



A COMPARATIVE ANALYSIS OF URBAN GOVERNANCE FOR PLANNING IN 10 COUNTRIES OF THE GLOBAL SOUTH

URBAN GOVERNANCE CASE STUDIES | VOLUME 1



A comparative analysis of urban governance for planning in 10 countries of the global South

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LIST OF ABBREVIATIONS



ADAA	National Centre for Performance Measurement (Saudi Arabia)
ALCs	Area Land Committee (Uganda)
ARAZI	Afghanistan Land Authority
ARD	Regional Development Agency (Peru)
BND	National Development Budget (Guinea)
CBN	Central Bank of Nigeria
CDC	Community Development Council (Afghanistan)
CFU	Single Property Contribution (Guinea)
CIAT	Inter-ministerial Committee on Land Use Planning (Guinea)
CND	National Decentralization Council (Peru)
COVID-19	Coronavirus disease 2019
CPAU/CRAU	Regional or Prefectural Council for Urban Planning and Development (Guinea)
CPDM	Cameroon People's Democratic Movement
CSO	Civil society organization
DASO	Development Authority Support Office (Saudi Arabia)
DG	District Government (Somalia)
DGAM	Director General of Antiques and Museums (Syrian Arab Republic)
DLB	District Land Board (Uganda)
DNI	Ministry of Budget and the National Tax Directorate (Guinea)
EGDI	United Nations Electronic Government Development Index
EPS	Sanitation Services Provider Entity (Peru)
ERW	Explosive Remnants of War
EU	European Union
FEICOM	Special Council Support Fund for Mutual Assistance (Guinea)
FGS	Federal Government of Somalia
FMS	Federal Member State (Somalia)
FSCP	Future Saudi Cities Programme (Saudi Arabia)
GA	Gozar Assembly (Afghanistan)

GDCA	General Directorate of Cadastral Affairs (Syrian Arab Republic)
GKMA	Greater Kampala Metropolitan Area (Uganda)
HCI	Human Capital Index
HDI	Human Development Index
HLP	Housing, land and property
ICT	Information communications technology
IDLG	Independent Directorate of Local Governance
IDP	Internally Displaced Person
IMP	Metropolitan Planning Institute (Peru)
INGO	International non-governmental organization
IPF	Indicative Planning Figure (Uganda)
KSA	Kingdom of Saudi Arabia
LAU	Local Administrative Unit (Syrian Arab Republic)
LGA	Local Government Area (Niger State)
LPA	Local Planning Authority (Niger State)
LPDP	Personal Data Protection Law (Peru)
MAB	Municipal Advisory Board (Afghanistan)
MAM	Municipal Administration Modernization (Syrian Arab Republic)
MATD	Ministry of Territorial Administration and Decentralization (Guinea)
MDA	Government ministry, department and agency (Uganda)
MDLD	Ministry of Decentralization and Local Development (Cameroon)
MEEF	Ministry of the Environment, Water and Forests (Guinea)
MIDAGRI	Ministry of Agrarian Development and Irrigation (Peru)
MIDIS	Ministry of Development and Social Inclusion (Peru)
MIDP	Minna Integrated Development Plan (Niger State)
MINAM	Ministry of the Environment (Peru)
MINDAF	Ministry of State Property and Land Tenure (Cameroon)
MINDHU	Ministry of Housing and Urban Development (Cameroon)
MINEPAT	Ministry of Economy, Planning and Regional Development (Cameroon)
MINJUSDH	Ministry of Justice and Human Rights (Peru)
MINDDEVEL	Ministry of Decentralization and Local Development (Cameroon)
MLHUD	Directorate of Physical Planning and Urban Development (Uganda)

MLHUD	Ministry of Lands, Housing and Urban Development (Uganda)
MOEP	Ministry of Economy and Planning (Saudi Arabia)
MoFAE	Ministry of Foreign Affairs and Expatriates (Syrian Arab Republic)
MOI	Ministry of Interior (Saudi Arabia)
MoLAE	Ministry of Local Administration and Environment
MOLG	Department of Urban Administration (Uganda)
MOLG	Ministry of Local Government (Uganda)
MOMRAH	Ministry of Municipal, Rural Affairs and Housing (Saudi Arabia)
MoPWHR	Ministry of Public Works, Housing and Reconstruction (Somalia)
MPF	Multi-Partner Fund (Somalia)
MUDL	Ministry of Urban Development and Land (Afghanistan)
MVAT	Ministry of City and Town Planning (Guinea)
MVCS	Ministry of Housing, Construction, and Sanitation (Peru)
NBI	National broadband infrastructure
NCA	National Communications Agency (Somalia)
NCC	Nigeria Communications Commission
NGO	Non-governmental organization
NIMC	National Identity Management Commission (Niger State)
NITA-U	National Information Technology Authority (Uganda)
NITDA	National Information Technology Development Agency (Niger State)
NPPB	National Physical Planning Board (Uganda)
NSUDB	Niger State Urban Development Board
OAG	Office of the Auditor General (Uganda)
OSI	Online Service Index
OTASS	Technical Organism of the Sanitation Services Administration (Peru)
PAD	Detailed Development Plan (Guinea)
PAT	Territorial Conditioning Plan (Peru)
PCM	Presidency of the Council of Ministers (Peru)
PDM	Metropolitan Development Plan (Peru)
PDP	Physical Development Plan (Uganda)
PDU	Urban Development Plan (Peru)

PIF	Public Investment Fund (Saudi Arabia)
PL	Subdivision Plan (Guinea)
PLGS	Policy, Legislation and Governance Section
PNVU	National Housing and Urban Policy (Peru)
POS	Land-use Plan (Guinea)
PPC	Physical Planning Committee (Uganda)
PPP	Public-private partnership
PZA	Zoning and Development Plan (Guinea)
RDA	Regional Development Authority (Saudi Arabia)
RPC	Regional Planning Commission (Syrian Arab Republic)
SCOT	Territorial Coherence Scheme (Guinea)
SDG	Sustainable Development Goals
SDU	Urban Master Plan (Guinea)
SIDP	Suleja Integrated Development Plan (Niger State)
SNGP	Subnational Governance Policy (Afghanistan)
SOP	Standard Operation Procedure
TII	Telecommunication Infrastructure Index
UBOS	Uganda Bureau of Statistics
ULC	Uganda Land Commission (Uganda)
UN-Habitat	United Nations Human Settlement Programme
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
URP	Nigerian Urban and Regional Planning
USAID	United States Agency for International Development



Mogadishu southern suburbs by Jerome Starkey source : Flickr

CHAPTER 1. EXECUTIVE SUMMARY AND SUMMARY OF FINDINGS



EXECUTIVE SUMMARY

UN-Habitat has conducted an in-depth study on the state of urban governance¹ for planning in 10 countries in the global South, the rationale being that the quality of urban governance is the most important factor for the eradication of poverty and for prosperous cities. Developing solutions to urban challenges involves several interacting factors and actors, making desirable outcomes hard to achieve and predict. Maximizing the potential of urban areas requires institutionalizing multilevel governance² arrangements, planning and accountability among diverse stakeholders in a way that recognizes the complexity of urban challenges.

The research findings support previous United Nations studies that found that urban governance systems are currently unfit for purpose and need critical reforms to enable sustainable and inclusive urban development.³

The case studies in the present paper reveal that most resource-poor countries suffer from an ill-defined distribution of responsibilities between different levels of government leading to inefficiencies. Because of this, ordinary citizens experience poor public service delivery, with most of the urban population procuring services from informal, expensive and unsafe channels. These ineffective, multilevel governance arrangements also make planning processes lengthy and lead to higher transaction costs which create wider economic inefficiencies. The coronavirus disease (COVID-19) pandemic further exposed these vulnerabilities, which negatively affected the abilities of the countries in these case studies to provide adequate health responses and social protection.

The case studies also reveal that planning systems are somewhat centralized, with decision-making not evenly distributed across different levels of government. In the instances where subsidiarity has been applied, weak financial and administrative capacities of local governments are a constraint which is compounded by the fact that these local governments do not have the resources to conduct periodic capacity needs assessments. Additionally, community engagement and participation in public-decision-making needs to promote more meaningful and inclusive interactions to better include women, young people, ethnic minorities, migrants, the urban poor and other disadvantaged groups such as people with disabilities in decision-making processes.

1 UN-Habitat defines urban governance as the sum of the many ways in which individuals and institutions, both public and private, plan and manage the common affairs of the city in a continuing process where conflicting or diverse interests may be accommodated and cooperative action can be taken.

2 In the present document, multilevel governance refers to the arrangements for making binding decisions that engage a multiplicity of politically independent but otherwise interdependent institutional actors (private, public and social) at different territorial levels and that do not assign policy competence exclusively or assert a stable hierarchy of political authority to any level.

3 Urban Governance Index. www.shareweb.ch/site/DDLGN/Documents/07-Example%20Urban%20Governance%20Index-Report-Aug04-FINAL.doc.pdf

Furthermore, the findings from these case studies reveal that most countries have initiated gender reforms to ensure equal political participation, but women are still significantly under-represented in political decision-making bodies such as local governments.

The research indicates that accountability, transparency and trust in public institutions are undermined by influential land-owning third parties. Other issues raised by the research include urban plans only being made available after their finalization; fragmented, outdated and unimplemented laws; non-compliance with laws; and the limited capacities of the responsible authorities. Thus, almost all countries are experiencing a proliferation of informal settlements characterized by, for example, a lack of access to basic services and affordable housing.

BACKGROUND

The New Urban Agenda identifies governance as one of the four fundamental drivers of change for sustainable urban development; the other three drivers are policy and legislation, urban planning and design, and financing mechanisms.

Governance is a multidimensional concept referring to “the structures and processes that are designed to ensure accountability, transparency, responsiveness, rule of law, stability, equity and inclusiveness, empowerment and broad-based participation”, including “the norms, values and rules of the game through which public affairs are managed”.⁴

Most of the study countries seem to embrace digital governance to involve residents in decision-making processes relating to urban and territorial planning. However, the digital divide is apparent as more than 50 per cent of the total population in almost all countries studied do not have access to the Internet. This aspect is especially acute for women due to prevailing negative gender roles and norms as well as the costs associated with Internet access given that women are more vulnerable to poverty and lack digital literacy. The findings also reveal that most countries have enacted data privacy laws, but these are not implemented due to a lack of funds to regulate digital usage, security, cryptography and electronic certification activities, as well as there being a mismatch between training and employment needs in the field of information communications technology.

Urban governance, in turn, “encompasses the different ways in which public and private institutions and individuals participate in the planning, design and management of the common affairs of a city, and the processes used for effectively realizing the short- and long-term agenda of a city’s development”.⁵

Thus, there is a multiplicity of local, regional and national governmental agencies and organizations as well as actors from the private sector and civil society that fall under the definition of governance.

4 UN-Habitat (2018). *What is governance*. <https://urbanpolicyplatform.org/governance/>.

5 UN-Habitat (2020). *The Strategic Plan 2020-2023*. https://unhabitat.org/sites/default/files/documents/2019-09/strategic-plan_2020-2023.pdf.

UN-Habitat supports cities and countries all over the world to strengthen governance by: improving the coordination and transparency of institutional frameworks; empowering representatives of urban stakeholders and constituencies through inclusive sound institutions and mechanisms; and providing predictability and coherence in urban development plans to enable social inclusion, sustained, inclusive and sustainable economic growth, and environmental protection. UN-Habitat's Strategic Plan 2020-2023 states that urban and territorial planning and design must be a central component of the renewed urban governance paradigm, which promotes local democracy, participation, inclusion and transparency to ensure sustainable urbanization and spatial quality.⁶

Achieving the 17 Sustainable Development Goals depends on the successful implementation of effective governance principles. Specifically Goal 16 ("promote just, peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels") recognizes the importance of governance through specific targets that include:

Target 3: Promote the rule of law at the national and international levels and ensure equal access to justice for all.

Target 5: Substantially reduce corruption and bribery in all their forms.

Target 6: Develop effective, accountable, and transparent institutions at all levels.

Target 7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

Target 10: Ensure public access to information and protect fundamental freedoms in accordance with national legislation and international agreements.

Despite the prominence of governance in various agendas, many countries have inadequate urban governance systems with weak institutions and mechanisms to deliver sustainable and inclusive urban development. This includes inadequate decentralization, insufficient resources, poor capacity, political interferences, unsustainable programmes and projects, and weak frameworks for engagement with residents, civil society and other key stakeholders. Such ineffective governance arrangement is especially prevalent in the global South and it constrains public service delivery and planning processes, among other things.

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6 Ibid.

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7 UN-Habitat (2018). *What is governance?* <https://urbanpolicyplatform.org/governance/>.

STUDY AIM AND METHODOLOGY

Against this background, the Policy, Legislation and Governance Section of UN-Habitat developed a questionnaire (see Annex) to gain a deeper understanding of urban governance for urban planning in 10 countries selected from different regions of the global South to reflect various social, economic and political contexts. The data gathered for this research will support an assessment of existing gaps in urban governance as well as the identification of best practices and potential areas of intervention. The findings are significant for UN-Habitat's work on urban governance, which focuses on supporting countries and cities to strengthen urban governance for sustainable development.

The findings also serve to inform public officials and other stakeholders working to protect the rights of urban populations on possible actions to improve urban governance. Key principles of effective governance as reflected under international commitments such as the New Urban Agenda and the 17 Sustainable Development Goals have formed the basis of the analysis. The following 10 countries were selected based on the presence of UN-Habitat country offices, their engagement in projects and their general accessibility to local materials and resources:



Afghanistan⁸



Cameroon



Guinea



Niger State (Nigeria)

8 The information provided for the Afghanistan case study was obtained before the regime change in August 2021.



Peru



Saudi Arabia



Somalia



Syrian Arab Republic



Tajikistan



Uganda

For the data collection process, the Policy, Legislation and Governance Section developed a questionnaire consisting of 25 questions that were grouped into the following four thematic sections:

- 1. Institutional arrangements, effectiveness and public participation.** This section recognizes that citizens, especially the urban poor, suffer from inadequate basic services provision if there are frequent institutional problems stemming from a duplication of roles as well as a lack of policy coordination and integration at the institutional level. The questionnaire also had questions on the impacts of COVID-19 on urban planning institutions which has caused them to operate in a context of radical uncertainty, given the acute and emerging health, economic and social challenges. The questions focused on public participation in urban governance as this brings a sense of community ownership, compliance and trust to development activities, and allows the needs of minority groups and the issues affecting their daily lives to be prioritized in the development agenda.

Therefore, this section of the questionnaire was intended to get information on the organization of institutional roles and responsibilities as well as multilevel governance arrangements and to explore the effectiveness of urban planning institutions and their resilience in relation to COVID-19. The level and form of public participation were also assessed with questions that had a specific focus on urban planning processes.

2. Transparency and accountability.

Transparency and accountability are important principles of effective governance since a degree of clarity and openness about how decisions are taken can help to build the capacity of priority groups to play a role in policy formulation and implementation. The lack of a role in these areas of governance creates a sense of disempowerment, mistrust and frustration which leads to non-compliance. Moreover, planning systems can be burdensome (costly and lengthy) on most of the urban population, leaving them to pursue informal routes to access public goods and services. Consequently, this part of the questionnaire explored the level of public information disclosure and the influence of third parties over decision-making processes as well as the processes and standards for land-use and development planning.

3. Representation, subsidiarity and local governance.

This section focused on democratic governance through political representation in governmental decision-making bodies and the gender balance in public institutions. It further focused on the level of jurisdictional autonomy of subnational governments and their financial and human resource capacities.

Decentralization is key because local governments are geographically closer to the people and have local knowledge which allows planning programmes and services to be more easily adapted to particular local circumstances, priorities and needs.

- 4. Digital governance.** This section recognizes that digital tools and social media have empowered people through widespread access to information and global connections. On the one hand, citizens are using technology to hold Governments to account and to exercise their civic rights, while on the other hand, Governments are using technology to be more transparent, accountable and inclusive. Therefore, this section asked questions about the level of digitization within governmental bodies in terms of the extent to which digital tools are used to facilitate service provision. Digital rights and the digital divide in terms of who benefits and who is left out of the digital world were explored, including the human rights impact in the use of digital technologies and existing safeguards for data protection.

The questionnaire (see Annex) was answered by a variety of UN-Habitat offices and partners, with the Policy, Legislation and Governance Section guiding the case study development. The information analysed was based on a diverse range of sources, including interviews with key stakeholders, experience and expertise gained through projects and a literature review. The survey methodology ensured the information from each country was able to be compared, except the instances where data was not available.



Aleppo, Syria by Aladdin Hammami source : Unsplash

SUMMARY OF FINDINGS

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

Effective urban governance is dependent on legislation that establishes a coordinated and integrated institutional framework with clear competencies, roles and mandates for public authorities responsible for implementing urban planning functions. Otherwise, it can result in the duplication of roles and a lack of policy coordination and integration which lead to institutional overlaps and sectoral fragmentation with adverse consequences, for example for public service delivery. Almost all the case studies in the present paper have public institutions in charge of preparing, approving and implementing urban development plans. The only exception is Niger State, which is led by the Urban Development Board that mainly focuses on urban development control and permission. However, in practice, the functions of the Urban Development Board are fragmented as local planning authorities are yet to be established, although urban planning institutions are operating at the national level in Nigeria. The degree to which urban planning processes are decentralized in the 10 countries varies. In these case studies, the majority of countries are leaning more towards centralized structures in the planning system as opposed to decentralized systems where decision-making is distributed across different levels of government. Afghanistan, Guinea, Niger State, Saudi Arabia, Syrian Arab Republic and Tajikistan have centralized urban planning processes to varying degrees, despite the legal recognition in each country that other levels of government should be involved in the planning processes.

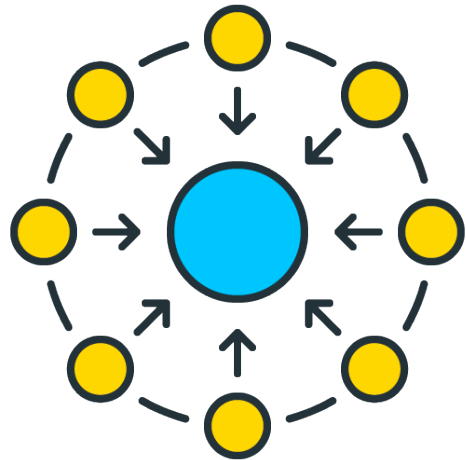


Figure 1. Majority of countries are leaning more towards centralized structures in the spatial planning system as opposed to decentralized systems

Country cases with more centralized structure in their urban planning system

Niger State has a decentralized planning process according to the legal framework, but since local planning authorities are absent, all decisions concerning urban planning are made at the central level. In the Syrian Arab Republic, municipalities (Local Administrative Units) are responsible for preparing general and detailed regulatory plans, which are reviewed and approved by local municipal councils. At the same time, urban planning at the regional level is, according to the country's regulatory framework, vested in the Regional Planning Commission that prepares the national framework for regional planning that is approved by the Supreme Council for Regional Planning.

However, as the onset of conflict in 2011 left the status of many vital articles of laws facilitating decentralization and horizontal coordination inactive, urban planning processes continue to

follow a state-centred, hierarchical organizational structure. In Saudi Arabia, the role of Regional Development Authorities is increasing in planning preparation and approval.

Country cases with less centralized structure in their urban planning system

In other cases, such as Cameroon, Peru, Somalia and Uganda, urban planning is less centralized with regional and local levels of government having influence over the planning process to a larger extent. For example, in Somalia, the urban planning system has devolved, with federal member states such as Puntland State and Somaliland being responsible for the entire urban planning process within their respective territories. In Cameroon, local governments

approve, validate and implement urban plans, while in Uganda local governments formulate and implement urban plans that need to be approved at the central level. Peru has provisions for inter-institutional and multilevel governance between the various levels of government, even if local governments are solely responsible for approving land-use urban plans. Box 1 gives details on the various planning systems in the countries studied.

Box 1. Urban planning system

- 6 case study countries (Afghanistan, Guinea, Niger State, Saudi Arabia, Syrian Arab Republic and Tajikistan) have a more centralized structure in their urban planning system.
- 4 country case studies (Cameroon, Peru, Somalia and Uganda) have regional and local governments that influence urban planning processes to a larger extent.

Despite having features of centralization in the urban planning system, all case studies have legal requirements for multilevel governance either between or within ministries involved in urban planning, or both.

For example, the Nigerian Urban and Regional Planning Act Decree 88 of 1992 and the Niger State Urban and Regional Planning Edict 3 of 1999 clearly underline the requirement of coordination and cooperation at the national, federal and local levels of government in Nigeria.

Yet, effective governmental multilevel governance is weak in almost all the case studies due to various factors such as limited inter- and intra-institutional communication, duplication of roles and unclear mandates, lack of political will, institutional and political competition and conflicts, inadequate resources and weak capacities, lack of transparency and bureaucratic decision-making processes. Duplication of roles and unclear mandates emerged as the most common reasons for ineffective multilevel governance across all case studies.

For example, the main institutional challenges in Afghanistan are unclear and there are overlapping provisions between the country's Municipal Law and Urban Development and Housing Law, there is weak coordination across ministries especially through the power-sharing National Unity Government, and there are inadequate resources

and weak capacity to facilitate multilevel governance. Peru is the only country where there was no information available on the challenges to multilevel governance. Box 2 summarizes the challenges to governance in the countries studied.

Box 2. Challenges to multilevel governance and coordination

- Duplication of roles and unclear mandates: (Afghanistan, Cameroon, Niger State, Somalia, Saudi Arabia, Uganda and the Syrian Arab Republic)
- Competition and conflicts across or within governments: 4 country case studies (Afghanistan, Somalia, the Syrian Arab Republic and Uganda)
- Weak inter-government communication: 3 case studies (Afghanistan, Guinea and Niger State)
- Inadequate resources and weak capacities of governments (at different levels): 3 case studies (Afghanistan, Niger State and the Syrian Arab Republic)
- Lack of transparency: 2 country case studies (Cameroon and the Syrian Arab Republic)
- Bureaucratic and slow decision-making processes: 2 country case studies (Syria and Tajikistan)
- Political will: Niger State
- Absence of active and effective regional planning entity: Syrian Arab Republic
- Inadequate legal and administrative mechanisms for inter-institutional coordination: Uganda

Impacts of coronavirus disease on planning services provision

The COVID-19 pandemic has challenged the capacity and responsiveness of Governments around the world. Local governments had to adapt in a matter of days to respond to pressing needs and protect the safety of their residents. All the country case studies adopted safety measures at different points in time and to various extents to prevent the spread of the virus, such as limiting in-person appointments with government officials and improving the cleaning and sterilization of public spaces.

Some of the measures were targeted towards ensuring continuity in service delivery, planning, enforcement and development. Peru, for instance, established temporary housing modules to complement the existing infrastructure of hospitals and prisons and created Virtual Transparent Rooms⁹ for authorities and citizens to avoid contagion of the virus while not interrupting regular procedures and the provision of services.

⁹ COVID-19 online platform for public participation between local authorities and the residents in Lima, Peru.

Furthermore, the Lima Metropolitan Urban Development Plan (PlanMet 2040) was developed in 2020, during the COVID-19 period, using digital tools to allow the public to participate and validate the plan through online workshops. Similarly, Niger State, Saudi Arabia and the Syrian Arab Republic leveraged the capacities of digital tools to respond to COVID-19, such as using digital applications to continue to issue planning permits and licences (Saudi Arabia) or to create a hotline through which the public could call, inform and report illegal construction activities taking place in their localities (Niger State).

In Somalia, some districts piloted mobile money payment systems and such applications were leveraged to reduce physical interaction between taxpayers and municipal officers but, at the same time, meet revenue collection targets. In Afghanistan, Uganda and Tajikistan there were no noticeable measures specifically to ensure the continuity of public services such as development control and enforcement. There was no information available regarding such measures for Cameroon or Somalia.

In Tajikistan, the lack of measures can be explained by, for example, the late recognition of COVID-19, the short lockdown, as well as measures that have previously been implemented in the country irrespective of COVID-19, such as street washing, which delayed public service delivery but did not prevent them being provided. In Afghanistan, political impasse, inadequate financial capacities and lack of communication and coordination were reasons for the constrained health responses and social protection, which also revealed a lack of preparedness and, in particular, the absence of a multilevel governance mechanism to address such a crisis.

The response to COVID-19 by the Syrian Arab Republic contrasted with the other countries in that it is thought to have improved the coordination between different local authorities and neighbourhood committees by encouraging coordination methods through directives issued by the Prime Minister to further activate and involve neighbourhood committees in COVID-19 prevention and response. Box 3 describes the measures taken in Peru once the pandemic had started.

Box 3. COVID-19 measures ensuring the continuity of urban planning services: Peru (the Ministry of Housing, Construction and Sanitation)

- The Virtual Transparent Rooms were created for authorities and citizens to avoid contagion of the virus with the aim of not interrupting regular procedures and the provision of services.
- An evaluation was undertaken of the COVID-19 concentration in the sewers of several municipalities, as an early warning system.
- Guidelines were formulated to prevent the spread of the virus in construction sites.
- Guides were published on the use of not only open public spaces to meet the safety and health requirements but also the spaces adjacent to restaurants, cultural and art establishments.
- Temporary housing modules were set up to complement the existing infrastructure of hospitals and prisons to add hospital beds.

- An economic reactivation programme (Start Peru) was developed to generate more than 1,800 temporary jobs in Metropolitan Lima dedicated to road infrastructure works and urban equipment.



In all the case studies, the process of public participation is not fully responsive, inclusive, participatory and meaningful.

Public participation

Public participation in decision-making is crucial to involve non-State actors, especially to situate the voices and needs of priority groups in the urban development agenda, thus indicating democratic governance. Public participation enhances governance, as the inclusion of a wide range of stakeholders, especially priority groups, is not only a precondition for successful and impactful participatory public decision-making processes, but it also promotes equity and social justice in local governance. Public participation is enshrined in law in most of the country case studies, namely Afghanistan, Guinea, Peru, Somalia, the Syrian Arab Republic and Uganda.

For example, in Somalia, public participation is enshrined in the Constitution and all federal member states acknowledge the role of the public in decision-making through either direct or indirect participation. Also, public participation is particularly extensive in the by-laws, which oblige local government leaders to consult with the public when designing annual district development plans and five-year development frameworks through public hearings and consultation. However, in the country case studies that enshrine public participation in law, the process of public participation is not considered to be fully responsive, inclusive, participatory and meaningful.

In Guinea, for instance, citizens are only able to provide opinions after the submission of urban plans. Also, the legal provisions are recent and remain unapplied, and municipalities have limited capacities to explore other mechanisms beyond that which is provided in the regulatory framework that could ensure public participation in urban planning processes. In Afghanistan, there is a law foreseeing consultation with several community representative bodies when preparing and revising strategic municipal plans, but this form of consultation is limited in practice. Also, ministries and regulatory agencies in Afghanistan are not legally required to solicit comments on proposed regulations from the public nor publish texts of proposed regulations before their enactment, which further limits citizen engagement. In the Syrian Arab Republic, the legal framework for public participation is weak and limited to occasional access for civil society organization representatives to decision-making at the local and regional level and regular meetings with neighbourhood committees. Also, citizen engagement in urban planning as provided by law only takes place at a very late stage of the urban development process in the form of a 30-day right to appeal.

In Cameroon, Niger State and Saudi Arabia, where there is no specific legal provision (although Saudi Arabia is currently drafting a new legal framework) for Governments to engage the public in decision-making processes, citizens have still been involved in public affairs. For example, there have been informal workshops in Cameroon during urban planning processes, which mostly involved private sector actors. In Niger State, stakeholders were invited to participate and provide substantive input into

urban-territorial plans for the cities of Minna and Suleja that are also expected to be made available for the public to enable further engagement. In Saudi Arabia, the private sector usually engages with the Government in urban planning processes through approved industry groups or associations.

In the countries studied here there are no provisions or mechanisms specifically considering the opinions and views of priority groups, except for in Peru. In Peru there are specific provisions for the inclusion of indigenous peoples in participatory processes that consider differential cultural, geographical and linguistic criteria. Furthermore, there is a Prior Consultation Law that was enacted in 2011, which guarantees indigenous people the right to prior consultation about any mining, logging or petroleum projects affecting them and their territories.

Some countries allow citizens to provide feedback on government services. The Government of Peru enables citizens to comment on the implementation and provision of services, although specific mechanisms are not established for citizens to exercise this right. Citizen feedback on the Government's performance and conduct are also facilitated through online platforms in Saudi Arabia. In Niger State, the public usually expresses their views concerning the Government's performance on delivery of urban services during an annual appraisal of budget performance. In the other country case studies, citizen feedback is either non-existent or there is no information available.

Box 4 summarizes the public participation in the country case studies.

Box 4. Public participation

- 6 country case studies (Afghanistan, Guinea, Peru, Somalia, Syrian Arab Republic and Uganda) have a legal requirement for public participation.
- Only Peru has provisions or mechanisms specifically considering the opinions and views of priority groups.
- Meaningful participation by being fully responsive, inclusive, participatory and representative is not fully ensured in any case study.
- Only in 3 case studies (Niger State, Peru and Saudi Arabia) can citizens provide feedback on the government's performance in various forms.

Transparency and accountability

Disclosure of information and influence of third parties

Transparency and accountability are important principles of effective governance since a degree of clarity and openness about how decisions are taken can help to build the capacity of citizens, especially priority groups, to play a role in policy, regulatory and legal formulation, as well as implementation. The lack of transparency and accountability creates a sense of disempowerment, mistrust and frustration, which leads to non-compliance.

In most of the case studies, urban plans are made available to the public either physically at the responsible planning office(s), online through a website, or both. Urban plans are only made available after their finalization in Afghanistan and Cameroon, while Guinea, Niger State, Peru, Syrian Arab Republic and Uganda disclose the draft versions to allow citizens to provide inputs.

For example, the law on urban planning in the Syrian Arab Republic stipulates that “involved persons” can review and object to draft master plans within 30 days of their publication. Once the objections are reviewed and taken into consideration, a newly modified plan is announced one year after the initial draft announcement. At this point, “involved persons” again have a 30-day opportunity to object. However, plans are only formally modified every three years from this point onwards in the Syrian Arab Republic.

Saudi Arabia and Tajikistan are the only country case studies where urban plans are not shared with the public, while urban plans are never made public in Somalia. However, recent developments in Somalia are changing the status quo and some districts are now in the process of making such plans public. Box 5 summarizes the issue of transparency in the countries studied.

Box 5. Transparency in urban planning

- 5 case study countries (Guinea, Niger State, Peru, Syrian Arab Republic and Uganda) disclose the draft versions of local urban plans to allow citizens to review and provide inputs.
- In 2 country case studies (Afghanistan and Cameroon), urban plans are made public only after finalization.
- 2 country case studies (Saudi Arabia and Tajikistan) do not share urban plans with the public.

Another issue related to transparency and accountability is that of the influence of third parties over public decision-making processes such as urban planning, which is the case in Afghanistan, Saudi Arabia, Somalia and the Syrian Arab Republic. Saudi Arabia provides a stark example of private oil companies influencing urban planning and occasionally even circumventing existing rules and regulations because they own large areas of land. In Afghanistan, accountability, transparency and trust in public institutions are undermined by the influence of land-owning cartels and warlords, which also fosters informality and corruption, including illegal constructions.

In Somalia, private actors largely govern public affairs due to the existence of hybrid governance arrangements, with traditional clan elders, business leaders, militia leaders, civic groups and religious authorities having much of the de facto authority. Information about the influence of third parties and consequent repercussions for accountability and transparency was not available for Cameroon, Guinea, Peru, Tajikistan and Uganda. Only in Niger State does it seem that third parties do not influence urban planning, as private developers align their development proposals with the provisions and permissible use in the urban plans.

Land-use planning and standards for development planning

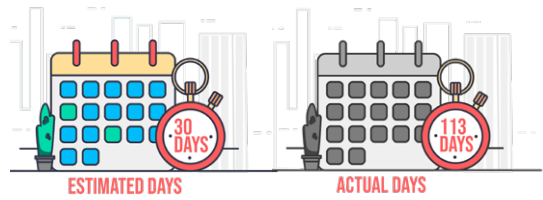
Planning systems can be burdensome (costly and lengthy) for most of the urban population, leaving people and private actors to pursue informal routes. Having a clear, transparent and streamlined process for land use and construction applications is not only necessary for efficiency but is also important to prevent corruption, capture by powerful interest groups, and to ensure equitable standards of planning systems everywhere in a city. Almost all country case studies have legal frameworks outlining permitted land use that can guide the decisions of planning authorities. Somalia and Niger State are exceptions, as both have outdated legal

frameworks that have not yet been replaced. In Somalia, efforts through policies to address the legal gap remain unimplemented due to the weak capacity of the federal Government and the political climate. Yet the country has devolved the mandate over land policies to the federal member states whereby Somaliland and Puntland have developed and enacted respective Urban Land Management Laws that are currently being implemented. In other federal member states, authorities have recently been established and have limited capacities to manage land and property taxation.

Despite the existing legal frameworks in some country case studies, all are experiencing challenges that constrain effective implementation due to various factors, including fragmented, outdated and unimplemented laws, non-compliance with laws, limited capacities of the responsible authorities, and inadequate control and land conflicts. Thus, almost all country case studies are experiencing a proliferation of informal settlements characterized by, for example, lack of access to basic services and affordable housing. It is estimated that in seven of the countries studied, namely Afghanistan, Cameroon, Guinea, Niger State, Somalia, Syrian Arab Republic and Uganda, more than 50 per cent of the urban population or the exemplified city population is living in informal settlements. Tajikistan is an exception with no informal concentrations as such, although there is a problem of unauthorized acquisition of land. Urban growth has consisted of 50 per cent informal development in the Syrian Arab Republic, and the city of Aleppo was made up of around 40 per cent informal settlements in 2011.¹⁰

Long delays in issuing building permits are another factor contributing to the proliferation of informal settlements in Cameroon and Uganda. Pursuant to the regulatory framework, urban physical planning committees in Uganda must process building permits within 30 days of receipt of the application. In practice, however, issuing building permits takes 113 days due to the absence of a mechanism to track the progress of development applications from the time of receipt to the point of approval.

¹⁰ Due to the conflict, which has been ongoing in the Syrian Arab Republic since 2011, recent and reliable country-wide statistics regarding informal development are not available. The immense amount of displacement, resettlement and demographic change in the country, which varies greatly from city to city and region to region, makes assessing informal settlements especially difficult and in any case such development does not necessarily represent general/long-standing urban development trends there.



In Uganda, planning authorities are legally required to process building permits within 30 days of receipt of the application. In practice, it takes 113 days.

It makes it difficult for the municipal councils to identify the causes and the interventions needed to address this problem and the inadequate capacity within the committees to manage the large volume of applications. In Tajikistan, strong bureaucracy and a rise in demand for construction are reasons for the delayed permitting process. The time it takes for a permit to be granted varies considerably among the country case studies, from an average of 15 to 30 days in Peru, to 12 months in Cameroon, where a permit requires approval from 12 ministries.

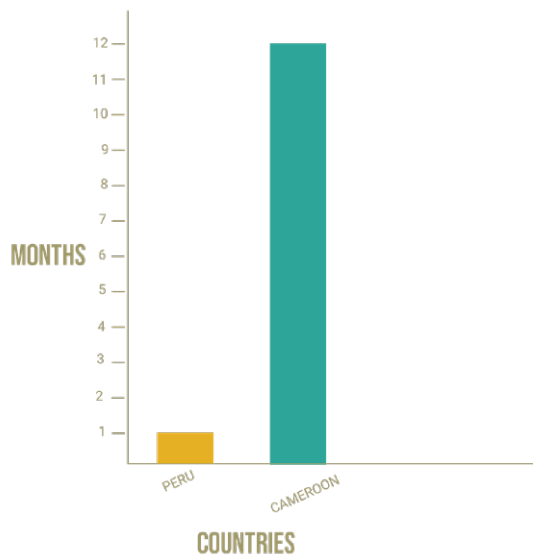


Figure 2. Differences in processing times of building permits between Peru and Cameroon

In 2020, Saudi Arabia introduced an online application system to make the process of granting construction permits less time consuming. This is a one-day procedure that allows applicants to obtain a temporary building permit to begin construction after one day, with a final building permit being issued after a week.

Another factor explaining the time it takes to issue building permits in the countries studied is the extent to which the necessary procedures for approval are streamlined.

This includes submitting documentation and conducting various checks and inspections. For example, in the provinces included in the Afghanistan case study, applying for a permit approval requires going through 17 procedures. The cost of an application also varies, from being a fixed percentage of the construction cost (e.g., 7 per cent in Uganda) to fixed amounts depending on the type of construction (e.g., \$1,150 in Tajikistan). Box 6 summarizes challenges faced by the countries studied.

Box 6. Summary of land-use planning and challenges

- 8 country case studies (Afghanistan, Cameroon, Guinea, Peru, Saudi Arabia, Syrian Arab Republic, Tajikistan and Uganda) have legal and regulatory frameworks outlining permitted land uses whereas in the federal Government of Somalia, land-planning is regulated at regional level by federal member states such as Somaliland and Puntland.
- Challenges to the effective implementation of the planning legal framework include:
 - » fragmented, outdated and unimplemented laws
 - » non-compliance with laws
 - » limited capacities of the responsible authorities
 - » inadequate development control mechanisms
 - » land conflict
- In 7 case studies (Afghanistan, Cameroon, Guinea, Niger State, Somalia, Syrian Arab Republic and Uganda) more than 50 per cent of the total urban population or the estimated city population live in informal settlements.

Representation, subsidiarity and local governance

Political representation

Local democracy is crucial for elected bodies to gain legitimacy and represent the interests of citizens given their proximity to people and contextual knowledge of their needs and priorities. Most of the countries in these case studies have made efforts towards establishing democratic governance structures through decentralization and local elections. Guinea, Niger State, Peru, Syrian Arab Republic and Uganda have taken steps to ensure that local governments are elected through either direct suffrage (voters elect the office-bearer) or indirect suffrage (voters elect people who in turn elect the office-bearer) by law.

Similarly, the Constitution of Cameroon 1996 provides that local councils of regional and local governments should be appointed through elections by indirect universal suffrage, and that the councils must also have representatives of traditional rulers elected by their peers. However, indirect elections to regional governments in Cameroon were held for the first time only in 2020.

Somalia and Tajikistan have local governments that are both appointed by the central government and elected by their constituencies. In Somalia, each federal member state is autonomous in determining and regulating their respective electoral system, resulting in various applications. In Tajikistan, the local governments of the state known as khukumats have elected councils, while the mayor, executive and technical staff are appointed by the President. Furthermore, democratic representation in local urban governance is limited in Afghanistan and

Saudi Arabia as local governments are either merely deconcentrated administrative units of the national Government, or the de facto authority is vested in the national Government.

Women's equal political representation is vital to not only ensure representative governance but to address gender inequality in politics. This is captured under Sustainable Development Goal 5, for which one of the targets is to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. However, all country case studies show that women are underrepresented in political decision-making bodies such as local governments. The percentage of women in local governments is less than 10 per cent in Cameroon, Niger State, Saudi Arabia, and the Syrian Arab Republic, and less than 25 per cent in Somalia and Tajikistan. There is no information available for Afghanistan, but women are facing significant structural barriers to being employed in general within both the public and private sectors there.

Despite these low figures, some of the case studies indicate progress towards women's political representation. For example, in 2015 in Saudi Arabia, women were allowed to vote for the first time and run as candidates for municipal council positions. Guinea, Peru and Uganda have gender quotas for decision-making bodies to address the issue of political underrepresentation. In Guinea, district councils must assign one third of the seats to women, while in Peru 30 per cent of the lists of candidates must be women for both municipal councils and

regional councils. In Uganda, 30 per cent of the seats is reserved for women at national and subnational levels of decision-making bodies. Uganda is also performing comparatively well in terms of women's political representation, as 41.4 per cent of the local government officials are women. However, although the representation of women in political bodies signifies progress towards political gender equality, it does not automatically ensure equal political participation and direct engagement in public decision-making, which is fundamental for democracy.

In Uganda, for example, women's access to wider decision-making processes is limited despite the existence of legal and policy provisions, indicating the low quality of representation and impact of representation. Similarly, in Peru, women are placed at the bottom of the candidate lists despite electoral quotas, which limits their chances of being elected as the lists are closed. Box 7 contains a summary of how much political presence women have in the countries studied.

Box 7. Gender and political representation

- 6 case studies (Cameroon, Guinea, Niger State, Peru, Syrian Arab Republic and Uganda) have local governments that are fully or partly appointed through direct or indirect elections.
- Women's equal political representation is not fulfilled in any of the case studies.
- In 6 case studies (Cameroon, Niger State, Saudi Arabia, Syrian Arab Republic, Somalia and Tajikistan), less than 25 per cent are women in local governments.



