### RECORD OF DISCUSSIONS

ON

THE PROJECT FOR DEVELOPMENT SERVICE FOR LAND READJUSTMENT AND URBAN REDEVELOPMENT PROJECTS FOR KABUL MUNICIPALITY

IN

**ISLAMIC REPUBLIC OF AFGHANISTAN** 

**AGREED UPON BETWEEN** 

KABUL MUNICIPALITY

AND

JAPAN INTERNATIONAL COOPERATION AGENCY

Kabul, 18 July, 2016

Mr. Eiichiro Cho

Chief Representative

JICA Afghanistan Office

Japan Agency International

Cooperation

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Acting Kabul Mayor,

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Based on the minutes of meetings on the Detailed Planning Survey on the Project for Development Service for Land Readjustment and Urban Redevelopment Projects for Kabul Municipality (hereinafter referred to as "the Project") signed on April 10, 2016 between Kabul Municipality (hereinafter referred to as "KM") and the Japan International Cooperation Agency (hereinafter referred to as "JICA"), JICA held a series of discussions with KM and relevant organizations to develop a detailed plan of the Project.

Both parties agreed the details of the Project and the main points discussed as described in the Appendix 1 and the Appendix 2 respectively.

Both parties also agreed that KM, the counterpart to JICA, will be responsible for the implementation of the Project in cooperation with JICA, coordinate with other relevant organizations and ensure that the self-reliant operation of the Project is sustained during and after the implementation period in order to contribute toward social and economic development of Islamic Republic of Afghanistan (hereafter referred as to "Afghanistan").

The Project will be implemented within the framework of the Agreement on Technical Cooperation (hereinafter referred to as "the Agreement") and the Note Verbal to be exchanged between the Government of Japan (hereinafter referred to as "GOJ") and the Government of Islamic Republic of Afghanistan (hereinafter referred to as "GOIRA") signed on May 18, 2005.

The effectiveness of the record of discussions is subject to the exchange of the Note Verbal.

Appendix 1: Project Description
Appendix 2: Main Points Discussed



### Appendix 1

#### PROJECT DESCRIPTION

### I. BACKGROUND

Since the population of Kabul, capital city of Islamic Republic of Afghanistan (herein after referred to as "Afghanistan"), which was approximately 2 million in 1999, has reached almost to 4 million with annual growth of 3.9 percent, and continues to increase rapidly, it is estimated to reach 6.5 million by 2025. Such rapid population growth as well as extensive development activities has been affecting urban environment situation of Kabul city very badly. It has been deemed as essential to set up appropriate regulatory framework for urban planning and urban development.

Despite enactment of Kabul Municipality (herein after referred to as "KM") new Master Plan assisted by Japan International Cooperation Agency (herein after referred to as "JICA"), KM is now facing another issue, which is to be raised after working out the Master plan. It is seriously concerned by not only KM but also the related statutory organizations that KM lacks sufficient capacity to realize the new Master Plan.

Based on these recognitions, JICA has exerted effort for the strengthening of KM's technical staff capacity as well as regulatory framework for urban planning, development and management for these 5 years since June 2010.

After success accomplishment of the project of human resource development for urban development & urban management which is the sub-project of promotion of Kabul metropolitan area development assisted and implemented by JICA, KM could establish Land Readjustment & Urban Redevelopment Section and Urban Transport Section. With reference to the pilot project, KM is now struggling to come up with conceptual plans, business planning schemes and necessary legal improvements (By-Law draft preparation/ existing By-Law revision) for the development of pilot project site.

With the reference to such urban development/ redevelopment tools for KM, JICA's technical assistance, so far, has given knowledge on land readjustment, urban redevelopment/renewal, land pooling, consensus building, participatory approach, zoning, building code, etc. Also, H. E. Mr. Ghani (President of GOIRA) declared that land readjustment method is suitable method for urban redevelopment in Afghanistan after his visit of Nagoya city, Japan. Furthermore, they need practical experience of using such a tool through pilot project planning and implementation. High level officials of Afghan government are convinced that Land readjustment scheme is the most advantageous tool for regularization of unplanned area.

