close to the royal court and high-profile government officials, and in Shahr-e Naw, also a high-income neighborhood. I had relatives and family friends whose homes were confiscate by the national government.

[186] Interview with Deputy Mayor of Kabul in January 2017

[187] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Page 55

[188] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Page 55

[198] Seeking Like A State: How Certain Schemes to Improve the Human Condition Have Failed. By James C. Scott. The Institute for Social and Policy Studies at Yale University. Yale University Press, New Haven and London. Part 1, Chapter 1.