Road in Mukono, Uganda by Antoine Plus source : Unsplash

Functions of local governments

Local governments, as opposed to national Governments, are geographically closer to the people and have local knowledge, which allows planning programmes and services to be more easily adapted to local circumstances, priorities and needs. A cornerstone of subsidiarity and effective local governance is, therefore, to grant local governments some form of jurisdictional (legal) autonomy to perform urban functions. All countries in these case studies have devolved or are in the process of devolving certain powers from national Governments to local governments through decentralization reforms. However, subsidiarity has not been fully realized as top-down governance and weak local capacity are the norm among the countries. In Niger State, local governments have decision-making authority over issues such as local health services, sewage and refuse disposal, and public spaces.

Moreover, according to the Nigerian Urban and Regional Law (Decree 88 of 1992), all Local Government Areas in the country should have a Local Planning Authority to prepare subsidiary urban plans. Such authorities are yet to be established in all 25 Local Government Areas of the State. Similarly, decentralization reforms are impeded in Cameroon by lack of implementation; in Guinea by the fact that the central Government seeks to retain control over certain privileges and public service delivery due to the perceived inability of the subnational government to take

over certain functions; and in Somalia by weak financial and administrative capacities. Weak financial and administrative capacities of local governments are also an issue in Uganda and Peru, which constrain local governments to fulfil their mandates even if they have considerable authority and autonomy to undertake certain urban functions.

The functions of local governments in the Syrian Arab Republic have been limited. This is despite legal decentralization measures which were passed before the country's decade-long conflict and granted municipalities larger coordination responsibilities. Due to the onset of the conflict, these measures have largely remained inactive and the central Government still has ultimate decision-making authority for many key functions. In Saudi Arabia, the Minister of Municipalities, Rural Affairs and Housing devolved municipal responsibilities of more than 60 new municipalities to the mayors (Amanah) in April 2020. These responsibilities included their traditional role in local planning decisions, such as leasing municipal real estate and signing their contracts in accordance with the provisions of the Municipal Real Estate Disposal Regulations, approving plans for individual sites for seasonal markets and others, and approving several housing and municipal services at the local level. Box 8 summarizes the challenges to decentralization in the countries studied.

Box 8. Subsidiarity and challenges

- All countries in the case studies have devolved or are in the process of devolving certain powers from national Governments to local governments through decentralization reforms.

- However, challenges constraining decentralization efforts include:
 - » weak financial and administrative capacities
 - » lack of implementation
 - » limited autonomy and central government influence
 - » ineffective laws or non-compliance with the rule of law

Financial and human capacities of local governments

For subsidiarity to be fully realized, local governments ought to have fiscal and human resource capacities as jurisdictional autonomy only takes local governments so far in performing urban planning functions. Across the case studies, local governments tend to be understaffed and under-resourced with limited fiscal autonomy. Although all countries in these case studies have the legal authority to collect own-source revenues to various extents, the revenues collected are either not sufficient or fully explored due to reasons such as limited capacities and outsourcing. For instance, local governments in Cameroon can collect own-source revenues such as land taxes and yet, almost all own-source revenue collected is recentralized and redistributed to the national agency Special Council Support Fund for Mutual Assistance, which oversees local revenues and financially supports development projects at the local level. Similarly, municipal revenues are insufficient to meet the basic needs of public service delivery in Afghanistan and budget execution is a major challenge due to low revenue collection, poor planning, procurement problems, lack of accountability mechanisms and excessive bureaucracy. Furthermore, in the Syrian Arab Republic, local governments are likewise able to collect some own-source revenues, but the amount is minimal compared to the funds allocated through the provincial budget.

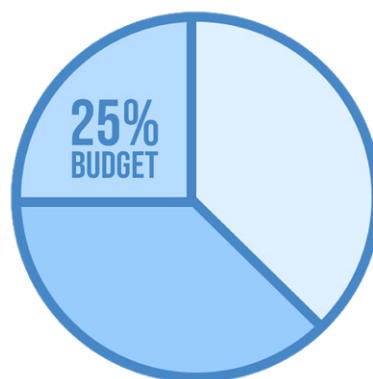


Figure 3. In the Syrian Arab Republic, only 25 per cent of the Provinces' entire budget goes to municipalities

In this way the central Government has preserved control of local governance bodies by empowering provincial councils, presided over by President-appointed governors, to serve as the ultimate gatekeepers for municipal funding.

Thus, the largest proportion of local governments' budgets in most of the case studies is usually based on transfers from the national Government, which tend to be insufficient for local governments to perform their functions. For example, in the Syrian Arab Republic, typically only 25 per cent of the province's entire budget goes to municipalities, which has made local governments reliant on subsidies from the central Government and is a primary reason that local government autonomy has been compromised.

In Uganda, central Government grants contribute to over 85 per cent of the financing of local government's budgets, with more than 90 per cent of this funding being in the form of conditional grants. Yet, the allocated resources are still far below the amounts required by local governments to fulfil their mandates. Furthermore, the national Government of Uganda still retains a significant portion of funds that should be devolved. Such paucity of national funds dedicated to local governments is further exacerbated by local governments' limited ability to raise their own-source revenues.

Alongside the limited financial capacities, none of the local governments in the country case studies has sufficient professional staff in their planning institutions. For instance, Uganda has only 0.44 professional staff (such as planners, architects, geographic information system experts, cartographers, surveyors, etc.) per 100,000 inhabitants compared to 37.63 per 100,000 inhabitants in the United Kingdom.¹¹ Throughout its internal conflict, the Syrian Arab Republic has suffered from a severe reduction in its already limited human resource capacity in urban governance and planning institutions.

For example, 4 staff at the Deir ez-Zor city planning office served a population of at least 150,000 inhabitants in 2018.

Tajikistan was the only country whereby the responsible planning institution, OJSC "Shahrofar", had sufficient human resources (115 personnel in total) to fully perform its functions, although there is a lack of some specialized professional staff as there are only 1.2 professional staff per 100,000 inhabitants. The lack of qualified staff further constrains local governments to carry out their functions and provide public services.

Afghanistan, Cameroon, Somalia, Tajikistan and Uganda do not require urban planning institutions to conduct periodic capacity (human and financial resources) needs assessments, which further undermines the effectiveness of the urban planning system.

In Guinea, a periodic capacity (human and financial resources) needs assessment is required by law as part of the preparation of the annual budget. Niger State also prepares periodic capacity needs assessments, whereas there is no information available of the practice in this regard for Peru, Saudi Arabia and the Syrian Arab Republic.

Digital governance

E-government

Digital tools provide innovative solutions to pressing issues by delivering services better, establishing cutting edge systems of procurement, advancing fiscal openness, enabling effective and cost-efficient approaches

to capacity-building that are easy to monitor, and fighting fraud and abuse. Digital technologies can also help Governments to reach a wider set of the population, given that the population has the necessary financial means, skills, Internet

11 UN-Habitat (2012). *The State of Planning in Africa*. <https://unhabitat.org/sites/default/files/download-manager-files/The%20State%20of%20Planning%20in%20Africa%20%2C%20An%20Overview%20.pdf>

access and access to devices in order to use digital solutions, and that significant investments are made to fully harness digital governance. As will be discussed later in this section, the same technologies can represent real risks to democracies. Unaccountable institutions are leveraging technology to pursue their own interests, infringing on privacy rights, whereas public institutions are dealing with the unintended consequences of fast-moving technologies that often outpace government oversight.

The Governments of Guinea, Niger State, Saudi Arabia, the Syrian Arab Republic and Peru have digital platforms used for sharing certain information and facilitating public services. Most notably, Saudi Arabia provides 160 e-services to citizens, including renewing passports, applying for identity cards and paying traffic fines through the mobile application Absher, which also enables citizens to provide feedback on such services. Uganda has invested heavily in a national broadband infrastructure that connects all major

towns and governmental bodies to an optical fibre-based network. A total of 133 government ministries, departments and agencies' sites have been connected to the broadband infrastructure, with 94 of their sites currently accessing the Internet in this way. Uganda is one of five African countries that offer open data sets and, similar to Saudi Arabia, offers the possibility of using services online, such as the submission of income tax and registration of new businesses. Furthermore, Peru has digital platforms that, among other things, include citizen consultations on local urban plans and members of the public are asked to verify urban rehabilitation projects or construction. Citizens can subsequently obtain their respective licences through the national registry. Peru also has an information system for urban and territorial planning which, to some extent, involves residents in decision-making processes related to urban and territorial planning. Box 9 describes the status of digital governance in Uganda.

Box 9. Improvements on digital governance: Uganda

Uganda has invested heavily in a national broadband infrastructure that connects all major towns and governmental bodies in an optical fiber-based network that includes 133 ministries, departments and agencies' sites. It is one of five African countries that offer open data sets with government bodies, such as the Uganda Bureau of Statistics, and the Ministries of Finance, Water and Agriculture releasing data in open formats.

Despite the countries' commitment to strengthen e-governance, the basic digital infrastructure for online service provision is either under development, such as the Syrian Digital Government Portal, or completely lacking as in the cases of Somalia, Afghanistan and Cameroon. The Syrian Digital Government is using the Syrian Digital Government Portal to share information on the processes and required

documents for governorate and municipal administrative services, and is developing certain digital services that can be requested by citizens online through a mobile application, which would greatly increase the accessibility of citizens to civil, cadastral and other urban services. Box 10 summarizes access to digital services in the countries studied.

Box 10. Digital service provision

- The Governments of 5 of the countries in these case studies (Guinea, Niger State, Saudi Arabia, Syrian Arab Republic and Peru) have platforms for sharing certain information and facilitating public service.
- 3 country case studies (Afghanistan, Cameroon and Somalia) do not offer online service provision, whereas such a platform is under development in the Syrian Arab Republic.

The digital divide

The digital divide refers to the “gap between those who have access to and use information communications technologies, including Internet connectivity, Internet-enabled devices and digital literacy skills, and those who do not”.¹² The fruits of digital governance can only be fully realized if everyone has access to digital services and affordable and accessible Internet connectivity on equal terms, as well as the digital skills to make use of this access. Yet, more than 50 per cent of the total population in almost all of the countries in these case studies do not have access to the Internet, the exceptions are Saudi Arabia and Peru. Around 65 per cent of the population access the Internet in Peru while in Saudi Arabia almost 98 per cent of the population had access to the Internet in 2020.¹³ It should be noted that there is no information available concerning Niger State, although figures show that about 50 per cent of people have access to the Internet in the whole of Nigeria.¹⁴ Internet access is, however, on the rise in Afghanistan, Cameroon, Guinea and Somalia, indicating positive progress in access to digital services. Yet, there is a risk that not everyone reaps the benefits of existing or potential digital tides as the digital divide is

already prevalent in Peru and Tajikistan in terms of the digital rural-urban gap, and in Afghanistan, Cameroon, Peru, Tajikistan and Uganda in terms of a gender digital gap.¹⁵



Figure 4. More than 50% of the population in the study countries don't have access to the Internet (except Peru and Saudi Arabia)

Constraining factors for women's access to the Internet in Cameroon are the cost associated with it, as women are more vulnerable to poverty, and digital literacy. In Tajikistan, prevailing gender roles and norms have been identified as constraints.

12 UN-Habitat (2021). *Assessing the Digital Divide*. https://unhabitat.org/sites/default/files/2021/11/assessing_the_digital_divide.pdf

13 Interviews with country experts.

14 Interviews with country experts.

15 The digital rural-urban gap is the digital divide between rural and urban areas, while the gender digital divide refers to the disparity between genders and their use of information communications technology in society, including inequality of opportunity, pay, progression and benefits.

Similarly, anecdotal evidence indicates that social norms may hinder women from accessing the Internet at Internet cafés in some parts of the Syrian Arab Republic. However, there is no data available on the number of women who own mobile phones that are connected to the Internet. Only in Saudi Arabia is the gender digital divide not an issue in terms of equal access to the Internet. Most of the case studies (7) have free Internet access zones. This does not necessarily mitigate the digital divide, because only those with access to devices and the necessary skills can benefit.

Digital rights

Introduction

With the rise of digital governance, millions of urban residents are leaving digital footprints and data shadows without any control or knowledge of the use of these. Coupled with data security concerns and the vulnerability of computing systems to hacking, crashing and viruses, a large amount of personal information is at risk of misuse. Therefore, citizen's rights of privacy are at the core of digital rights to ensure data protection, security, information self-determination and neutrality, giving citizens a choice about what happens to their digital identity, who uses their data online and for what purposes.

Digital rights takeaways in case studies

Most case studies (7 out of 10) have adopted data protection and cybersecurity laws. For example, the data protection law of Saudi Arabia, the E-Crime Act of 2007, stipulates that defaming someone on the Internet and acquiring information illegally from public or private sources are illegal and punishable offences.

In Cameroon, Guinea, and the Syrian Arab Republic, the free Internet access zones are all located in urban areas. In Saudi Arabia, they are located in tourist hotspots. The Ministry of Education in Peru made efforts to improve Internet accessibility and reduce the urban-rural digital divide by implementing a programme to connect at least 6,500 public places in rural areas with free Internet access in 2021, with a focus on young people and school students in some regions. Information was not available concerning Internet zones in Niger State and Somalia.

Although Cameroon has such provisions, they remain unimplemented due to a lack of funds directed to regulate digital usage, security, cryptography and electronic certification activities, and a mismatch between training and employment needs in the field of information communications technology. Data protection and cybersecurity laws are non-existent in Somalia and the Syrian Arab Republic, which is also the case in Afghanistan, although the Constitution of Afghanistan of 2004 has some elements resembling a data protection law as Article 37 provides the right to confidentiality and privacy of communications.

However, for legislation to be effective, it is also essential to have a mechanism with which citizens can make complaints and report on incidences of data breach and misuse of personal information. For example, Peru has a Personal Data Protection Law (29733/2011), the aim of which is to guarantee the adequate treatment of personal data, including all its forms of creation, storage, organization and access.

In Niger State, complaints can be submitted to several bodies in case of data breach and misuse of personal information, including the Central Bank of Nigeria, Nigeria Communications Commission and the Nigeria Computer Emergency Response Team. In Afghanistan and Somalia, there are no legal provisions guaranteeing citizens the right to make complaints and report on incidences of

data breach and misuse of personal information. In the Syrian Arab Republic, no privacy protection legislation exists to safeguard the rights of citizens from illegal and disproportionate government surveillance. Box 11 summarizes who has access to digital services and people's rights in the countries studied.

Box 11. The digital divide and digital rights

- In 8 countries in these case studies (Afghanistan, Cameroon, Guinea, Niger State, Somalia, Syrian Arab Republic, Tajikistan and Uganda), less than 50 per cent of the population has access to the Internet.
- 5 out of the 6 country case studies (Afghanistan, Cameroon, Peru, Tajikistan, and Uganda) where information on women's access to the Internet was provided illustrate that there is a gender digital gap.
- 7 out of 8 country case studies (Cameroon, Guinea, Saudi Arabia, Syria Arab Republic, Peru, Tajikistan and Uganda) have free Internet access zones.
- 7 case studies countries (Cameroon, Guinea, Niger State, Peru, Saudi Arabia, Tajikistan and Uganda) have adopted data protection and cybersecurity laws.

RECOMMENDATIONS

Based on the findings from the case studies, a set of recommendations is given as follows:

Institutional arrangements, effectiveness and public participation

- i. All countries in the case studies have provisions requiring institutional coordination across or within various levels of government, yet they still face significant constraints in effective multilevel governance. This illustrates the need for introducing or reinforcing legislation that clarifies and delineates the functions, duties and powers of government actors, which is equally important to ensure inclusive responses to crises such as climate change and the COVID-19 pandemic.
- ii. Also, there is a need to facilitate and institutionalize coordination among all governments at various levels across existing administrative boundaries and sectors through, for example, metropolitan governance, intermunicipal cooperation and multilevel consultation mechanisms.
- iii. There is a need to introduce or reinforce legislation or regulations that guarantee citizens the right to participate in public affairs by ratifying and adequately incorporating relevant international and regional human rights treaties into national laws, policies and practices.
- iv. To provide for meaningful engagement and involvement of the public, it is essential that Governments make a long-term commitment, take the necessary legislative and policy measures, and identify and adopt institutional arrangements to promote and ensure equal participation of individuals and groups that are marginalized or discriminated against, at all levels of decision-making processes and institutions.

- v. Considering the general lack of a citizen feedback mechanism on government performance and conduct in service delivery, Governments should consider introducing or strengthening mechanisms such as conducting surveys or focus group discussions for citizens to provide feedback in a systematic, inclusive and efficient way.

Transparency and accountability

- i. To increase transparency and accountability through public scrutiny and oversight, Governments should develop and implement open government strategies and initiatives in collaboration with stakeholders that, for example, make information accessible and clear for the public. This includes making any new, revised or updated draft versions of documents relating to decisions available to the public to further improve transparency and accountability.
- ii. Governments need to improve their administrative processes on land-use and construction applications to complement legislative provisions that should have clear, transparent and efficient mechanisms to minimize the potential negative influence of third parties over decision-making processes, and ensure timely and cost-effective permitting processes which will encourage people to pursue formal routes as opposed to informal ones.
- iii. For the legal and regulatory framework for urban planning to be responsive and adequate to address the challenges of urbanization, Governments need to recognize and understand the trends and forces that cause urbanization and plan proactively as opposed to reactively.

Regulatory instruments need to provide direction on the required infrastructure, services and future land uses so that the needs of the existing and incoming population are met (housing, land, jobs etc.).

- iv. To minimize land conflicts, Governments need to ensure that the land cadastre is updated with clear delineation of land ownership. The land laws should enhance security of land tenure for all by recognizing the continuum of land rights where different tenure forms incorporating a range of concepts, or interests exist simultaneously, often changing between forms over time (individual ownership and customary interests, or family and customary lineage).
- v. Considering the challenges constraining effective implementation of legal frameworks, governments should develop and implement more effective development control processes through analysis of existing processes and resources. There is also a need to incrementally build the financial and human capacities of public authorities to adequately manage planning systems.

Representation, subsidiarity and local governance

- i. In case studies where elections or indirect elections are not possible, governments should establish more representative governance structures through legislative instruments. It is also crucial to make elections free and fair through universal suffrage to strengthen representative, accountable, and inclusive decision-making by enforcing provisions in legislation or regulations guaranteeing electoral participation rights that are non-discriminatory.
- ii. Governments should take legislative and constitutional measures, including reviewing and reforming laws and policies that support and encourage women to participate in public

decision-making bodies. Governments should also promote activities such as awareness-raising and sensitization programmes, legal literacy (“know your rights”) campaigns and legal support services.

- iii. It is recommended that Governments introduce or continue to strengthen the devolution of powers to local governments to perform urban functions and accompany such devolution with adequate financial and human capacities for local governments to be able to fulfil their mandates.
- iv. There is a need for the devolution of powers to be accompanied with fiscal decentralization that promotes extensive own-source revenue options for local governments. Governments should also support local governments with financial capacities to explore such revenue sources based on fiscal capacity needs assessments.
- v. Considering the general lack of human resources among the countries in the case studies, Governments should introduce appraisals such as assessing staffing capacity from a per capita perspective and support public authorities at all levels accordingly.

Digital governance






- i. To make the Internet more affordable and accessible, it is recommended that Governments, among other actions, co-create a digital inclusion plan; introduce or reinforce an action framework such as utilizing government-owned and operated networks, public-private partnerships and facilitating community networks; and design a finance model that can be leveraged to achieve the goals. Bridging the digital divide requires tackling access to connectivity, skills and devices for all priority groups.

- ii. There is also a need for Governments to strengthen the integration of information communications technology in urban functions, such as publishing plans online and setting up an e-permit development application process by, for example, creating crucial new capabilities in the public sector through capacity building initiatives and on-the-job training of staff, and a programme to create in-house digital skills.
- iii. Capacity-building and training can be costly and only reach a limited number of participants. Digital approaches and tools can help to deliver training in an interactive and effective manner, reducing costs associated with on-site training, transport and accommodation, while enabling capacity-building activities to impact a wider audience. This helps to improve inclusivity by reaching individuals who may otherwise not be able to participate. However, training activities must be planned holistically, mixing digital and in-person activities as appropriate, and considering digital divide issues.
- iv. Increasing accessibility to the Internet must be approached carefully by Governments to address inclusion and human rights aspects, such as privacy and data protection in their local digital strategies, policies, projects and services. Therefore, Governments should introduce or reinforce a data protection law, with provisions on the use, storage and processing of personal information. It is also essential that Governments facilitate mechanisms that enable citizens to make complaints/report incidences of data breach and misuse of personal information.

Next steps: technical assistance, useful tools and guidelines

UN-Habitat works in over 90 countries to promote transformative change in cities and human settlements through knowledge, policy advice, technical assistance and collaborative action. UN-Habitat's Strategic Plan (2020-2025) adopts a strategic and integrated approach to solve the challenges and realize the opportunities of twenty-first century cities and other human settlements.

Based on the findings and recommendations from the comparative analysis, listed below are some useful tools and guidelines developed by UN-Habitat to guide Governments when undertaking urban governance reform to address the identified challenges. Additionally, UN-Habitat, through the Policy, Legislation and Governance Section, is fully equipped to provide expertise and support urban policy, legal, governance and institutional reforms.

<p>The New Urban Agenda</p>	<p>https://habitat3.org/the-new-urban-agenda/</p>	
<p>The New Urban Agenda Illustrated Toolkit</p>	<p>https://unhabitat.org/nua-illustrated-toolkit/</p>	
<p>UN-Habitat Strategic Plan (2020-2025)</p>	<p>https://unhabitat.org/sites/default/files/documents/2019-09/strategic_plan_2020-2023.pdf</p>	
<p>UN-Habitat Catalogue of Services</p>	<p>https://unhabitat.org/2020-catalogue-of-services</p>	
<p>International Guidelines for Urban and Territorial Planning</p>	<p>https://unhabitat.org/international-guidelines-on-urban-and-territorial-planning</p>	

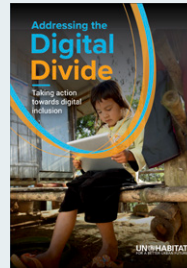
UN-Habitat Report On Cities And Pandemics

Towards A More Just, Green, And Healthy Future: <https://unhabitat.org/un-habitat-report-on-cities-and-pandemics-towards-a-more-just-green-and-healthy-future#:~:text=The%20Cities%20and%20Pandemics%20Report,%2C%20the%20economy%2C%20and%20governance.&text=This%20also%20means%20protecting%20jobs,them%20to%20create%20financial%20resilience.>



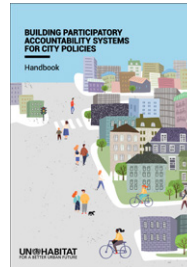
Addressing The Digital Divide

Taking Action Towards Digital Inclusion: https://unhabitat.org/sites/default/files/2021/11/addressing_the_digital_divide.pdf



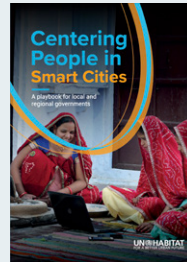
Building Participatory Accountability Systems For City Policies

Handbook: https://unhabitat.org/sites/default/files/2021/06/210618_the_building_participatory_accountability_systems_for_city_policies.pdf



Centering People in Smart Cities

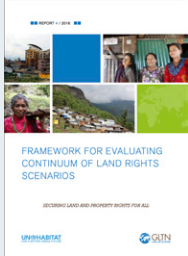
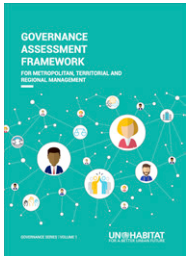
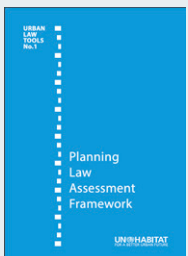

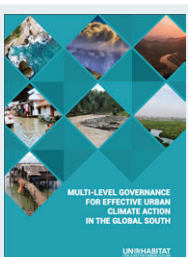
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Digital Cities Toolkit

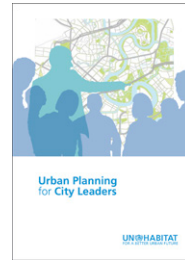
https://unhabitat.org/digitalciestoolkit/digital_city_toolkit.html



<p>Framework For Evaluating Continuum of Land Right Scenarios</p>	<p>https://unhabitat.org/sites/default/files/download-manager-files/Framework%20for%20Evaluating%20Continuum%20of%20Land%20Rights%20Scenarios_English_2016.pdf</p>	
<p>Governance Assessment Framework for Metropolitan Territorial and Regional Management (GAF-MTR)</p>	<p>https://unhabitat.org/governance-assessment-framework-for-metropolitan-territorial-and-regional-management-gaf-mtr</p>	
<p>Planning Law Assessment Framework</p>	<p>https://unhabitat.org/sites/default/files/download-manager-files/1531834456wpdm_Planning%20Law%20Assessment%20Framework.pdf</p>	
<p>MetroHUB</p>	<p>Supporting Metropolitan Development https://unhabitat.org/metrohub-supporting-metropolitan-development</p>	
<p>Multi-Level Governance for Effective Urban Climate Action in the Global South</p>	<p>https://unhabitat.org/sites/default/files/2022/02/mlg_for_effective_urban-related_climate_action_in_dev_count_07022022_2.pdf</p>	

Urban Planning for City Leaders

<https://unhabitat.org/urban-planning-for-city-leaders-0>



Urban Planning Law for Climate Smart Cities

Urban Law Module of the Law and Climate Change Toolkit: https://unhabitat.org/sites/default/files/2022/10/final_urban_planning_law_for_climate_smart_cities.pdf



Strengthening Governance For A Sustainable And Inclusive Urban Future: Insights From The UN-Habitat Expert Group Meeting On Urban Governance

https://urbanpolicyplatform.org/wp-content/uploads/2021/10/23092021-STRENGTHENING-GOVERNANCE-FOR-A-SUSTAINABLE-AND-INCLUSIVE-URBAN-FUTURE_EGM.pdf





Kabul houses perch on the side of mountains that surround the city. by Cordeilia Persen source : flickr

CASE STUDIES AFGHANISTAN¹⁶



BACKGROUND

Afghanistan is in central-south Asia, and borders Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan and China. It is one of the poorest countries in the world, as about 47.2 per cent of the population was living below the national poverty line in 2020.¹⁷ Thus, Afghanistan is classified as a low-income country.¹⁸ Furthermore, urbanization runs parallel to the rapid growth of the population. In 1960, the total population of the country was less than 9 million and 30 years later in 1990, it had reached 12 million. Over the following 30 years, it more than tripled to 39 million, with 10 million people living in cities by 2020, which was about 26 per cent of the total population.¹⁹ Although most of the population lives in rural areas, the urban population is expected to increase by at least 320,000 additional urban dwellers every year, and will reach 24 million by 2050.²⁰

Indeed, the country is undergoing a high rate of urbanization with an annual urban growth

rate of 3.3 per cent in 2019.²¹ Comparatively, the average for south Asia (already the second most rapidly urbanizing region on Earth after sub-Saharan Africa) is 2.41 per cent.²² Rural to urban migration, the influx of internally displaced persons and returnees, the expansion of urban built-up areas and population growth are the main reasons for the high rate of urbanization. Afghanistan has one of the world's youngest populations because of the so-called "youth bulge" phenomenon,²³ and nearly 42 per cent of the country's population was under the age of 14 in 2020.²⁴ The capital city Kabul is estimated to have approximately four times the size of the population than the next largest cities (in terms of size) such as Herat, Mazar-i-Sharif and Kandahar. According to estimations from 2019, Kabul has a population of approximately 4 million people, which is almost 42 per cent of the total urban population of the 34 provincial capitals across the country.²⁵

16 Disclaimer: the information provided for the Afghanistan case study is from before the regime change in August 2021.

17 Asian Development Bank (2021). Poverty Data: Afghanistan. www.adb.org/countries/afghanistan/poverty#accordion-0-9.

18 World Bank (2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

19 World Bank (2020). Population, total - Afghanistan. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=AF>. World Bank (2020). Urban Population - Afghanistan. <https://data.worldbank.org/indicator/SP.URB.TOTL?locations=AF>.

20 Government of the Islamic Republic of Afghanistan (2015). *The State of Afghan Cities*: 2015. Kabul.

21 World Bank (2019). Data on Urban Population Growth (annual %), Afghanistan. <https://data.worldbank.org/indicator/SP.URB.GROW?end=2019&locations=AF&start=1961&view=chart>.

22 United Nations, Department of Economic and Social Affairs, Population Division (2019). *World Urbanization Prospects: The 2018 Revision*. New York.

23 A stage whereby a country achieves success in reducing infant mortality and continues to have a high fertility rate.

24 World Bank (2020). Population ages 0-14 (percentage of the total population) - Afghanistan. <https://data.worldbank.org/indicator/SP.POP.0014.TO.ZS?locations=AF>.

25 World Bank (2019). Population in the largest city (% of urban population) - Afghanistan. <https://data.worldbank.org/indicator/EN.URB.LCTY.UR.ZS?end=2019&locations=AF&start=1961&view=chart>.

However, weak urban planning, land management and service delivery have resulted in uncontrolled urban expansion, which disproportionately affects the urban dwellers living in poverty and exacerbates inequalities. Consequently, ensuring access to land, housing and urban services such as water, sanitation, waste collection and

electricity is crucial, especially for the most vulnerable. Yet, conflict, weak urban governance and fragile State-society relations, with an increasing distrust in government institutions and constant difficulties for the national Government in exerting its authority, do not allow for effective responses.

EXECUTIVE SUMMARY

Urban planning is a highly centralized process in Afghanistan with the Ministry of Urban Development and Land being responsible for designing, developing, managing, monitoring and implementing master plans for all cities. Yet, there are legislative grounds for multilevel governance in urban planning that require all ministries, government agencies, independent commissions, enterprises, State-owned companies and joint ventures, and municipalities to cooperate with the ministry in implementing the provisions of the Urban Development and Housing Law. However, overlapping and unclear mandates, conflicting provisions, counterproductive political competition across ministries, inadequate resources and weak capacities are some of the factors constraining multilevel governance. Also, urban plans are only made available once they are passed.

Non-state actors do not have formal or systematic structures and processes to be consulted and contribute to decision-making processes, or to provide feedback about the Government's performance and conduct in the delivery of public services. For example, there is no legal requirement for ministries and regulatory agencies to solicit opinions from the public when drafting regulations or plans. Hence, public participation in decision-making processes is very limited and mainly facilitated

through internationally supported projects or community-based organizations and Gozars (urban neighbourhoods' area-based organization structures at the subdistrict level).

Furthermore, private actors such as landowning cartels and warlords have an excessive influence over decision-making processes, including urban planning, that negatively circumvent the implementation of urban plans, fuel land conflicts, undermine transparency and accountability of public institutions as well as foster corruption and illegal construction. There is also no comprehensive building code and the construction permitting process is not only non-transparent but also costly and lengthy procedurally. The construction permitting process has 17 procedures that take, on average, 159.4 days to complete and cost the equivalent of 41.9 per cent of the value of construction. However, there is legislation that outlines permitted urban land uses that ought to guide planning institutions that are not followed in practice. Consequently, informal settlements are common in Afghanistan with over 71 per cent of the urban population living in informal settlements as of 2016, which is also the case for Kabul (71 per cent of Kabul's inhabitants live in informal settlements). The planning process has not undergone any relevant changes due to the COVID-19 pandemic.

Like the urban planning process, public decision-making is highly centralized as provinces and districts are viewed merely as deconcentrated administrative units of the central Government. However, there are community development councils that are elected by their communities that have some functions at the local level, albeit these councils are not legally recognized. There are also Gozars that can be viewed as a semi-formalized form of urban institutions with similar functions to community development councils. Apart from limited autonomy, municipalities are also constrained with limited financial and human capacities. Municipalities can only collect own-source revenue from fees that are not sufficient to cover expenses associated with public service delivery. Budget execution is also a challenge due to low revenue collection, poor planning, procurement problems, lack of accountability mechanisms and excessive bureaucracy. There is limited capacity of professional staff in municipalities to effectively perform their mandates and provide adequate basic services.

Women still face significant structural barriers to being employed in both the public and private sectors.

Digital governance barely exists in Afghanistan due to political impasse, scarcity of financial resources and a shortage of technical skills, equipment and infrastructure. There is only a service whereby citizens can pay electricity bills online. The Government shares some information on social media platforms but this is not accessible to everyone; only 20 per cent of the population had access to the Internet in 2020 and there are no free Internet zones in the country. 70 per cent of the population subscribed to mobile cellular networks in 2020, however, the number of women owning or using a mobile phone and who have Internet access is considerably lower than 70 per cent, indicating a gendered digital gap in the country. Digital rights, like privacy, are not protected by any specific laws or regulations, leaving personal data at risk of misuse. Some legislation, however, acknowledges the right to confidentiality and private communication.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

In the planning system of Afghanistan, the Ministry of Urban Development and Land is mandated by the Urban Development and Housing Law (Law 1395 of 2016, Article 7) to oversee the design and to monitor urban development strategies and programmes, as well as design, develop and manage urban comprehensive plans (“master plans”) for all cities. Kabul is an exception as it is mandated to prepare its own master plan. Article 3 of the Urban Development and Housing Law defines these master plans as comprehensive and long-term urban plans “which regulate land use and zoning of the residential, cultural,

industrial, economic, commercial, institutional, agricultural areas, municipal and urban facilities, communication and transportation networks, airports, ports to create urban establishments and facilities.” These are, then, approved and authorized by the highest decision-making body concerning urban development - the High Council of Urban Development (Law 1395 of 2016, Article 6) - which is composed of the President, several ministries, authorities and departments at the central level, and the mayor of the city in question (Law 1395 of 2016, Article 5).



No role is foreseen in the regulations for local governments in the formulation and approval of these master plans. Despite this, municipalities can prepare strategic municipal plans, that “provide coherence to urban development visions, goals and objectives with regard to the national values and priorities and convert them into practical and implementable plans” (Urban Development and Housing Law 1395 of 2016, Article 3). These plans should be published by the municipality every four years and should set out how the municipality will exercise its powers and functions and meet the following overarching policy objectives as provided for in the Municipal Law (2018, Article 6): enhancing trust and accountability between citizens and the Government; improving the delivery of quality services and infrastructure; alleviating poverty; and promoting sustainable economic growth and job creation. Through these plans municipalities can, for example, identify priority projects and approve municipal urban revenue plans and financing requirements.

Notwithstanding what is clearly stated in these two key laws, some urban planning mandates overlap. An example is Article 59 of the Municipal Law, which sets out that the Independent Directorate of Local Governance will be required to develop master plans for each city except for Kabul. However, Articles 6 and 7 of the Urban Development and Housing Law provide the mandate of preparing and approving master plans at the central level (the Ministry of Urban Development and Land and the High Council for Urban Development). In practice, through the Municipal Law of 2018, the Independent Directorate of Local Governance has tried to push for a more decentralized system (foreseeing a role for itself in the preparation of master plans) than the one already in place under the Urban Development and Housing Law of 2016

which, however, remains in force. Consequently, urban planning is still highly centralized, despite the provisions in the Municipal Law. Therefore, municipalities are not involved in developing master plans as their capacities and resources are also limited, leaving the Municipal Law unimplemented. Besides, no municipality has yet prepared a strategic municipal plan, as required by the Municipal Law.

The example above of the overlapping mandates illustrates the issue of limited multilevel governance. Apart from overlapping mandates, multilevel governance is also weakened by a strong centralized system and the fragmented plethora of responsibilities and relations between the central Government, municipalities and line departments in undertaking planning functions, which undermine the adequate provision of basic services to citizens. However, Article 4 of the Urban Development and Housing Law sets out the requirement for all ministries, government agencies, independent commissions, enterprises, State-owned companies and joint ventures, and municipalities to cooperate with the Ministry of Urban Development and Land

in implementing the provisions of the Urban Development and Housing Law. Moreover, Article 35 of the Municipal Law, titled “Cooperation with government departments or agencies”, establishes that a municipality “shall cooperate with and provide all reasonable assistance to any government department or agency (...) performing their respective powers and functions within the area of the municipality”. However, the content of these two provisions is not always respected in practice because of three main reasons:

- i. Overlapping and unclear mandates in the Municipal Law and Urban Development and Housing Law, as pointed out above.
- ii. Weak coordination and counterproductive political competition across ministries, especially through the power sharing, national unity Government.
- iii. Inadequate resources and weak capacity to facilitate multilevel governance.

At the intermunicipal level, mechanisms for intercity sharing and exchange of experiences do not seem to exist.

Impacts of coronavirus disease on service provision

The overall planning process has not undergone any relevant change during the COVID-19 pandemic. Initial responses to COVID-19, such as the lockdown and border closures imposed during the first months of the pandemic, were meant to contain the spread of the virus. Then, the Government quickly reverted to business as usual, without undertaking any reforms to address the societal challenges associated with the pandemic. This was mainly due to political impasse and lack of financial capacities made worse by the limited available fiscal space to implement policies for efficient health responses

and social protection. Given the lack of clarity on roles and responsibilities between the President’s Office, the Ministry of Public Health and other governmental entities, coordination and communication were a challenge. For example, messages from authorities on lockdown measures were not always clear, leading to the duplication of efforts and a waste of resources.²⁶

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²⁶ Ibrahim, S.S. and N. Safi (2020). *Coping with COVID-19 and Conflict in Afghanistan*. New York: Centre on International Cooperation.

Public participation

In addition to the lack of coordination between different levels of government and across ministries and departments, there is also a lack of public participation in decision-making processes, including urban planning. Ministries and regulatory agencies are not legally required to solicit comments on proposed regulations from the public nor publish texts of proposed regulations before their enactment. Therefore, the Government does not facilitate public participation in practice as citizens are excluded from viewing the draft text of the proposed regulation. After adoption and enforcement, laws are published on a website managed by the Government and in the official Gazette, which is accessible by the public without any charge.²⁷ Some of the governmental departments publish their relevant laws on their websites. Affected parties do not have any legal instruments to request reconsideration or appeal the adopted regulation to the relevant administrative agency.²⁸ Yet, Article 6 of the Municipal Law states the Afghanistan Land Authority is supposed to consult the mayor, the municipal councils, the resident of any municipality affected by the review “as it sees fit” and any other body or person “as appear to them to be concerned” or which are likely to be affected when reviewing geographical boundaries and population of each municipality. However, there is no specific mention of how this consultation should take place and the wording of this provision leaves ample room for discretion.

Furthermore, there are non-legally recognized community development councils (community-based decision-making bodies) and Gozar

Assemblies (smaller clusters of community development councils) that help foster a more participatory form of urban governance by contributing to neighbourhood planning exercises and facilitating the management of public services and facilities, which in some cases are part-funded from community contributions.²⁹ Also, consultation with leaders representing each *Gozar* “*Wakil-i-Gozars*”, although formalized by legal provisions, is not yet a common practice in specifically urban planning processes considering also that *Wakil-i-Gozars* are often reported to be corrupt. Due to the lack of public participation in decision-making processes, there are internationally supported projects that aim to strengthen the role of Community Development Councils and Gozar Assemblies in processes such as urban planning. This is done by promoting the occasional consultation of the views of stakeholders in the phase of preparation and design through public town halls, at which stakeholders are invited via mainly Community Development Councils.

For example, UN-Habitat has provided support to prepare and design strategic municipal action plans for 12 cities in Afghanistan through public planning workshops that gathered data and involved citizens (including women and priority groups). Apart from efforts undertaken with international support to promote public participation, the Government rarely undertakes such initiatives and municipalities do not, in general, have the resources, capacity and interest to undertake participatory processes for urban planning or selection of projects, nor is such consultation strongly mandated by law.

27 See <https://moj.gov.af/en>.

28 World Bank (2017–2018). Global Indicators of Regulatory Governance. <https://rulemaking.worldbank.org/en/data/explorecountries/afghanistan>.

29 Khaliq Nemat, A., J. Leslie and O. Mahdi (2015). 2015 Afghanistan Country Report for Habitat III: Islamic Republic of Afghanistan. Ministry for Urban Development Affairs.