# II. OUTLINE OF THE PROJECT

Details of the Project are described in the Logical Framework (Project Design



Matrix: PDM [Annex 1]) and tentative demarcation of each activity and budget (Tentative Plan of Operation [Annex 2]).

1. Title of the Project

Project for Development Service for Land Readjustment and Urban Redevelopment Projects for Kabul Municipality

# 2. Overall Goal and Project Purpose

(1) Overall Goal

KM(Kabul Municipality) starts urban development/redevelopment projects in the municipal area by adapting Land Readjustment (LR) scheme.

(2) Project Purpose

KM obtains ability to implement LR projects based on experience of activities on sample projects.

### 3. Outputs

- (1) Legal base for LR project is established
- (2) Financial arrangement options are established
- (3) Options for temporary resettlement are established
- (4) LR scheme are well disseminated to the public
- (5) Preparation stage of sample projects are completed

#### 4. Activities

- 1\_1 Existing regulations are examined for utilization in LR
- 1\_2 Type of LR implementable by existing regulation is identified
- 1\_3 Problems and solutions (agreements) applied in sample projects are examined
- 1\_4 Inconsistency and/or other problems are identified in order to implement more complicated LR projects
- 1\_5 Strategy to obtain legal power is clarified (amend existing regulations/newly draft a regulation)
- 1 6 Documentation is made for approval
- 1\_7 Support KM's approval of regulation (new or amendment)
- 1\_8 Preparation stage of submission of new regulation to relevant agencies is completed for approval if other regulation beyond KM authority is necessary.
- 2\_1 Options for financial arrangement are generated
- 2\_2 Legal bases for each financial option are analyzed
- 2\_3 Readily applicable options are identified
- 2\_4 Obstacles for applying financial options are analyzed
- 2 5 Support KM's consultation with stakeholders
- 2 6 Solutions to overcome obstacles are clarified and actions are taken
- 2\_7 Suitable financial options are selected and applied to sample projects
- 3\_1 Options for temporary resettlement scheme are generated



- 3\_2 Legal base for each resettlement option are analyzed
- 3\_3 Support KM to establish internal rule for some of resettlement options
- 3\_4 Resettlement plans are formulated for samples project (if necessary)
- 3\_5 Resettlement procedure are formulated for sample projects
- 3\_6 Consultation with the National Environmental Protection Authority (NEPA) is conducted
- 4\_1 Appealing points of LR scheme for the public are generated
- 4 2 Methods of dissemination are identified
- 4\_3 Prepare materials/contents
- 4\_4 Support KM to execute publicity campaign
- 4\_5 Formulate a LR Manual useful to new comers in the LRD as well as staff of Districts, and staff of other Municipalities
- 5\_1 Purpose of sample projects are clarified
- 5\_2 Types of sample projects are identified and defined
- 5\_3 Criteria for selecting sample project sites are established
- 5\_4 Selection of sample project sites are made
- 5\_5 Support KM to complete surveys on sample projects
- 5\_6 Support KM to conduct consultation to the stakeholders
- 5\_7 Support KM to formulate LR plan and secure agreement from stakeholders
- 5\_8 Preparation stage of the sample projects are completed
- 5\_9 Brochures and/or other publicity materials are prepared
- 5\_10 Support KM to integrate lessons learnt to draft legal documents

## 5. Input

- (1) Input by Japanese side
  - A) Dispatch of experts:
    - 1) Team Leader/Urban Planner
    - 2) Land Readjustment Expert
    - 3) Urban Redevelopment Expert
    - 4) Land Use Planning Expert
    - 5) Financial Planning Expert
    - 6) Real Estate Assessment Expert
    - 7) Legal and Institutional Expert
    - 8) SEA/ Public Consultation Expert
    - 9) Training/Monitoring Program Expert
    - 10) Coordination/Urban Planning Expert

Note: The dispatching team of each JICA expert will be scheduled based on the Plan of Operation. Some experts may undertake assignments of two or more areas of expertise. However, JICA experts are only dispatched to the third country only due to security in the recipient country.

- B) Training in Japan
- C) Training in third countries
- D) Procurement of local consultants in third countries
- E) Office equipment
- F) Procurement of local supporting staff in Afghanistan



(2) Input by Afghan side

- A) Provision of necessary trained staff of LR/Urban Redevelopment(UR) Division
- B) Provision of work space in KM, logistics, per diem, etc.
- C) Establishment of LR/UR committee (if necessary)
- D) Provision of legal experts and communication experts as a team
- E) Provision of a technical advisor in urban planning and development
- F) Provision of senior urban planners
- G) Expenditure for dissemination materials
- H) Costs for meetings and seminars.

Afghan side will select relevant participants for the Delhi co-work from its employees in consultation with Japanese side. KM will provide space for the local liaison activities and supplementary technical support activities (regularly weekly meeting and some other discussion meeting).

### 6. Implementation Structure

The Project organization chart is given in the Annex 3. The roles and assignments of KM and JICA are as follows:

#### (1) KM

A) Project Director

Mayor will be response for overall administration and implementation of the Project. If the position is vacant, the Acting Mayor will be Project Director.

B) Project Coordinator

Director of Human Resources department will be response for the implementation and follow up of the Project.

- C) Targeted Department
  - Land Readjustment & Urban Redevelopment(LRA&URD) Division, City Planning and Implementation Department.
  - 2) Policy & Coordination Department.

#### (2) Japanese Experts

The Japanese experts will give necessary technical guidance, advice and recommendations to KM on any matters pertaining to the implementation of the Project.

(3) Joint Coordination Committee (JCC)

JCC will be established in order to facilitate inter-organizational coordination. JCC will be held at least once a year whenever deems it necessary. JCC will approve an annual work plan, review overall progress, conduct monitoring and evaluation of the Project, and exchange opinions on major issues that arise during the implementation of the Project.

#### 7. Project Site(s) and Beneficiaries

(1) Target Area/Project Site



A) Target Area: Kabul City (Estimated population is currently 4 million)

B) Project Site: India and Japan (Although the target area of this project is Kabul City, Japanese experts are not dispatched to Kabul City. The actual project will be implemented by training in third country (India) and Japan, and remote management.)

#### (2) Beneficiaries

A) Direct beneficiaries:

Officials and Relevant Sections of Kabul Municipality involved in Land Readjustment & Urban Redevelopment Sector (LRA & URD Division, City Planning and Implementation Department, Policy & Coordination Department)

B) Indirect beneficiaries: land owners and residents of Kabul City

### 8. Duration

The Project will be carried out for approximately thirty-six (36) months.

#### 9. Reports

KM and JICA experts will jointly prepare the following reports in English and Dari.

- (1) Monitoring Sheet on semiannual basis until the project completion
- (2) Project Completion Report at the time o project completion

#### 10. Environmental and Social Considerations

KM agreed to abide by 'JICA Guidelines for Environmental and Social Considerations' in order to ensure that appropriate considerations will be made for the environmental and social impacts of the Project.

#### III. UNDERTAKINGS OF KM

- 1. KM will take necessary measures to:
  - (1) ensure that the technologies and knowledge acquired by the Islamic Republic of Afghanistan nationals as a result of Japanese technical cooperation contributes to the economic and social development of Afghanistan, and that the knowledge and experience acquired by the personnel of Afghanistan from technical training as well as the equipment provided by JICA will be utilized effectively in the implementation of the Project; and
  - (2) in accordance with the Agreement signed on May 18, 2005 between the GOJ and the GOIRA, grant privileges, exemptions and benefits to the JICA experts referred to in II-5 (1) above and their families, which are no less favorable than those granted to experts and members of the missions and their families of third countries or international organizations performing similar missions in Afghanistan.

#### IV. MONITORING AND EVALUATION

JICA and KM will jointly and regularly monitor the progress of the Project through



the Monitoring Sheets based on the Project Design Matrix (PDM) and Plan of Operation (PO). The Monitoring Sheets shall be reviewed every six (6) months. Also, Project Completion Report shall be drawn up one (1) month before the termination of the Project.

JICA will conduct the following evaluations and surveys to mainly verify sustainability and impact of the Project and draw lessons. The KM is required to provide necessary support for them.