Moreover, Article 16 of the Municipal Law foresees that when preparing and revising the given Strategic Municipal Plan, mayors should consult several community representative bodies, including: the municipal council; all *Wakil-i-Gozars* within the municipality elected in accordance with the provisions of Article 46; residents of the given municipality by means of the residents' performance audit mechanism as established pursuant to Article 104; the Independent Directorate of Local Governance; and other concerned bodies and people. However, it is important to note that the mayor is appointed by the national Government and municipal councils have never been in place. As previously mentioned, *Wakil-i-Gozars* are often reported to be corrupted, and no strategic municipal plan has been adopted so far. Municipalities typically only have the capacity and resources to identify and finance infrastructure projects as part of their annual municipal budgets. During this process, municipalities consult with the Independent Directorate of Local Governance and sometimes (at their discretion) with *Wakil-i-Gozars*, community development councils and Gozar Assembly members, as well as other bodies and people they deem important. Therefore, the type and quality of participation and consultation in decision-making processes, albeit not formal, transparent or democratic, vary depending on the size of the city as consultation tends to be very limited in larger cities. Furthermore, there are no specific provisions guaranteeing context-specific participatory processes for engaging priority groups in decision-making processes. It is also important to note that women own less than 1 per cent of registered urban land in Afghanistan and no legal provisions ensure their voices are heard in decision-making related to land and neighbourhood management or in the overall urban management process.³⁰

30 Ibid.

In addition to the lack of formal and systematic structures and processes for public participation in the decision-making processes, there are no provisions or mechanisms that enable citizens to give feedback about the Government's performance and conduct in the delivery of public services. In theory, however, feedback could be provided through the Municipal Advisory Board, which was established under Article 9 of the Municipal Law to strengthen oversight and accountability of mayors and administrative councils (Article 39).

According to the Municipal Law, each municipality should establish a municipal advisory board following procedures developed by the Independent Directorate of Local Governance. The board is to be comprised of elected representatives from each *nahia*³¹ and selected members from unions, civil society and academia. The board's core function is to advise the mayor on municipal functions, budget formulation, and citizens' engagement. However, its role in budgeting is limited as municipalities share the municipal and budget plans with the board for its review and comments only after they have been formulated. Ultimately, the board is not engaged in budget formulation, nor the preparation of the Strategic Municipal Plan, and is not able to reject municipal budgets.

31 *Nahia* refers to an urban district, like a suburb; each *nahia* is divided into *gozars*.

Transparency and accountability

Disclosure of information and influence of third parties

Access to information about public decision-making processes is very limited and citizens are left out of public affairs. Master plans are made publicly available at the planning office once enforced, and there is no requirement to make them available through the Internet. Furthermore, the preparation and, above all, the implementation of urban plans in general is strongly influenced by private land-owning cartels and warlords resulting in land conflicts and grabbing, thus numerous urban plans are not implemented. The influence of private actors over decision-making processes and urban planning has serious repercussions for accountability, transparency and trust in public institutions, and fosters informality and corruption, including illegal constructions.

For example, around 70 per cent of residential buildings in Kabul are informal constructions built outside the areas approved by the master plan and without proper quality controls. This is mainly due to the absence of a comprehensive building code that would set the standards for construction, and the lack of transparency in the issuance of building permits, which is characterized by high costs and lengthy procedures,³² which have incentivized alternative and illegal processes for construction. Also, the interference of the process by private land-owning cartels and warlords influences the procedures by either hindering construction if it is not in their interest or making decisions that suit their interests. This situation has led to alarming rates of illegal construction in the country.

32 World Bank Group (2017). *Doing Business in Afghanistan 2017*. Subnational Doing Business. Washington, D.C.

Land-use planning

From a legal perspective, there are several provisions in national and local laws, such as the Municipal Law, the Urban Development and Housing Law, the Expropriation Law of 2000, and other laws and municipal decrees dating to the 1970s and 1980s, that determine the construction permitting processes, outline the permitted urban land uses and guide the decisions of planning authorities, which could potentially also form the basis for approval or refusal of a development permit. For example, Article 62 of the 2018 Municipal Law, titled "Building Permits", states: "(1) No construction of a building shall take place on land within a municipality except in accordance with a building permit issued by the municipality in which the relevant land is situated and in accordance with the master plan for the municipality insofar as it applies to that area." The same article also generally stipulates that "(4) regulations shall specify the information to be contained in an application for a building permit (...); the time by which a municipality must have decided whether to grant or refuse a building permit; (5) the procedure to be followed by a municipality in accepting an application for a building permit and considering whether to grant a building permit; the fee payable in respect of an application for a building permit". Thus, a regulation should specify costs and procedures to be followed for building permits. Costing for building permits is currently done through Standard Operation Procedures and not legal measures, according to internal research conducted by UN-Habitat Afghanistan Office, in consultation with the Ministry of Urban Development and Land.³³

33 UN-Habitat (2020-2021). *Land and Property Tax Revenues for Service Delivery, Reconstruction, Citizenship Building and Sustaining Peace in Fragile States, Afghanistan: Diagnostic Assessment Report* (forthcoming).

However, in practice, these Standard Operation Procedures are not applied in all municipalities and some of them impose costs at their discretion. The same applies to procedures for permits as each municipality follows a different procedure to accept or refuse an application. In any case, Article 62(6) of the Municipal Law provides that a decision should be made within three months of the submission, otherwise, the applicant can make a complaint under Article 66 of the Municipal Law.

These provisions are often not respected in practice. The overall framework is fragmented and outdated and usually not implemented, which hinders the efficiency and quality of building permits in the country.

It also creates several distinctions between the construction permit procedures of different places in Afghanistan in terms of time, costs and numbers of procedures.

Standards for development planning

CONSTRUCTION PERMITTING IN AFGHANISTAN

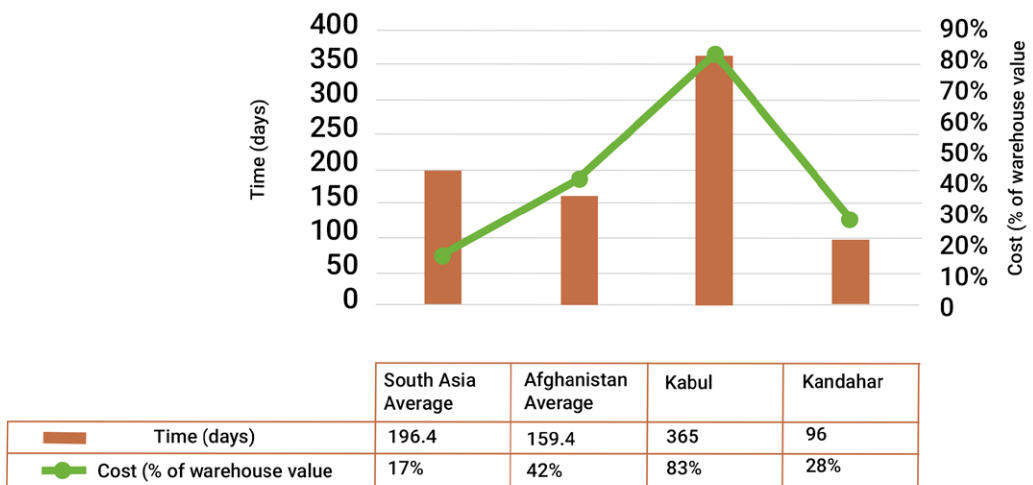


Figure 5. Construction permitting in Afghanistan

According to the Doing Business in Afghanistan 2017 report, which considers business regulations and their enforcement in five provinces, the construction permitting process takes an average of 17 procedures and 159.4 days and costs the equivalent of 41.9 per cent of the warehouse value in the five provinces. Figure 1 shows the correlation between cost and time in a permit application in Afghanistan.

However, the time and cost of construction permits vary across the provinces. For example, the province of Kandahar has the fastest and least costly process to approve and grant a construction permit as it only requires around three months, 14 procedures and cost 28.4 per cent of the value of the warehouse. In Asia, only Nepal has a faster process, taking 86 days.

Comparatively, in Kabul it takes almost nine months longer and costs three times more, which is equivalent to 82.7 per cent of the warehouse value. Fragmented and outdated regulations and poor transparency are some of the many reasons constraining efficient construction permitting in Afghanistan.³⁴

Also, depending on the province, five to seven procedures must be completed before construction can even begin. The procedure starts with the developer applying for the building permit from the municipality, which reviews the application and performs various checks and inspections before signing the application package (application letter and sketch of the land plot). The developer needs to submit the application package and pay a fee to the Department of Urban Development of the Ministry of Urban Development for the review of the drawings. The fee applies equally to all provinces and amounts to around 15,836 afghanis (Af) (\$265) for a two-story warehouse. This step of the procedure does not apply in Kabul, where the project is reviewed only by the municipality by virtue of the city's privileged status.

Following the review, the application Af24 (approximately \$0.30) per m² x land area x number of floors for residential buildings; and Af64 (approximately \$0.80) per m² x land area x number of floors for commercial buildings.

However, the fee for the building permit is not always charged at these rates as many municipalities fail to comply with the standard rates provided by the Standard Operation Procedures, leading to informal and discretionary practices. Among the five provinces that were studied, the cost for the building permit to be paid to the municipality was lowest in Herat at Af21,135 (\$354) in 2017 while the cost was much higher at an estimated at Af358,084 (\$6,000) in Kabul.³⁵

As shown in figure II, the applicant needs to pay a third fee for drilling a well and building a septic tank; this is the most expensive of all construction permit fees and can even amount to 94 per cent of the total cost. The fee ranges from Af480,000 (\$8,000) to Af600,000 (\$10,000) in four of the five provinces. In Kabul, this fee can be as high as Af1.2 million (\$20,000) as labour costs are substantially higher.

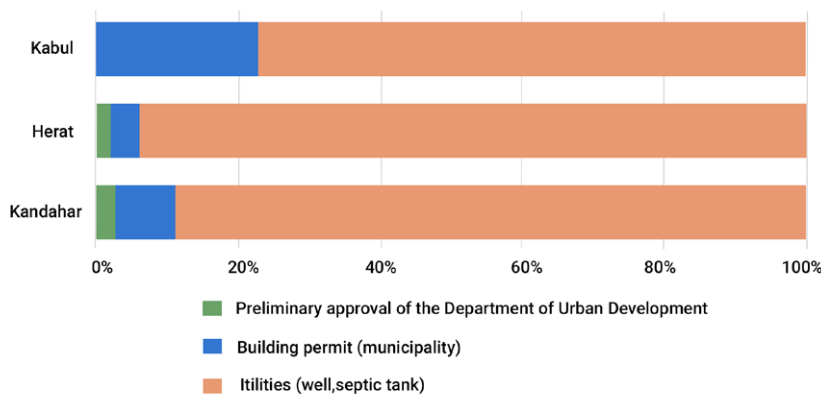


Figure 6. Composition of the cost to deal with construction permits

34 World Bank (2017). *Doing Business in Afghanistan 2017*. Washington, D.C.

35 Ibid.

Representation, subsidiarity and local governance

Political representation and functions of local governments

As stated in the 2004 Afghan Constitution, the country is an indivisible unitary State, which prioritizes centralism. The Constitution does provide for decentralized governance structures, for example by establishing municipal governments composed of mayors and municipal councils that should be elected through free, general, secret and direct elections. However, the country has a strongly centralized system of governance, where provinces and districts are merely deconcentrated administrative units of the central Government without any autonomous decision-making power, the exception being Kabul that has a special legal and political status.³⁷ Even municipal mayors in Kabul are appointed by the central Government through the Independent Directorate of Local Governance that is subject to the President's approval. This is contrary to what is stated in the Constitution. Hence, the Afghan system of government does not contribute to a democratic and accountable public sector.

A first Municipal Law of 2000 foresaw a decentralized form of government headed by elected mayors that would work in consultation with municipal councils composed of elected representatives from civil society. However, as it contrasted the subsequent Constitution of 2004, a new Municipal Law was enacted in 2018.³⁸

The law sets out in its Article 7 that: "For every municipality, there shall be a mayor and a municipal council", which is followed by Article 8 that "(1) the mayor and members of the municipal council of each municipality shall be elected over time in accordance with the Constitution of Afghanistan and the Election Law". Nevertheless, these requirements are not followed in practice and remain unactioned. Mayors are still appointed by the President and, to date, there have been no mayoral elections. Also, although allowed by law, there are no structures in place regarding municipal councils, leading to a high dependence of the municipal system on political changes at the central level and informal power dynamics. One of the aims of the Subnational Governance Policy of 2010 is to transform municipalities from being a weak de-concentrated tier of the public sector that is reliant on central authority to a devolved system of governance that responds to local needs. However, it has not been fully implemented.

However, as briefly mentioned previously, there are Community Development Councils and Gozars that, although not legally recognized, facilitate local governance to some degree. Members of the councils are democratically elected by their communities and their functions include community elections, mobilizing, planning, decision-making, implementing small-scale infrastructure, and monitoring and evaluation of local projects. In urban areas, the councils, composed of up to 250 households, are organized into Gozars, which are clusters of five Community Development Councils, or between

36 Ibid.

37 Boex, J., G. Buencamino and D. Kimble (2011). *An Assessment of Afghanistan's Municipal Governance Framework*. Urban Institute Centre on International Development and Governance.

38 Khaliq Nemat, A., J. Leslie and O. Mahdi (2015). 2015 Afghanistan Country Report for Habitat III: Islamic Republic of Afghanistan. Ministry for Urban Development Affairs.

1,000 and 1,250 households.³⁹ This differs from what is in the Municipal Law, which defines Gozars in Article 45 as “administrative units that have at the date of their establishment a population of not less than 500 and not more than 1,000 households”. Gozars are urban neighbourhood, area-based organization structures at the subdistrict level, like local neighbourhoods, and they can be considered to be a semi-formalized form of governance. Their functions are like Community Development Councils but for a larger geographic area and higher levels of urban planning.

As is customary and established by Article 46(1) of the Municipal Law, each Gozar shall be represented by one Wakil-i-Gozar, who is the leader of the local area that is often affiliated with the local mosque, and who should be elected by the residents of the Gozar according to Article 46(2) of the Municipal Law, although sometimes this leader is an elder representative of the local area. The role of the Wakil-i-Gozar has not always been enshrined in law but they play a traditional role in community leadership, decision-making, verification and notarization of birth and death certificates. Community Development Councils are still not legally recognized and the same applies to Gozar Assemblies that are composed of the representatives of up a Gozar of up to 1,250 households, who elect the Gozar Assembly chair as in the Wakil-i-Gozar.

Financial and human capacities of local governments

The centralized system of government in Afghanistan is also characterized by the limited financial capacities of local government. Apart from Kabul, municipalities do not receive any central government systemic transfers or loans. However, the central Government has established a municipal incentive fund to earmark an amount of money in the national budget, albeit not specifically defined, that varies according to the specific project and is for those municipalities that perform relatively well in terms of revenue collection and budget execution. This ad-hoc incentive needs to be requested by municipalities.

Taxes are imposed and collected by the Ministry of Finance and the role of municipalities is confined to other own-source revenues, often leading to the prioritization of unsustainable non-fixed revenue sources and the inability to recruit required staff to deliver public services. Such revenue sources include, for example, the sale or leasing of land and property that usually takes place outside of official municipal finance records. Municipalities are the only subnational level of government in Afghanistan that can raise, plan and spend their own-source revenue. Also, as per the Municipal Law, municipalities should prepare their budgets consisting of two parts: ordinary budget and development budget. The ordinary budget includes expenses such as staff salaries and benefits, maintenance, capacity building, utilities and other operation costs. The development budget includes capital expenditures and service delivery-related expenses. Own-source revenue of local governments accounts for a large proportion of the total local budget. According to Article 104 of the Municipal Law, municipalities can collect revenues from the following streams:

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39 World Bank (2016). *Citizens' Charter Afghanistan Project* (P160567). Report No: PAD2019 <http://documents1.worldbank.org/curated/en/257391477792873512/pdf/PAD-Citizens-Charter-Afghanistan-P160567-Oct-7-Board-version-10072016.pdf>.

1. *Safayi* fees (municipal service fee, taxed on properties), which account for the majority source of the municipal-level generated fees
2. Urban services fees
3. Maintenance fees for city roads
4. Billboard and advertising fees
5. Tile or ownership transfer fees/registration fees (stamp duties)
6. Occupancy certificate fees
7. Architecture and engineering services fees
8. Tahjaye fees (fee levied on using municipal space/property for a short period)
9. Revenue derived from selling municipal official forms
10. Revenue derived from fines and penalties
11. Revenue derived from selling sketches of residential, commercial and institutional buildings
12. Revenue derived from the rental of municipality's vehicles
13. Revenue derived from the rental of municipality's music band
14. Revenue derived from rental or leasing of a municipality's property
15. Construction permit fees
16. Application fee of sketches of buildings
17. Fees for changing a shop name
18. Market fees
19. Business licence fees

Safayi fees (municipal services charges) are the most important and reliable source of revenue for municipalities and account for between 20 per cent and 30 per cent of total municipal own-sourced revenue.⁴⁰ Nevertheless, municipal revenues are insufficient to meet the basic needs of public service delivery and budget execution is a major challenge in Afghanistan. For example, provincial municipalities, including the Kabul Municipality, spent only 50 per cent of their total budget in 2016, with 77 per cent of this coming from the ordinary budget and 23 per cent from the development budget. The reasons for poor budget execution are low revenue collection, poor planning, procurement problems, lack of accountability mechanisms and excessive bureaucracy.

Regarding human capacities, most municipalities are understaffed. A municipal planning office or institution may have between 1 and 10 professional staff such as planners, architects and cartographers, depending on the specific municipality.⁴¹ There is no provision in the Municipal Law requiring a specific percentage of women or other priority groups to be considered in the municipal employment. According to UN-Habitat, less than 10 per cent of municipal staff were female in 2015, reflecting the overall disproportionate number of women employed in the public sector in the country and, more generally, the low rate of women's employment, as only 13 per cent of the overall labour force in urban areas are women.⁴²

40 It is an estimate by UN-Habitat Afghanistan based on internal surveying.

41 It is an estimate by UN-Habitat Afghanistan based on internal surveying as there is a lack of reliable sources that does not allow for a precise number.

42 Khaliq Nemat, A., J. Leslie and O. Mahdi (2015). 2015 *Afghanistan Country Report for Habitat III: Islamic Republic of Afghanistan*. Ministry for Urban Development Affairs.

As a rule, Article 150 of the Municipal Law states that the municipality may employ and hire temporarily as many persons, vehicles, machinery and equipment as shall be rendered necessary by an emergency, disaster, security incident, snowfall, cleaning of canals or waste removal that is beyond the capability or capacity of the municipality. In practice, however, this possibility is not leveraged due to limited financial capacity.

The limited autonomy and the lack of financial and human resources of local governments have led to the inability of municipalities to effectively perform their mandates and to provide adequate basic services such as water, sanitation and primary health. Furthermore, the Strategic Municipal Plans should also include a requirement for urban planning institutions to conduct periodic capacity needs assessments in terms of financial and human resources. Nonetheless, no Strategic Municipal Plan has been adopted so far.



Digital governance

E-government

Digital governance is absent in Afghanistan and did not develop during the COVID-19 pandemic. As previously mentioned, national and local governments quickly returned to business as usual and did not stimulate a change in the way services are delivered, mainly because of the political impasse, scarcity of financial resources

and a shortage of technical skills, equipment and infrastructure to undertake such transformation. Therefore, public service delivery is still fully reliant on physical procedures, which impede the effectiveness, efficiency and accessibility of service delivery and limit public participation. The only public service facilitated online by the Government is a service to pay electricity bills.

Also, there is no formal or systematic digital (or physical) platform to engage residents in decision-making processes, apart from the internationally supported involvement of communities.⁴³ Some information is provided to citizens through the social media platform Facebook, which is used by several ministries and municipalities to share updates on, for example, urban plans, although not specifically to get feedback on these.

The digital divide

Most people in Afghanistan are excluded from information shared via the Internet and social media due to the low Internet penetration rate coupled with the lack of free Internet access zones in the country. In 2015, the percentage of individuals using the Internet out of the total population was 8.26 per cent, which was an increase from 5.9 per cent in 2013.⁴⁴ In 2018, the United States' Central Intelligence Agency estimated there were 4.7 million Internet users, which was 13.5 per cent of the total population.⁴⁵ Based on recent estimates, the number of Internet users was 7.65 million people in 2020, which was approximately 20 per cent of the population and demonstrates a consistent increase.⁴⁶ In 2019, the World Bank estimated that there were 22.67 million mobile cell subscriptions and the number of smartphone users was 26.92 million in 2020, which is equivalent to 70 per cent of

the total population.⁴⁷ However, there were only 3.60 million social media users in 2020, with a penetration of 9.4 per cent of the total population.⁴⁸

In terms of the women's access to mobile phones and the Internet, the number of Internet users is lower according to a survey conducted in 2012 by the United States Agency for International Development based on a sample of 2,000 women with different levels of income and from different provinces of Afghanistan. Nearly 48 per cent of those surveyed owned a mobile phone and an additional 32 per cent had at least some access to a shared phone owned by a family member or a neighbour. However, only 14 per cent of those owning a mobile use it to access the Internet, which suggests a wide gender digital gap as women are not able to access the Internet to the same extent as men. Women from the sample identified social norms and costs associated with owning a mobile phone as the main constraints.⁴⁹ These statistics on women's use of mobile phones have remained stagnant since 2012; there are internal estimates that between 10 and 50 per cent of women have a mobile phone with Internet access, depending on the region.

Digital rights

Although the number of Internet users is still fairly low, there are no general or specific laws or regulations addressing data protection in Afghanistan that would protect the use, storage and processing of data and personal information.

43 An example is the City for All Programme supported by UN-Habitat to involve communities in the preparation of Strategic Municipal Plans, although not yet enforced.

44 World Bank (2015). Individuals using the Internet (% of population) – Afghanistan. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=AF>

45 Central Intelligence Agency (2021). The World Factbook: Explore All Countries – Afghanistan. <https://www.cia.gov/the-world-factbook/countries/afghanistan/#communications>.

46 Kemp, S. (2020). Digital 2020: Afghanistan. <https://datareportal.com/reports/digital-2020-afghanistan#:~:text=There%20were%207.65%20million%20internet.at%2020%25%20in%20January%202020>. Datareportal.

47 World Bank (2020), Mobile cellular subscriptions – Afghanistan. <https://data.worldbank.org/indicator/IT.CEL.SETS?locations=AF>.

48 Ibid.

49 United States Agency for International Development (2013). Connecting to Opportunity: A Survey of Afghan Women's Access to Mobile Technology. https://reliefweb.int/sites/reliefweb.int/files/resources/survey_afghan_women_mobile.pdf.

However, the 2004 Constitution contains some elements resembling a data protection law as Article 37 provides the right to confidentiality and privacy of communications. It states that “freedom and confidentiality of correspondence, as well as communications of individuals, whether in the form of a letter or via telephone, telegraph, as well as other means, shall be secure from intrusion”. Additionally, sectoral laws such as the Telecommunications Services Law, the Tax Administration Law, the Public Health Law, the Law on Access to Information and a few others contain some limited clauses on data protection.

This also includes the Penal Code that was amended in 2017 to include penalties for cybercrime that foresees in its Article 629, a cash fine from Af10,000 to Af30,000 (approximately \$95 to \$285) for a person convicted of having disclosed confidential information learned through telephone, emails, fax, postal letters or through any other means to cause harm to another person. There is no provision in the country’s legal system that provides citizens with a tool to make complaints or report cases of data breaches and misuse of personal information by public authorities.



View of Nlongkaka in Yaoundé, by Ariel Nathan ADA MBITA source: Unplash

CAMEROON



BACKGROUND

Cameroon is in West-Central Africa and borders the Central African Republic, Chad, Equatorial Guinea, Gabon and Nigeria. It is a lower-middle income country and in 2018 had an approximate population of over 25 million people.⁵⁰ Like many other countries in sub-Saharan Africa, Cameroon is experiencing rapid urbanization. Around 57 per cent of the population currently live in urban areas compared to around 45 per cent in 2000.⁵¹ The most populous city and the country's economic centre, Douala, and the capital of Cameroon, Yaoundé, already each have over two million inhabitants with population sizes of around 2.45 million and 2.44 million people, respectively. Yet, Douala and Yaoundé are the only cities with more than 1 million people in the country.

It is estimated that the urban population will increase to 70 per cent by 2070⁵² and the annual urban population growth rate was 3.68 per cent between 2015 and 2020.⁵³ Many of the challenges impeding sustainable urban development in Cameroon include a lack of urban basic services, poor housing, unemployment and inefficient fiscal management.⁵⁴ It is also worth noting that Cameroon ranks 149 out of 180 countries in Transparency International's 2020 Corruption Perception Index, which further indicates weak governance that cripples progress towards sustainable development.⁵⁵

EXECUTIVE SUMMARY

There are several ministries involved in urban planning in Cameroon and the Ministry of Housing and Urban Development plays a leading role in preparing urban plans. However, the urban planning process is very centralized as regional and local administrations are only able to approve, validate and implement urban plans.

Coordination between the ministries at the national level and local governments are constrained by conflicting functions, overlapping and poorly defined responsibilities, as well a lack of transparency.

50 World Bank (2021). The World Bank in Cameroon. www.worldbank.org/en/country/cameroon/overview#1.

51 World Bank (2020). Urban population (% of total population) – Cameroon. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=CM>.

52 World Population Review (2021). Population of Cities in Cameroon (2021). <https://worldpopulationreview.com/countries/cities/cameroon>.

53 UN-Habitat. Cameroon: overview. <https://unhabitat.org/cameroon>.

54 The information is retrieved from a questionnaire conducted by UN-Habitat.

55 World Bank (2021). The World Bank in Cameroon. www.worldbank.org/en/country/cameroon/overview#1.

Public participation in urban planning processes is not a formal requirement and, thus, external stakeholders are rarely included in decision-making processes. Yet, there are informal workshops and working groups in the urban planning processes involving mostly private actors. Furthermore, urban plans are made available to the public through the website and the planning office of the Ministry of Housing and Urban Development.

In terms of land management, most of the land in Cameroon is privately owned, resulting in the excessive influence of private actors and urban elites over urban planning as well as the proliferation of informal settlements and slums. Around 60 per cent of urban dwellers in the country lived in informal settlements in 2013. Also, land-planning decisions by the responsible ministry are guided by outdated or inadequate data that is also managed by different institutions. Hence, the lack of reliable and accessible data coupled with limited implementation capacities and rampant corruption result in building permits taking around 12 months to be issued, and which costs an average of 1 per cent of the total cost for the construction.

Furthermore, regions and municipalities are recognized in the Constitution from 1996 as decentralized territorial units that ought to have administrative and financial autonomy for the management of regional and local interests. A General Code of Local Authorities was established in December 2019 to enhance decentralization by redefining laws and rules for regions and municipalities respectively. Consequently, regional elections to the 10 regional administrative units were held for the first time in 2020 that formed regional councils. However, the power of the regional councils on local issues is limited.

Also, the elections to municipal councils from 2020 resulted in 35 women being elected as mayors across 360 municipalities.

Since 2011, municipalities have been able to request their planning documents with the financial and technical support of the Ministry of Housing and Urban Development. However, municipalities struggle to implement planning projects as there is a lack of professional staff and financial resources, although there are sporadic transfers from the national Government. Yet, the Centralization Code of 2019 establishes that at least 15 per cent of the government revenue should be transferred to the total budget of regional governments, which aims to give local authorities resources to manage the urban functions they are responsible for. Also, local governments can collect some taxes, although the revenue is fully redistributed by the Special Council Support Fund for Mutual Assistance that financially assists municipalities, apart from the national government transfers.

In terms of digital governance, only 34 per cent of the population had access to the Internet in 2021 but the number has rapidly increased with 1.3 million more Internet users since 2020. Digital platforms exist for several ministries and public institutions and are used to display governmental activities and projects, including certain urban plans. Also, some services are provided digitally such as the payment of certain taxes, electricity and water bills through mobile banking. The COVID-19 situation has not increased digital applications, apart from new ways of working, such as virtual meetings.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

There are five main institutions involved in the urban planning process in Cameroon: the Ministry of Housing and Urban Development, the Ministry

of Economy Planning and Regional Development, the Ministry of Public Works, municipalities and regional bodies. Each of them plays a different role in the planning process as shown in box 12.

Box 12. Responsibilities of key institutions in urban planning: Cameroon

Ministry of Housing and Urban Development:

- » Preparation of urban plans and development plans for local governments
- » Implementing the Government's general policy on urban planning and housing in urban areas with more than 100,000 people.

Ministry of Economy, Planning and Regional Development:

- » Preparation and implementation of the country's economic policy as well as the economic activities of each government over the next five years.
- » Guiding the management and sustainable development of land.

The Ministry of Public Works:

- » Implementation of the strategy of infrastructure development.

Ministry of State Property and Land Tenure:

- » Oversees land allocations, land development and land surveys as well as delimitation of the urban and rural perimeter.

The Ministry of Territorial Administration and Decentralization:

- » Managing the development, implementation, and evaluation of government policy concerning administration of the territory and decentralization.
- » Designing regional and local government bodies, including those governing land, and determining their scope of authority.

Ministry of Decentralization and Local Development:

- » Oversees urban development in the provincial capitals and all towns with at least 100,000 inhabitants.
- » Manages the development and restructuring of large towns; sanitation and drainage, social development of neighbourhoods; public health and welfare and supervision of waste collection

and processing; professional and social integration of young people in difficulty.

- » Administration of roads in towns with at least 100,000 inhabitants.

Regional and municipal governments:

- » Initiation, approval and validation of development plans.

The information is partly based on Ngoran, S. D. and X. Xue (2015). Addressing urban sprawl in Douala, Cameroon: Lessons from Xiamen integrated coastal management. *Journal of Urban Management*, 4(1), pp. 53–72.

Despite the introduction of the Decentralization Law in 2019 that devolved certain powers from the national level to local authorities, urban plans are always prepared at the central level with municipalities and regions only playing a role in approving, validating and implementing them. Coordination between the national ministries and local governments is limited and constrained by conflicting functions, overlapping and poorly defined responsibilities, and lack of a transparency that negatively influences the management of cities. For example, the Delegation of Urban Development and Housing interacts with the Douala City Council mainly only in terms of signing and approving documents rather than coordinating and advising the council in urban planning.⁵⁶

Impacts of coronavirus disease on service provision

The people of Cameroon have been severely affected by the COVID-19 pandemic due to household and business income losses, consumption decline and the disruption of public services such as schools and general health services. Extreme poverty is estimated to have increased from 24.5 per cent in 2019 to 25.3

per cent in 2021 because of the crisis.⁵⁷ Due to COVID-19, many government institutions slowed their activities from April 2020 to May 2020 when there was a lockdown. After this period, the administrations tried to establish an Internet connection to have online meetings. From June 2020, meetings reverted to being in-person interactions but with social-distancing measures.

Public participation

Public participation in urban planning processes is, to some extent, occurring at the initial stage when urban plans are prepared and designed. There are various communication strategies and participation models to collect public views and feedback including, for example, public town hall, charrette, survey or polling techniques, and task forces or committees. However, there is no specific law granting non-State actors such as citizens the right to participate in the urban planning process and, thus, participation takes place mostly informally. Therefore, it is mostly associations such as the National Order of Architects and Civil Engineers and other private actors that are consulted through workshops and working groups. Also, there is no mechanism to consider priority groups in urban planning such as women and people living in poverty or who are marginalized.

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⁵⁶ Ngoran, S. D. and X. Xue (2015). Addressing urban sprawl in Douala, Cameroon: Lessons from Xiamen integrated coastal management. *Journal of Urban Management*, 4(1), pp. 53-72.

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⁵⁷ World Bank (2021). World Bank in Cameroon. www.worldbank.org/en/country/cameroon/overview#1.



Street of Douala, Cameroon by Edouard TAMBA source: Unsplash

In general, stakeholders are rarely included in decision-making processes because the decentralization processes are still ongoing, according to the General Code of Regional and Local Authorities (Law Number 2019/24).

Transparency and accountability

Disclosure of information and influence of third parties

In terms of transparency, urban plans are made available for the public through the website of the institution in charge of its preparation and at the planning office, which is guided by decree Number 2008/0736/PM of 23 April 2008 that stipulates the modality and development of the planning documents. The lack of public participation is also prevalent in land-use planning in Cameroon as land-use plans do not integrate the interests of stakeholders in a balanced, informed and

Also, there is no formal platform on which citizens can give feedback about the Government's performance and conduct in the delivery of urban services.

participatory way.⁵⁸ Also, the private sector has a large influence on the planning process partly due to much of the land being privately owned in Cameroon, with local promoters who aid with financing and the application of the plans. The landowners are mainly urban elites such as politicians, civil servants and businessmen.⁵⁹

58 Douard, P. and T. Sembres (n.d.). Building a mapping alliance for inclusive and transparent land-use planning: Cameroon. EU REDD. www.euredd.efi.int/publications/building-a-mapping-alliance-for-inclusive-and-transparent-land-use-planning.

59 Cotula, L. and others, (2009). Land grab or development opportunity? Agricultural investment and international land deals in Africa. Food and Agriculture Organization of the United Nations, the International Institute for Environment and Development and the International Fund for Agricultural Development.

Land-use planning and standards for development planning

Cameroon introduced a new land-use planning law in 2011 to reconcile national planning with local planning and sustainable development. The law provides the opportunity for inclusive, multi-disciplinary and cross-sectoral planning by envisaging local land-use planning at the level of municipalities.⁶⁰ All planning documents should also be prepared based on the legal framework outlining permitted urban land use such as zoning ordinance. The planning documents are supposed to be verified and checked before a construction permit is approved and granted. In practice, however, due to rampant corruption, these conditions are not applied. Also, there are different institutions involved in gathering data that are usually incomplete or out of date and which obstruct sustainable land management of the country's cities.⁶¹ For example, technical and field studies are supposed to be carried out by the regional delegations of Land Tenure and State Property, Surveys, Urban Development, Health and finally the city council in Douala before a building permit is granted. However, these technical studies are not adequately performed, which results in building permits and town planning certificates being issued to developers in risk-prone areas. A town planning certificate is "a document which provides information on the rules governing town planning and administrative rights applicable to a piece of land".⁶²

60 Fomete, T. and others (2018, March). Reframing local land use planning methods and tools in South-West Cameroon as a foundation for secure tenure, sustainable and equitable rural development, and REDD+. In *2018 World Bank Conference on Land and Poverty: Land governance in interconnected world*.

61 Douard, P. and T. Sembres (n.d.) Building a mapping alliance for inclusive and transparent land-use planning: Cameroon. EU REDD. www.euredd.efi.int/publications/building-a-mapping-alliance-for-inclusive-and-transparent-land-use-planning.

62 Ngoran, S. D. and X. Xue (2015). Addressing urban sprawl in Douala, Cameroon: Lessons from Xiamen integrated coastal management. *Journal of Urban Management*, 4(1), pp. 53-72.

Furthermore, it takes an average of 12 months to approve and grant a building permit in Cameroon, which costs on average around 1 per cent of the total cost for the construction. This long delay, coupled with the limited implementation capacities of the Ministry of Housing and Urban Development, is one of the reasons why Cameroon is experiencing a proliferation of informal settlements in urban areas. Consequently, 60 per cent of 13 million urban dwellers in 2013 lived in informal settlements and slums. To exemplify, the number of people living in informal settlements in the capital city of Yaoundé also stands at 60 per cent of the total city population, while more than 80 per cent of its residents live in poverty.⁶³

Representation, subsidiarity and local governance

Political representation

The Constitution of 1996 explicitly defines the Cameroon as a decentralized unitary State. There are two levels of government - the national and local – whereby the latter comprise of higher territorial tier (regional councils) and lower territorial tier (municipal councils). There are 10 regions and over 374 local government councils consisting of 360 municipal council and 14 city councils. Also, there are 45 district subdivisions within the cities.⁶⁴ The Constitution provides for the administration of regional and local authorities to be in the form of councils, whose members should be appointed through elections. It calls for regional and local councillors to remain in office for five years and be elected through indirect universal suffrage and the councils should include representatives of traditional rulers elected by their peers.

63 UN-Habitat. Cameroon: overview. <https://unhabitat.org/cameroon>.

64 Commonwealth Local Government Forum. Cameroon. www.clgf.org.uk/regions/clgf-west-africa/cameroon/.

There is also an Electoral Code from 2012 (Law No. 2012/001) that provides for elections through universal suffrage and by equal and secret ballot. However, the Electoral Code also states that “suffrage may be direct or indirect under the terms and conditions provided for by the Constitution and by this law”. Also, a General Code of Local Authorities was established in 2019 to enhance decentralization by redefining laws and rules for regions and municipalities respectively. The Ministry of Decentralization and Local Development has been created to support the implementation of this recent Electoral Code that works closely with the Ministry of Housing and Urban Development, which is the national administration in charge of undertaking urban studies requested by local government as stated in General Code of Regional and Local Authorities (Law Number 2019/24).

Despite the provision for regional elections and councils in the Constitution, the General Code of Regional and Local Authorities from 2019 incentivized the first indirect elections to regional governments to take place in December 2020. The elections resulted in the ruling party, the Cameroon People’s Democratic Movement, winning nine out of ten administrative regions.⁶⁵

The regional elections also resulted in the creation of regional councils comprising of 90 councillors, of which 20 will represent traditional chieftains. The regional elections signify a shift towards a gradual devolution of power from the central Government to regional governments. Together with the Ministry of Decentralization and Local Development, the new regional councils will ensure this process takes place.⁶⁶

65 World Bank (2021). The World Bank in Cameroon. www.worldbank.org/en/country/cameroon/overview#1.

66 Ibid.

The participation of women in the National Assembly (lower house of the Parliament) and councils is guaranteed by the Electoral Code (2012) that explicitly states that “any Cameroonian citizen, of either sex, who enjoys the right to vote and is entered on electoral registers, is aged 23 years at the date of the election and can read and write English or French can be nominated as a candidate for election to the National Assembly” and “ any Cameroonian citizen, of either sex, who enjoys the right to vote, is entered on electoral registers, is aged 23 years at the date of the election, can read and write English or French and shows proof of effective residence of at least six months within the area of the council concerned can be nominated as a candidate for municipal elections”. However, disparities between men and women in elected positions and in decision-making bodies persist. In the local elections of 2020, around 35 women were elected as mayors, an increase (9.72 per cent) compared to the local elections of 2007 when only 23 women across 360 municipalities were elected as mayors.⁶⁷ This change was encouraged by, among others, the association called More Women in Politics, that strives to increase women’s political participation and representation through workshops and working groups.

Functions of local governments

The decentralization laws from 2004 and the ratified General Code of Local Authorities from 2019 concede certain responsibilities to local authorities of municipalities and regions, including basic urban service delivery such as education, health and maintenance of roads within the administrative boundaries.

67 Essome, M. (2020). Gouvernance locale: Les Femmes toujours minoritaires au sein des Mairies. In: villes & communes. Available at: www.villesetcommunes.info/actu-cameroun/7052/.

For example, the local council of the city Douala (Douala Urban Council) has the competence in town planning and urban development; public lighting and the provision of drinking water; circulation and transport; hygiene and sanitation; parks and gardens; and installation and rehabilitation of primary roadway systems.⁶⁸ Thus, in line with the decentralization laws and General Code of Local Authorities, the newly established regional councils from the election of 2020 will have a mandate over certain development affairs, including infrastructure such as roads and economic, health, social, educational, sports and cultural matters, albeit not being able to alter laws enacted by the National Assembly and the Senate in Yaoundé.⁶⁹ The devolution of powers to local entities over the different functions ought to allow governments to meet the needs of local populations more effectively. The decentralization laws also acknowledge that the national Government should not interfere in functions for which local governments are responsible.⁷⁰ However, although the laws create an enabling environment for the devolution of powers, implementation is falling behind in practice.

Financial and human capacities of local governments

In terms of financial autonomy, some taxes such as land taxes, or temporary land occupation taxes can be collected by local governments. However, almost all revenue collected by local authorities is recentralized and redistributed to the national

agency known as the Special Council Support Fund for Mutual Assistance, which oversees local revenues and financially supports development projects at the local level. Additionally, this Special Council Support Fund distributes the revenue of municipalities and all the financial support among the municipalities according to their local needs and budget priorities. Only 15 per cent of the national Government budget is supposed to be earmarked for local governments and sometimes local governments receive even less than what they are entitled to depending on their needs.⁷¹

Apart from limited financial autonomy, local governments also suffer from a shortage of sufficient qualified staff. While recruitments are regularly conducted to hire professionals in national institutions, it is not common among local governments as the local public service is barely functional. The lack of human and financial resources constrains the capacity of local governments to perform the tasks entrusted to them by the decentralization reforms. For example, there are only a few surveyors assisted by untrained field workers that oversee urban planning in Douala through the Douala City Council, resulting in poor implementation of town planning rules and regulations.⁷² The lack of staff also creates inequities between different local authorities. There is no requirement for urban planning institutions to conduct periodic capacity needs assessments in terms of human and financial resources.

68 Ngoran, S. D. and X. Xue (2015). Addressing urban sprawl in Douala, Cameroon: Lessons from Xiamen integrated coastal management. *Journal of Urban Management*, 4(1), pp.53-72.

69 Kouagheu, J. (2020). Cameroon holds first ever regional elections, separatists vow disruption. In: Reuters; Kindzeka, E, M. (2020). Cameroon's Ruling Party Scores Landslide Victory in Regional Elections. In: voanews.

70 Cheka, C. (2007). The state of the process of decentralization in Cameroon. *Africa Development*, 32(2).

71 Feicom (n.d.). <https://feicom.cm/>.

72 Ngoran, S. D., & Xue, X. (2015). Addressing urban sprawl in Douala, Cameroon: Lessons from Xiamen integrated coastal management. *Journal of Urban Management*, 4(1), pp.53-72.

Digital governance

E-government

The Ministry of Posts and Telecommunications oversees the implementation of the national digitization strategy. However, government institutions have limited access to digital technologies, with an average of 42 computers for every 100 employees in 2016,⁷³ which hinders the development and the use of new means of telecommunications in urban planning. In fact, there is currently no digital platform to involve residents in decision-making in the country. Nevertheless, some public services are available digitally, such as payment of taxes, water and electricity bills, and school fees, mainly due to the advent of mobile banking. In particular, the main mobile network providers such as MTN and Orange offer a mobile money transfer service, which allows the digital payment of some bills and taxes as described above. The only identification document that can be obtained online is a passport, which has been the case since July 2021.

The digital divide

As of 2015, the mobile phone penetration rate was estimated to be around 50 per cent of the country's population, whereas the Internet penetration rate was much lower as only 528,673 people (around 2.3 per cent of the entire population) had access to the Internet in 2015.⁷⁴ The number of Internet users has steadily increased as there were 9.15 million users in January 2021, an increase of 1.3 million users (16 per cent) between 2020 and 2021. Meanwhile, the Internet penetration rate was 34 per cent in January 2021.⁷⁵

73 Ministry of Posts and Telecommunications. (2016). Plan Stratégique Cameroun Numérique 2020. <https://cameroundigital.com/wp-content/uploads/2017/05/Plan-strat%C3%A9gique-Cameroun-Num%C3%A9rique-2020.pdf>.

74 Ibid.

75 Kemp, S. (2021). Digital 2021: Cameroon. <https://datareportal.com/reports/digital-2021-cameroon>.

Additionally, the gender digital divide is prevalent in Cameroon as women are 50 per cent less likely to access the Internet than men are due to the costs of Internet access; women are more vulnerable to poverty and lack of digital literacy according to findings by Internet Without Borders.⁷⁶ Also, there are some public spaces such as petrol stations and restaurants in urban centres that offer free Wi-Fi access.⁷⁷

Digital rights

The laws on electronic communications (Number 2010/013) and cybersecurity and cybercrime (Number 2010/12) have been established and ratified to guide the use of new telecommunication technology; ensure the implementation of the information communications technology policy; and implement the security policy of electronic communications and information systems. Hence, these laws seek to build trust in electronic communication networks and information systems by regulating digital usage, security, cryptography and electronic certification activities. Also, the Act Number 2010/012 of 2010 related to cybersecurity and cyber criminality in Cameroon offers a framework for network security, electronic communications and information systems, and defines and punishes offences related to the use of technologies and communication. However, digital developments in the country are impeded by the lack of funds directed to this purpose, a mismatch between training and employment needs in the field of information communications technology and a lack of application of laws mentioned above.

76 Internet Without Borders. #Digital Camerwoman: How Internet Empowers Women in Cameroon – Internet Sans Frontières. <https://internetwithoutborders.org/digitalcamerwoman-how-internet-empowers-women-in-cameroon/>.

77 The information is retrieved from a questionnaire conducted by UN-Habitat.



View of Conakry, Photo by Expertise France, via Flickr

GUINEA

BACKGROUND

The Republic of Guinea is in West Africa, has an area of 245,857 km² and borders Guinea-Bissau, Senegal, Mali, Côte d'Ivoire, Liberia and Sierra Leone. It is divided into seven administrative regions and has four natural regions. Conakry, the political and economic capital of the country, is also considered to be an administrative region since it is composed of five urban sub-prefectures or communes. Apart from Conakry, each administrative region is subdivided into prefectures and Guinea has 33 prefectures. Economically, these cities are commercial crossroads where agricultural products from the countryside and products from Conakry or from outside the country (clothing and other products) are sold. The third-level administrative divisions are sub-prefectures or communes (municipalities) and there are 38 urban communes and 303 rural communes in total.⁷⁸ There is no official definition of what a city constitutes in Guinea and, therefore, these cities are those that are indicated as such by the Government.

The population of Guinea is around 13 million with an annual population growth rate of around 2.8 per cent in 2020.⁷⁹

The annual urbanization rate is estimated to be 3.8 per cent, with around 37 per cent of the people living in urban areas.⁸⁰ Conakry is the largest city in the country with a population of approximately 1.9 million in 2021; the urban population of the city is expected to grow to around 3.2 million by 2035.⁸¹

This is due to its status as the administrative, political, economic, social and cultural capital of the country, and it is the main point of convergence for internal migration. Also, the capitals of each region are generally more populated than the other cities as the administrative and economic prospects attract a large part of the local migration.

Furthermore, the current rapid urbanization in the country is also due the mining industry that attracts citizens, especially young people, and foreign migrants seeking employment. Fria, Kamsar, Sangarédi, Mandiana, Siguiri and Boké are examples of mining towns that are centres of population growth. Sangarédi and Kamsar are two mining cities with the status of a rural commune.

78 The Hunger Project (n.d.). Guinea. <http://localdemocracy.net/countries/africa/guinea/>.

79 World Bank (2020). Population, total – Guinea. [https://data.worldbank.org/indicator/SP.POP.TOTL?locations=GN:\(2020\)](https://data.worldbank.org/indicator/SP.POP.TOTL?locations=GN:(2020).). Population growth (annual %) – Guinea. <https://data.worldbank.org/indicator/SP.POP.GROW?locations=GN>.

80 World Bank (2020). Urban population growth (annual %) – Guinea. [\(2020\)](https://data.worldbank.org/indicator/SP.URB.GROW?locations=GN:_____). Urban population (% of total population) – Guinea. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=GN>.

81 PopulationStat (n.d.). Conakry, Guinea Population. <https://populationstat.com/guinea/conakry>.

EXECUTIVE SUMMARY

The national Government, through the Ministry of City and Town Planning and its branches, is largely in charge of urban planning in Guinea. The ministry is responsible for defining the Government's general policy on urban planning and for monitoring it. However, its actions are limited by the lack of financial and human resources as well as the low level of coordination between the different ministerial departments. Also, although there is an Inter-ministerial Committee on Land-use Planning responsible for coordinating the actions of the various ministries involved in urban management, it remains yet to be fully effective and multilevel institutional coordination between ministries is still undermined by conflicts of interest, lack of cooperation and unclear roles.

In terms of public participation, there are legal provisions allowing citizens to participate in urban planning processes through public consultation, public enquiry and citizens' associations. Yet, local authorities are only obliged to request the opinion of citizens after the submission of urban plans. Also, in practice, there are other mechanisms for public participation in the urban planning process that are still to be enforced partly due to the limited capacities of municipalities. Though the law on local authorities was updated in 2017, it has not yet been effectively applied, especially with regard to public participation and the involvement of municipalities in urban planning.

In terms of land-use planning, the urban planning documents (although not numerous and not effectively applied) define the general land use and rules of use, which are the main references for obtaining a building permit. The legal processing time for authorizing a building

permit is two months and the fees for obtaining it are calculated according to the requirements of each category identified in the information sheet on the building permit established by the Ministry of City and Town Planning. However, the building authorization mechanisms are not always respected, most urban planning documents (low coverage of cities) are old and not updated, and land-use planning is often done piecemeal. These issues have contributed to the proliferation of precarious housing conditions and informal settlements, characterized by, among other things, a lack of infrastructure.

It should be noted that Guinea has made progress in decentralizing political power as local authorities of communes and regions enjoy considerable administrative and financial autonomy. However, they suffer from weak financial and human capacities to deliver services and fulfil their mandates as the transfer of responsibilities is not accompanied by a transfer of financial and human resources to accomplish their missions. Financial distributions from the State to decentralized authorities constitute the largest part of local budgets. Apart from the communes of Conakry and those in the mining areas, the communes' own resources are very low and do not allow them to finance local urban planning projects. Women are also politically under-represented in the various local councils despite the legislated gender quota that compels district councils to assign a third of the seats to women.

Finally, digital governance is very rudimentary in Guinea, with a few websites dedicated to urban and land management, notably the website of the Conakry land registry and that of the Ministry of City and Town Planning where it is possible

to lodge complaints and objections to the said ministry. However, Internet access is increasing; only 1 per cent of the population had access to the Internet in 2016 compared to 23 per cent in 2019.

There are also laws on personal data protection and cybersecurity and citizens can complain and report incidences of data breach and misuse of personal information.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

The 1998 Town Planning Code in its chapter I (Article R 111.1) establishes the Ministry of City and Town Planning as being responsible for urban planning together with its deconcentrated services of the technical directorates (Regional, Prefectural, and Communal Town and Country Planning Directorates) that oversee town planning in the regions, prefectures and communes. The Ministry of City and Town Planning defines the Government's general policy on urban planning and

monitors urban plans. The 1998 Town Planning Code also provides for the establishment of other consultative structures at the local level to support the development of various urban planning documents. During the elaboration of an urban planning document, the ministry must consult other ministries to take their projects into account while developing the document. Thus, most ministries as listed in box 13 are involved in urban planning to various degrees.

Box 13. Responsibilities of key institutions in urban planning: Guinea

The Ministry of City and Town Planning

The ministry is responsible for urban planning together with Regional, Prefectural and Communal Town and Country Planning Directorates of the ministry.

The Ministry of Planning and Economic Development

The ministry oversees general socioeconomic development, including urban development. The National Institute of Statistics, which is under the authority of the ministry, designs, develops, coordinates and implements national statistical data, including data on socioeconomic and urban development.

The Ministry of Territorial Administration and Decentralization

The ministry supervises local authorities and defines government policies on decentralization and local development.

The Ministry of the Environment, Water and Forests: The mandate of the ministry is to design and implement government policy on environmental protection, water and forests.

The Ministry of Public Works: The ministry oversees the design, development and implementation of public works such as infrastructure and drafts town planning documents.

The Ministry of Transport: The ministry designs, develops and implements government policies on transport, especially urban transport.

The Ministry of Energy: The ministry is responsible for defining government policies in the energy sector, including access to electricity in urban areas.

The Ministry of Sanitation and Water: The ministry is responsible for sanitation and access to drinking water.

The Ministry of Finance and Budget: The ministry oversees the public finances of the Government, including budgetary issues, in particular with regard to property taxation.

In addition to these ministries, the Prime Minister issued Order Number A/2016/6031/PM/CAB/SGG in 2016 to create an Inter-ministerial Committee on Land Use Planning, which is responsible for coordinating the actions of the various ministries involved in urban management. The Committee is also responsible for coordinating the implementation of public policies on spatial planning and urban development throughout the country. The Permanent Secretariat of Urban Planning (Secrétariat Permanent de l'Aménagement du Territoire) was later established as the executive body of Inter-ministerial Committee on Land Use Planning under the direction of the Secretary-General of the Ministry of City and Town Planning.

The ministries involved in urban planning have collaborated and coordinated in some planning processes such as elaborating the Development Plan for Kaloum and Iles Loos, which was organized under the leadership of the Minister for Town and Regional Planning. However, lack of coordination between various ministries is still a challenge as the Inter-ministerial Committee on Land-Use Planning was recently established, despite the progress observed.

Furthermore, the 1998 Town Planning Code coupled with the 2006 Code for Local Authorities require the involvement of, for example, local authorities and sectoral ministries at certain stages of the urban planning process.

The roles of the Ministry of City and Town Planning and its branches and services are established and there are no coordination problems between them.⁸² Coordination is only occasionally made between the services of the Ministry of Town and Country Planning and those of other ministries listed in the box 13. However, sectoral policies are not systematically and effectively implemented through the application of coordination mechanisms provided for by law. For example, the management of the peripheral zones known as Kakoulima foothills, mangrove, natural wetland of Conakry has created tensions between the Ministries of Town and Country Planning and the Environment, Water and Forests. The former is accused by the latter of weak communication around housing development projects in areas that fall within the scope of wetlands or forests to be protected, however, criticizes the agents of the Ministry of Environment, Water and Forests for organizing field visits without notifying it.⁸³

82 The information is based on primary data collected through interviews with ministerial actors.

83 The information is based on primary data collected through interviews with ministerial actors

Some sectoral departments, although involved in the planning process, do not respect or are unaware of certain ordinances, such as “right-of-way”.⁸⁴ The Ministry of Public Works, although associated with drafting town planning documents, designs its specifications for urban roads.⁸⁵ Also, the municipalities often do not comply with urban standards, especially in the interior of the country, as they are involved in granting authorization to occupy the rights-of-way without reporting the information to the given territorial authority of the Ministry of Town and Country Planning.

The competencies of the municipalities have been strengthened in terms of urban planning through the Local Authority Code of 2017 (a revised version from 2006) that granted municipalities the right to participate in the preparation of urban planning documents. The Local Authority Code also seeks to help municipalities define development guidelines for their territory and determine land use (Article 282 of the 2017 Local Government Code). These are the Detailed Development Plan, the Land-Use Plan, the Territorial Coherence Scheme or the Urban Master Plan. The city of Conakry should be covered by a Master Plan for Urban Development and include the prefectures of Dubréka and Coyah (Article R. 122.9 of the Urban Development Code). Initiatives by municipalities to formulate a town planning document or create a public service in charge of urban planning must, however, be validated first by the Ministry of Town and Country Planning.

84 Right of way is the right to pass over or through real property owned by someone else, usually based on an easement.

85 The information is retrieved from interviews with a legal adviser for the ministry of the city and with Directorate of Spatial Planning and Town Planning officials.

Impacts of coronavirus disease on service provision

Like other countries around the world, Guinea has suffered from the COVID-19 pandemic, which has also affected the functioning of its governmental institutions. The Ministry of Town and Country Planning, the main institution in charge of urban planning, has taken measures to ensure the functioning of its services while ensuring the protection of its employees. The installation of handwashing and temperature measurement kits at the entrance of all administrative buildings and the obligation to wear a mask inside and outside public establishments are examples of such measures.

Public participation

In terms of public participation in urban planning, there has been notable progress as there was no requirement to involve citizens in the urban planning processes before the 1990s, and citizens were only informed about urban plans after they were established. Currently, citizens are involved in urban planning processes in several ways, some of which are provided for by law. The Local Authorities Code of 2017 and the Urban Planning Code of 1998 provide some mechanisms to directly involve citizens through public consultation, public inquiry or civic associations in the process of preparing town planning documents. Also, the Regional or Prefectural Council for Urban Planning and Development is the institutional framework for citizen participation in the process of preparing town planning documents, and also defines other modalities of involving citizens and associations in the decision-making processes who are not formally represented in the Regional or Prefectural Council for Urban Planning and Development.

The first public participation mechanism is public consultation, which is governed by the Code for Local Authorities (2017). This enables citizens of the given local authority to be consulted on decisions that the regional and municipal authorities make to settle matters within their competence. In terms of urban planning, this form of public consultation takes place after the submission of certain urban plans, including the Detailed Development Plan, the Urban Master Plan, or the Territorial Coherence Plan. At this level, the given local authority has six months to collect the opinion of its citizens on the given project. However, it should be noted that this form of public consultation is only a request for an opinion, while the principles and modalities of how this consultation process should be conducted are defined by a decree of the council of the given local authority. Once the opinions have been collected and considered, the project is definitively adopted via a decree issued by the Council of Ministers for the Urban Master Plan. This decree is published in the Official Journal of the Republic and made available to the municipalities concerned.

The Code for Local Authorities (2017) also provides for a public inquiry into the process of developing the Zoning and Development Plan. According to Article 302, “the draft of the Zoning and Development Plan must be transmitted to the representative of the State in the prefecture and published in each relevant neighbourhood and district at least one month before the Council’s deliberation concerning it”. The law also states that the publication must specify the mechanism(s) for transmitting citizens’ opinions to the municipal council that may be through public consultation as described above, or by any other appropriate means, such as allowing all citizens who so wish to register their opinions in a compiled report.

According to Article 15 paragraph 2 of the Local Authorities Code, “the citizen transmits their opinions in writing to the President of the regional council or the mayor, who shall transmit it to the competent service”.

Although not provided for or detailed by the law, there are, in practice other mechanisms for citizen participation in the urban planning process through surveys, interviews, focus groups, participatory mapping, the use of suggestion boxes and consultations in public meetings.⁸⁶ These ways of enabling citizens to potentially influence urban plans are, however, not systematized in all processes for developing urban plans. Also, municipalities are constrained to enforce such mechanisms of public participation as they have limited human and fiscal resources to fulfil their competencies in the field of urban planning.

The law on local authorities was updated in 2017 but has not yet been effectively applied, especially in regard to public participation and the involvement of municipalities in urban planning. At the institutional level, the Regional and Prefectural Council for Urban Planning and Development are yet to be established in Guinea to allow coordinated involvement of urban planning actors, including citizens.

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⁸⁶ Information based on interviews and analysis of certain town planning documents.



Busy Guinea market by Nicolas Martino source: Flickr

Transparency and accountability

Land-use planning and standards for development planning

In terms of land-use regulations, some laws define the general future use of land as well as specific rules to be respected by each zone, which also guides urban plans. The Detailed Development Plan, the Subdivision Plan and the Zoning and Development Plan all have development regulations in addition to graphic documents. The documents, together with the National Planning Regulations (Urban Planning Code) and the Fundamental Construction Rule (Construction Code), constitute the legal and regulatory basis for authorizing town planning documents such as building permits. Any construction, before being authorized, must comply with the construction standards defined by these planning instruments, or comply with the National Urban Planning Regulations and the Basic Construction Standards.

The legal processing time for authorizing a building permit is two months. If the administration in charge of issuing the permit does not provide an answer within this period, the permit is tacitly granted. However, the applicant must comply with the document submitted to the administration as well as the town planning rules mentioned above and notify the administration when the construction commences. The fees for obtaining a building permit are calculated according to the requirements of each category on the information sheet on the building permit established by the Ministry of Town and Country Planning. For example, the fees for obtaining a building permit for ground floor buildings depends on the surface area and type of use. Thus, for buildings with a surface area of between 13.5 and 200 m², the fees vary from 350,000 francs (GF) (\$35.46) for residential buildings, GF600,000 (\$60.79) for office buildings, GF1,000,000 (\$101.31) for commercial buildings to GF3,500,000 (\$354.60) for industrial buildings.

Similarly, when the surface area is between 201 m² and 300 m², the fee varies from GF462,000 (\$46.80) for residential buildings, GF792,000 (\$80.24) for office buildings, GF1,320,000 (\$133.70) for commercial buildings to GF4,620,000 (\$468.00) for industrial buildings.⁸⁷

However, the building authorization mechanism is not always respected, which has contributed to large concentrations of non-regulatory, unhealthy and precarious settlements in Conakry and other cities. Conakry, being the largest city in the country, has the largest concentration of precarious housings, with 60 per cent of the city's population living under such conditions.⁸⁸ In 2018, about 50.1 per cent of the urban population lived in slums.⁸⁹

Representation, subsidiarity and local governance

Political representation and functions of local governments

The legal mandates of local authorities, which are urban municipalities and rural communes, are governed by the 2017 Local Authorities Code. Under this law, the governments of regions and communes constitute the decentralized authorities of Guinea. The Code for Local Authorities 2006 stands out in West Africa as one of the most comprehensive legal frameworks committed to decentralization.⁹⁰

87 Joint decree fixing the scales of state fees and costs of alienation of private state domains (2017).

88 Information based on the profiling of precarious neighbourhoods carried out within the framework of the 2020-2021 UN-Habitat Urban Development and Sanitation Programme (SANITA project).

89 World Bank (2018). Population living in slums (% of urban population). <https://data.worldbank.org/indicator/EN.POP.SLUM.UR.ZS?locations=GN>.

90 The Hunger Project. (n.d.). Guinea. <http://localdemocracy.net/countries/africa/guinea/>.

The urban and rural communes are legally recognized as the local authorities that enjoy considerable financial and administrative autonomy. In the event of a transfer of powers, the State is also obliged to transfer the resources necessary for the fulfilment of these powers.

There are elected councils at the communal and regional levels that administer the respective local governments and whose number is proportional to the population in each administrative unit. Elections for rural communes and urban municipalities were held for the first time in 2005.⁹¹ For the management of the day-to-day business of each decentralized authority, the law provides for the election of an executive bureau by the members of the given council. This executive board is made up of a mayor (president of the council), deputy mayors, secretaries etc. As for women's political representation, there is a legislated gender quota that compels district councils to assign one third of the seats to women,⁹² however at the level of elected local councils, the proportion of women is generally low. For example, in the commune of Ratoma, 12 of the 45 members of the local council are women, and two of these women are part of the seven-member executive bureau. Of the five communes in Conakry, there is only one woman in the position of a mayor (the commune of Kaloum). Also, political parties are entitled to a 5 per cent distribution of the State funding if there are women represented in the local councils.⁹³

The local authorities (communes) have the legal right to undertake certain urban functions within, for example, urban planning and land management, according to the 2017 Local Authorities Code, the 1998 Urban Planning Code and the 1992 Code on Private and State-owned Land.

91 Ibid.

92 Ibid.

93 Ibid.

The 2017 Local Authorities Code in particular strengthened the autonomy of local authorities by defining their competencies in the field of urban planning and land use. Such competencies include administrative services management (registry services, local police and safety); infrastructure and transport (roads maintenance, sewerage management, etc.); urban management, environment, hygiene and sanitation (potable water provision and distribution management, environmental protection, etc.); social services (literacy campaigns, development of cultural services, building and maintenance of health centres, building and management of primary schools); economic services (building and maintenance of municipal markets and tourists sites); local development and urban planning.⁹⁴ Thus, according to the Local Authorities Code, “municipalities may exercise directly, by means of a decentralized or attached service, its responsibilities in terms of land use management and land development” (Article 279). However, decentralization efforts are impeded by the central level of State structures that seeks to retain control over certain privileges and public service delivery due to the perceived inability of the subnational government to take over certain functions.⁹⁵

Financial and human capacities of local governments

In terms of financial capacities, Article 2 of the 2017 Local Authorities Code establishes that the authorities of regions and communes have their own assets, material goods and resources, which they manage through programmes and budgets.

94 United Cities and Local Governments (UCLG) and the Organisation for Economic Co-operation and Development (OECD) (2016). Guinea: Unitary Country, Africa. www.oecd.org/regional/regional-policy/profile-Guinea.pdf.

95 The Hunger Project (n.d.). Guinea. <http://localdemocracy.net/countries/africa/guinea/>.

Their financial competencies include fixing the rate of taxes and duties of the region/commune using the national benchmarks as the standards; establishing fees; and defining the budgets of the community. However, the law does not define the proportion of the local budgets to be transferred by the State. There are nevertheless endowments, subsidies and rebates granted by the State to communes such as an operating grant and a specific purpose capital grant used to fund investments. For example, the provisional budget for 2021 for the urban commune of Ratoma, which is a municipality belonging to the city of Conakry, was around GF138 billion, which is approximately \$1.38 million. In the 2020 budget year, the State provided specific subsidies amounting to GF2.69 billion (\$269,000). In 2021, these specific subsidies were GF3 billion (approximately \$300,000) or 1.95 per cent of the total local budget. In the urban commune of Fria in the Boké administrative region, the State allocations in 2016 were GF200 million (\$20,000) or 22.41 per cent of the total budget of the commune.

The State’s budget allocation to decentralized authorities constitutes the largest part of local budgets. Apart from the communes of Conakry and those located in the mining areas, the own resources of municipalities are very low, which does not allow for the financing of local urban planning projects. However, it should be noted that municipalities can collect their own revenues from sources such as business tax, property taxes, tax on registry, marketplaces and parking, as well as fees and fines that collectively represent a small share of the revenues.⁹⁶

96 UCLG and OECD (2016). Guinea: Unitary Country, Africa. www.oecd.org/regional/regional-policy/profile-Guinea.pdf.



Regarding property taxation, the communes are responsible for levying occupation fees for the areas that belong to them and participating in the levy mechanism of the Contribution Foncière Unique. According to Article 503 of the Local Authorities Code, revenue collection is carried out jointly by the decentralized services and those of the territorial authorities. The Single Property Tax, therefore, falls within this framework and the method of distributing the profits of this tax has evolved since its introduction in 1998. It should first be noted that the Single Property contribution is a retroceded tax. The main collection operations are carried out by the services of the Ministry of Budget and the National Tax Directorate in particular. Whether in Conakry or other municipalities, the Ministry of Budget is responsible for the collection of the single property contribution, whether it is intended for rural or urban communes. The proportion of the redistribution to these local authorities is also defined by the law.

According to the section in charge of the Single Property Contribution at the National Tax Directorate, the contribution is distributed at a rate of 65 per cent for the local authorities and 35 per cent to the National Development Budget.

In the Commune of Ratoma (City of Conakry), out of the GF1.6 billion (just over \$160,000) provided for in the communal budget, only GF50 million was withdrawn and returned. For the commune of Fria, in 2015 the expected budget was just over \$2,100 but no amount was collected at that time according to the budgetary report from the communal administration of the same year. Apart from the Single Property Contribution, which gives municipalities the possibility of choosing rates defined by the law and autonomy in the elaboration of budgetary forecasts. However, it should be noted that the capacities of communes are weak both in terms of management and finance due to a lack of professional staff, and therefore, very few communes have created public services for town planning, architecture and urban control.

Their involvement in the management of shared revenue is limited in so far as they cannot define or change the tax rates or the distribution base.

Local governments also have a lack of qualified personnel to carry out their devolved responsibilities and provide public services and are therefore dependent on the support of the State and state subsidies and investments.

There is a legislative framework that obliges local actors or the State to carry out periodic capacity needs assessments in terms of financial and human resources; at the end of each calendar year, these institutions report their capacity needs, in particular the purchase of equipment and possibly the recruitment of staff. This often comes under the preparation of the annual budget.

Digital governance

E-government

In terms of digital governance, several ministries involved in urban management have websites and Facebook or Twitter pages. The Ministry of Town and Country Planning has a website⁹⁷ detailing several services such as the legal and regulatory frameworks and the procedure for issuing building permits and cadastral surveying. Also, citizens can, through this website, file complaints regarding the services of the ministry. It should be noted, however, that town planning documents are not digitized and put online for consultation by citizens. Consultation is carried out physically at the headquarters of the communes, where printed versions are distributed to the various actors during the different stages of preparation. The only service that is provided online is the submission of complaints and objections to the Ministry of Town and Country Planning concerning land registration and transfer of ownership, payments for services, and other unspecified matters.

According to the description on the website,⁹⁸ complaints are received by the Secretary-General of the Ministry of Town and Country Planning, who is responsible for processing the complaint file with the support of the minister's legal advisor. Complaints are processed through investigations and the ministry is obliged to follow up on the complainant within a period not exceeding 20 working days from the date of receipt of the file. In the event this deadline has passed, the Secretary-General of the ministry is required to notify the complainant of the reasonable duration for the processing. This extension of time should not exceed ten working days from the date of notification. Regarding the documents requested for the filing of complaints, the administration does not request property titles, building permits, occupation certificates or other official property documents. However, it is compulsory to define the type of complaint (land registration and transfer of ownership, payment, cadastre, legislation, etc.), telephone number, e-mail address and name.

The digital divide

Internet access has improved significantly in recent years in Guinea and the availability of accessing Internet is widespread throughout all cities in the country. See figure III. Only 1 per cent of the country's total population had access to the Internet in 2010 but this has increased to 23 per cent by 2019.⁹⁹ However, the level of access to the Internet among citizens is low partly, due to the limited number of people with mobile phones.

97 See link for the website: <https://habitatguinee.org>.

98 See link for the description about filling in complaints/oppositions: <https://habitatguinee.org/index.php/plaintes/>.

99 World Bank (2019). Individuals using the Internet (% of population)–Guinea. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=GN>.

Telephone and Mobile Internet subscriptions

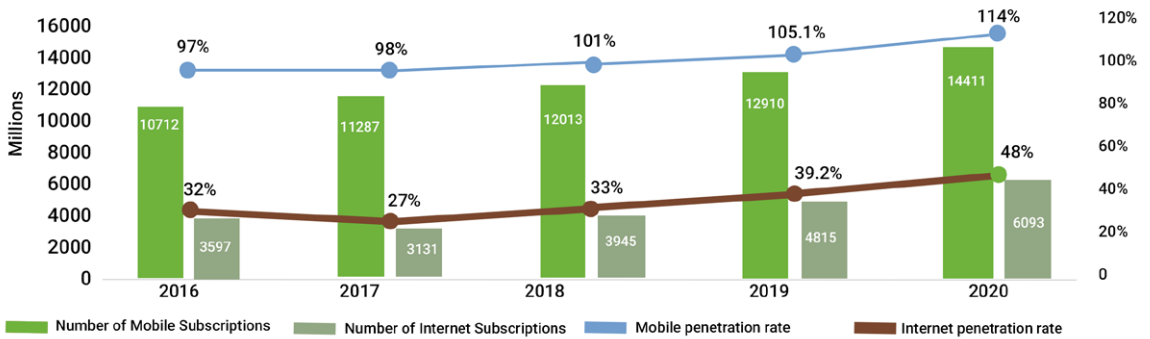


Figure 7. Number of Internet subscribers and penetration rate

Source: Annual activity report of the Post and Telecommunications Regulatory Authority (Autorité de Régulation des Postes et Télécommunications) (2020).

According to the Post and Telecommunications Regulatory Authority (Autorité de Régulation des Postes et Télécommunications), the number of Internet subscribers almost doubled between 2016 and 2020, from 3,6 million subscribers in 2016 to 6 million subscribers in 2020. The penetration rate was estimated to be 48 per cent in 2020, compared to only 32 per cent in 2016.¹⁰⁰

Furthermore, with the support of a French company, the Government has established several so-called blue zones to facilitate access to the Internet at a lower cost (\$1.50 dollars for four hours of connection). Unfortunately, these zones are only located in urban areas and thus do not reach citizens residing in rural areas. Moreover, even in urban areas such as in the capital, Conakry, these zones are few in number.

Digital rights

Regarding data protection, the law L/2016037/ AN on cybersecurity and personal data protection in Guinea was drafted and passed in 2016. Its purpose is to define the rules and mechanisms to fight cybercrime and, thus, create a favourable, conducive and secure environment in cyberspace, but also to allow the country to comply with, for example, international commitments in terms of cybersecurity. The law in chapter VI, punishes any criminal use of personal data with penalties ranging from two to five years in prison and a fine equivalent to between \$30,000 and \$60,000 (Articles 14 and 15 of the above-mentioned law). When a person is a victim of criminal use of their personal data, the complaint procedure is the same as that described by the criminal and civil procedure codes.

¹⁰⁰ The Post and Telecommunications Regulatory Authority (2020). Annual Activity Report.



Suleja, Niger State Nigeria by Juju Films source : flickr

NIGER STATE

BACKGROUND

Niger State is the largest state in Nigeria and is situated in the north-central geopolitical zone of the country with Minna as its capital city. Niger State, like many other states in Nigeria, is currently experiencing fast urban growth. In 2006, the population of Niger State was around 3.9 million based on the National Population Census, and this increased to around 5.7 million people in 2017.¹⁰¹ By 2050, it is expected that the population of Niger State will be around 17 million. The demographic structure of Niger State reflects a growing population of young people; in 2006, approximately 21 per cent of the total population of 4 million were aged between 10 and 19 years.¹⁰²

The spatial distribution of the population in Niger State is uneven as some areas are densely populated because of the presence of infrastructural facilities and employment opportunities, while others are sparsely populated due to a lack of the same factors. For instance, Mokwa Local Government Area has the largest proportion of the population in the State, while Agwara Local Government Area has the smallest. See table 1 for figures on the disaggregated population by Local Government Area.¹⁰³

The population growth in Niger State has contributed to urban expansion. In 1979, only four settlements, namely Minna, Bida, Kontangora and Suleja, were declared to be urban in Niger State. In 2019, these four settlements were the (major) urban centres in the State, with a population of at least 150,000 people.¹⁰⁴

Due to urban expansion and population growth, it is expected that 11 towns will have become major urban centres in the State by 2050 (see figures IV and V). Unplanned urban growth coupled with ineffective environmental and urban management in the State have not only successively complicated and aggravated interrelated problems of human settlements and the environment, but have also given rise to urban sprawl, environmental degradation, inadequate infrastructure, lack of basic services, a proliferation of slums, and a high rate of unemployment and urban poverty, among others.

101 Niger State Bureau of Statistics (2017a). *Statistical Yearbook*. Government of Niger State.

102 National Population Commission (2006). *National Population and Housing Census*.

103 Niger State Bureau of Statistics (2017b). *Facts and Figures about Niger State*. Government of Niger State.

104 Max Lock (1979). *Final Report - Niger State Regional Report, 1979–2000*.

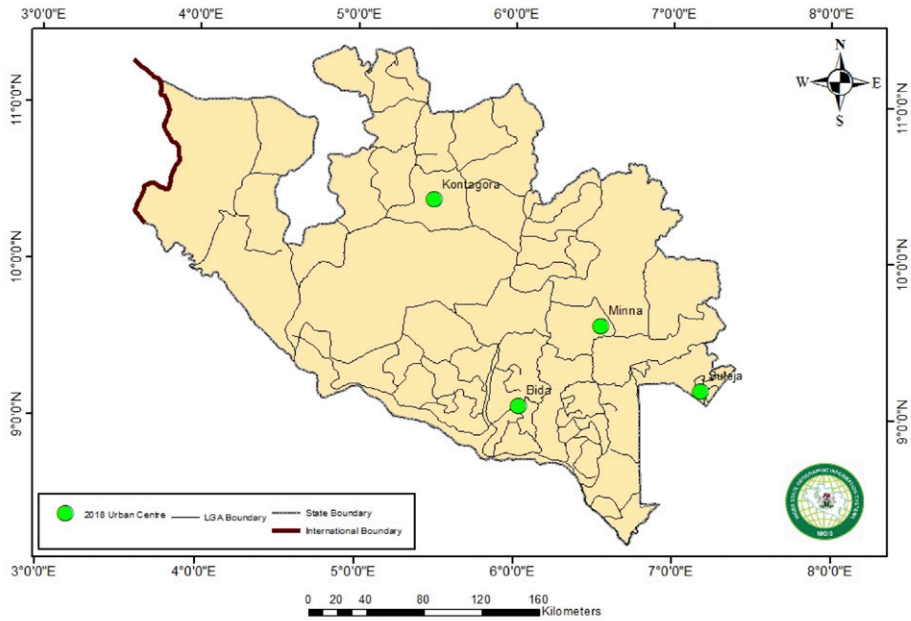


Figure 8. Spatial distribution of urban centres (2019)

Source: Niger State Geographic Information Systems

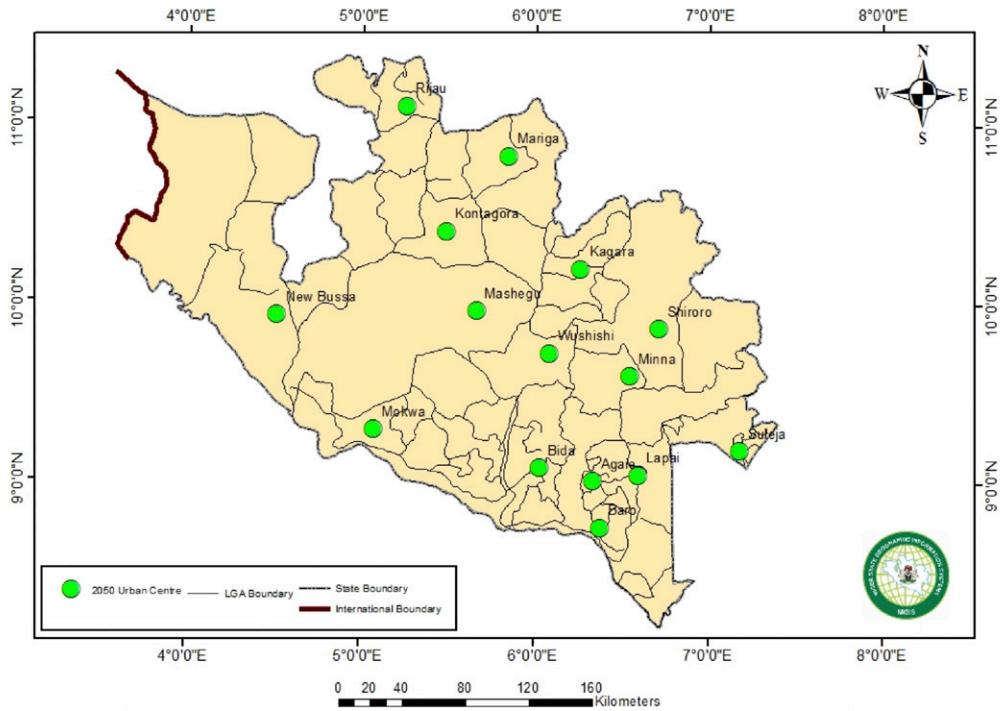


Figure 9. Projected spatial distribution of urban centres (2050)

Source: Niger State Geographic Information Systems

EXECUTIVE SUMMARY

During urban plan preparation, the Niger State Ministry of Land and Housing and its agency, the Urban and Regional Planning Board, are the institutions responsible for preparing, approving and implementing territorial and urban plans across Niger State. However, there are issues with weak institutional capacity and poor implementation of the existing legal and institutional frameworks, despite these frameworks having a multilevel and inclusive approach to urban planning by providing opportunities for the public to participate and give substantive input into urban plans. Consequently, there are urban and territorial plans for the Niger State, although the State is still currently preparing urban-territorial plans for two major cities and emirates (Integrated Development Plan for Minna and Suleja Emirate).

During the plan preparation process, stakeholders have been invited to participate and provide substantive input into the plans, which are also expected to be made available for the public to enable further engagement. Despite this, private actors have no power in the planning process in Niger State.

In terms of land-use planning, there is a lack of legal tools such as approval orders, development guidelines and zoning ordinances to guide physical urban development, which has resulted in weak enforcement and implementation of outdated urban master plans and contributed to haphazard development, encroachment on ecological areas and the proliferation of slums. Furthermore, the average timeline for granting a development permit is under three months in the Niger State, while the cost of the development permit varies

based on the proposed development and the area of the lettable space.¹⁰⁵

To improve the effectiveness of urban management and delivery of public services in the State, the urban governance system has been decentralized, leaving municipal authorities, ministries and agencies to perform different constitutional functions. Such provisions for decentralized processes of subsidiary plans and delivery of urban services include the Nigerian Urban and Regional Planning Law (Decree 88 of 1992), the Niger State Urban and Regional Planning Edict 3 of 1999, and the Nigeria Constitution (1999). Despite these provisions, local planning authorities are yet to be established to perform the functions of plan preparation and development control at the local level. Local governments also have inadequate capacities in terms of financial, human and technical resources to deliver urban services. Women are mostly excluded from public decision-making processes as they are also underrepresented in public bodies in Niger State both at the State and the local levels of government.

Digital governance is weak in the Niger State as the Government does not have public websites to share critical information other than the annual budget, statistical records, annual financial statement and budget performance. Although the government of the State provides a few urban services digitally, these are limited to electricity and telecommunication services.

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¹⁰⁵ Lettable space is available space in a building that may be leased or rented out (for economic gain). Thus, it is based on the amount of lettable space that the planning authority compute the amount to be paid for a development/construction permit in Niger State.

Similarly, the State does not have a holistic digital platform to engage the public in territorial and urban plan preparation processes, share preliminary results or share approved urban plans and process construction permits and certificates of occupancy. In most cases, citizens are required to be present physically with valid means of identification and title documents such as a certificate of occupancy and building permit when certain critical decisions are to be made to avoid conflicts of interest.

There is no information available about the number of Internet users in Niger State, although about 50 per cent of the total population of Nigeria have access to the Internet. In terms of digital rights, there are several provisions guaranteeing people's right to the protection of data. The National Information Technology Development Agency was established in 2007 to oversee cases of data breaches and the misuse of personal information.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

Territorial and urban planning are technical and political processes that fundamentally guide how to design and develop land use and the built environment. Therefore, planning can play a crucial role in sustaining the physical and socioeconomic development of any region if done in a sustainable and inclusive way. To ensure sustainable urban development that meets the needs of urban dwellers in Niger State, the State Ministry of Land and Housing and its agency, the Urban and Regional Planning Board, are the institutions responsible for preparing, approving and implementing territorial and urban plans. However, due to a lack of planning practice in the last four decades, Niger State has focused on urban development and the issuing of building permits through the Niger State Urban Development Board. Master plans approved in the 1970s for Minna State Capital City or in the 1980s for Suleja Local Government Area are still used as guides for urban development despite being obsolete and out of touch with reality on the ground. As result, there is a disparity between the provisions in the original master plans and the physical form on the ground.