- 1. Ex-post evaluation three (3) years after the project completion, in principle
- 2. Follow-up surveys on necessity basis

### V. PROMOTION OF PUBLIC SUPPORT

For the purpose of promoting support for the Project, KM will take appropriate measures to make the Project widely known to the people of Afghanistan.

### VI. MISCONDUCT

If JICA and/or KM receives information related to suspected corrupt or fraudulent practices in the implementation of the Project, JICA and/or KM and relevant organizations shall provide JICA and/or KM with such information as JICA and/or KM may reasonably request, including information related to any concerned official of the government and/or public organizations of Afghanistan.

JICA and/or KM and relevant organizations shall not, unfairly or unfavorably treat the person and/or company which provided the information related to suspected corrupt or fraudulent practices in the implementation of the Project.

### VII. MUTUAL CONSULTATION

Japanese and Afghan sides will consult each other whenever any major issues arise in the course of Project implementation.

#### VIII. AMENDMENTS

The record of discussions may be amended by the minutes of meetings between JICA and KM.

The minutes of meetings will be signed by authorized persons of each side who may be different from the signers of the record of discussions.

- Annex 1 Logical Framework (Project Design Matrix: PDM)
- Annex 2 Tentative Plan of Operation
- Annex 3 Project Organization Chart
- Annex 4 A list of proposed members of JCC
- Annex 5 Format of monitoring sheet



Project Design Matrix (PDM) (Version 0) as xx, 2016

Project title : The Project for Development Service for Land Readjustment and Urban Redevelopment for Kabul Municipality

Duration : October 2016 - September 2019 (3 Years)

Target Areas : Kabul Municipality

Target Group : Officials and Relevant Sections of Kabul Municipality involved in Land Readjustment & Urban Redevelopment Sector

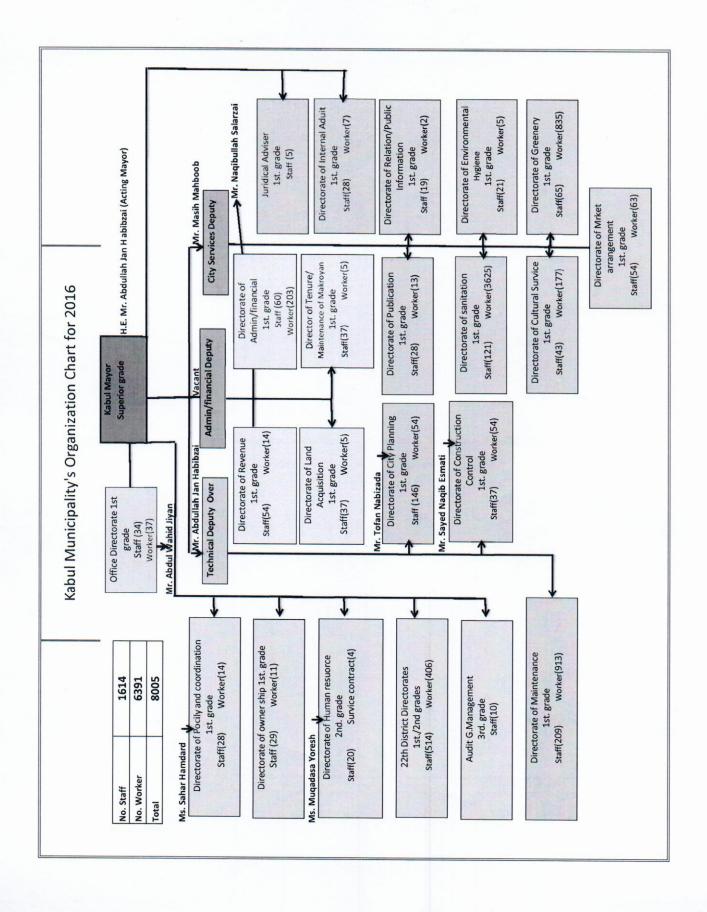
KM (Kabul Municipality) starts urban			Important Assumption
	Approval of other LR/redevelopment projects	- Letter of approval from KM Mayor	
development/redevelopment projects in the		- Request letter from other landowners	
nunicipal area by adapting Land			
Readjustment (LR) scheme.			
Project Purpose			
(M obtain ability to implement LR projects	KM is ready for implementing sample	1) Observation by language synests	Canada alta alta data da alta da
pased on experience of activities on sample	projects.	Observation by Japanese experts     Interview experts with KM officials by	<ul> <li>Security situation deterioration does not occur.</li> </ul>
projects	projects.		occur.
or ojecto		Japanese	
		3) Grievance records	
		4) Record of meetings between KM and	
		stakeholders (residents, property right	
		holders, investors, etc.)	
Outputs			
Output 1			- Key technical personnel who has been
egal base for LR project is established	Approval by the Council of Administration of	Decision letter from Administration Council	trained by previous projects shall be assign
	KM for the draft (in case of internal rules)	with KM Mayor's signature (internal rule)	to work for this project.
	Submission of amendment and/or draft of a	Official letter from the Ministry of Justice on	- Necessary organizational/institutional
	new law (in case of legislation)	acceptance of the drafted document(s)	arrangement and human resources for
Output 2			implementing planned CD are arranged an
Financial arrangement options are	Agreement with the counterpart (financial	Contract document between KM and the	secured by KM.
established	institutions, developers, potential buyers,	counterpart organization.	
	etc.)	counterpart organization.	
Output 3	ctc.)		
Options for temporary resettlement are	Temporary resettlement procedure is	Townson, resulting out according	
established	formulated based on adoptable options	Temporary resettlement procedure document	
	Temporary resettlement plan is formulated if	reinporary resettlement plan if necessary	The state of the s
Output 4	necessary		
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LR scheme are well disseminated to the publi		Registration record of request and question	
	from the public side to KM	letters	
2007-100	Questionnaire survey	Questionnaire survey result	
Output 5			
Preparation stage of sample projects are	Implementation Plan of sample projects	Implementation plan documents	
completed			
Activities			
1_1 Existing regulations are examined for util	ization in LP		
2 Type of LR implementable by existing reg			
1_3 Problems and solutions (agreements) app			
	identified in order to implement more complic		
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1_6 Documentation is made for approval			
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LR: Land Readjustment
UR: Urban Redevelopment