In practical terms, the Niger State Ministry of Land and Housing through its Town Planning Department is in charge, for example, of preparing and reviewing physical urban development; ensuring that all proposals and schemes are aligned with the master plan of the towns; undertaking the design of layouts, vetting and assessing site analysis plans; providing policy guidelines on physical development for the State; and advising the Government on physical planning matters. In principle, the Niger State Urban Development Board administers, executes and enforces the provisions of the Niger State Urban and Regional Planning Law; monitors and controls physical development; and grants development permits in the State.¹⁰⁶ However, a fragmented institutional system has undermined the urban planning processes.

Preparation of urban plans is usually a multilevel process, which involves vertical and horizontal coordination among public institutions at different levels of government.¹⁰⁷ This is supported by the provision of the Nigerian Urban and Regional Planning Act, Decree 88 of 1992 - section 2 (e, j) and the Niger State Urban and Regional Planning

106 Niger State Urban and Regional Planning Edict 3 of 1999.

107 Rapid Diagnostic Report for Niger State Urban Policy. (2021).

Edict 3 of 1999 - section 15 (ix, x, xx), which give room for technical, inter-institutional or multilevel governance at the State and national level for preparation, administration and implementation of urban plans in Niger State. According to the provisions of the Nigerian Urban and Regional Planning Act Decree 88 of 1992, the role of the National Planning Commission is to ensure the promotion of cooperation and coordination among states (including Niger State) and local governments (including those in Niger State) in the preparation and implementation of urban and regional plans, and to provide technical and financial assistance to states in the preparation and implementation of plans. Also, the provisions of the Niger State Urban and Regional Planning Act Edict 3 of 1999 mandate that the Niger State Ministry of Land and Housing should consult and coordinate with the federal Government and local planning authorities in Niger State when preparing physical development plans; and preparing and submitting annual progress reports on the operation of the national physical plan as it affects the State. Similarly, Edict 3 empowers the Niger State Urban Development Board to coordinate with other agencies such as the Niger State Housing Corporation, the Niger State Water Board, the Niger State Environmental Protection Agency and the Nigerian National Petroleum Corporation in providing basic services in urban areas of Niger State.

Despite the clear provisions for multilevel governance in the Nigerian Urban and Regional Planning Act Decree 88 of 1992 and the Niger State Urban and Regional Planning Edict 3 of 1999, institutional coordination and inter-agency linkages for urban planning are still very weak in Niger State, which continues to impede sustainable urban and territorial development. Some of the challenges constraining multilevel coordination of urban planning processes include overlapping responsibilities, weak inter-

ministerial communication, political will, lack of adequate capacity to undertake effective participatory and integrated planning, and weak institutional commitment to support other sectors.¹⁰⁸

As mentioned before, in the past (between 1979 and 2006), urban planning in Niger State included the preparation of urban master plans for the cities of Minna, Suleja, Kotangora, Bida and Suleja. These master plans were prepared to ensure comprehensive urban development and to guide and manage the urban and physical development of these urban areas. However, since the expiration of these plans, Niger State has not established planning agencies in State and local government areas to prepare new plans for the coming period to guide physical or urban development. Consequently, the State has embarked on the preparation of urban-territorial plans for two major cities and emirates (Integrated Development Plan for Minna and Suleja Emirate) to guide and accelerate the attainment of sustainable urban and territorial development in Niger State.

Impacts of coronavirus disease on service provision

During the first wave of the COVID-19 pandemic when the Niger State government declared a total lockdown, it involved the closure of all schools and governmental and private offices as well as bans on all forms of interstate and intra-State travel. The Niger State Urban Development Board also created a hotline on which the public can call, inform and report illegal construction activities taking place in their localities. Thereafter, the Board could inspect the construction site with the enforcement officer in compliance with COVID-19 safety protocols.

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¹⁰⁸ Rapid Diagnostic Report for Niger State Urban Policy (2021).



Public participation

To ensure inclusiveness in the ongoing plan preparation process for the integrated development plans for Minna and Suleja Emirate, stakeholders were drawn from all sectors (such as academia, civil society, the private sector, local governments and state officers and community organizations) including women, young people, children and people living with disabilities to participate and provide substantive input in the plan via town hall meeting, workshops, virtual meetings and taskforces or committees. This has been a unique and novel experience of co-developing participatory planning in Niger State.

Transparency and accountability

Disclosure of information and influence of third parties

It is important to note that the 'integrated development plan' does not exist in the legal framework. However, it is expected that the territorial and urban plan will be subjected to a

In Minna and Suleja, the stakeholders' forum for both regions was selected as part of the participatory forum and platform for the advising, monitoring and evaluation of the Minna Integrated Development Plan and Suleja Integrated Development Plan.

In terms of service delivery performance, there is no mechanism such as an online platform that would allow the public to express their views. Nevertheless, during the annual appraisal of budget performance, the public usually express their views concerning governments' performance on the delivery of urban services.

multilevel approval process. Firstly, the plans will be made available (physically) at the various planning offices in the State to get further inputs and approval from the public; thereafter, the revised plan will be presented to the State Executive Council for approval and to the State Legislative Council for legal backing and appropriation.

It is common that property developers or corporate bodies who own land or have private property interest on land, influence urban land use design and allocation.¹⁰⁹ However, third parties do not have the power to influence urban land-use planning in Niger State.

Thus, private developers align their development proposals with the provisions and permissible use in the urban plans. Over time, this has facilitated the development of residential estates by the private sector (such as Lawu Estate and Dadin Kowa Estate) by Urban Shelter (a property developer) in Minna-Niger State.¹¹⁰

Land-use planning and standards for development planning

No.	Land use / activity	Cost of development permits	
		Naira	US dollars
1	Residential use	100 / m ²	0.24 / m ²
2	Commercial use	250/ m ²	0.61 / m ²
3	Filling station	25,000 per pump	60.88 per pump
4	Gas plant	30,000/tonne	73.05/tonne
5	Telecommunication mast	800,000 per year	1948.05 / year

Table 1. Cost of development permits in Niger State

Source: Niger State Urban Development Board

In Niger State, the average time for granting a development permit is up to three months, while the cost of a development permit varies based on the proposed development and the area of the lettable space. For example, table 1 shows the cost of development permits for selected categories of building use or development in Niger State. However, lack of legal tools such as approval orders, development guidelines and zoning ordinances to guide physical or urban development has resulted in weak enforcement and implementation of urban master plans. The direct effects of this are haphazard development, encroachment on ecological areas and proliferation of slums in most of the urban areas, some of which include Minna, Suleja, Bida etc.

For example, in 2009 it was estimated that over 70 per cent of the residents in Minna lived in slums and squatter settlements.¹¹¹

Land-use planning in Minna was governed through the master plan between 1980 and 2000; the plan recognized the need to control public open spaces and for efficient and practical land development by considering engineering costs. Thus, the plan made provision for different categories of public open spaces such as recreation parks, orchards, forest reserves, agricultural zone and utility space. Zone A and Zone B in figure VI were earmarked as agricultural zones in the Master Plan of Minna.

109 Akinmoladun O.I. and L. Oduwaye (2007). Planning laws and policies influencing the use of land in metropolitan Lagos, Nigeria. FUTY Journal of the Environment, 2(1), pp.88-99.

110 The information is based on primary data from discussions with the General Manager of Niger State Urban Development Board.

111 Niger State Government (2009). Report of Niger State Stakeholders Development Committee on Vision 3:2020.

However, since the expiration of the plan, there has not been a new plan that would guide land-use planning of the city that could guide rapid urban expansion in the city today, which has contributed to the encroachment of uncontrolled

housing development into these ecological zones. Many of these areas have become urban slums that, for example, lack access to basic urban services.¹¹²

112 Rapid Diagnostic Report for Niger State Urban Policy (2021).

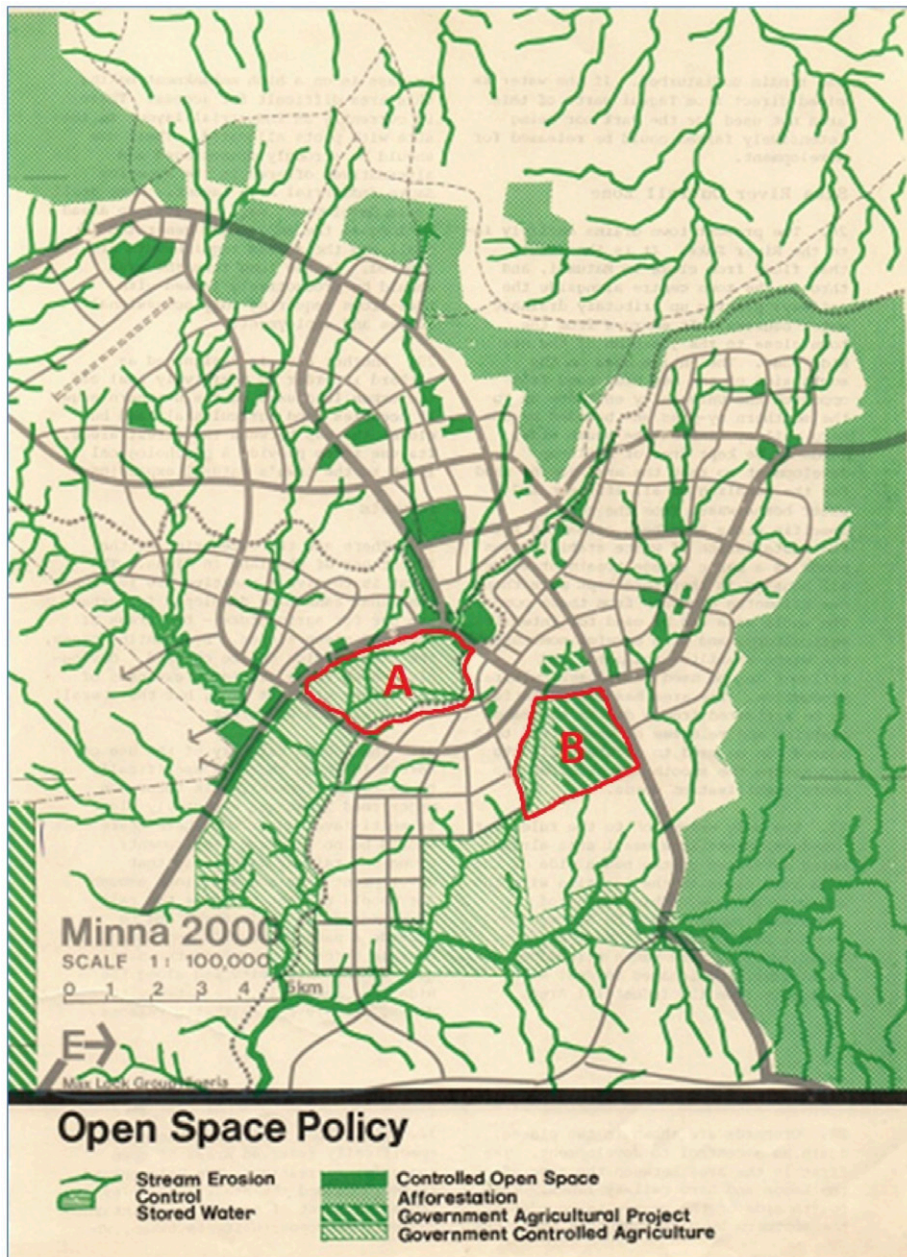


Figure 10. Minna Master Plan (open space policy)

Source: Minna Masterplan (Max Lock Group 1979)



Sector A – Encroachments on planned government-controlled agricultural area in Barikin Sale (Minna)

Source: UN-Habitat/Emmanuel Adeleke (2019)



Sector B – Encroachments on planned government-controlled agricultural area in Shango City Gate (Minna)

Source: UN-Habitat/Emmanuel Adeleke (2019)

Representation, subsidiarity and local governance

Political representation

In Niger State and other States across Nigeria, the Local Government Authority is an elected body responsible for planning, programming, budgeting and implementation of plans and projects for grassroots development. The Local Government Authority team is headed by an executive chairperson and a vice-chairperson supported by councillors representing political wards in each local government. The data from Niger State Independent Electoral Commission or Niger State Bureau of Statistics in table 3 reveals gender disaggregation of politically elected officers and councillors at the local government level from 2003 to 2019 in Niger State.

During the administrative period of 2003–2019, all the elected Local Government Area chairpersons were male, except during the period from 2011 to 2015 when one woman was elected to this position. For the position of the local government councillor, the proportion of elected women was 5.8 per cent during the 2003–2007 administrative period, decreasing to 2.2 per cent during 2007–2011 administrative period. From 2011 to 2015, the proportion of elected female councillors increased to 3.4 per cent but then declined to 0.4 per cent during the period 2015 to 2019. See table 2 below for the sex disaggregation of elected officers at the local government level, indicating a very low political representation by women.

No.	Local government chairperson		Councillor	
	Male	Female	Male	Female
2003–2007	25 (100%)	0 (0%)	258 (94.2%)	16 (5.8%)
2007–2011	25 (100%)	0 (0%)	268 (97.8%)	6 (2.2%)
2011–2015	24 (96%)	1 (4%)	253 (96.6%)	9 (3.4%)
2015–2019	25 (100%)	0 (0%)	273 (99.6%)	1 (0.4%)

Table 2. Sex disaggregation of elected officers at local government level in Niger State (2003-2019)

Source: Niger State Independent Electoral Commission / Niger State Bureau of Statistics (2021)

Functions of local governments

In the Fourth Schedule of the 1999 Nigerian Constitution, Local Government Areas in Niger State, as with other such areas in Nigeria, perform functions including the provision and maintenance of primary, adult and vocational education; the development of agriculture and natural resources, other than the extraction of minerals; the provision and maintenance of health services; the provision and maintenance

of public conveniences, sewerage and refuse disposal; and the construction and maintenance of roads, streets, street lighting, drains, public highways, parks, gardens and open spaces, among others.

Furthermore, as part of the effort to improve urban governance for the effective management of physical and urban development in all towns and cities in Nigeria, including in Niger State, Section 1 (3) of the Nigerian Urban and Regional

Law (Decree 88 of 1992) requires each State to set up a Local Planning Authority in all Local Government Areas to prepare only subsidiary plans which include a town plan, a rural area plan, a local plan and a subject plan. However, Local Planning Authorities are yet to be established in all the 25 Local Government Areas of the State, thus leaving the Niger State Ministry of Land and Housing (Town Planning Department) and Niger State Urban Development Board with the responsibility of preparing and approving urban plans.

Financial and human capacities of local governments

The Town Planning Department of the Niger State Ministry and the Niger State Urban Development Board, which are responsible for planning preparation, administration, execution and development control in the State, are currently experiencing a crisis of capacity. Over time, this crisis has resulted in weak enforcement of planning regulations causing uncoordinated physical development or urban expansion and proliferation of slums across the State, thus posing a serious challenge to attaining sustainable urban and territorial development. The capacity of these institutions is weakened mainly by financial constraints and a lack of human resources.¹¹³

In terms of financial capacities, the planning institutions responsible for the preparation, approval and implementation of urban plans in Niger State are profoundly underfunded. These institutions (the Niger State Urban Development Board and Town Planning Department) lack funding for the preparation of urban plans to guide and manage physical development across the State, monitor physical development and enforce planning regulations. Essentially, the planning institutions rely solely on the Niger State government to allocate and provide financial resources for the delivery of urban planning services across the State. However, tables 3 and 4 below show the inadequate financial balance of the two institutions over a period of three years. During the period from 2016 to 2018, the government of Niger State failed to provide funding for urban planning services due to resource allocation conflicts.¹¹⁴

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113 Rapid Diagnostic Report for Niger State Urban Policy (2021).

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114 Ibid.

Niger State Urban Development Board							
No.	Project details (capital project)	2016		2017		2018	
		Budgeted	Released	Budgeted	Released	Budgeted	Released
1	Completion of provision of infrastructural facilities at the Building Materials Market, MTP 54, Industrial Layout, Jonathan Place, Minna	175,308	0	166,112	0	139,570	0
2	Completion of provision of infrastructural facilities at the furniture market, MTP 54. Industrial layout, Jonathan Place, Minna	72,608	0	75,410	0	63,361	0
3	Extension of office block at the headquarters, Minna	34,602	0	29,508	0	24,793	0
4	Development control and monitoring of physical development activities including removal of illegal structures in Minna, Suleja, Bida Kotangora and New Bussa	34,602	6,990	32,787	0	27,548	0
5	Construction of zonal office block at Suleja	55,363	0	26,229	0	22,038	
6	Continuation of street naming and house numbering in Minna and Suleja	34,602	0	32,787	0	27,548	0

Table 3. Financial capacity of the Niger State Urban Development Board (2016-2018) (United States dollars)

Source: Niger State Urban Development (2019).

Town Planning Department (Ministry of Land and Housing)							
No.	Project details (capital project)	2016		2017		2018	
		Budgeted	Released	Budgeted	Released	Budgeted	Released
1	Development of layout and opening of access road	110,726	0	131,147	0	137,741	0
2	Review of urban master plans	110,726	0	144,262.	0	137,741	0

Table 4. Financial capacity of town planning department (2016-2018)(United States dollars)

Source: Town Planning Department / Ministry of Land and Housing (2019).

To ensure that Local Government Areas meet their financial and statutory obligations, the 1999 Constitution of Nigeria empowers them to generate internal revenue through the collection of taxes, rates and licences. For instance, during the 2019 fiscal year, the total annual budget of all the 25 Local Government Areas in the State was 56.53 billion naira (₦), (\$137.28 million), and out of the budgeted amount, 97.97 per cent (₦55.29 billion or \$134.25 million) was received as statutory allocation from the national Government while 1.02 per cent (₦577.9 million or \$1.40 million) accounted for the local revenue generated in all the Local Government Areas.¹¹⁵ See figure VII for the budget of the local government council in 2019.

In terms of human capacity, Niger State is experiencing a shortage of human resources to effectively manage and attain sustainable physical and urban development. Available data reveals that the NSUDB and Town Planning Department lack the required numbers of appropriately skilled and experienced professionals for plan preparation, execution, and development control. These shortages manifest across the spectrum of skills needed to effectively manage the city.¹¹⁶ Table 5 highlights the staff deficit across the two institutions.



Figure 11. 2019 local government council budget (in naira)

Source: Adapted from Consolidated Financial Statement and Report of the Auditor General for Local Government (2019); Summary of 2019 Local Government Council Budget.

115 Consolidated Financial Statement for Local Government in Niger State (2019).

116 Consolidated Financial Statement for Local Government in Niger State (2019).

As part of the effort to improve service delivery across the state, planning institutions are required to prepare and present their annual budget to the Niger State Executive and Legislative council for the next fiscal year.

Also, the institutions conduct periodic (every 3 years) human capacity needs assessments to understand gaps in human capacities and thereafter make recommendations to fill the gaps.¹¹⁷

Staff category	Town Planning Department		Niger State Urban Development Board	
	Existing	Deficit	Existing	Deficit
Town planners	24	10	32	18
Architects	0	7	10	10
Builders	0	7	19	11
Estate surveyor and valuers	0	7	6	4
Quantity Surveyors	0	7	11	–
Engineers (electrical, mechanical and civil)	0	10	0	10
Geographic information system experts	0	7	–	–
Landscape experts	0	7	–	–
Technicians	3	15	13	7
Administration	1	4	28	22
Total	28	81	119	82

Table 5. Human capacity in the Niger State Urban Development Board and town planning department

Source: Town Planning Department / Ministry of Land and Housing (2019).

Digital governance

E-government and the digital divide

In the context of Niger State, digital governance is weak as there is no governmental online platform that shares critical information in a public domain, except concerning annual budgets, statistical records, annual financial statements and budget performances.

Although a few urban services are partially provided digitally in Niger State, these are limited to electricity and telecommunication services. Digital governance is presently non-existent in urban planning practice. Thus, the planning institutions in the State do not have any digital platform for engaging the public in the plan preparation process, for sharing approved

117 The information is based on primary data from discussions with the Niger State Bureau of Statistics.

urban plans, or for processing development or construction permits and certificates of occupancy. There are no spaces with free Internet access in urban areas. Moreover, there is no available data on the absolute number of people with access to the Internet in Niger State or the number of women that own a mobile phone with Internet access in the country. Conversely, national statistics indicate that there are 104.4 million Internet users (about 50 per cent of the total population) in Nigeria as of January 2021.¹¹⁸

Digital rights

Several legal instruments (the Nigerian 1999 Constitution, Freedom of Information Act No. 4 (2011) Section 13 (1) of the HIV and AIDS Act (2014), the National Identity Management Commission Act 2007, the Consumer Code of Practice Regulations 2007) have been established to protect the data of each person in the country (the persons who own the data, as well as the recipient of the data). Specifically, the Freedom of Information Act No. 4 of 2011 enables the public to access public records and information while section 14 of the Act prevents a public institution from disclosing personal information to the public unless the individual involved consents to the disclosure.¹¹⁹ Section 13 (1) of the HIV and AIDS Act (2014) grants all persons living with HIV or affected by AIDS the right to protection of data with respect to their health and medical records.¹²⁰ Section 26 of the National Identity Management Commission Act 2007 requires the approval of the Commission before a corporate body, or an individual can have access to data stored in their database.¹²¹

The Consumer Code of Practice Regulations 2007 requires telecommunications operators to take reasonable steps to protect against “improper or accidental disclosure” of data of any subscriber and must ensure that such information is securely stored.¹²² The Consumer Protection Framework (2016) issued by the Central Bank of Nigeria contains provisions restraining financial institutions from disclosing the personal information of their customers.¹²³ Section 1 of the Data Protection Act (2020) contains provisions to protect personal data, regulate the processing of information relating to data subjects and safeguard fundamental rights and freedom of every person in Nigeria¹²⁴ as guaranteed under the Constitution 1999.

Also, data protection and privacy are an extension of the fundamental right of citizens to privacy according to Section 37 of the Nigerian 1999 Constitution (as Amended) that protects the rights and privacy of citizens, their homes, correspondence, telephone conversations and telegraphic materials.¹²⁵ In Niger State, the component of digital governance and more importantly in the aspect of urban development and delivery of urban basic services, underscores proper identification and profiling of a citizen when certain critical decisions are to be made to avoid a conflict of interest. In most cases, citizens are required to be present physically with valid means of identification and title document, such as a certificate of occupancy, or development permit, among others.

118 Kemp, S. (2021). Digital 2021: Nigeria. <https://datareportal.com/reports/digital-2021-nigeria>.

119 Freedom of Information Act No. 4. (2011).

120 Section 13 (1) of the HIV and AIDS Act (2014).

121 National Identity Management Commission Act (2007).

122 Consumer Code of Practice Regulations (2007).

123 Consumer Protection Framework (2016).

124 Data Protection Act (2020).

125 Section 37 of the Nigerian 1999 Constitution.

To prevent a data breach, the National Information Technology Development Agency was established in 2007 to develop guidelines for electronic governance and monitor the use of electronic data interchange and other forms of electronic communication.

In case of a data breach and misuse of personal information, complaints can be submitted to the Agency, the Central Bank of Nigeria, the Nigeria Communications Commission, the Nigeria Computer Emergency Response Team or the Federal Ministry of Health.



PERU

BACKGROUND

Peru is in the west-central area of South America and it is crossed by the Andes Mountains. It borders Ecuador, Colombia, Brazil, Bolivia, Chile and the Pacific Ocean. It is an upper-middle-income country with a gross domestic product per capita equivalent to \$11,879 in 2020 and is classified as an emerging economy.¹²⁶ Peru ranks high (0.777) in the Human Development Index, which is indicative of life expectancy, education and per capita income.¹²⁷ However, inequality is a problem in Peru and the country has a Gini index of 41.5, which shows greater inequality in terms of the national average than other Latin American countries such as El Salvador and Uruguay, but is similar to the Dominican Republic and Bolivia.¹²⁸

Like most Latin American countries, Peru has experienced a steady increase in the urban population in the past decade, with around 78 per cent of the country's population living in cities in 1922 compared to 1960 when only around 47 per cent resided in cities.¹²⁹ It means that there are around 25.8 million urban dwellers out of 33 million inhabitants in Peru¹³⁰ and most of them are located along the coast. The country's capital and most important metropolis, Lima, has 10.7 million inhabitants and is administratively composed of 43 municipalities (districts). Additionally, the country has 10 other metropolises that, together with Lima, account for approximately 60 per cent of its urban population and shape a polycentric urban system.¹³¹

EXECUTIVE SUMMARY

Peru is a country with an advanced urban and land-use planning system, especially because of its 2021 National Housing and Urban Policy and an extensive legal framework that, during the past two decades, established a clear institutional structure with three levels of government.

Although the Ministry of Housing, Construction and Sanitation has the main responsibility for urban planning at the national level, there are extensive provisions for multilevel governance within and between governments at the national, regional and local levels in terms of urban and territorial planning; approval of urban plans and land zoning is given exclusively by local governments.

126 World Bank (2020). GDP per capita, PPP (current international \$) – Peru. <https://data.worldbank.org/indicator/NY.GDPPCAPPPCD?locations=PE>.

127 United Nations Development Programme (2020). Latest Human Development Index Ranking – Peru. <http://hdr.undp.org/en/content/latest-human-development-index-ranking>.

128 World Bank (2019). GINI index (World Bank estimate) – Peru. <https://data.worldbank.org/indicator/SI.POV.GINI?locations=PE>.

129 World Bank (2020). Urban population (% of total population) – Peru. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=PE>.

130 World Bank (2020). Ibid.

131 UN-Habitat (2020). *Population Data Booklet*. Nairobi.

The capital is a special area; its 43 local districts make up a province governed by the Metropolitan Municipality of Lima in which the Metropolitan Planning Institute is the decentralized body in charge of planning.

The country also has a range of duly regulated processes for open participation in public affairs, including throughout the urban planning processes, as local governments are responsible for engaging citizens in the design, preparation, co-production and approval of plans. Private companies are also allowed to participate in the decision-making process over the development of densification programmes for the provision of social housing. There are also specific provisions guaranteeing the right of indigenous peoples to be consulted and participate in public decision-making processes such as matters relating to mining, logging or petroleum projects affecting them and their territories. As established by law, citizens can also provide feedback on the implementation and provision of services, although specific mechanisms are not established to exercise this right.

Although land-use and zoning ordinance are governed by local governments according to the Sustainable Urban Development Law (law number 31313) that also establish the principles, guidelines, instruments and norms regulating the use and management of urban land, cities in Peru are experiencing a proliferation of informal settlements and slums characterized by, among other things, lack of basic services due to inadequate development control and poor implementation of plans. It is estimated that 42 per cent of the country's urban population currently reside in slums, informal settlements or inadequate housing. This is despite there being provisions guaranteeing the issuing of building permits by municipalities within 15 to 30 business days from the date of application.

However, the costs for buildings permits varies between municipalities as it there is no specific law determining this cost. It should be noted that during the COVID-19 pandemic the national Government implemented a series of new programmes and temporary aids that kept the planning system working, even though the National Housing and Urban Policy did not include the health of urban inhabitants and its linkages with the planning system as one of its priorities.

In terms of subsidiarity, Peru has made rapid progress in political and administrative decentralization from the central to regional and local levels of government during the last 20 years, including the delegation of authority and powers for urban and land-use planning to local levels of government. Also, the governing bodies of municipalities and regions are autonomous with elections held every four years through direct suffrage that determine the mayor (municipality) and the governor (region). The political representation of priority groups such as women is low despite the existence of electoral quotas. Additionally, fiscal decentralization is weak, in as much as local governments have the power to collect some taxes and establish fees for the provision of some services. The financial transfers from the central level are still very low compared to the new powers and delegated administrative functions. Also, the technical capacities and the quantity and quality of human resources available at subnational levels to address urban functions are recognized as insufficient by the National Housing and Urban Policy, especially regarding the management of supra-municipal affairs such as metropolization and urban-rural linkages.

Peru has advanced significantly in terms of the provision of digital services and has sufficient human capacities to provide these services.

The Ministry of Housing, Construction and Sanitation has made an important effort to ensure the provision of most urban services online, including the development of multiple technological platforms and information systems to facilitate this. However, the country lacks technological infrastructure, which prevents it from improving its digitalization, especially at the regional and local levels. The digital divide is another problem of digital governance in Peru, especially as there is only a small proportion of households with access to the Internet in rural areas; in 2022, 5.9 per cent of rural households have Internet access compared to urban areas, where 40.5 per cent of households have access.

It is worth mentioning that mobile connections, specifically through cell phones, mitigate the problem. Also, there is a digital gender gap in accessing the Internet corresponding to 6.2 per cent of women in the whole population. Furthermore, the country has a legal framework and regulations on the protection of personal data, which covers the use, storage and processing of information, and government institutions include such provisions in their digital policies. Finally, citizens can make complaints and report incidents of data breach and misuse of personal information using a platform arranged by the Ministry of Justice and Human Rights or at their offices.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

At the national level, the Ministry of Housing, Construction and Sanitation is mainly responsible for urban planning, which acts as the principal governing body of public works. Other ministries, namely the Ministry of Agrarian Development and Irrigation; the Ministry of Development and Social Inclusion; the Ministry of the Environment; the Ministry of Transport and Communications; and the Ministry of Culture have additional functions in urban and territorial planning.¹³² The recently approved National Housing and Urban Policy of 2021 consolidates the urban planning system as it stipulates that Peru should “define the priorities and strategies that guide and articulate the actions, efforts and resources at the three levels of government, the private sector and civil society in matters of housing and urbanism”.¹³³

The Policy establishes the main guidelines for improved inter-institutional coordination in terms of housing, infrastructure and urban facilities. It delineates the Ministry of Housing, Construction and Sanitation as the principal governing body of these areas but promotes coordination between the national, regional and local levels. The National Housing and Urban Policy runs until 2030 and is structured through: (i) four priority objectives and their respective guidelines (12) and services (33); (ii) a normative basis adopted by Supreme Decree 012/2021/HOUSING and Law 31313/2021; (iii) a monitoring and evaluation component also to be led by the Ministry of Housing, Construction and Sanitation.

The Sustainable Urban Development Law (31313/2021), which serves as the normative basis for the National Housing and Urban Policy, dedicates its Article 9 to the “coordination of inter-institutional activities and compatibility in urban planning instruments”.

132 Ministry of Housing, Construction and Sanitation (2021). Política Nacional De Vivienda y Urbanismo. Lima: Ministerio de Vivienda, Construcción y Saneamiento.

133 Ibid.

However, before the approval of the Policy, there were already provisions for inter-institutional and multilevel governance regarding urban and territorial planning. The 1993 Constitution of Peru establishes the main coordination mechanisms between the three levels of government (Articles 188–199.) A broad legal framework was subsequently adopted that promotes and coordinates such collaboration, among which is Law 30156/2014 that regulates the organization and functions of the Ministry of Housing, Construction, and Sanitation, as well as Laws 27972/2003, 27867/2002 and 27783/2001 that respectively establish the local and regional regimes and elaborate the bases of decentralization. Notwithstanding the above-mentioned laws, the approval of urban plans

and land zoning are functions that continue to be the sole responsibility of local governments, as ratified by the National Housing and Urban Policy: “The following powers and obligations corresponding to the local governments: 1. issue ordinances, mayoral decrees and administrative acts for the use and management of land, (...) the Plans for Territorial Conditioning and Urban Development, and the current regulations that are applicable” (Law 31313, 2021: Article 7). These provisions are also widely regulated by the current legal framework, especially the Organic Law of Municipalities (Law 27972/2003) and the Law of Bases of Decentralization (Law 27783/2001). The regulations are outlined in box 14.

Box 14. Normative basis of the National Housing and Urban Policy and the urban and territorial planning system of Peru

Political Constitution of Peru of 1993.

Law No. 27783, Law of Bases of Decentralization.

Law No. 27867, Organic Law of Regional Governments.

Law No. 27972, Organic Law of Municipalities.

Law No. 29158, Organic Law of the Executive Power.

Law No. 27658, Framework Law for the Modernization of State Management.

Law No. 30156, Law of Organization and Functions of the Ministry of Housing, Construction and Sanitation.

Supreme Decree No. 054-2011-PCM that approves the National Development Strategic Plan – Bicentennial Plan: Peru by 2021.

Supreme Decree No. 004-2013-PCM that approves the National Policy for the Modernization of Public Management.

Supreme Decree No. 010-2014-HOUSING, which approves the Regulation of Organization and Functions of the Ministry of Housing, Construction and Sanitation, and its amendment by Supreme Decree No. 006-2015-HOUSING.

Supreme Decree No. 054-2018-PCM that approves the State Organization Guidelines.

Ministerial Resolution No. 341-2020-HOUSING that approves the Institutional Strategic Plan 2020–2024 of the Ministry of Housing, Construction and Sanitation.

Ministerial Resolution No. 354-2015-HOUSING, which approves the Multiannual Sector Strategic Plan 2016–2021, whose time horizon was extended by Ministerial Resolution No. 340-2020-HOUSING to the year 2024, called the “Multiannual Sector Strategic Plan 2016–2024 of the Housing, Construction and Sanitation Sector”.

Impacts of coronavirus disease on service provision

Concerning the impacts and changes caused by the COVID-19 pandemic, digital tools were used to allow the public, through online workshops, to participate and validate the Lima Metropolitan Urban Development Plan that was developed during COVID-19. Also, the Ministry of Housing, Construction and Sanitation led a series of actions aimed at maintaining the continuity of the housing sector, planning processes and the correct use of urban spaces and facilities, among which the following stand out:

- i. The creation of Virtual Transparent Rooms so that authorities and citizens could avoid contagion of the virus but regular procedures and the provision of services could continue uninterrupted.
- ii. The evaluation of the COVID-19 concentration in the sewers of several municipalities was undertaken as an early warning system.¹³⁴
- iii. The formulation of guidelines to prevent the spread of the virus in construction sites.¹³⁵
- iv. The publication of guides on the use of not only open public spaces to meet the safety

134 Ministerio de Vivienda, Construcción y Saneamiento (2021). Ministerio de Vivienda: Monitoreo de aguas residuales permite anticipar tendencia de contagios de Covid-19. www.gob.pe/institucion/vivienda/noticias/501517-ministerio-de-vivienda-monitoreo-de-aguas-residuales-permite-anticipar-tendencia-de-contagios-de-covid-19.

135 Ministerio de Vivienda, Construcción y Saneamiento (2020). Lineamientos para prevenir la propagación del COVID-19 en las obras de construcción. www.gob.pe/institucion/vivienda/informes-publicaciones/544171-lineamientos-para-prevenir-la-propagacion-del-covid-19-en-las-obras-de-construccion.

and health requirements but also the spaces adjacent to restaurants, cultural and art establishments.¹³⁶

- v. The setting up of temporary housing modules to complement the existing infrastructure of hospitals and prisons.¹³⁷
- vi. The development of an economic reactivation programme (Start Peru) to generate more than 1,800 temporary jobs in Metropolitan Lima dedicated to road infrastructure works and urban equipment.¹³⁸

Nevertheless, even though the National Housing and Urban Policy was formulated and approved during the COVID-19 pandemic, it does not take

136 Ministerio de Vivienda, Construcción y Saneamiento (2021). Guía de acondicionamiento de espacios públicos abiertos en el marco del Estado de Emergencia Nacional. www.gob.pe/institucion/vivienda/informes-publicaciones/1679197-guia-de-acondicionamiento-de-espacios-publicos-abiertos-en-el-marco-del-estado-de-emergencia-nacional; <https://www.gob.pe/institucion/vivienda/informes-publicaciones/1515635-guia-para-el-uso-temporal-de-espacios-publicos-colindantes-a-restaurantes-y-servicios-afines-autorizados-asi-como-establecimientos-culturales-y-de-arte>.

137 Ministerio de Vivienda, Construcción y Saneamiento (n.d.). MVCS instaló este año 440 módulos temporales de vivienda para lucha contra la Covid-19. www.gob.pe/institucion/vivienda/noticias/322724-mvcs-instalo-este-ano-440-modulos-temporales-de-vivienda-para-lucha-contra-la-covid-19; <https://www.gob.pe/institucion/vivienda/noticias/126693-mvcs-instalara-60-modulos-temporales-en-centros-penitenciarios-del-pais-para-luchar-contra-el-covid-19>.

138 Ministerio de Vivienda, Construcción y Saneamiento (2020). Arranca Perú: MVCS generará más de 1800 puestos de trabajo en Lima Metropolitana y Callao con obras de pistas y veredas. www.gob.pe/qu/institucion/vivienda/noticias/297155-arranca-peru-mvcs-generara-mas-de-1800-puestos-de-trabajo-en-lima-metropolitana-y-callao-con-obras-de-pistas-y-veredas.



into consideration the care and health of urban inhabitants, nor does it include these issues within its priority objectives, guidelines and services. For example, the pandemic is only mentioned in the diagnostic chapter of the policy, specifically, in the section where the “impact on the integral health of the population” is described as one of the effects of the inadequate living conditions of the population, and such brief mentions are purely descriptive.¹³⁹

Public participation

Citizen participation in urban planning processes is one of the guiding principles and approaches of the National Housing and Urban Policy, which states that: “[e]ffective citizen participation: the intervention, agreement and active cooperation of civil society in decision-making and the co-production of urban plans, urban management, monitoring and accountability, at the different scales of urban planning (...)”.

Also, the local government is responsible for engaging citizens throughout the urban planning process, including design, preparation, co-production and approval of the plans. As established by law, citizens can also provide feedback on the implementation and provision of services, although specific mechanisms are not established for citizens to exercise this right. It is worth mentioning that the National Housing and Urban Policy also includes specific provisions for the inclusion of indigenous communities in participatory processes, for which at least differential cultural, geographical and linguistic criteria must be considered. Also, if necessary, the public entities in charge of the consultation processes can request training and technical assistance from the Ministry of Culture to guarantee an effective inclusion of indigenous communities (Law 31313, 2021: Articles 4, 7, 11). Furthermore, a Prior Consultation Law was enacted in 2011 that guarantees indigenous people the right to prior consultation about any mining, logging or petroleum projects affecting them and their territories.

139 Ministerio de Vivienda, Construcción y Saneamiento (2021). Ibid.

The Metropolitan Municipality of Lima is an example of a government that has facilitated citizen participation in urban and territorial planning, especially regarding its recently adopted Metropolitan Development Plan – Plan Met 2040. The plan’s formulation process included a series of public hearings, citizen consultation roundtables, online surveys, and the installation of a special advisory council. These participation mechanisms allowed for citizens of the 43 districts of the metropolis to contribute with ideas and specific proposals to the formulation of the plan and the construction of the city vision “The Lima we want by 2040”.¹⁴⁰

In the case of the development of densification programmes for the provision of social housing, the legal framework allows private companies to participate in the decision-making process since it establishes that “...at the Urban Development Plans and Metropolitan Development Plans, specific densification areas may be established, in which incentives will be established for the construction of housing and densification programmes that allow coordination between the local government, residents and private companies may be created”. (Law 31313, 2021: Article 84). These provisions had already been regulated by Legislative Decree 1037/2008 which promotes private investment in social housing projects to improve economic competitiveness in favour of private developers.

140 See the link for more information on the participatory process: <https://imp.gob.pe/plan-met-2040-2/>.

Transparency and accountability

Disclosure of information and influence of third parties

In terms of transparency and accountability in decision-making processes regarding planning, it should be noted that as of 2022, the legal and regulatory framework is published in full in the Official Gazette (El Peruano) and is available to download for free on its web platform.¹⁴¹ As for urban plans, these are also available to download free of charge on the respective local government websites, but small cities have less information available than intermediate cities and metropolises. A case in point is the capital, since the website of the Metropolitan Institute of Planning of Lima has a large amount of information regarding its planning instruments, their state of implementation, and the way in which they were formulated.¹⁴² For its part, the Ministry of Housing, Construction and Sanitation has implemented the Information System for Urban and Territorial Planning to compile and make all urban plans available to the public.

Land-use planning

Land-use and zoning ordinances are governed by the Sustainable Urban Development Law (law number 31313) that establishes the principles, guidelines, instruments and norms regulating the use and management of urban land. Furthermore, one of the aims of the law is to achieve sustainable urban development through, for example, “the empowerment and rational occupation of land as well as equitable and accessible development; the reduction of urban and territorial inequality; and the conservation of cultural patterns, knowledge and lifestyles

141 See: <https://diariooficial.elperuano.pe>.

142 See: <https://imp.gob.pe>.

of traditional communities and indigenous or native peoples". Hence, the law underlines the need for developing cities and populated centres in a sustainable, accessible and inclusive way that provides opportunities for all citizens and improve their quality. Also, land use and zoning are the sole responsibility of local governments according to the law and all land regulations adopted by local governments are fully binding and for that reason, the aforementioned legal framework also defines a series of sanctions for non-compliance with the law.

Although Peru has a recognized normative and regulatory tradition in terms of urban planning and a range of well-established and publicly accessible instruments and procedures, informal urbanization is a challenge. The Ministry of Housing, Construction and Sanitation has recognized that inadequate development control and poor implementation of plans have been direct causes of the prevalent urban informality and inadequate living conditions in the country.¹⁴³ It is estimated that approximately 42 per cent of the country's urban population as of 2022 lives in slums, informal settlements or inadequate housing, especially concentrated in Metropolitan Lima and the Costa Norte and Selva regions.¹⁴⁴

143 Ministerio de Vivienda, Construcción y Saneamiento (2021). Guía de acondicionamiento de espacios públicos abiertos en el marco del Estado de Emergencia Nacional. www.gob.pe/institucion/vivienda/informes-publicaciones/1679197-guia-de-acondicionamiento-de-espacios-publicos-abiertos-en-el-marco-del-estado-de-emergencia-nacional; <https://www.gob.pe/institucion/vivienda/informes-publicaciones/1515635-guia-para-el-uso-temporal-de-espacios-publicos-colindantes-a-restaurantes-y-servicios-afines-autorizados-asi-como-establecimientos-culturales-y-de-arte>.

144 Instituto Nacional de Estadística e Informática (2019) Encuesta Nacional de Hogares. www.datosabiertos.gob.pe/dataset/encuesta-nacional-de-hogares-enaho-2019-instituto-nacional-de-estadistica-e-informatica-inei; Ministerio de Vivienda, Construcción y Saneamiento (2021). Ibid.

Moreover, 93 per cent of the new urban land created during the last two decades has had informal development,¹⁴⁵ mostly informal subdivisions without infrastructure and with partial property rights (41 per cent), followed by high-density illegal occupations without services, infrastructure or property rights (36 per cent). The National Housing and Urban Policy attributes a large part of this informality and the inadequate living conditions to three main direct causes: (i) the low impact of urban and territorial planning caused by unimplemented plans and limited development control; (ii) unsustainable and inefficient production and occupation of land; and (iii) limited and inequitable access to adequate housing solutions.¹⁴⁶

Standards for development planning

The administrative procedures for obtaining building licences are also regulated specifically by Law 29090/2007 and Law for the Regulation of Urban and Building Authorizations (Title III), its regulations and subsequent amendments. The legal framework establishes that "[n]o urban rehabilitation or building work may be built without being subject to the urban regulations established in the urban development plans and/or territorial conditioning and/or comprehensive planning", showing a proper articulation, at least in nominal terms, between current legislation and planning instruments (Article 6). The law establishes that construction licences are administrative tools issued by the municipalities that consist of four approval modalities, and their processing periods vary between 15 and 30 business days, including the review, qualification of projects, submission of observations and

145 Espinoza, A. and R. Fort (2020). Mapeo y tipología de la expansión urbana en el Perú. www.grade.org.pe/wp-content/uploads/EspinozaFort_GRADEADI_expansionurbana.pdf.

146 Ministerio de Vivienda, Construcción y Saneamiento (2021). Ibid.

verification.¹⁴⁷ The law does not define the costs of licences and each municipality can determine the cost, which makes them very varied. For instance, in the capital, the average cost is approximately \$200, while in other municipalities a percentage of the value of the building can be charged plus a fixed cost, the total of which is estimated between 1.7 per cent and 2.2 per cent of the building costs.¹⁴⁸

Representation, subsidiarity and local governance

Political representation

In terms of the electoral political system, the provincial and district municipalities are the local government bodies endowed by the 1993 Constitution (Article 194) with political, economic and administrative autonomy in matters within their current competence. The local government structure is composed of the municipal council as the regulatory body and the mayor's office as the executive body. The election of mayors and councillors is carried out by direct suffrage who will serve for a period of four years. The constitutional reform adopted through Law 30305 in 2015 does not allow immediate re-election for mayors. It is only possible for mayors to run again after a different government has held office for four years. Regional governments are also autonomous according to the 1993 Constitution (Article 191) and are composed of the regional council as the regulatory body and the regional governor as the executive body.

The regional governor must be elected, together with a regional vice-governor, by direct suffrage and for four years. There is also no immediate re-election of the regional governor and regional vice-governor, and the same conditions and periods apply to the members of the regional council.

For both the municipal councils and the regional councils, the Municipal Elections Law (Laws 28869/2006; 26864/1997) and the Regional Elections Law (Laws 29470/2009; 27683/2002) establish that the lists of candidates must be made up of 30 per cent men or women, more than 20 per cent must be young people under the age of 29, and a minimum of 15 per cent must be representatives of indigenous peoples. The establishment of these electoral quotas is still not enough to achieve equal political representation, although it has improved the political participation of women, young people and indigenous communities at the local and regional levels in recent years. For instance, the average percentage of political representation by women in municipal and regional councils was 28.5 per cent in 2018, which is slightly lower than the average for Latin America (29.6 per cent) and that of Ecuador (30.9 per cent), El Salvador (30.1 per cent), Cuba (35.5 per cent), Mexico (40.5 per cent) and Costa Rica (45.6 per cent).¹⁴⁹ According to the Ombudsman's Office,¹⁵⁰ this is largely due to women being placed at the bottom of the list of candidates despite electoral quotas, which limits their chances of being elected.

147 Presidency of the Council of Ministers (2019). *Licencias de Edificación - Principales modificaciones al procedimiento Guía para gobiernos locales*. Lima: Presidencia del Consejo de Ministros.

148 World Bank (2020). *Economy Profile Peru: Doing Business 2020*. www.doingbusiness.org/content/dam/doingBusiness/country/p/peru/PER.pdf.

149 United Nations Economic Commission for Latin America and the Caribbean (n.d). *Elected city council members who are female*. <https://oig.cepal.org/en/indicators/elected-city-council-members-who-are-female>.

150 Defensoría del Pueblo. (2019). *Participación política de las mujeres en el Perú: elecciones generales 2016 y elecciones regionales y municipales 2018*. Lima: Defensoría del Pueblo del Perú.

However, women's political participation in Peru compares favourably to neighbouring countries such as Colombia and Brazil where the average does not exceed 20 per cent, and Chile where the average is less than 25 per cent.¹⁵¹

Functions of local governments

Local governments, as endorsed in the normative basis of the National Housing and Urban Policy, have the authority to undertake the urban functions to formulate, approve, apply and update the Plans for Territorial Conditioning and Urban Development, including i) Territorial Conditioning Instrument: the Territorial Conditioning Plan; ii) Urban Planning Instruments: the Metropolitan Development Plan, the Urban Development Plan and the Urban Conditioning Scheme; iii) Complementary Urban Planning Instruments: the Specific Plan and the Comprehensive Planning; and iv) other master or thematic plans that the Territorial Conditioning Plan and Urban Development Plan define (Law 31313, 2021: Article 21). As previously mentioned, local governments are responsible for land-use and zoning according to the aforementioned law, which includes the functions of issuing ordinances, mayoral decrees and administrative acts for the use and management of land, including its classification in the urban, protection and rural categories, and their respective subcategories, access conditions, restrictions and zoning.

It is worth mentioning that regional governments also have some functions in terms of planning, housing and sanitation, the execution of which must be coordinated with local governments, especially with regards to "a) formulate, approve and evaluate regional plans and policies in the field of housing and sanitation, in accordance with the development plans of local governments,

151 Ibid.

and in accordance with national policies and sectoral plans; b) promote the implementation of urban and rural housing programmes, channelling public and private resources, and the use of regional government land and materials in the region for municipal housing programmes; c) encourage the participation of private developers in the different housing programmes, in coordination with local governments" (Law 27867/2002: Article 58).

Financial and human capacities of local governments

In terms of fiscal sustainability, the average of transfers made from the central level to regional and local governments between 2005 and 2019 was 20 per cent of the total national revenues. This is according to a 2021 report by the Secretariat of Decentralization of the Presidency of the Council of Ministers.¹⁵² The years 2005 and 2006 experienced the lowest percentage (13 per cent) and the year 2017 had the highest percentage (23 per cent). The year 2020 was an exception, as additional transfers were made to address the crisis caused by the COVID-19 pandemic, reaching a total of 30 per cent. From the funds transferred annually, local and regional governments receive on average 80 per cent and 20 per cent respectively of their budgets. All transfers have different compositions and are directed to different uses. In terms of use, transfers are intended to compensate the tax collection problems present at the regional and local levels, aid when there are disasters and support current expenses and investments.¹⁵³

152 Presidency of the Council of Ministers (2021). Guía metodológica: tablero de control, transferencias intergubernamentales. <http://www.descentralizacion.gob.pe/wp-content/uploads/2021/08/GUIA-METODOLOGICA-1.pdf>

153 Ibid.



All transfers were established in the Law of Principles of Decentralization (Titles V–VII), while the specific amounts and distribution modalities are determined by the Secretariat of Decentralization and the Ministry of Economy and Finance based on a series of criteria that include, among other things, population, poverty and territory. In the case of local governments, transfers from the central level represent their highest percentage of income, equivalent to 52 per cent on average for more than 1,800 municipalities.¹⁵⁴

In addition to the transfers received from the national Government, local governments can collect their own source revenues through taxes,

154 Ministerio de Vivienda, Construcción y Saneamiento (2021). Guía de acondicionamiento de espacios públicos abiertos en el marco del Estado de Emergencia Nacional. www.gob.pe/institucion/vivienda/informes-publicaciones/1679197-guia-de-acondicionamiento-de-espacios-publicos-abiertos-en-el-marco-del-estado-de-emergencia-nacional; <https://www.gob.pe/institucion/vivienda/informes-publicaciones/1515635-guia-para-el-uso-temporal-de-espacios-publicos-colindantes-a-restaurantes-y-servicios-afines-autorizados-asi-como-establecimientos-culturales-y-de-arte>.

contributions and fees as granted by legislation and the Constitution. Municipalities can collect at least six different types of taxes that include tax on property, *alcabala*,¹⁵⁵ vehicle assets, gambling, games of chance and non-sports public shows (Supreme Decree No. 156-2004-EF, 2004: Title II). Taxes on property and *alcabala* generate the highest amount of income among municipal taxes, equivalent to 82 per cent. Property taxes stand out as the most used taxation mechanism (56 per cent), especially in the largest urban municipalities.¹⁵⁶ However, property tax is only, on average, 5 per cent of total municipal revenue, except for in the Metropolitan Municipality of

155 An old tribute that the seller paid to the treasury in a sale, and both contractors in the case of an exchange.

156 Chujutalli Bocanegra, J. and C. A. Ormeño Calderón (2020). Estrategias para incrementar la recaudación del impuesto predial en la Municipalidad Distrital del Rímac. MA thesis. M Gestión Pública.; Yepes Salazar, M., Ríos Silva, R. (2017). Determinantes de la Recaudación de los Impuestos Municipales. Vi Jornadas Iberoamericanas de financiación Local. Córdoba, Argentina.

Lima, where it is around 15 per cent.¹⁵⁷ Likewise, the municipal councils can determine specific contributions related to public works and fees for public and administrative services such as operating licences (Law 27972/2003: Cap. III).

In the case of regional governments, the departments can also charge fees for services but are not able to collect taxes. Instead, regional governments receive a part of the taxes collected at the national level. In theory, national governments are required by the law to cede up to 50 per cent of the taxes collected at the national level when several departments compose a region.¹⁵⁸ Still, no interdepartmental region has yet been formed. It should be noted that the National Housing and Urban Policy of 2021 recognizes that the reduced capital and real estate market, default and evasion of tax payments, low collection capacity, and the dependence on national transfers are the four factors that limit the self-financing capacities of subnational levels of government and, in turn, contribute to urban challenges in Peru, such as large informal settlements and inadequate housing.

Limited technical capacities for urban and territorial planning and management have also been identified in the National Housing and Urban Policy as another reason for the housing supply problem. In this regard, strengthening

the capacity of subnational governments to address these urban challenges is underlined by the Policy in priority objective 1 and specifically through guideline 1.3: “strengthen capacities for urban and territorial planning and management of regional and local governments”. It should be noted that within the other three objectives of the National Housing and Urban Policy, actions to strengthen capacities are also contemplated, for instance, through the involvement of grassroot movements, the improvement of housing and assisted construction based on new capacities of officials and builders, and new capacities for the Comprehensive Neighbourhood Improvement Programme. In total, 8 of the 33 National Housing and Urban Policy services are intended to strengthen capacities for urban planning and development.

Another important point is that since 2016, the Ministry of Housing, Construction and Sanitation has implemented the “Our Cities Programme”, with one of its purposes being “building local capacities for sustainable urban development and citizen promotion”. It has also made progress, through the Technical Organism of the Sanitation Services Administration in the development of capacities for workers of the Sanitation Services Provider Entities.¹⁵⁹

157 Ministerio de Vivienda, Construcción y Saneamiento (2021). Guía de acondicionamiento de espacios públicos abiertos en el marco del Estado de Emergencia Nacional. www.gob.pe/institucion/vivienda/informes-publicaciones/1679197-guia-de-acondicionamiento-de-espacios-publicos-abiertos-en-el-marco-del-estado-de-emergencia-nacional; <https://www.gob.pe/institucion/vivienda/informes-publicaciones/1515635-guia-para-el-uso-temporal-de-espacios-publicos-colindantes-a-restaurantes-y-servicios-afines-autorizados-asi-como-establecimientos-culturales-y-de-arte>.

158 Presidency of the Council of Ministers (2011). Aspectos Claves en la Gestión Pública Descentralizada. Peru, ABC de la Descentralización.

159 El Estado de Peru (2020). Desarrollo de capacidades para trabajadores de las Entidades Prestadoras de Servicios de Saneamiento (EPS). www.gob.pe/10037-organismo-tecnico-de-la-administracion-de-los-servicios-de-saneamiento-desarrollo-de-capacidades-para-trabajadores-de-las-entidades-prestadoras-de-servicios-de-saneamiento-eps; El Estado de Peru (2020). Programa Nuestras Ciudades. www.gob.pe/8226-programa-nuestras-ciudades-que-hacemos; <https://www.gob.pe/10037-organismo-tecnico-de-la-administracion-de-los-servicios-de-saneamiento-desarrollo-de-capacidades-para-trabajadores-de-las-entidades-prestadoras-de-servicios-de-saneamiento-eps>.

Another action taken by the Ministry of Environment is the “Learn Programme”¹⁶⁰ that, through face-to-face and remote modalities, offers training for environmental managers, especially at the regional and municipal levels.

Finally, the National Housing and Urban Policy highlights the deficit regarding the number of existing personnel dedicated to urban planning and management at the national level. Although specific and disaggregated data are not available, a proxy carried out in 2021 at the regional level based on the number of chartered architects (including urban planning training at undergraduate level) established that the distribution of the skilled workforce in the country is unequal. While the national average is 42.5 architects per 100,000 inhabitants, the department with the smallest quantity (Amazonas) has 4.28 per 100,000 inhabitants, whereas the largest (Tacna) has 170.3 per 100,000 inhabitants. In Metropolitan Lima, there are 88.8 architects for every 100,000 inhabitants.¹⁶¹ It is essential to clarify that these figures are for trained human capital but that does not necessarily imply they are working in the public sector.

160 El Estado de Peru (2021). Cursos de gestión ambiental – Aprende. <https://www.gob.pe/1029-cursos-de-gestion-ambiental-aprende>.

161 Ministerio de Vivienda, Construcción y Saneamiento (2021). Guía de acondicionamiento de espacios públicos abiertos en el marco del Estado de Emergencia Nacional. www.gob.pe/institucion/vivienda/informes-publicaciones/1679197-guia-de-acondicionamiento-de-espacios-publicos-abiertos-en-el-marco-del-estado-de-emergencia-nacional; <https://www.gob.pe/institucion/vivienda/informes-publicaciones/1515635-guia-para-el-uso-temporal-de-espacios-publicos-colindantes-a-restaurantes-y-servicios-afines-autorizados-asi-como-establecimientos-culturales-y-de-arte>.

Digital governance

E-government

Peru ranks 71 globally in the United Nations Electronic Government Development Index,¹⁶² while in the Americas it is ranked eleventh, behind neighbouring countries such as Chile, Colombia and Brazil. When analysing each of the three components of the Index, it is observed that the country has high values (0.79 and 0.75) in the Human Capital Index and the Online Service Index respectively, and a low value (0.57) in the Telecommunication Infrastructure Index. Indeed, Peru has a highly trained workforce with levels of electronic service provision similar to those of high-income countries. However, the poor state of its technological infrastructure is preventing further progress.¹⁶³ For services provided electronically, it should be noted that the Government has adopted a data-centric, digital-identity-driven approach to integrate data such as civil registration and other vital statistics and achieve the Sustainable Development Goals. For instance, by linking its digital identity platform to the provision of public services, the Government ensures that more new-born babies receive nutritional support in a timely manner, especially in vulnerable communities.¹⁶⁴

162 The United Nations Electronic Government Development Index is used as a benchmark to determine a numerical ranking of e-government development of United Nations Member States. It is composed of three sub-indexes: Telecommunication Infrastructure Index; Human Capital Index; and Online Service Index. More information is available at <https://publicadministration.un.org/en/Research/UN-e-Government-Surveys>.

163 United Nations Department of Economic and Social Affairs (2020). E-government Survey 2020: Digital Government in the Decade of Action for Sustainable Development. New York.

164 Álvarez, V. (2019). In the Compendium of Good Practices in Linking Civil Registration and Vital Statistics and Identity Management Systems. Ottawa, The Centre of Excellence for Civil Registration and Vital Statistics Systems.

Regarding urban services, the Ministry of Housing, Construction and Sanitation has implemented various technological systems and digital platforms that allow citizens to access online most of the procedures provided.¹⁶⁵ Some of the services that are most accessed are:

- i.** Consult local urban plans (provinces and districts).
- ii.** Consult the national registry of real estate agents.
- iii.** Consult the national registry of urban inspectors to request the verification of urban rehabilitation projects and/or buildings and subsequently be able to obtain the respective license.
- iv.** Verify the administrative procedures that the municipalities handle to issue licenses for urban authorizations and/or building.
- v.** Search the new home acquisition projects available nationwide.
- vi.** Registration, evaluation and monitoring of investment projects in sanitation.
- vii.** Report environmental violations in urban rehabilitation and sanitation projects.
- viii.** Access information on public-private partnership projects on sanitation.
- ix.** Diagnosis of water supply and sanitation in rural areas.
- x.** Report an alleged act of corruption.

Among the digital platforms enabled by the Ministry of Housing, Construction and Sanitation is the Information System for Urban and Territorial Planning – GEOPLAN,¹⁶⁶ which is configured as a system that, to a certain extent, involves residents in decision-making related to urban and territorial planning.

165 See the following link for services www.gob.pe/busquedas?-contenido%5B%5D=servicios&institucion%5B%5D=vivienda.

166 See the following link for the website: <https://geo2.vivienda.gob.pe/mvcs/index.php>.

In addition to allowing citizens to access and download available urban plans¹⁶⁷ and the documents and national manuals that guide their development, the system also allows access to the report of the participatory processes that are carried out during the formulation and adoption of the plans. Some of the Ministry of Housing, Construction and Sanitation digital systems and platforms require creating a user account linked to an identity document number and personal email. Through this account, the digital procedures in progress can be tracked and, depending on the type of procedure, some other documents may be requested during the different stages of the process. Most of the procedures can be completed without the need to be physically present. The ministry has arranged a series of video tutorials that guide citizens in the use of its systems.¹⁶⁸

The digital divide

Although the provision of digital services is advancing significantly and digitization is one of the current priorities of the national Government,¹⁶⁹ the digital divide continues to be one of the country's major challenges. According to the World Bank, only around 65 per cent of the population have Internet access, but this has steadily increased, as only around 41 per cent had access to the Internet in 2015.¹⁷⁰ At the national level, the urban-rural digital divide is prominent since Internet access in urban homes is 40.5 per cent, while it is only 5.9 per cent in

167 Since updating the system depends on the information reported by the municipalities, not all cities have all the plans available for download, although the available information is constantly updated.

168 See the link for an example: www.youtube.com/watch?v=a8Pv9Egs0Lg

169 El Peruano (2018). Normas Legales. <https://cdn.www.gob.pe/uploads/document/file/353216/decreto-legislativo-que-aprueba-la-ley-de-gobierno-digital-decreto-legislativo-n-1412-1691026-1.pdf>.

170 World Bank (2020). Individuals using the Internet (% of population)-Peru. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=PE>.

rural homes. To disaggregate the data further, 60.3 per cent of the population aged 6 and over have Internet access, since the majority (87.9 per cent) access the Internet through mobile connections over a cell phone (with and without a data plan). The digital gender gap is a gap of 6.2 per cent, since 63.4 per cent of men have access to the Internet compared to 57.2 per cent of women. Also, 94.7 per cent of the population with a university education access the Internet, compared to 64.8 per cent of those with secondary education and 25 per cent of those with primary or lower-level education. Regarding other digital technologies, 41.1 per cent of households have access to cable television and 74.4 per cent of households access radio services.¹⁷¹ To improve the available infrastructure and reduce the urban-rural digital divide, the Ministry of Education began to implement a programme to provide at least 6,500 public places in rural areas with free Internet access in 2021, with a focus on young people and school students in the regions of Apurímac, Ayacucho, Huancavelica and Cusco.¹⁷²

Digital rights

Finally, the country has a Personal Data Protection Law (29733/2011), which aims to guarantee the adequate treatment of personal data, including all its forms of creation, storage, organization and access. However, it should be clarified that the 1993 Constitution already declared personal data protection as a right by stating “that computerized or not computerized services, public or private, do not provide information that affects personal and family privacy” (Art. 2.6).

171 Instituto Nacional de Estadística e Informática (2020). El 40,1% de los hogares del país tuvo acceso a Internet en el primer trimestre del 2020. www.inei.gob.pe/prensa/noticias/el-401-de-los-hogares-del-pais-tuvo-acceso-a-internet-en-el-primer-trimestre-del-2020-12272/.

172 El Estado Peruano (2021). Ministerio de Educación. 1000 escuelas de la Amazonía y 6500 plazas públicas tendrán internet gratis mediante Wifi. www.gob.pe/institucion/minedu/noticias/341023-1000-escuelas-de-la-amazonia-y-6500-plazas-publicas-tendran-internet-gratis-mediante-wifi.

The Personal Data Protection Law establishes that the Ministry of Justice and Human Rights through its General Directorate of Transparency, Access to Public Information and Protection of Personal Data, is the body in charge of exercising the National Authority for the Protection of Personal Data (Article 32). Thereby, it fulfils the normative, supervisory, advisory or guidance, and administrator functions to comply with all the provisions of the law and its regulations (Supreme Decree No. 003-2013-JUS).¹⁷³ Among the most notable provisions of the Personal Data Protection Law are, for instance, one related to the Right of Opposition, as it establishes that “anyone can oppose the processing of their personal data stored in a public or private bank”, and the Right to Cancellation which states that “[a]ny person may request the cancellation or deletion of their data when they no longer serve a purpose, when consent has been revoked or the term for their treatment has elapsed”.

Important additional provisions, especially related to infractions and administrative sanctions for the misuse of personal data are established in Title VII of the Personal Data Protection Law, including sanctioning procedures, the classification of infractions, administrative sanctions and coercive fines.¹⁷⁴ In that regard, citizens can complain and report incidences of data breach and misuse of personal information using a platform arranged by the Ministry of Justice and Human Rights. The complaints can be also made in person at the ministry’s offices.¹⁷⁵

173 El Estado Peruano (2021). Autoridad Nacional de Protección de Datos Personales: ¿Qué hacemos? www.gob.pe/7577-autoridad-nacional-de-proteccion-de-datos-personales-que-hacemos.

174 See the following link for example of the fines: <https://andina.pe/agencia/noticia-mal-uso-bases-datos-es-infraccion-sanciona-hasta-s385000-539265.aspx>

175 El Estado Peruano (2021). Denunciar el mal uso de datos personales. <https://www.gob.pe/9271-denunciar-el-mal-uso-de-datos-personales>.



SAUDI ARABIA



BACKGROUND

Saudi Arabia is in western Asia and the Middle East, and it borders Jordan, Iraq, Kuwait, Qatar, Bahrain, United Arab Emirates, Oman and Yemen, and is separated from Egypt by the Gulf of Aqaba. It is classified by the World Bank as a high-income country and ranks high according to the Human Development Index with a score of 0.854 and placed 40 out of 189 countries and territories.¹⁷⁶ It is important to note, however, that the Human Development Index only measures averages of basic human development achievements, and thus masks inequality in the distribution of human development across the population at the country level.¹⁷⁷ There are currently around 34 million people in Saudi Arabia¹⁷⁸ with the majority living in urban areas. Indeed, the country has experienced rapid urban transformation since the 1950s when only 20 per cent of the population lived in urban areas compared to 83 per cent in 2015, an increase of 665,000 to 26 million urban dwellers during the same period. The urban population is projected to increase to

90 per cent (35.8 million) by 2050.¹⁷⁹ The rapid growth of the population is due to the country's demographic composition, with more than 30 per cent of the population under 15 years of age. A growing urban population underlines the need for significant changes in the planning and management of the country's cities to address persistent, current and future urban challenges.¹⁸⁰

EXECUTIVE SUMMARY

With regard to the urban planning process, several institutions – such as the Ministry of Municipal, Rural Affairs and Housing and various levels of governments, the Development Authorities Support Office and their affiliated Regional Development Authorities such as regional councils and municipal councils – are involved in the processes of preparing, approving and implementing urban plans.

Furthermore, urban plans are not public documents. There are several mechanisms for institutional multilevel governmental coordination, but there is constant overlap and interference of roles, tasks and functions, with some bodies adopting projects ultra vires (“beyond the powers”).

176 World Bank (2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>; United Nations Development Programme (2020). Human Development Report 2020, The Next Frontier: Human Development and the Anthropocene: Briefing note for countries on the 2020 Human Development Report, Saudi Arabia. <http://hdr.undp.org/sites/default/files/Country-Profiles/SAU.pdf>.

177 United Nations Development Programme (2020). Human Development Report 2020, The Next Frontier: Human Development and the Anthropocene: Briefing note for countries on the 2020 Human Development Report, Saudi Arabia. <http://hdr.undp.org/sites/default/files/Country-Profiles/SAU.pdf>.

178 World Bank (2020). Population, total – Saudi Arabia. <https://data.worldbank.org/indicator/SPPOP.TOTL?locations=SA>.

179 UN-Habitat (2019). Saudi Cities Report 2019. Riyadh, Ministry of Municipal and Rural Affairs. ISBN: 978-603-8279-62-8
180 United Cities and Local Governments (2016). Fourth Global Report on Decentralization and Local Democracy: Co-Creating The Urban Future, The Agenda Of Metropolises Cities and Territories. Barcelona.

By owning large tracts of oil reserve land, private sector agencies, such as the Saudi Arabian Oil Company Aracmco, have a strong influence on urban planning and decision-making processes and can occasionally circumvent existing rules and regulations.

The main urban institution, the Ministry of Municipal, Rural Affairs and Housing, has introduced reforms to streamline the urban planning processes. In 2020, the ministry introduced an e-service system that has made the process of granting construction permits less time-consuming, and developers can obtain permits within a week as opposed to the previous turnaround time of four months. Nonetheless, mayors have broad discretion to choose which processes and standards of all 500 existing urban planning legal and regulatory instruments to adhere to, which has led to the varied application of laws within amanahs (big regional capitals). The Ministry of Municipal, Rural Affairs and Housing has, over the past 30 years, delegated urban responsibilities (approval of urban plans) to cities based on a decree that is reviewed every five years. The decentralization process is still not adequate since many cities still face urbanization challenges as well as inadequate fiscal and human resources to manage these delegated responsibilities. Around 25 per cent of the buildings in urban areas are built without permits; in rural communities, this was 100 per cent as of 2020. In Jeddah, a port city, 25 per cent of the city's population live in informal areas.¹⁸¹ Additionally, decision-making takes place within formal government institutional structures and even those issues that involve citizens' interests such as building regulations, land use and zoning are addressed without any form of formal participation.

181 UN-Habitat and Islamic Development Bank Group (2020). Towards Arab Cities without Informal Areas: Analysis and Prospects https://unhabitat.org/sites/default/files/2020/02/1-200210_regional_is_report_final_4.0.pdf.

In relation to decentralization and capacity, the current governance structure in Saudi Arabia is centralized both in terms of fiscal and jurisdictional responsibility. The system has evolved with subnational levels of governments being implementing arms of the central Government as the role of local authorities is to apply the regulations and legislation issued by higher authorities. Hence, local authorities are unable to, for example, autonomously prepare and approve urban plans. Municipalities acquire their funding for development activities from the central Government. For instance, municipalities received only 5 per cent of the national budgetary allocation in 2016 to cover activities of the 285 municipalities in the kingdom. The budgetary allocation from the national Government accounts for, on average, more than three quarters of local authorities' budgets. The local planning departments are under-resourced and understaffed. A 2018 survey in the city of Makkah revealed that it has six planners; that equates to 0.38 planners per 100,000 inhabitants,¹⁸² which is low compared to 37.63 or 23.47 planners per 100,000 inhabitants that countries like the United Kingdom and Australia respectively had as of 2012.¹⁸³ Finally, women are underrepresented in decision-making bodies, and account for 0.8 per cent in the municipal council and 20 per cent in the Shura Council (the highest advisory body to the king).

With regard to digital governance, Internet connectivity is high, with 96 per cent of the population having Internet access. Women and men enjoy almost equal information communications technology access – 96 per cent of women in the country use the Internet

182 UN-Habitat (2018). Future Saudi Cities Programme.

183 UN-Habitat. (2012). The State of Planning in Africa. <https://unhabitat.org/sites/default/files/download-manager-files/The%20State%20of%20Planning%20in%20Africa%20%2C%20An%20Overview%20.pdf>.

compared to 88 per cent of men in the same age group. Most digital platforms in Saudi Arabia relate to the provision of e-services. The Watani application is designed to receive the feedback of citizens, residents and visitors about the e-services provided, such as paying traffic fines, filing an electronic complaint against any traffic violation, and obtaining hajj (pilgrimage) permits. Additionally, the Communications and Information Technology Commission revealed in 2020 that it will provide 60,000 free Wi-Fi hotspots in public places such as hospitals, malls, public parks and in the Two Holy Mosques (in the holy cities of Mecca and Medina). Saudi Arabia has also enacted a data protection law with provisions

on the use, storage and processing of personal information. In a post-COVID-19 world, digital use has increased heavily in Saudi Arabia, with many smart applications being launched to provide residents with key health and safety information as well as on urban initiatives. The infrastructure for information and communications technology has also advanced, which has decreased the knowledge sharing gap between central and local governments which relied heavily on forms of interaction in the physical world (face-to-face meetings and workshops). The online interface has led to enhancing the participation of local authorities in central decision-making on urbanization issues in the country.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

Several institutions are involved in the urban planning process. The Ministry of Rural, Municipal Affairs and Housing is mandated to conduct all planning and licencing activities within cities (Royal Decree of 1975). Exceptions are found in regions such as the Eastern Province, Riyadh, Eastern Region, Hail, Assir, Makkah and Madinah provinces or cities such as Jubail and Yanbu that have commissions to oversee their planning and development (affiliated to Development Authority Support Office – Ministry of Regions). Other ministries also influence urban planning, such as the Ministry of Economy and Planning which prepares five-year development plans that serve as a guide to development action. See box 15. Newly established, centralized agencies have increased the central authority over land in certain parts of the country. The Public Investment Fund, the Al Ula Development Authority, the Ministry of Tourism and the Ministry of Culture were established since 2019, and they are strongly asserting their authority over other administrative units such as

cities, villages and small towns in different parts of the country.

Also, officials from the public administrations of municipalities and regions are involved in urban planning to a certain degree. The regional council representing regions is required to identify beneficial projects for the given region and submit these as activities requiring funding. These requests are vetted by the Ministry of Municipal, Rural Affairs and Housing to select viable projects for funding, which is provided as part of the National Development Plan. With the oversight of the ministry, municipalities are involved in local urban planning by preparing and implementing master plans.

With regard to institutional coordination, the “Law of the Council of Ministers” establishes the Council of Ministers (composed of all ministerial heads) as a national-level institution to be involved in the coordination between the line ministries and their sectors to implement and monitor the urban planning process.

Box 15. Responsibilities of key institutions in urban planning: Saudi Arabia

The Ministry of Rural, Municipal Affairs and Housing

The ministry is improving the sustainable living quotient in Saudi Arabia, while ensuring that urban and rural development is balanced through urban planning at the national level; helping all cities in the region to become financially independent; providing quick, state-of-the-art municipal services; directing efforts towards advancing the quality and efficiency of infrastructure and public facilities across the region.

Development Authority Support Office

Co-responsible for urban planning – supervision of all regional development authorities and to increase their establishment gradually so that each region is expected to have their own authority. The planning functions of Regional Development Authorities include regional and city urban planning functions, urban code productions for cities and regions, urban data observatories and informal settlements upgrading.

Ministry of Interior

Manages the regions and governorates with a focus on security.

Ministry of Economy and Planning

Prepares the five-year development plans that serve as a guide to development activities.

Public Investment Fund, other ministries and organizations

Maximize and diversify the economic base of the country through using under-used assets in cities, towns and villages. Special agencies were formed to act as a full authority government for some locations. The Ministry of Culture is also involved in planning decisions for special zones or heritage areas.

At the same time, the Shura Council (an advisory body composed of 150 members appointed by the king) coordinates urban planning and general urban development processes of the different sectors to increase the efficiency of the development system at large. Within the Ministry of Municipal, Rural Affairs and Housing, the General Department of Project Coordination prepares strategies to coordinate the implementation of programmes and projects concerning urban development in cities and villages. Moreover, several special commissions and authorities have been established to, among other things, increase the coordination between

the different actors involved in urban planning, such as the High Commissions/ Regional Development Authorities for the management of the cities of Riyadh, Makkah, Madinah, Assir, Hail, Eastern Province, Jubail and Yanbu.

Despite the above mechanisms for multilevel governance, challenges to effective coordination are prominent including overlapping mandates, roles, and responsibilities that are engendered by the existing legal framework.¹⁸⁴

.....
¹⁸⁴ UN-Habitat (n.d.). Future Saudi Cities Programme (internal source).

For instance, the development of the local plan is complicated by the fact that there are parallel structures set up by the Ministry of Municipal, Rural Affairs and Housing, the Ministry of the Interior and the newly established Ministry of Regions, as well as Regional Development Authorities. Under the new system, the legal mandate for planning intersects between the municipalities (under the Ministry of Municipal, Rural Affairs and Housing), the mohafezat (governorates – sub-regional) and markaz (districts), which are set up under the Ministry of Interior. In other words, the Ministry of Interior is the oversight entity for regional project implementation while Ministry of Municipal, Rural Affairs and Housing and the Development Authority Support Office are the central spatial planning institutions. The issue of overlapping mandates, roles and responsibilities leads to a decision-making impasse that affects the timely delivery of urban services within municipalities and complicates decision-making processes at the city level.

Also, there is no clear structure in terms of implementation and approval of urban plans. The planning system of cities is derived from the de facto planning hierarchy in Saudi Arabia, meaning that the system of spatial planning does not exist by legal right but rather through established practice. According to this framework, there are four different levels of spatial plans: national, regional, local and district. To exemplify the hierarchical and complementing structures of urban plans, see figure VIII with information on the city of Jazan.

Impacts of coronavirus disease on service provision

In the context of the COVID-19 pandemic, the Ministry of Municipal, Rural Affairs and Housing used the Baladi digital application to continue issuing planning permits and licences.

The ministry has also carried out urban maintenance activities such as cleaning and sterilization of the main streets and public places to guarantee the continuity of the health, safety and efficiency standards in planning and service delivery.¹⁸⁵

Public participation

With regard to public participation in the decision-making process, the private sector usually engages with the Government in the processes of urban planning through approved industry groups or associations. The impact of the Future Saudi Cities Programme on the planning practice in Saudi Arabia has increased awareness of the mechanisms for engagement and inclusiveness in city planning. The urban planning law, which is still in draft form, places importance on citizen participation in urban planning.

Also, citizen satisfaction is one of the criteria to measure government performance under the Draft Municipal Strategy which is yet to be approved. Each ministry focuses on establishing platforms for citizen engagement and collection of feedback. For instance, there is a new platform that Ministry of Municipal, Rural Affairs and Housing introduced in 2020 to hear from citizens on how to improve the municipal services in general, and includes the process of issuing building permits.¹⁸⁶

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185 United Nations Saudi Arabia (2020). Socio-Economic Impact of COVID-19 in the Kingdom of Saudi Arabia and How to Build Back Better: Diagnostics paper. <https://saudiarabia.un.org/sites/default/files/2020-12/Socio-Economic%20impact%20of%20COVID-19%20in%20the%20Kingdom%20of%20Saudi%20Arabia%20and%20how%20to%20Build%20Back%20Better%2C%20Diagnostics%20paper%2C%20UN%20in%20KSA%2C%20November%202020.pdf>

186 Ministry of Municipal, Rural Affairs and Housing (n.d.). balady.gov.sa.

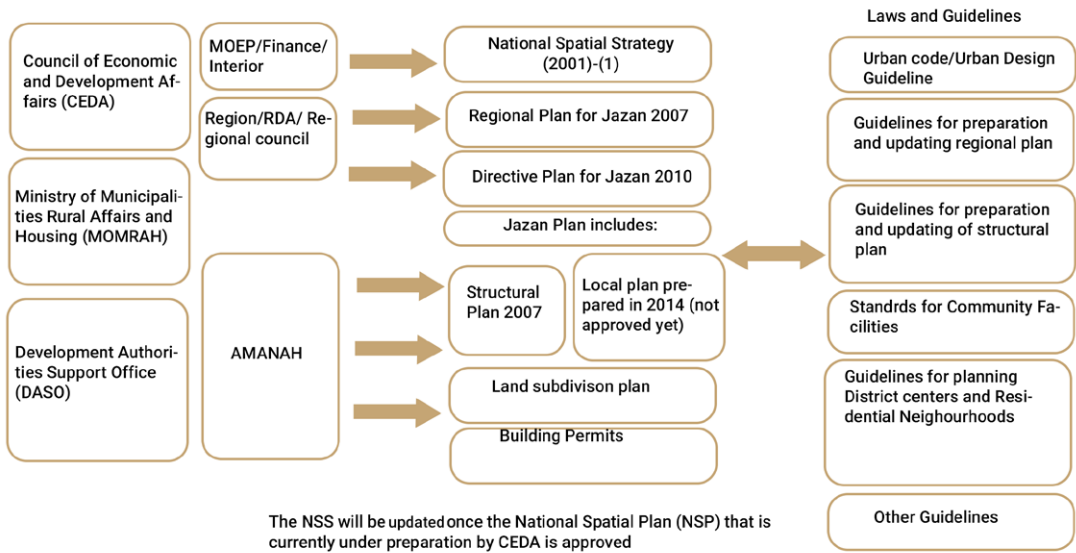


Figure 12. Hierarchy of urban plans – Jazan

The public can also give feedback on the Government’s performance and conduct, especially on the quality of the e-services provided, through the smartphone application (Watani) which was introduced in 2019 by the National Centre for Performance Measurement. The centre is an internal government agency that provides the highest level of the Government with progress reports for every government initiative agreed as well as current expenditure.

The Watani application, available for iPhone and Android devices, offers around 80,000 urban services provided by more than 30,000 government service centres in 1,150 cities throughout Saudi Arabia. Watani has three tools to support decision-makers:

- A “national dashboard” will be made available to princes governing districts and to heads of public agencies, to enable them to directly assess the level of satisfaction of citizens.
- Decision-makers will be provided with periodically updated “electronic reports” that will allow them to identify gaps in the performance of public agencies and interact directly with beneficiaries.
- “Satisfaction reports” aimed at receiving data from the Watani application and other measurement tools adopted by the National Centre for Performance Measurement, such as questionnaires and focus groups, which are submitted directly to the prime minister.¹⁸⁷

187 Nugali, N. (2019). Smartphone application launched to improve public agencies’ services in Saudi Arabia. In: Arab News. www.arabnews.com/node/1452376/saudi-arabia.