The Project for Development Service for Land Readjustment and Urban Redevelopment for Kabul Municipality Plan of Operation (Draft)

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1.2 Type of LR implementable by existing regulation is identified		4			î																		
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5.6 Consultation to the stakeholders are conducted			9										#										ΤŶ
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5.8 Preparation stage of the sample projects are completed												- O											TO
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KM : Kabul Municipality LR : Land Readjustment UR : Urban Redevelopment





Advisor Land Readjustment Urban Redevelopment Technical Member (Rank 6) Ahmad Ramin Land Re-adjustment Technical Land Re-adjustment Technical Land Readjustment & Urban Redevelopment Division Organizational Chart Land Re-adjustment Technical Land Readjustment Manager Land Readjustment Technical Land Readjustment Technical Mohammad Fardin Afifi Ikramuddin Shahab Hasibullah Hasanyar Member (Rank 6) Member (Rank 6) Member (Rank 6) Member (Rank 5) Member (Rank 5) Massoud Sediqi Habiba Bahram Shams Sahar Jawed Zakhil (Rank 5) Planning & Implementation Department General Manager\LR&UR Department (Rank 3) Qiam Shenwary Urban Redevelopment Technical Member (Rank 6) Urban Redevelopment Manager **Urban Redevelopment Technical** Urban Redevelopment Technical **Urban Redevelopment Technical** Urban Redevelopment Technical Urban Redevelopment Technical Mohammad Ramin Sina Hamid Shah Sultani Mohammad Shahid Member (Rank 6) Member (Rank 5) Member (Rank 6) Member (Rank 5) Member (Rank 5) Atiqullah Hamidi Ehsanullah Safi Nazif Umarkhil (Rank 4) Wahid



# A List of Proposed Members of Joint Coordinating Committee

#### 1. Function

The Joint Coordinating Committee will be established in order to facilitate inter-organizational coordination. JCC will be held at least once a year and whenever deems it necessary in order to fulfil the following functions:

- (1) Approving an annual work plan,
- (2) Reviewing overall progress,
- (3) Conducting evaluation of the Project, and
- (4) Exchange opinions on major issues that arise during the implementation of the Project.