Transparency and accountability

Disclosure of information and influence of third parties

Urban plans, which are referred to as local plans, are not public documents; i.e., they are not shared on any public platform. Only the urban boundaries of cities and some spatial information are made public through the website “balady.gov.sa”. Another issue of transparency and accountability relates to the extensive influence of the private sector over urban planning by owning large tracts of land and can occasionally circumvent existing rules and regulations. For instance, the Saudi Arabian Oil Company (Aramco) has oil pipelines that occupied 21 per cent of the total Greater Dammam Metropolitan Area in 2016.¹⁸⁸ Aramco is functionally independent of the Ministry of Energy, Industry and Mineral Resources and it is directly overseen by the highest levels of government (the Ministers of Energy, Finance, Communication and Information Technology are on the Aramco Board).¹⁸⁹

Land-use planning and standards for development planning

Nevertheless, there are currently over 500 urban planning-related legal and regulatory instruments (see figure IX), which has, however, led to the varied application of laws within amanahs (regional capitals) as mayors have broad discretion to choose which process and standards to adhere to. The local plans (equivalent to urban plans) are aimed at detailing land-use planning of those areas of a municipality that are contained within

the urban growth boundary with a particular focus on housing. A local plan is complemented by a report of regulations that contains specifications on the permissible development rights, such as floor area ratio, street dynamics, building heights, areas of special building regulations, etc. The specific aims of the local plans are to a) apply urban controls to urban land use and building regulations; b) provide public services and infrastructure in a cost-effective and integrated manner; c) set basic requirements for proposed road networks; and d) help facilitate the development of public and private sector housing.

The local plan is prepared by various consultants following the “Booklet of the Terms of Reference for the Preparation of the Local Plan” which was formulated by the Ministry of Municipal, Rural Affairs and Housing. This booklet was updated in 2015 and one key technical change was the requirement that the lifespan of new plans should be 14 years (2015–2029). However, this booklet has no legal standing and there is no accompanying legal framework to support the enforcement of the local plans.

Additionally, in 2008, the prime minister issued decree No. 157, which sets the overall regulations of the urban boundary until 2030. The executive regulations were issued in 2010 by the Ministry of Municipal, Rural Affairs and Housing Ministerial Decree No. 11769 followed by the current revision (Ministerial Decree No. 66000) which was enacted in 2014. The growth boundary is the zoning ordinance of the kingdom and is meant to control urban expansion and prevent urban sprawl in the outskirts of cities without adequate urban infrastructure.

188 Shearman and Sterling LLP (2016). Understanding the Key Government Institutions and Ministries in the Kingdom of Saudi Arabia. Shearman & Sterling LLP.

189 Shearman and Sterling LLP (2016). Understanding the Key Government Institutions and Ministries in the Kingdom of Saudi Arabia. Shearman & Sterling LLP.

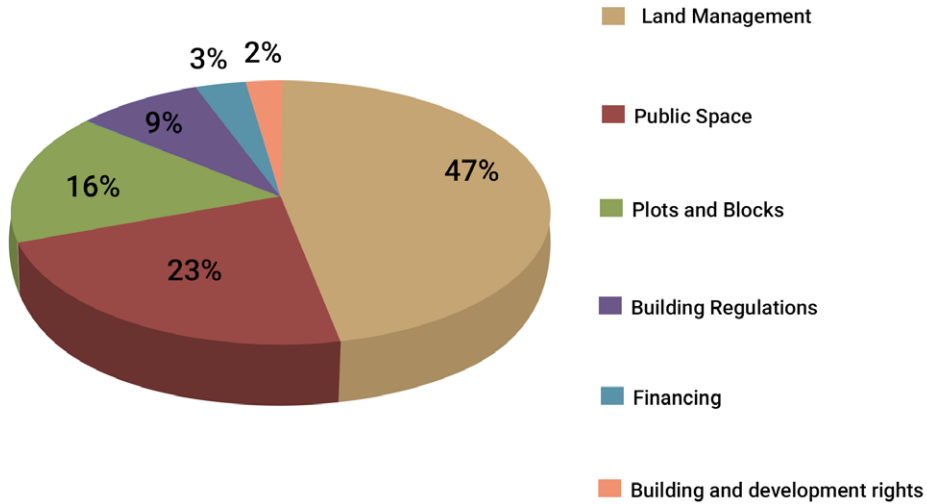


Figure 13. Number of urban laws in Saudi Arabia based on the main themes of urban planning

The 2014 Decree includes several general development principles, including:

- A.** Strategic development projects that are part of the spatial strategies, including major road and railway networks passing through private lands, should be prioritized over any other development projects.
- B.** Development projects outside of the boundary are only permitted with the approval of the Ministry of Municipal, Rural Affairs and Housing.
- C.** Large-scale development projects should follow specified detailed standards.

Development within the urban growth boundary is closely linked to permitting and development control. The process in one of the cities, Taif is as follows:

- A developer submits a land subdivision plan with detailed implementation plans for the instalment of the requisite infrastructure to the amanah (Taif Province).
 - The amanah assesses application in accordance with the provisions of the Law on Urban Growth Boundary; except those cases defined by the Ministry of Municipal, Rural Affairs and Housing Ministerial Decree No 17777. This decree delegates certain roles for the mayors for approving land subdivision solely in relation to the size of residential projects. The Mayor of Taif Province is an approval authority under this law.
 - Application sent to Ministry of Municipal, Rural Affairs and Housing for review in accordance with development standards and applicable building codes.
 - Building permits are either refused or granted by Ministry of Municipal, Rural Affairs and Housing.
 - A developer whose permit has been refused has two options of appeal: a) recourse to the amanah, amarah and the Ministry of Municipal, Rural Affairs and Housing calling for them to re-study the application; and b) file the case in the relevant jurisdictional administrative court.

- The decision in the above appeal processes is final and binding on all the parties.

Finally, the land subdivision plans are the basic building blocks for cities' growth and development. Most mayors have the power to approve land subdivision in accordance with the following criteria (Ministerial Decree No. 17777 of 2010):

- The land must be within the approved phase of the urban boundary.
- The land use specified for the land is consistent with the instructions and regulations governing it.
- The subdivision will not result in cancellation or modification of an approved regulation, planning or authorized land use.
- All necessary planning procedures have been completed and the Deputy Minister for Town Planning has been issued with a certified copy of the plan after its approval.

In relation to transparency and efficiency of planning processes, as per the new municipal reforms that took place in 2020, issuing a building license can take between 15 and 60 days once the landowner has completed all the requirements on SAKANI programme (a government housing initiative to ensure that every Saudi citizen can own a home). This is different from previous experiences, where the approval of the building permit took four months in Jazan.¹⁹⁰

However, the country has been making reforms and the Ministry of Municipal, Rural Affairs and Housing implemented an e-service in 2020 to make the process of granting construction permits less time consuming by introducing a one-day permitting procedure. This procedure allows applicants to obtain a temporary building permit to begin construction after one day and a final building permit is issued after one week.¹⁹¹

The cost of applying for a development permit depends on the size of the building and the fence (m²). Based on these two factors, the cost for a permit for villas can range from 1,000 rials (SRI) (\$266) to SRI10,000 (\$2,666).

In urban areas, 25 per cent of buildings have been built without permits, which this proportion increases to 88 per cent in agricultural villages and 100 per cent in rural communities.¹⁹² According to a report from the Ministry of Municipal, Rural Affairs and Housing, the two holy cities of Makkah and Medina as well as the cities of Jeddah and Taif have the largest concentrations of informal settlements in Saudi Arabia. For example, Jeddah had 64 informal settlements in 2014 with a combined estimated population of 1 million people; this was 25 per cent of the total population of the city. Inadequate supply of affordable housing and loosely enforced development regulations are some of the factors contributing to the proliferation of informal settlements in Jeddah.¹⁹³

190 UN-Habitat (N.d.). Future Saudi Cities Programme: Jazan City Profile (internal source).

191 World Bank (2019). Doing Business: Measuring Business Regulations. www.doingbusiness.org/en/data/exploretopics/dealing-with-construction-permits/reforms.

192 Diab, Y., B. El Shaarawy and S. Yousry (2020). *Informal Settlements in the Arab Region: Towards Arab cities without informal areas, analysis and prospects*. Nairobi: UN-Habitat.

193 Ibid.

Representation, subsidiarity and local governance

Political representation

The Royal Order A/92 from 1992 provides for the division of Saudi Arabia into 13 regions. Each region is governed by an emir (regional governor), assisted by a deputy emir, who are both appointed by the king. These officials are involved in urban development through the regional council of each region, which consists of a) the emir as president; b) deputy emir as the vice president; c) mayor and deputy mayor; d) heads of government authorities in the region who are determined pursuant to a decision issued by the prime minister according to the directives of the Minister for the Interior; and e) ten citizens who are scholars, experts and specialists and are appointed by order of the prime minister based on the nomination of the prince of the region and the approval of the Minister of the Interior, for a renewable four-year term. This regional council is required to identify beneficial projects for the given region and submit these as activities requiring funding. These requests are vetted by the Ministry of Municipal, Rural Affairs and Housing, which selects viable projects for funding, and which is provided as part of the National Development Plans. Project funding and yearly budgetary allocations from the central Government are the main fiscal means available to municipalities.

At the local level, there are 285 municipalities and 17 amanahs, which are divided into five categories (class A, B, C, D and E) based on the scope of service provision, the size of the population, and regional importance. All 13 regional capitals have a specialized municipality status (amanah) and are headed by a mayor.

With the oversight of the Ministry of Municipal, Rural Affairs and Housing, municipalities are involved in local urban management. Their responsibilities include implementation of master plans and enforcement of zoning regulations and granting development permission. Additionally, there are 186 municipal councils consisting of between 4 and 14 members based on the size of the given municipality. Half of the members are elected while the rest are appointed by the Minister of Municipal, Rural Affairs and Housing. The responsibilities of these councils include preparing the municipality's budget and organizational structure, issuing codes and standards for urban planning and other activities, supervising financial transactions, and setting taxes and service charges.¹⁹⁴

Saudi Arabia has a strong centralized system of government as the central Government is responsible for developing national, regional and local urban policies, while the power of municipal authorities is restricted to the implementation of local plans. Municipal councils oversee the activities of municipalities and they consist of almost an equal number of elected and appointed officials. In December 2015, women were allowed to vote and run as candidates for municipal council positions for the first time, with a total of 17 women being elected in various parts of the country.¹⁹⁵

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194 UN-Habitat (n.d.). Future Saudi Cities Programme (internal source).

195 McDowall, A. (2015). First women elected to Saudi local councils. In: Reuters www.reuters.com/article/us-saudi-election-idUSKBN0TW08E20151213.



Kingdom of Saudi Arabia, landscape by Imtiaz Hussain 2027, SoGlobe, Envato Elements

This is a 0.8 per cent representation of the officials that are elected across the 285 municipal councils, which is a total of 2,106 officials out of 3,159 members. Also, women made up less than 10 per cent of the voting pool, with 130,637 women registered compared to 1,355,840 men.¹⁹⁶ Additionally, in 2013, King Abdullah bin Abdulaziz Al Saud appointed 30 women to the 150-member Shura Council (the highest advisory body to the king), making up 20 per cent of its membership.

Financial and human capacities of local governments

With regards to the financial capacities of local governments, municipalities acquire their funding for development activities from the central Government. In 2016, the municipality service sector received only 5 per cent of the national budgetary allocation to cover activities of the Ministry of Municipal, Rural Affairs and

Housing as well as its branches in regions and cities and activities of about 285 municipalities in the country. Out of the 5 per cent, the actual remittance to the sector was 3 per cent. On average, these transfers account for more than three quarters of local authorities' budgets. It is attributed to an inadequate local tax base, inefficiency in local revenue collection and the traditional provision of many public services either free of charge or at subsidized rates by local authorities.¹⁹⁷ Local revenue is often limited to licences and fees, of which the most important are building permits and licences to operate economic activities. For the 2015/2016 period, the ratio of own-source revenue to the local budget was highest in the city of Jeddah (36 per cent) and lowest in Najran (6 per cent). Riyadh's direct revenues were highest, amounting to SRI1.25 billion (\$333 million), which is 15 per cent of its total budget.¹⁹⁸

196 Human Rights Watch (2015). Saudi Arabia: Landmark Elections for Women. <https://www.hrw.org/news/2015/12/11/saudi-arabia-landmark-elections-women>.

197 UN-Habitat (2019). Saudi Cities Report 2019. Riyadh, Ministry of Municipal and Rural Affairs. ISBN: 978-603-8279-62-8
198 Ibid.

It is important to mention that as per the Saudi Vision 2030, each amanah is obliged to increase their locally raised revenues and the targets, each year up to 2030.

Finally, as part of the Future Saudi Cities Programme, a 2018 survey of the number of qualified human cadres/staff in the department overseeing urban planning in the municipality of the Amanah of Makkah revealed that there were six urban planning engineers.¹⁹⁹ With a population of around 1.967 million, this is 0.30 planners per 100,000 inhabitants, which is low compared to countries such as the United Kingdom and Australia that had 37.63 or 23.47 planners per 100,000 inhabitants in 2012.²⁰⁰ However, there is a new programme under the drafted 2021 Municipal Strategy to engage three universities in building the capacities of 1,500 university graduates to recruit them to central and local government. These students will have to follow a one-year programme of municipal executive training, which will include urban planning and management.

Digital governance

E-government

Most digital platforms in Saudi Arabia relate to the provision of e-services. The Watani application, as mentioned earlier, is designed to receive feedback about the e-services provided. As of 2015, the country is estimated to have had a workforce of approximately 165,000 information communications technology professionals in all sectors.

199 UN-Habitat (n.d.). Future Saudi Cities Programme: Jazan City Profile (internal source).

200 UN-Habitat (2012). The State of Planning in Africa. <https://unhabitat.org/sites/default/files/download-manager-files/The%20State%20of%20Planning%20in%20Africa%20%2C%20An%20Overview%20.pdf>

Between 2014 and 2017, there was a shortage of 37,000 of these professionals.²⁰¹ In addition to the e-service platform “Baladi”, that enables applicants to apply for construction licences online, the Ministry of the Interior introduced the smartphone application “Absher” in 2015. Absher provides 160 e-services to citizens and residents, including renewing passports, applying for identification cards, paying traffic fines, filing an electronic complaint against any traffic violation, applying for or renewing migrant workers’ visas and obtaining hajj (pilgrimage) permits.²⁰² Additionally, each amanah has an information-sharing platform for all the services they provide, which is being replicated at the governorate and provincial levels. There are also local urban observatories established for every amanah and Royal Commission that share their urban data and observatory reports with the public.²⁰³

The digital divide

With regard to digital access, Saudi Arabia has high digital connectivity. According to the World Bank, almost 98 per cent of the population in Saudi Arabia had access to the Internet in 2020.²⁰⁴ Women and men enjoyed equal digital access according to a survey conducted by the Saudi Arabia Communications and Information Technology Commission and the King Fahd University of Petroleum and Minerals.

201 Saudi Arabia Communications and Information Technology Commission (2015). ICT Workforce in the Kingdom of Saudi Arabia. www.citc.gov.sa/en/reportsandstudies/Reports/Documents/ICTWorkforce_en.pdf

202 Arab News (2019). Saudi Interior Ministry launches e-service for traffic fine objections. www.arabnews.com/node/1465236/saudi-arabia

203 See the website of the Royal Commission for Riyadh City for an example: www.rcrc.gov.sa/en/studies

204 World Bank (2020). Individuals using the Internet (% of population) – Saudi Arabia. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SA>

The survey revealed that 96 per cent of women in the country were using the Internet compared to 88 per cent of men of the same age group (respondents were aged between 12 and 65 years old).²⁰⁵

Furthermore, most cities have free Wi-Fi in the main tourist hotspots. In 2020, the Communications and Information Technology Commission revealed that it will provide a further 60,000 free Wi-Fi hotspots in public places such as hospitals, malls, public parks and the Two Holy Mosques (in the holy cities of Mecca and Medina). The initiative includes free access to the public Wi-Fi network for each service provider for up to two hours per day in several cities.²⁰⁶ To further improve access to digital services, the Government will take steps outlined in the Saudi Vision 2030, such as addressing the projected needs of information communications technology, including enhancing digital infrastructure, promoting innovation in advanced technologies and investing in the digital economy.²⁰⁷

Digital rights

Finally, Saudi Arabia has a data protection law, which is the E-Crime Act (2007). This law combats electronic crimes by specifying the penalties and fines for those who illegally access other people's personal information or websites. It also stipulates that defamation on the Internet is illegal and is a punishable offence. Using the Internet to acquire information illegally from public or private sources is severely punished by fines, jail terms or both. It is possible to raise a complaint of misuse of personal information which can be reported at the provincial, governorate or amanah level. If the issue is very serious, it can be referred to the Royal Court.

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205 The Permanent Mission of the Kingdom of Saudi Arabia (2016). The Promotion, Protection and Enjoyment of Human Rights on the Internet.

206 O'Grady, V. (2020). Free Wi-Fi on the way across Saudi Arabia. In: developing telecoms. www.developingtelecoms.com/telecom-technology/wireless-networks/10299-free-wi-fi-on-the-way-across-saudi-arabia.html.

207 Permanent Mission of the Kingdom of Saudi Arabia (2016). Ibid.



Mogadishu beach by Jan Wilmann source: flickr

SOMALIA



BACKGROUND

Despite being afflicted by civil war, conflict and instability for decades, Somalia has gradually experienced progress in governmental capacity and reach. The Federal Government of Somalia was created in 2012 but it still needs to cope with the legacy of civil war, communal and political violence, and violent extremism. As of 2022, the country is considered to be a “fragile” State and “conflict-affected State” and is experiencing rapid urbanization with an average growth rate of 4.2 per cent per annum. Its urban population is estimated to be around 6.3 million, which is approximately 40 per cent of the total national population of 15.9 million people.²⁰⁸ It is estimated that by 2026, the country’s urban population will have grown to 50 per cent of its total population and by 2040 this number will reach 62 per cent.²⁰⁹ However, it should be noted that Somalia does not define “urban” in the same way other countries do. The benchmark for “urban” in Somalia is any human settlement that has 1,500 or more residents, a number that is considerably lower than East African and international standards;²¹⁰ internationally, a settlement is considered to be urban (towns and semi-dense areas) when it has at least 5,000 inhabitants, with a minimum density of 300 people per square kilometre.²¹¹

Urban management in the country is plagued by inadequate demographic data at all levels of government, unclear administrative boundaries of governments, overlapping jurisdictions, insecurity in some areas, an inconsistent leadership structure with inadequate capacity and resources, and an inconsistent and constantly disputed land ownership system that limits service provision and economic productivity.²¹² Hence, the fast rate at which Somalia is urbanizing does not match the required planning needs, which results in stifled governmental abilities.

Consequently, the unplanned growth usually results in slum expansion and environmental degradation due to competition for land, lack of basic infrastructure, and unplanned resource use and overuse. The years of civil war have also resulted in a high rate of internally displaced persons, whereby the majority have migrated to urban areas due to insecurity and natural calamities and who are even more vulnerable to the ill effects of inadequate urban planning structures.

208 World Bank (2021). *Somalia Urbanization Review: Fostering Cities as Anchors of Development*.

209 Aubrey, D. and L. Cardoso (2019). *W UN-Habitat*.

210 Ibid.

211 World Bank (2020). *How Do We Define Cities, Towns, and Rural Areas?* World Bank. <https://blogs.worldbank.org/sustainablecities/how-do-we-define-cities-towns-and-rural-areas>.

212 World Bank (2021). *Ibid*.

EXECUTIVE SUMMARY

In Somalia, the urban planning system has devolved, and federal member States are responsible for urban plans at the local level. Yet, the Ministry of Public Works, Reconstruction and Housing is, in 2022, also working on drafting a Federal Urban Planning Law, national urban policy and a roadmap for national land policy. However, there are many undefined, overlapping and ambiguous roles between the different levels of government due to contested claims over political and economic authority by especially the federal government and federal member States. Although consultation with stakeholders has occurred in decision-making processes, public participation in general, and specifically in urban planning, is limited in practice although enshrined by the Constitution. For example, stakeholders were consulted when the Government drafted Somalia's Ninth National Development Plan.

Furthermore, despite the creation of the Federal Government of Somalia in 2012, governance arrangements are mostly hybrid in practice, consisting of various State and non-State actors. Hence, the private sector is a large part of the urban development scene because of the experienced civil disruption that has left government bodies largely unable to provide public services. There are very few laws that govern these developers, which puts priority groups at a disadvantage since they cannot easily afford private services. Land-use planning is also regulated by an outdated 1980 legal framework, which the provisional Constitution from 2012 seeks to reform by, for example, outlining private property rights and giving mandates to States to formulate their own land policies. To date, only Somaliland and Puntland have legal frameworks guiding land use within their territories, followed by Southwest, Jubaland and Galmudug State,

which introduced urban land management laws from 2018 to 2020.

According to Article 48 of the provisional Constitution, local governments (districts) are acknowledged as the lowest tiers of government within the federal member States. The form of local elections is determined by respective State laws, resulting in various electoral systems. In Somaliland, local councillors are directly elected through a one-person-one-vote system and local councils were elected through this direct election for the third time in 2021. In Puntland, for example, clan-based electoral colleges to district councils have been taking place, and in 2021 the State conducted a pilot one-person-one-vote election in three districts. The 2017 indirect elections to the federal parliament resulted in women taking up 24.2 per cent of the seats. Furthermore, federal member State local governance laws stipulate the legal basis for which own-source revenues district governments can collect. In practice, however, some local governments manage to mobilize substantial own-source revenues in urban areas that are large and relatively well off. These include major districts in Somaliland and Puntland which demonstrated substantial progress in tapping domestic revenues. For example, in Somaliland, fiscal transfer accounts for roughly 30 per cent with the remaining 70 per cent from own source revenue. Given the socioeconomic situation of a country like Somalia, its skyrocketing unemployment and that the country is not internationally recognized, 70 per cent of own-source revenue is still considered to be an impressive achievement for local governments. Equally, property tax in the surveyed districts constitutes roughly around 35 per cent of the municipal budget.

Therefore, local governments are to a large extent dependent on financial transfers from the federal or State levels that are also very low and sporadic. The ability to collect own-source revenues is further impeded by the gradual move of the Government and States to take over revenue collection previously done by districts. Apart from fiscal challenges, local governments suffer from a shortage of professional staff across the country due to low salaries and political influences which impede their abilities to deliver services.

Somalia, like many other low-income countries, is struggling to fully establish a digital government system and is ranked 191st by the United Nations in e-government readiness.

However, the number of mobile users is large, equivalent to 90 per cent of the population over 16 years of age, and the telecommunication sector is rapidly growing, which provides opportunities to enhance digital governance in the country. Also, the number of Internet users is increasing, although only 2 per cent of the entire population had access to the internet as of 2017.

Challenges in the efforts towards harnessing the country's full digital potential include lack of data and the absence of functioning regulation. However, the Government is planning to increase its digital capacities according to the Somalia National Development Plan 2020–2024.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

In Somalia, the urban planning system has devolved and States are responsible for urban plans at the local level. The Ministry of Public Works, Reconstruction and Housing is currently working on drafting a Federal Urban Planning Law, a national urban policy and a roadmap for national land policy. In particular, the ministry is mandated to “...manage, build and rehabilitate government buildings and infrastructures of the country in an effective and efficient way” as well as having “...the custodian authority of all but not limited to, infrastructures, buildings, bridges, highways and roads, land plots and spaces, etc. owned by the central and regional governments”.²¹³ Data on how long planning documents take to be approved and the rate of approvals is unavailable.

In Somaliland and Puntland, urban regulatory frameworks are adopted and are the principle guiding or working document on master plan development and city extension plans in some selected districts. The Government is now in the process of developing an urban regulatory framework in all States, taking lessons learned from Somaliland and Puntland into account.

Furthermore, although Article 111F in the Somali Constitution calls for “...intergovernmental coordination among the federal Government and the governments of the federal member States”, the challenge of multilevel governmental coordination is horizontal and vertical coordination, for example between State and Government ministries, and between State ministries, departments and agencies, and within individual ministries.

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213 Ministry of Public Works, Reconstruction & Housing (n.d.).
Ministry Mandate. <https://mpwr.gov.so/mandate/>.



Market in Mogadishu, Somalia, by Jerome Starkey, source: Flickr

This is partly due to political contestation over the state building process in how the State and federal Government in particular claimed political and economic authority that resulted in overlapping mandates and roles at the technical level.²¹⁴ Also, the Government's control is usually concentrated in major urban centres, especially in regions where the rural areas are controlled by al-Shabaab. In these urban centres, State-level ministries tend to mandate municipal functions and city governance.

Impacts of coronavirus disease on service provision

In terms of the COVID-19 response, the federal Government introduced measures to halt the spread of the virus and protect people such as setting up a toll-free call centre that provides free medical consultations over the telephone and launching a national public information campaign to alert and inform people about the

virus and guidelines through radio, billboards, outdoor posters and social media platforms. Also, governmental authorities, some organizations and companies have adopted various social distancing measures or continued working remotely and online.²¹⁵ Also, some districts piloted mobile money payment systems and such applications were leveraged to reduce physical interaction between taxpayers and municipal officers and, at the same time, meet revenue collection targets.

In Puntland, a COVID-19 guide for local governments was developed and adopted to address the spread of the virus and mainstream COVID-19 responses into their urban planning functions. The guide also served to assist districts, as the lowest government unit, to support local communities by identifying hot spots and designing a coordinated response. Also, Puntland's Ministry of Health produced a COVID-19 risk map for the city of Garowe to

214 Ministry of Planning Investment and Economic Development (n.d.). Somalia National Development Plan 2020–2024. <http://mop.gov.so/wp-content/uploads/2019/12/NDP-9-2020-2024.pdf>.

215 United Nations (n.d.). Somalia braces for Covid-19. www.un.org/en/coronavirus/somalia-braces-covid-19.

better inform both the Garowe Municipality and other government actors, including the country's Ministry of Public Works, Housing and Reconstruction, in order to providing focused and targeted responses. This map highlighted the most vulnerable neighbourhoods, overcrowded and heavily populated locations, and high-density neighbourhoods that are prone and at risk of higher infection transmission throughout Garowe. Assessed areas also included the main Inji market and other overcrowded markets and places as shown on the map. Using these plans, both the Garowe Municipality and the Ministry of Health were able to devise mechanisms to promote awareness-raising and enable other development partners to channel interventions to address the pandemic accordingly.

Public participation

Public participation is enshrined in the Constitution and all federal member States acknowledge the role of the public in decision-making through either direct or indirect participation. Public participation in local government functions is particularly vivid across local government laws, which obliges local government leaders to consult meaningfully with the public in setting annual district development plans and the five-year development framework as it is mandatory to conduct public hearings and public participation. Public participation is generally limited in practice, however efforts to promote public participation are now taking shape in Somaliland where city extension plans are implemented, although it is a recent initiative. This was triggered by the Government of Somaliland to proactively reduce land disputes during the participatory planning process. It is worth noting, however, that civil society groups exist in Somalia usually in the form of essential and informal self-help, albeit manifesting as non-governmental organizations (NGOs), to fill

the space left by the Government to address the needs of communities. For example, civil society associations played a key role, together with the Government and international actors, to respond to the severe drought of 2017 that plagued the country.²¹⁶ Also, these "neighbourhood associations" provide community services such as constructing roads, repairing water pipes, and organizing private water, electricity, health and education. Furthermore, there are international actors and locally based non-NGOs that actively work to promote participatory and inclusive processes. Moreover, the development of Somalia's Ninth National Development Plan involved three rounds of consultations with stakeholders from other levels of government, representatives from the private sector, civil society organizations, women's groups, and direct and indirect representatives of the most disadvantaged social groups. It should be noted that convening stakeholders is difficult since security is a major issue within the State.²¹⁷

Transparency and accountability

Disclosure of information and influence of third parties

Non-state actors usually affect the public services because of their years of political authority that even pre-dates the civil war and that was greatly strengthened when the Government later collapsed. These actors stepped in and took over the responsibilities previously vested in the national State through various hybrid governance arrangements with traditional clan elders, business leaders, militia leaders, civic groups and religious authorities having much

216 World Bank (2021). Somalia Urbanization Review: Fostering Cities as Anchors of Development.

217 World Bank (2021). Somalia Urbanization Review: Fostering Cities as Anchors of Development.

of the de facto authority. Currently, most non-State actors rely on informal arrangements to form governance arrangements, with the exception of al-Shabaab,²¹⁸ a military group of Islamic extremists whose aim is to spread their doctrine to East Africa²¹⁹ and who impose their will forcefully.²²⁰ The involvement of the private sector in service provision and urban development is, in general, widespread. However, the unclear distinction between the public and the private sector has resulted in ambiguity among individuals that operate both as public and private sector actors interchangeably.²²¹ The heavy reliance on the private sector to provide public services such as health care, education, water delivery, transport, etc. coupled with few laws that govern private developments, has left people living in poverty with limited purchasing power, or people belonging to smaller and less powerful clans at a disadvantage. The unregulated private sector has also impaired the ability of the Government to collect data on issues such as human resources and competency and income of citizens to guide policymaking and urban planning.²²² Donor organizations are a large part of the urban redevelopment structure of Somalia in areas not governed by al-Shabaab. For example, about 11 donors have come together and created a multi-partner fund to financially support the reconstruction and development

in Somalia and contributing to effective and accountable governance, enabling economic development, developing urban infrastructure, and building state capacity.²²³ In addition, community-sponsored investments financed by business people, clansmen contributions and individual donors, mainly at the time of need, have also served as a window of opportunity in drought and flood risk mitigation, or other infrastructure developments.

Land-use planning and standards for development planning

Almost all land, including that in urban areas, is contested. Factors driving land conflicts include multiple waves of displacement, self-segregation based on clan structures for security reasons, increasing land prices and speculation, and the use of the real estate as a channel for laundering corrupt money, which in turn fuels violence and conflicts, and undermines cities' ability to manage and use lands for the public interest.²²⁴ Hence, wealthy private actors, local power and even political elites influence urban planning and decision-making to a large extent resulting in land insecurity, forced evictions and displacement. It is estimated that there are 2.9 million people that have been displaced in Somalia due to conflict, insecurity, drought and floods, with the majority settling in urban and peri-urban areas across the country. Around 85 per cent of these sites assessed by Global Camp Coordination and Camp Management Cluster²²⁵

218 World Bank (2021). Somalia Urbanization Review: Fostering Cities as Anchors of Development.

219 Ali, A. M. (2008). The Al-Shabaab Al-Mujahidiin—a profile of the first Somali terrorist organization. Çalıştay sunumu: IGAD Capacity Building Programme Against Terrorism (ICPAT), Jingo, Uganda, pp.28-29.

220 World Bank (2021). Ibid.

221 E, M. and K. Tetu (2018). Public-Private Partnerships in Fragile States. Rome: Food and Agriculture Organization of the United Nations. www.fao.org/3/I9308EN/i9308en.pdf.

222 World Bank (2018). Federal Republic of Somalia Systematic Country Diagnostic. World Bank Group. Report No. 123807-SO. <https://documents1.worldbank.org/curated/en/554051534791806400/pdf/SOMALIA-SCD-08152018.pdf>.

223 World Bank (2019). Multi Partner Fund for Somalia Mid Term Review. Final Report. Aleph Strategies. <https://thedocs.worldbank.org/en/doc/638261591382785804-0010022020/original/SomaliaMPFMidTermReviewSeptember2019.pdf>.

224 World Bank (2021). Ibid.

225 Global Camp Coordination and Camp Management Cluster (CCCM) is an Inter-Agency Standing Committee coordination mechanism co-led by the International Organization for Migration and the United Nations High Commissioner for Refugees (UNHCR). They strengthen safe access to multi sectorial services at site level through improved site management and coordination.

are informal settlements on private land and about 74 per cent of them are in urban areas that are characterized by precarious conditions and lack of access to basic services.²²⁶

Furthermore, land-use planning has been regulated by an outdated legal framework dated from 1980, which the provisional Constitution of 2012 seeks to reform by, for example, outlining private property rights and giving the mandate to States to formulate their own land policies. As a response, in 2019, the Council of Ministers of the Government adopted three key policies: the National Policy on Refugees and Returnees, the Interim Protocol on Land Distribution for Eligible Refugee-returnees and Internally Displaced Persons, and the National Eviction Guidelines". These policies remain unimplemented due to the weak capacity of the Government and the political climate of Somalia.²²⁷ Also, there are no guidelines on what is required to obtain a building permit in most of the States, though the Governments of Somaliland and Puntland had already developed and adopted a system to process building permits and guide construction. In Mogadishu, the development of such a building permit is a work in progress. In the States, roles and responsibilities for urban planning are being clarified, through the formation of a State Urban Planning committee, as stipulated in the Federal Member States Urban Land Management Laws. Initial steps taken by the committee are to introduce a consistent standard for issuing land and building permits which each State's Ministry of Public Works, Housing and Reconstruction is to formalize and publicize for adoption.

As already mentioned, Somaliland and Puntland have developed and enacted Urban Land

226 UNHCR (n.d.) CCCM Somalia Overview. Operational Data Portal. https://data2.unhcr.org/en/situations/cccm_somalia.

227 World Bank (2021). Somalia Urbanization Review: Fostering Cities as Anchors of Development.

Management Laws that are currently being implemented. For example, the legal framework in Somaliland (No. 17/2001) regulates urban land and attempts to define the following: "the State institutions responsible for urban land governance; the allocation of land; the planning and development of land; aspects of land tenure, including granting land for specific purposes and registration of title; appropriation of land for public use and compensation; and the establishment of the Land Dispute Tribunals". There are some challenges that constrain effective implementation such as being poorly drafted in terms of clarity and coherency, and a complicated process for verifying the master plan while making almost no provisions for drafting it.²²⁸ Similarly, there are registration systems in Somaliland and Puntland that process building permits. For example, in Hargeisa in 2006, the cost for a building permit registration verification by the surveyor was \$10 and around \$50 for a full ownership title within the land tenure section in 2006.²²⁹

Representation, subsidiarity and local governance

Political representation and functions of local governments

The Government of Somalia was established in 2012 along with the adoption of the Provisional Constitution. According to the Constitution, Somalia has a decentralized federal governance system that comprises the Government, the federal Member State Governments and

228 UN-Habitat (2015). Harmonization of the Legal Systems Resolving Land Disputes in Somaliland and Puntland: Report and Recommendations. HS Number: HS/007/16E

229 Bruyas, F. (2006). Somaliland, Puntland State of Somalia: The Land Legal Framework, Situation Analysis. www.globalprotectioncluster.org/assets/files/field_protection_clusters/Somaliland/files/HLP%20AoR/Land_Legal_Framework_2006_EN.pdf.

the local/district governments.²³⁰ However, governance arrangements in the country mostly take on a hybrid format as traditional clan elders, business leaders, militia leaders, civic groups and religious authorities have much of the de facto authority. Local governments (districts) are recognized as the lowest tiers of the government within States according to Article 48 in the provisional Constitution. The Constitution also provides for each State to enact its own specific legislation on local government. A federal organic law was also passed in 2018 to further provide guidance to States on the creation of local governments.²³¹ Therefore, the role and the level of authority of local governments across Somali territories varies but usually consists of district governments and village committees wherein the latter operate under district governments, facilitate connection with local communities and support local urban planning. District governments also have functional powers and responsibilities for providing and managing urban infrastructure and services. Despite this reliance on local governments, the links to service delivery are still poorly articulated because of wide variances in fiscal and administrative capacities amongst local governments in States with minimal linkages to each other, which further discourages necessary investments in local government infrastructure by donors.²³²

Furthermore, the Wadajir Framework is a key policy that was launched in 2016 to strengthen the links between federal and district authorities and accountable and democratic local governance through locally elected councils.

230 World Bank. (2021). *Somalia Urbanization Review: Fostering Cities as Anchors of Development*.

231 World Bank (2021). Ibid.

232 World Bank (2018). Federal Republic of Somalia Systematic Country Diagnostic. World Bank Group. Report No. 123807-SO. <https://documents1.worldbank.org/curated/en/554051534791806400/pdf/SOMALIA-SCD-08152018.pdf>.

The format of the elections differs among various State laws as some stipulate clan-based electoral colleges while others call for universal suffrage. However, elections have only taken place in Somaliland and Puntland as of 2021. Local elections for district councils have been held in the 23 districts of Somaliland, which in turn elect the mayor and deputy mayors. In Puntland, local elections have also been held where the first one-person-one-vote was piloted in three Districts, while the rest are governed through clan elders who appoint the councils. In other States, two approaches prevail: either a selected district council which then elects a mayor and deputy mayor that head the district council, or mayors that are directly appointed as “interim district commissioners” by the state presidents, which undermines local government accountability and legitimacy.²³³ It is also worth noting that an indirect election to the Parliament of Somalia was held for the first time in decades in 2017, indicating some progress towards representative and accountable structures of governance.²³⁴ Also, the Federal Electoral Law was signed by the Somali President in 2020 that grants direct elections in the form of one-person-one-vote that also provides for a multiparty system.²³⁵ Of the elected Members of Parliament in 2017, 24.2 per cent were women, meaning that women occupy 64 seats out of 264. Somalia is trying to ratify this by increasing female involvement in all three levels of government, including elected and appointed officials in the public and private sectors as outlined in the ratified Somali Women’s Charter from 2019 that, among other things, calls for 50 per cent representation of women

233 World Bank (2021). Ibid.

234 Aubrey, D. and L. Cardoso (2019). *Towards Sustainable Urban Development in Somalia and IDP Durable Solutions at Scale*. UN-Habitat .

235 Affi, L. (2020). Excluding women: the clanization of Somali political institutions. CMI Brief.



Mogadishu, Somalia, by Jerome Starkey source: Flickr

in Government.²³⁶ However, women's political inclusion is hindered by a strong patriarchal, clan-based society whereby politics is perceived as a domain only for men.²³⁷

Financial and human capacities of local governments

The possibility for local governments (districts) to collect own-sources revenues is provided by State Local Governance laws. However, districts in Somaliland and Puntland have greater autonomy to manage land and taxation as per regional states' taxation and Urban Land Management Laws compared to other districts in other States where authorities are relatively new and have limited capacities to manage land and property taxation. For example, revenues for districts in Puntland under the Puntland Law No.

236 United Nations Development Programme (2019). Minister Deqa Yasin Presents Women's Charter at 63rd Commission on the Status of Women event in New York. www.so.undp.org/content/somalia/en/home/presscenter/pressreleases/2019/somali-women-issue-charter-that-calls-for-equal-gender-represent.html.

237 Affi, L. (2020). Excluding Women: The clanization of Somali political institutions. *CMI Brief*.

7 (Article 35) involve 18 types of taxes, including property-related taxes, taxes on business and economic activities, and service fees or charges; profits generated from its business ventures; other revenues from economic sources it created, or services rendered to the public; local and international loans, if approved for them; and donation or grants from the central Government, overseas and the public. Similarly, the Hirshabelle Law No. 4 (Article 49) provides for districts in Hirshabelle to collect taxes from sources similar to those in Puntland, and to source revenue from the profits generated by local government business in accordance with the State and federal laws; revenue generated from resources owned by the local government or service rendered by the local government; revenue generated from penalties of breaching this law or other local government regulations; or grants from the federal Government or the regional State, the local government local and international organization or any other part authorized by this law.

In the case of Puntland, own-source revenues in districts are mostly based on livestock exports, market fees and business licences, and account for 15 to 60 per cent of total revenues. All shared revenues and transfers for districts in Puntland amount to only between \$2 and \$6 per capita, which is relatively very low by any standards. The rate is equivalent to \$6 per capita in the capital Mogadishu. Also, the sources and levels of revenues between the districts vary greatly. In general, district revenues are very small, and only large and relatively well-off urban areas with greater economic activity can provide a substantive tax base for local governments. Most local governments need to rely on sporadic transfers from the federal or State levels that are low. Also, the Government and States are increasingly centralizing revenues by taking over revenue collection previously done by districts. The Bosaso Port is an example whereby customs revenues were previously collected by the Bosaso district, which Puntland State has now taken over. Also, the limited revenues that districts source themselves are usually spent on recurrent expenditures instead of being reinvested in local services and infrastructure.

District governments in Somalia lack professional administrative capacity with technical knowledge, such as engineers, that impedes their ability to provide services to the public. The employed staff usually carry out manual labour, secretarial or security tasks. For example, the city government of Mogadishu employs about 350 staff across 8 departments. Only 5 work as engineers, 3 as planners and 5 as accounting graduates while about 90 work as cleaners and 100 as city police with no technical qualifications. Challenges pertaining to administrative capacity of districts include low salaries and political influences as the senior staff is replaced following changes in the district commission, which undermine capacity

building and service provision. State ministries are better equipped with professional staff but are still in need of technical assistance.²³⁸

Digital governance

E-government

As of 2022, Somalia has barely any form of digital governance and is ranked 191st by the United Nations in e-government readiness – a measurement of the capacity of governments to develop and implement e-government services.²³⁹ Despite the pool digital capacities of the Government, the country has a rapidly growing telecommunication sector. There are five major operators in the market that are primarily mobile network operators, which provide voice and data services to about 4 million subscribers, mainly in urban areas.