# 2. Chairperson and Members

(1) Chair Person:

Kabul Mayor, Kabul Municipality

#### (2) Members

#### The Afghan side

- (a) Director of Human Resources department
- (b) Director of City Planning department
- (c) Director/Deputy Director of Policy and Coordination department
- (d) Director of Land Acquisition department
- (e) Director of Property department
- (f) Director of the Related District
- (g) Director of Cultural Services department

#### The Japanese side

- (a) JICA Afghanistan Office
- (b) JICA Expert Team

The Chair Person and the Chief Representative of JICA Afghanistan Office may invite necessary representatives of relevant organizations other than described above.

### Minutes of Meetings

The discussions made in the meetings shall be recorded in the Minutes of Meetings, which shall be circulated to KM, JICA and necessary relevant organizations to confirm the content before they are made official.



### TO CR of JICA AFGHANISTAN OFFICE

#### PROJECT MONITORING SHEET

Project Title: The Project for Deve	elopment Service for Land Readjustment and
Urban Redevelopment Projects fo	or Kabul Municipality
Version of the Sheet: Ver.●● (Ter	m: Month, Year - Month, Year)
	Name:
	Title: Chief Advisor

Submission Date:

# I. Summary

- 1 Progress
- 1-1 Progress of Inputs
- 1-2 Progress of Activities
- 1-3 Achievement of Output
- 1-4 Achievement of the Project Purpose
- 1-5 Changes of Risks and Actions for Mitigation
- 1-6 Progress of Actions undertaken by JICA
- 1-7 Progress of Actions undertaken by Gov. of ••
- 1-8 Progress of Environmental and Social Considerations (if applicable)
- 1-9 Progress of Considerations on Gender/Peace Building/Poverty Reduction (if applicable)
- 1-10 Other remarkable/considerable issues related/affect to the project (such as other JICA's projects, activities of counterparts, other donors, private sectors, NGOs etc.)
- 2 Delay of Work Schedule and/or Problems (if any)
- 2-1 Detail
- 2-2 Cause
- 2-3 Action to be taken
- 2-4 Roles of Responsible Persons/Organization (JICA, Gov. of●●,etc.)
- 3 Modification of the Project Implementation Plan
- 3-1 PO
- 3-2 Other modifications on detailed implementation plan

(Remarks: The amendment of R/D and PDM (title of the project, duration, project site(s), target group(s), implementation structure, overall goal, project purpose, outputs, activities, and input) should be authorized by JICA HDQs. If the project team deems it necessary to



modify any part of R/D and PDM, the team may propose the draft.)

- 4 Preparation of Gov. of●● toward after completion of the Project
- II. Project Monitoring Sheet I & II as Attached



Project Monitoring Sheet I (Revision of Project Design Matrix)

Version Dated 00,00,00

	Remarks			
	Achievement			
	Important Assumption			Important Assumption Pre-Conditions <a href="#">Important Assumption</a> <a href="#"></a>
	Means of Verification			The Cuban Side
Model Site:	Objectively Verifiable Indicators			The Japanese Side
Project Site:	Overall Goal	Project Purpose	Outputs	Activities

Model Site: Project Title:
implementing Agency:
Target Group:
Period of Project:
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#### MAIN POINT DISCUSSED

### 1. Sustainability of the Project

Both side confirmed that the sustainability of the Project is a key to enhance the regional development in the target area. Therefore, both sides agreed to work closely during the Project to enhance capacity of KM for self-sustainable urban development.

### 2. Assignment of counterparts

Afghan side agreed to provide necessary human resources to implement the Project as follows:

1) to assign the counterparts for the Project and inform JICA of members of the counterpart staff in writing before the commencement of the Project.

# 3. Provision of related information, data and maps

Afghan side agreed to provide necessary information including maps of pilot project area to implement the project during the project period.

### 4. Confirmation of the Inputs from both sides

Both sides agreed to provide necessary inputs, timely and effectively for the implementation of the Project, which are listed in the PDM. In particular, Afghan side agreed to ensure that they allocate necessary inputs for the project.