In 2018, the regulatory authority to licence operators, the National Communications Agency', was established, although it is not operational yet, along with the newly enforced National Communications Law that regulates the information communications technology industry. There is also a National Communication Act of 2017 that requires telecommunication firms to register all subscriber identity module (SIM) cards and users' biometric information that helps the current efforts by the Government to establish a single registry system that would register all citizens to support decision-making

238 World Bank (2021). *Somalia Urbanization Review: Fostering Cities as Anchors of Development*.

239 United Nations (2020). United Nations E-government Survey 2020: Digital Government in the Decade of Action for Sustainable Development. [https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20\(Full%20Report\).pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20(Full%20Report).pdf).

and service provision within the country.²⁴⁰ Furthermore, as stated in the country's National Development Plan (2020 to 2024), the Government plans to establish a national digital addressing system and a National Spatial Data Infrastructure information management system. Also, the National ICT Policy and Strategy (2019–2024) identifies the following priority areas of intervention in line with United Nations Broadband Commission for Sustainable Development's targets, including "access and cost of connectivity and coverage of networks; domestic digital infrastructure interconnection, local hosting, domain names, quality of service, cyber security; consumer protection – e-commerce, privacy, child protection; human resource development – digital literacy, ICT skills, research and development; local online media, applications and financial services; government interconnection and open data and public e-services (e-government, e-health, e-agriculture and e-education)".²⁴¹

The digital divide and digital rights

Approximately 90 per cent of the population is over 16 years old and has a phone; 30.8 per cent of all mobile phones are smartphones and 75 per cent of phone users use mobile money.²⁴² World Bank figures from 2017 indicate that around 2 per cent of the total population has access to the Internet.²⁴³ There were around 1.95 million Internet users in Somalia in January 2021, indicating an increase of 20 per cent from 2020, and the Internet penetration was 12.1 per cent in January 2021. It is also noticeable that the number of social media users increased between 2020 and 2021, representing a 31 per cent increase. There were 2.10 million social media users in January 2021, corresponding to 13 per cent of the total population.²⁴⁴ There are no data protection or cyber security laws and hence citizens cannot make complaints or report on incidences of data breach and misuse of personal information.

240 Ministry of Labour and Social Affairs (2019). Somalia Social Protection Policy. Federal Government of Somalia. www.alnap.org/system/files/content/resource/files/main/MoL-SA-Somalia-FINAL-min.pdf.

241 Ministry of Planning, Investment and Economic Development (n.d.).

242 Ibid.

243 World Bank (2017). Individuals using the Internet (% of population) – Somalia. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SO>

244 Kemp, S. (2021). Digital 2021: Somalia. <https://datareportal.com/reports/digital-2021-somalia>.



Damascus, Syria by Ben Freeman source: flickr

SYRIAN ARAB REPUBLIC



BACKGROUND

The Syrian Arab Republic is in western Asia and the Middle East, and shares borders with Lebanon, Turkey, Iraq, Jordan and Israel. Prior to the outbreak of conflict in 2011, the country, like many developing countries, witnessed a major demographic transformation in the second half of the twentieth century. The decades following its 1946 independence were characterized by rapid urbanization primarily due to rural to urban migration that was motivated by agrarian reform policies, urban economic opportunities and demand for housing. Waves of refugees from Palestine and Iraq resettling in the country in the same period also contributed to the growth of primary and secondary cities. Indeed, while the country was an overwhelmingly agrarian-based society in 1946 with less than 20 per cent of its population living in cities,²⁴⁵ the majority of the population (56 per cent) was living in cities by 2010.²⁴⁶ However, the rates of urban growth were never matched by sufficient housing supply during this period, especially for lower-income migrants from rural areas. Protracted urban planning processes where it would take, in some cases, up to a decade to approve municipal urban master plans combined with state housing policies which failed to meet demand resulted in the development of informal housing areas in cities across the country.

245 Unpublished report by Omar A. Hallaj on the HLP-Land Nexus in Syria.

246 Aita, S. (2019). Urban Recovery Framework for Post-Conflict Housing in Syria: A first physical, social and economic approach. The Cercle des Economistes Arabes.

A study by the Ministry of Housing in 2012 (focusing on areas where over 60 per cent of the residents lack formal land tenure or building permit documentation) found that at least 115 informal settlements existed, most of which were concentrated in Damascus, Aleppo and Homs, and where 40 per cent of the population lived.²⁴⁷ Around 55 per cent of the people lived in urban areas.

The outbreak of hostilities in 2011 and subsequent ten years of conflict have further complicated the country's urban governance context and incapacitated its institutional structures. Roughly 12 million people have been displaced from their homes and countless urban areas have suffered moderate to severe levels of damage, including widespread explosive remnants of war and landmine contamination. It is worth noting that in large cities, informal areas have suffered disproportionate levels of damage and displacement. For state actors – including municipalities, regional planning commissions, the Ministry of Local Administration and Environment, the Ministry of Public Works and Environment, the Ministry of Public Works and Housing, the General Establishment for Housing – the substantial technical and financial challenges to urban reconstruction and housing recovery, in addition to the risks to the housing, land and property rights of residents, are formidable impediments to the equitable redevelopment and rehabilitation of the country's cities and society.

247 See: <https://aliqtisadi.com/45137-تسوناى-من-المساكن-العشوانية-/> /في-سورية/.

EXECUTIVE SUMMARY

Despite the publicly stated policy in 2011 to move towards the decentralization of urban governance, powers and authorities, the Syrian Arab Republic continues to have a state-centred, hierarchical organizational structure for urban development decision-making. This structure has largely isolated local authorities, the private sector and civil society members themselves from the urban development decision-making process. Lack of both vertical and horizontal coordination between central and local planning authorities, and between the planning and implementation departments, respectively, has resulted in chronic delays where decisions and master plans are outdated by the time they are issued. Meanwhile, the current legal framework provides very little space for citizens and civil society to proactively engage in the urban planning process and influence urban decision-making, with the result being that policy choices and urban planning decisions have long failed to meet the development and housing needs of the public. To circumvent this state-centred approach that for decades failed to accommodate the country's rapidly urbanizing population, private actors found alternative ways of participating in urban development to meet local demands, primarily through informal development. Indeed, informal development, which mainly takes the form of land-use and building code non-compliance, accounted for almost 50 per cent of urban growth in the country prior to the conflict,²⁴⁸ demonstrating that the private sector has taken an active role in responding to housing and development needs.

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248 Municipal Administration Modernization Programme (2008). Project document (unpublished).

Democratic representation in local urban governance bodies has long been subsumed by the overarching influence of the Ba'ath Party, which has been housed within the central Government since 1971. The issuance of the Local Administration Law 107 in 2011 indicated a positive change towards more representative governance structures by means of decentralization measures that granted municipalities larger coordination responsibilities within their jurisdiction and introduced reforms for local elections. However, many key provisions of this law are inactive, in part due to governance disruptions occurring during the conflict as nationwide local elections have been undermined by low participation rates as millions of people are displaced both internally and abroad. In ordinary circumstances, local councils at the city, town and township levels should be responsible for developing and revising urban plans, as well as for making decisions regarding how to treat informal areas. In response to the destabilizing impact of the conflict, however, the Government has taken measures to exert greater influence in local urban planning processes and found means of outsourcing urban planning operations to state-sponsored companies, effectively side-stepping local governance bodies, when deemed necessary. The restricted participation of women in local councils is also a limiting factor for representative urban governance in the country, where estimates in 2017 of women's participation in local councils were between 2 and 4 per cent.²⁴⁹

Furthermore, the Government's allocation of funds for local budgeting has long played a key role in preserving centralized control of local governance bodies.

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249 Tahrir Institute for Middle East Policy (2017). Syria's Women: Policies and Perspectives. <https://timep.org/wp-content/uploads/2017/07/SW-Peacebuilding-1.pdf>.

The Local Administration Law largely maintained a hierarchical budgeting structure by empowering provincial councils, presided over by president-appointed governors, to serve as the ultimate gatekeepers for municipal funding. The limited funding received from these bodies has been a primary reason that local government autonomy has been compromised. Typically, only 25 per cent of a province's entire budget goes to municipalities, leaving them reliant on subsidies from the central Government and making local politics more disposed to respond to the demands of the State than to the needs of its constituents. Another limiting factor to local autonomy over urban governance, and specifically over urban planning, is the lack of sufficient skilled human resources in local urban planning and governance bodies. While the number of professional staff in planning offices is highly dependent on the administrative unit's size and importance, almost all municipalities suffer from a general lack of human resource capacity, especially urban planners, architects and urban information professionals. The conflict and resulting mass displacements of people from their homes has further debilitated the already weak human resource infrastructure in cities.

The potential of using digital systems in conducting urban governance in the Syrian Arab Republic is restricted by the relatively limited access to the Internet, with only 34 per cent of the population considered to be Internet users as of 2017, a number that was nearly half of the average for the Arab World (63 per cent) as reported by the World Bank in 2018.²⁵⁰ However, despite inconsistencies in Internet access due to conflict-induced electricity shortages and disruptions to telecommunication networks,

250 World Bank (2017). Individuals using the Internet (% of population) – Syrian Arab Republic. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SY>

the percentage of the population considered to be Internet users has been on the rise consistently since 2000, even throughout the years of conflict. Data on the numbers of women who own mobile phones that are connected to the Internet is not publicly available, however, there are not believed to be noticeable disparities between men and women in terms of access to Internet in functional urban areas, where access usually occurs through household fixed broadbands or 3G/4G subscriptions. In areas where Internet access was interrupted by the conflict, women may have had more difficulty in accessing the Internet in public places such as Internet cafes compared to men due to prevailing social norms in certain localities. Data on Internet access for refugees from the Syrian Arab Republic is also not available, however refugees who have resettled in urban areas such as Amaan in Jordan seem to have significant Internet access through their mobile devices.

Internet access enables citizens to retrieve information provided by their local council, either through its dedicated website or social media platforms, namely Facebook. Citizens can also access information on governorate and municipal administrative services, processes and required documents on the Syrian Digital Government Portal.²⁵¹ The portal is also developing certain digital services that can be requested by citizens online through a mobile application and without the need to provide civil identification or other official documentation as required to access in-person services at Citizen Service Centres as of 2022. However, there are substantial limiting factors restricting Internet use due to entrenched human rights infringements of the right to privacy and the freedom of expression.

251 See: <https://egov.sy/page/ar/112/0/%D8%A7%D9%84%D8%B5%D9%81%D8%AD%D8%A9%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3%D9%8A%D8%A9.html#&panel1-4>



Damascus, Syria by jimxs1960 source flickr

In fact, no privacy protection legislation exists in the country to safeguard the rights of citizens from unethical and disproportionate government surveillance. Furthermore, the existing penal and

cyber laws authorize State intelligence officials to exercise discretionary powers to infringe on people's rights to personal and digital privacy, which encourages self-censorship and restricts individuals' freedom of expression.²⁵²

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

The urban planning regulatory and governance environment in the Syrian Arab Republic has several layers: the legislative framework, the operational framework and the administrative framework. Together they define its operation across four main areas: urban planning and design, land organization, land division and planning implementation. Roles and responsibilities for preparing, approving and implementing urban plans are stipulated in several laws, the most important of which are the: Legislative Decree no. 5 of 1982 and its

amendment, Law no. 41 of 2002, on preparing urban plans; the Regional Planning Law (Law no. 26 of 2010); the Local Administration Law (Legislative Decree no. 107 of 2011); the Urban Planning and Development Law (Law no. 23 of 2015); and the Urban Renewal Law (Law no. 10 of 2018). These laws cannot be read in isolation as they jointly form an interconnected legal system governing urban planning.

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252 Dávila-Ruhaak, S., N. Guruli and D. Samaro (2021). Digital Dominion: How the Syrian regime's mass digital surveillance violates human rights. University of Illinois Chicago John Marshall Law School International Human Rights Clinic.

For example, according to the Regional Planning Law (Law 26), the regional planning entity defines the main characteristics of urban centres, evaluates their master plans in the light of their interrelationships and positions in each region, and aims to achieve multi-scale and multilevel synergies between them. Municipalities, according to the Local Administration Law (Legislative Decree 107), influence regional spatial plans that cover their administrative boundaries and must respect regional plans and set principles when preparing the urban plans. Furthermore, Legislative Decree 107 defines municipal responsibilities in implementing and controlling urban development. Also related to implementation, Law 23 (2015) and Law 10 (2018) define the roles and responsibilities of different actors (public, private and civil society) when implementing an urban plan in a given area.

According to the Legislative Decree 5 (1982) on the creation of urban plans, the Ministry of Public Works and Housing is responsible for drafting “the fundamentals for construction planning” which serve as the universal principles that organize the operation of planning for cities, towns, villages and farmland across all of the country. Meanwhile, municipalities (local administrative units) are responsible for creating planning programmes for each city, town or village and farms falling under their jurisdiction.²⁵³ The planning programme determines current and future needs for the relevant city, town or village and farms, specifying the number of dwellers, population density and the type and nature of needed public services. The planning programme must be reviewed by the Ministry of Public Works and Housing for approval or for requesting a modification within 20 days from the date it was recorded in the ministry records.

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 253 Legislative Decree 5/1982, Article 3(A).

Not only must these planning programmes be in line with the Ministry of Public Works and Housing’s “fundamentals for construction planning”, but they must also must “abide by the principles and directives of regional development plans” issued in accordance with Law 26 of 2010 by the competent Regional Planning Commission.

The local administrative unit, through its local planning office or department, is also responsible for preparing the city’s general and detailed regulatory plan.²⁵⁴ The general organizational plan “illustrates the future look of the city and its growth” by determining construction boundaries, the network of major roads, the building plans and designated usage of all land plots, in line with the planning programme and the construction planning fundamentals. The detailed organizational plan specifies all planning details for major and non-major road networks, pedestrian walkways, public areas and all construction details intended for specific plots, in line with the general organizational plan. The municipal local council (i.e., city council) is responsible for reviewing and approving these plans.²⁵⁵

General organizational plans for governorate capital cities, however, have more stringent approval requirements. They must be issued by the Minister for Public Works and Housing on recommendation from the executive office of the governorate.²⁵⁶ Detailed organizational plans for governorate capital cities, except for Damascus, are issued by an order from the executive office of the governorate.²⁵⁷

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 254 Legislative Decree 5/1982, Article 4.

255 Legislative Decree 5/1982, Article 5(A) as amended by Law 41/2002, Article 1.

256 Legislative Decree 5/1982, Article 6(A).

257 Legislative Decree 5/1982, Article 6(B)).

Detailed organizational plans for the city of Damascus are issued by an order from the board of supervisors from the governorate of Damascus, upon recommendation of the executive office of the Damascus Governorate.²⁵⁸ However, all general or detailed organizational plans for governorate capital cities must be submitted to the Ministry of Public Works and Housing within 15 days for review. The ministry can suspend the plan(s) only if they conflict with the fundamentals of construction or planning programme.²⁵⁹

Municipal urban plans are primarily implemented by the local administrative unit, either through the land division or zoning procedures prescribed in the Urban Development Law (no. 23 of 2015). However, more recently, the Urban Renewal Law (no. 10 of 2018) introduced another means of implementing urban plans using land readjustment and in this case through a public-private partnership between the local administrative unit and privately managed real estate holding companies. It should also be noted that in the past, expropriation as regulated by Legislative Decree no. 20 of 1983 had been used as a primary tool for implementing urban plans and developing peri-urban areas.

However, this led to what has been widely regarded as an overuse of government expropriation powers, where meagre compensation awards in fact incentivized owners to sell their property onto the informal housing market rather than be expropriated by the Government. For this reason, amongst others, expropriation as a device for urban planning and land development had been scaled back in the years prior to the conflict.

In terms of its legal and governance framework, regional planning operates at a separate level from municipal planning. Law no. 26 of 2010 provides that the Regional Planning Commission is responsible for "...preparing and implementing the national directions for regional planning", specifically by preparing the national framework for regional planning and preparing regional plans (or assigning their preparation to other technical bodies, public or private).²⁶⁰ Both the national framework for regional planning and regional plans themselves are produced by the Regional Planning Commission and approved by the Supreme Council for Regional Planning. Authorities responsible for preparing and approving municipal urban plans must verify that these plans conform to the requirements and provisions of the relevant regional plan, otherwise the municipal plan is considered amended.²⁶¹ Box 16 summarizes the institutions responsible for urban planning.

.....
258 Legislative Decree 5/1982, Article 6(C)).

259 Legislative Decree 5/1982, Article 7.

.....
260 Law 26/2010, Article 10.

261 Law 26/2010, Article 25.

Box 16. Responsibilities of key institutions in urban planning: Syrian Arab Republic

Ministry of Public Works and Housing

Preparing²⁶² and approving fundamentals of construction planning and approving municipal planning programme and general organizational plans and building codes.

Executive office of the governorate (governorate capital).

Approving general organizational plans and building codes and detailed organizational plans.²⁶³

Regional Planning Commission

Preparing and monitoring the implementation of regional plans. Additionally, other ministries that implement large infrastructure projects might have a role in implementation in certain cases as well, apart from administrative units. Also responsible for preparing and implementing the national framework for regional planning together with administrative units and involved ministries.

Supreme Council for Regional Planning

Approving regional plans and national frameworks for regional planning.

Municipal planning department/office

Implementing fundamentals of construction planning; preparing municipal planning programmes as well as implementing them; and preparing general organizational plans, building codes²⁶⁴ and detailed organizational plans.

Local/city council (cities which are not governorate capitals)

Approving general organizational plans and building codes; approving detailed organizational plans.

Municipality and the technical directorates in the governorate

Implementation of general organizational plans and building codes, and implementing detailed organizational plans.

Governorate Council of Damascus (Damascus city)

Approving detailed organizational plans.²⁶⁵

.....
262 With the participation of academia, national and international experts, and the Ministry of Local Administration and Environment.

263 Based on the recommendation of the local council.

264 With consideration given to the Regional Technical Committee's decisions on objections raised by involved persons.

265 Based on the recommendation of the executive office of the governorate.

Despite the publicly stated policy in the Syrian Arab Republic to move towards the decentralization of urban governance powers and authorities, the fact remains that the country has a state-centred, hierarchical organizational structure for urban development decision-making. This structure is entrenched by two factors: (i) the inactive status of many vital articles of the Local Administration Law (Legislative Decree 107 of 2011) and other laws that facilitate horizontal coordination (Regional Planning Law 26 of 2010); and (ii) the ever-growing capacity gaps at the local, regional and even the national levels to apply and operationalize the highly ambitious and transformative legal policy of decentralization. As a result, distances have emerged between the central and the local planning authorities, and between the planning and the implementation departments within the same authority, leading to outdated decisions and creating a forum for inter- and intra-institutional conflict.

This centralization of powers is also coupled with the tendency for individual government entities in the planning process to assume a considerable degree of independence, linking better to institutional bodies at levels above and below rather than with other entities at the same level of government (e.g., municipal plan preparation departments vs. implementation departments). Another major barrier to effective coordination of urban governance is the absence of an active and effective regional planning entity that develops area-based regional plans and sets guiding principles for inter-municipal horizontal coordination in terms of master plans and service delivery, since the efficacy of the Regional Planning Commission established with Law 26 in 2010 has been largely undermined due to the ongoing conflict.

Urban governance was thoroughly examined prior to the crisis by the European Union-funded Municipal Administration Modernization²⁶⁶ Project that identified weaknesses related to coordination, among other processes. Many of these weaknesses still exist as of 2022, such as:

- Slow decision-making and implementation: the slow and bureaucratic nature of decision-making within individual entities makes it difficult for efficient and flexible coordination across horizontal and vertical levels of government.
- The inability of local government officers to make reliable commitments due to lack of capacity and understanding of their mandates, competencies and responsibilities.
- Lack of transparency: transparency across different levels and strands of activities is a binding condition for meaningful coordination.
- Propensity for conflict between levels of government and between departments at the same governance level.
- Lack of integrated action across administrative boundaries: the continuation of the historic propensity for governance structures to engage in vertical, top-down coordination.²⁶⁷

It is worth noting that even if all other preconditions for vertical and horizontal coordination were met, weak urban information systems within and across urban governance entities would continue to make urban planning processes time consuming, inaccurate and, at times, even counterproductive. The case of governance over sewerage and sanitation projects is a revealing example of the complicated distribution of power and authorities at a local and regional levels.

.....
 266 Municipal Administration Modernization (MAM) Project, 2008.

267 Derived from the MAM project Introduction, 2008.

Responsibilities for pursuing sanitation projects have been distributed between several ministries, including the General Company for Water and Sanitation in the governorate, the Technical Services Directorate, the municipality, the General Sewerage Company, the Ministry of Water Resources, the Ministry of Agriculture, and the real estate departments. This has resulted in a lack of inter-institutional coordination and inconsistencies in service provision. A UN-Habitat project demonstrated the complex distribution of roles in the current sanitation sector between many different governmental entities that are already struggling under multiple environmental and economic crises.²⁶⁸

Impacts of coronavirus disease on service provision

Measures have been adopted throughout the municipalities to ensure the continuation of urban services during the COVID-19 pandemic, the most important of which include:

1. A front office was opened within the Citizen Service Centre in some municipalities (such as Dar'a and Deir-ez-Zor municipalities) to receive citizen requests, thus reducing overcrowding inside the municipality building.
2. Requirements for citizens to produce certain official documents and transactions have been loosened and more reliance has been put on digital services (electronic payments, complaints, etc.).
3. Sterilization of neighbourhoods and public facilities regularly to avoid infections among staff.
4. Continuous vertical and horizontal coordination and networking between local

authorities and neighbourhood committees, whereby top to bottom directives undergo a process of community feedback to evaluate performance and take corrective actions. Coordination between different actors is believed to have improved because of the country's COVID-19 response, where coordination methods were encouraged by directives issued by the prime minister to further activate and involve neighbourhood committees in COVID-19 prevention and response.

Public participation

There are two predominant forms of participation in the urban land-use decision-making: formal and informal, with the latter being far more effective in responding to local needs.²⁶⁹ Formal participation refers to the opportunities for civil society to engage with government entities in the manner prescribed by law and policy where the Government maintains supremacy over decision-making. Informal approaches to land-use decision-making, in contrast, "are often hidden from democratic scrutiny and are usually considered a form of corruption". These informal practices have also been shown to enable a wider space of civil society participation, and in some cases control, in or over urban development decision-making.²⁷⁰ The formal mode of participation in urban decision-making should be recognized for the vital impact it has in creating a space for civil society input in land-use urban decision-making. In the Syrian Arab Republic, however, this participation is limited to occasional access for civil society organization representatives to decision-making at the local and regional level and regular meetings with neighbourhood committees.

268 UN-Habitat (2020). Sewage and Sanitation Sectoral Study: Dara's Urban profile.

269 Hasan, S. (2012). *Civil society participation in urban development in Syria*. Doctoral dissertation, Heriot-Watt University.
270 Ibid.

Furthermore, even this engagement in decision-making has only been in relation to local services. Meanwhile, informal participation has historically been far more effective in providing service supply that reflects local needs.

Citizen engagement in urban planning as provided by law only takes place at a very late stage of the urban development process in the form of a 30-day right to appeal. This is stipulated in Legislative Decree no. 5 of 1982, which makes provisions for consulting “all persons involved in the announced project” once the urban plans (general and detailed organizational plans) have been initially drafted. The law specifically stipulates that all involved persons must be invited to review the drafted urban organizational plans.²⁷¹ The invitations are required to be delivered personally, or otherwise announced in two local newspapers or in one of the capital's newspapers. Visual and non-visual media throughout the country can also be used depending on the assessment of the administrative unit. “Involved persons” (or, as given in Implementation Instructions No. 2, “people that are concerned with the project”) have 30 days from the date of the announcement to challenge the plan(s) by submitting a motion documenting the basis of the objection. A regional technical committee, chaired by the city/town mayor, investigates the objection and sends its conclusions, studies and results to the agency responsible for the approval and release of the plan(s). When modifications are made to the plans, they can be reviewed and challenged in the same manner as described above. In practice, however, the public notice is not well advertised and it does not cover a sufficient time-period with the limited media used for this purpose.²⁷²

271 Legislative Decree 5/1982, Article 5(B).

272 Hassan, S. *Civil society participation in urban development in Syria*. Doctoral dissertation, Heriot-Watt University.

In sum, this form of public participation in urban governance has a limited effect on urban development decision-making and urban land-use decision-making.

With influence from international development agencies, some forms of civil society participation have started to emerge in the form of pilot projects that consider public participation to be a key element of urban development decision-making. International actors, most importantly the European Union, the United Nations Development Programme (UNDP) and UN-Habitat, have been working in the last 20 years to enable and empower civil society to assume a significant role in urban planning, starting from the preparation and design phase in pilot projects with an acupuncture effect. These efforts have included the Municipal Administration Modernization Programme, UNDP's work with NGOs and community service organizations on early recovery planning, and UN-Habitat's urban recovery initiatives. However, civil society participation, as introduced by the international agencies and the foreign study parties, was not able to fully achieve the results sought due to the following reasons:

1. Citizen and civil society actors' perception of the role civil society itself could play in urban development decision-making has mostly ranged between fair and weak. Effectively, civil society does not trust the urban development process, nor does it have faith in the idea that civil society actors' participation can have an impact on decision-making.
2. The capacity of the civil society actors to facilitate the urban planning process is limited. On the one hand, the current urban development process lacks the necessary legal provisions to enable effective participation to function within the organizational structure of urban



Old town Damascus, Syria large by jinx11960 source flickr

development entities. In any case, there is also an absence of appropriately trained staff that can manage participation in terms of regulating and implementing the participatory process. On the other hand, the lack of funds allocated for the public participation processes has also been a barrier to civic engagement in urban planning. Specifically, the annual development fund does not include any allocation for participatory processes (e.g., staff training and implementation costs), leaving the establishment and maintenance of such processes entirely dependent on donations from international parties.²⁷³

Furthermore, there is no official or specialized platform related to the delivery of urban services whereby citizens can provide feedback about the Government's performance and conduct. Citizens can, however, voice their general concerns to their local council by informal and formal means through social media or townhall meetings.

.....
273 Ibid.

Transparency and accountability

Disclosure of information and influence of third parties

When (new) general and detailed organizational plans are prepared for a city, town or village, according to Legislative Decree 5 (1982) they must be announced in the hall of the local administrative unit (e.g., city, town or village). Additionally, "all personnel involved in the announced project must be invited" to review the drafted plans. The invitations are required to be delivered personally, or otherwise announced in two local newspapers or in one of the capital's newspapers. Law 5 (1982) adds that visual and non-visual media throughout the country can also be used depending on the assessment of the administrative unit.

“Involved persons”²⁷⁴ have 30 days from the date of the announcement to challenge the plan(s) by submitting a motion documenting the basis of the objection. A Regional Technical Committee, chaired by the city or town mayor, investigates the objection and sends its conclusions, studies and results to the agency responsible for the approval and release of the plan(s). The plan is released again on the anniversary of its first announcement, including all accepted challenges. The plan (and construction procedure) from that point on is announced once every three years with any modifications made by officials.

After the endorsement of the master plan, citizens may request a printed map for their specific parcel of land within the master plan showing the parcel and its immediate surroundings. It should be noted, however, that this is only possible when the master plan is ratified and endorsed. In other cases, citizens may be sent to their respective governorate to obtain the required map. Additionally, there are many cases where local councils and planning authorities publish an image of the master plan through social media or the council’s website, but this is a voluntary act depending on the councils and the status of the master plan. Such initiatives are becoming more common for almost all newly endorsed master plans. Marota city is one example where an editable version (AutoCAD file) of the master plan is available online.²⁷⁵

Three groups of actors are identified as having primary roles in the country’s urban development: the State, the private sector and civil society. The organization and involvement of these three actors has defined how both informal and

274 “Involved persons” refers to all residents and business owners in this area, including residents with informal tenure. It also means any person affected by the new master plan that may not live or own property in the area, as well as ministries, civil society organizations, and all other potentially affected entities.

275 See the website: <http://66.damascus.gov.sy/#Section5>.

formal urban development have taken place in the Syrian Arab Republic. In addition to the Ministry of Public Works and Housing and the local and regional planning authorities, other sectoral state actors play a very influential role on urban planning. The Director General of Antiques and Museums, represented by its chairperson, serves on the Regional Technical Committee where complaints on proposed master plans are resolved.²⁷⁶ The roles of this body and other important sectoral entities such as the environment directorates are, however, currently only exercised through representatives in the post-design stages of the urban planning process. Ideally, they should have a more participatory role in the urban planning process, beginning in the plan preparation and design stages of the regional planning commission to better support the integration of environmental, social, economic, spatial and cultural factors into one area-based concerted plan. However, since such regional planning entity has not yet been fully actualized, this kind of integration is presently being pursued in part by international organizations and influenced by international treaties. Examples of this are the climate change-related projects from the United Nations Environment Programme and pilot projects, in addition to the role played by the United Nations Educational, Scientific and Cultural Organization and the Director General of Antiques and Museums in guiding the rehabilitation and reconstruction of archaeological monuments, cultural heritage sites, historic urban areas and their immediate surroundings.

Private sector actors contribute to and influence urban planning in many ways, starting from private sector interest groups (e.g., Chamber of Commerce, the Crafts’ Union, etc.) and representation in the Regional Technical Committee.

276 Law 41/2002, Article 5.

This representation is, however, contingent on the governor's invitation, which is typically only given when matters related to the specific private sector interest group arise.²⁷⁷ Private sector involvement also takes the form of private engineering consultancy companies who are contracted by local authorities to carry out the planning, design and formulation of many urban areas in the country. Furthermore, since a wave of neoliberal policy reforms were implemented at the start of the twenty-first century,²⁷⁸ there has been increased private sector involvement in urban development through legislation enabling public-private partnership urban development and real estate projects. Law no. 15 of 2008, for example, provided for the establishment of "real estate investment companies" which were to develop urban areas on land provided by the municipality (via expropriation when necessary). This applied to projects with the follow aims: (1) establishing new urban communities; (2) addressing "the problem of slum areas"; (3) securing alternative housing for individuals who received demolition warnings; (4) securing shelter for victims of natural disasters; (5) securing housing units for specific segments of society at favourable terms for people with middle incomes; and (6) constructing advanced facilities for medical, educational, commercial and sports services.²⁷⁹ Since the start of the conflict in 2011, Legislative Decree 66 (2012) and Law 10 (2018) have been issued as mechanisms for private-public partnership urban redevelopment and renewal projects. These projects use public-private partnership holding companies responsible for the management of the properties within the redevelopment area and for investment through partnerships which establish private companies

277 Ibid.

278 Aita, S. (2019). Urban Recovery Framework for Post-Conflict Housing in Syria: A first physical, social and economic approach.

The Cercle des Economistes Arabes

279 Law 15/2008, Article 14(D).

tasked with operating the properties and services inside the redevelopment area. However, the implementation of these laws has been met with limited success due to financial constraints²⁸⁰ and intractable bureaucratic red tape.²⁸¹

These laws facilitating public-private partnerships in urban development have also been flagged as posing significant risks to the housing, land and property rights of affected citizens and residents. The sources of this concern lie in the lack of recognition of informal tenure rights in the prescribed development procedure and in the implementation of these procedures in the present context of unresolved conflict and mass displacement, in which countless people have been displaced from their homes. However, these policies do represent a positive trend in that for decades there has been widespread consensus that the private sector rather than the State should lead urban development in the Syrian Arab Republic. This advocacy stems in part from recognition of the fact that urban development has been de facto led by the private sector in the last half century through informal development. Indeed, informal urban development consists entirely of private capital and has historically been the only means of relieving the pressure for urban growth and housing supply, specifically for affordable housing, since waves of rural to urban migration intensified in the 1970s. In this respect, the private sector does not only represent private capital, but it also provides a means by which urban development and housing supply can actively respond to the special needs, demands, interests and inputs of citizens, individually or through civil institutions. Informal development has historically accounted for almost 50 per

280 Aita, S. (2019). Ibid.

281 Unpublished report by Omar A. Hallaj on the HLP-Land Nexus in Syria.



Damascus, Syria by alan mckibbin source: flickr

cent of urban growth in the country²⁸² and it can be argued that the private sector has a disproportionately active role in responding to people's housing and development. Therefore, it is necessary to emphasize that the planning system should not only facilitate private sector, market-led development, but it should also comprehensively guide and organize it.²⁸³

Finally, it is important to note that the conflict has introduced some changes to planning practices in areas outside government control, giving rise to new actors and diminishing the roles of others. Such changes include the growing role of international entities in some parts of the country (Kurdish local governments supported by the Republic of Turkey are an important example).

282 Municipal Administration Modernization project introduction (2008).

283 McAuslan, H. A. (2007). *Urban Planning in Syria: General Overview and Recommendations for Improvement*. (This document was published with the support of the European Union).

The power vacuum in those areas also led to the emergence of local councils, extremist groups, sharia courts and warlords whose roles only relate to service delivery and development control. Another major change instigated by the conflict has been the disruption of vertical coordination channels between local authorities, regional and national planning entities.

Land-use planning

General and detailed organizational plans specify the usage, building plans and construction details of all land plots that fall within the area subject to the plan. Implementation Instruction no. 1 for Legislative Decree no. 5 of 1982 explicitly states that the construction conditions given in the organizational plans "enable building permits in different areas based on the purpose intended for it in the organizational plan". The construction procedures along with any relevant regulations take the form of a table which is attached to and announced with the organizational plan.

Specifically, the construction details (i.e., zoning framework) which must be met to grant a building permit set the following conditions: (1) the maximum and minimum limits for the area of the lots that can be built; (2) the minimum limit of the ratio between the building and the lot; (3) the building percentage in relation to the lot, including the garage area and its height; (4) the front, side and back areas that must be left empty (i.e., not built) including passages; (5) the definition of the building permit; (6) the number of floors that can be built per lot; (7) the maximum height of the building; (8) the maximum investment factor per lot; and (9) all regulations pertaining to the building procedure. The executive office of the local council is responsible for laying the foundations and procedures for the granting of building permits and administrative licences,²⁸⁴ and issuing building permits in the relevant areas “either according to organizational plans or building procedures specified for such area” when the organizational plan and building procedures have been announced.²⁸⁵

Most of the informal settlements in cities are the result of non-compliance with the land-use zoning and construction regulations as opposed to informal settlements characterized by land squatting. Many cities, especially the three largest, Damascus, Aleppo and Homs, have high concentrations of informal settlements of this nature, where residents lack the requisite building permit due to non-compliance with the urban organizational plan or building procedure. For example, in 2011, roughly 40 per cent of Aleppo consisted of informal housing, primarily in the eastern suburbs, that bore the brunt of the city’s violence in the subsequent decade.

284 Local Administration Law no. 107 of 2011, Article 62(8).

285 Implementing Instructions no. 1 of Legislative Decree 5/1982, Paragraph no. 5.

Standards for development planning

The time needed to obtain a construction permit ranges from two weeks to two months unless there are organizational or cadastral problems related to the plot in question, or the plot is in the Old City (historical parts of a city) or the city centre, in which case it might take more time to conduct the requisite studies and process the permit. The process for obtaining a permit begins with citizens submitting their application to the municipality, which transfers the application to the building permits division to conduct examination and evaluation procedures. The municipality also sends a copy to the engineering syndicate and other involved directorates. After developing and approving the plans, the licensing permit is issued by the municipality

The average cost for obtaining a permit is between \$200 and \$400 for a 100 m² construction according to the (i) location: inside or outside the master plan, main or secondary city, etc.; (ii) type of building: touristic, commercial, residential, etc.; and (iii) the legal framework it falls under: fees for building permits in areas developed under Law 23 (2015) differ from building fees in those developed by Law 10 (2018). This fee is paid in two instalments – on the submission and receipt of the licence/permit. The aforementioned fees include those paid to the engineers’ syndicate, which charges per square metre, according to the region.²⁸⁶ Dara City Council stated that total municipal fees range from 50,000 pounds to 150,000 pounds (LS) (\$20 to \$60) according to the building site and its classification (residential, commercial or mixed) and also according to the building area. As for the plans’ fees paid to the engineer’s syndicate, they are estimated to range between LS5,000 and LS7,500 (\$2 and \$3) per square metre depending on the type of building and its location.

286 Homs engineering syndicate chairman (2018).

Representation, subsidiarity and local governance

Political representation and functions of local governments

Local administration is divided into four distinct levels of governance: (1) at the governorate level, the provincial councils (*majlis al-muhafaza*) oversee the activities of municipality and town councils within the governorates; (2) city councils (*majlis al-madina*) are established for urban centres with populations of 50,000 and up; (3) town councils (*majlis al-baladia*) are established for centres with populations from 10,001 to 50,000; and (4) township councils (*majalis al-balada*) are established for centres with populations of 5,001 to 10,000 inhabitants.²⁸⁷ Council members of these entities are elected by residents within their jurisdiction and serve for a period of four calendar years. A chairman and deputy chairman of the respective local council are elected from amongst its members “by absolute majority”. The members of the council also elect members of the executive office for the council, and also hold their office for a period of four years. The provincial governor chairs the executive office of the provincial council (the governor is appointed by the President rather than elected), while the chairperson of the city or town council also serves as the head of its executive office. Prior to the 2011 decentralization law, planning has fallen under the jurisdiction of the Ministry of Housing, but since 2011, each level of government has its own municipal planning office.

While the new Local Administration Law 107 of 2011 was issued to decentralize governance by granting municipalities more coordination responsibilities within their jurisdiction and

introducing reforms for local elections, the last nationwide local elections in 2018 had low participation rates, with only 26.5 per cent of the population reportedly taking part. More than 5 million refugees did not have the right to participate. Furthermore, the approximately 6 million internally displaced persons were limited in their participation as the country's election law mandates that people vote in the locality where they were born or where their civil status is registered. Additionally, eligibility requirements allegedly excluded many non-Ba'ath candidates.²⁸⁸

The Local Administration Law (no. 107 of 2011) provides that local councils “are responsible for the affairs of the local administration and all the activities conducive to developing the province economically, socially, educationally and architecturally”. Article 30 of the law further specifies that these activities should be in accordance with a balanced sustainable development in the field of planning, amongst other fields, including transport, roads, irrigation, drinking water and sanitation, services and public utilities. City, town and municipality councils are specifically able to “participate and express opinion about the regional spatial plans within the scope of the administrative unit”²⁸⁹ and “[give] approval of the architectural and urban systems in accordance with the laws and regulations in force”.²⁹⁰ Executive offices are responsible for executing the resolutions of their council and performing the tasks of the local council. Article 62(8) of the Local Administration Law stipulates that the executive office is responsible for laying the foundations and procedures for the granting of building permits and administrative licences.

287 Favier, A. and M. Kostrz (2019). *Local Elections: Is Syria Moving to Reassert Central Control?* Middle East Directions: Wartime and Post-Conflict in Syria, European University Institute.

288 Ibid.

289 Legislative Decree 107 of 2011, Article 60(2).

290 Legislative Decree 107 of 2011, Article 61(4).

Legislative Decree no. 5 of 1982 on urban planning further clarifies the roles of local bodies in urban planning. It stipulates that “the responsible administrative agency” for each city, town or village is responsible for preparing planning programmes and general and detailed organizational plans for their respective city, town or village. Accordingly, in ordinary circumstances, local councils at the city, town and township levels should be responsible for developing and revising urban plans (as well as for making decisions on how to treat informal areas). However, during the conflict, the central Government has exerted greater influence in local urban planning processes.

In Aleppo, for example, the Aleppo City Council was originally responsible for revising the Aleppo City General Regulatory and Aleppo Urban Plans, as well as for making decisions on a development plan for informal housing areas. However, the council’s role was reduced in favour of the Government’s State-run General Company for Engineering Consultancies. Consequently, much of Aleppo’s rehabilitation has been developed at a centralized level, without consultation with Aleppo’s local leadership.²⁹¹

The participation of women in local councils is also a limiting factor for inclusive urban governance in the country. In many areas, conservative gender politics and social norms have prevented women from holding political positions. In Douma, a city on the outskirts of Damascus, which served as an opposition stronghold, women historically did not play a role in the public life of the community, with their involvement in public bodies limited only to positions in the city that were mandated by national policy. In 2016, all 25 members of the Douma Local Council were men.

291 URBAN-S (2019). Aleppo City Profile, Chapter 5: Governance and Stakeholder Analysis,

After the 2018 Reconciliation, which brought government control back to the city, and the 2018 local elections, a new local council was elected with only 11 per cent of its members being women (specifically 4 out of 36 members).²⁹²

Financial and human capacities of local governments

Centralized government allocation of funds for local budgeting has long been a primary reason that local government autonomy has been compromised. Since the 1970s, a system of resource redistribution was designed in a way that local revenues are redistributed vertically through the central Government, a process that was historically used to distribute loyalties and to reward Ba’ath strongholds. This system gave local authorities barely any incentives to increase local revenues. For example, in Deir ez-Zor city, annual revenues amounted to \$4.06 million, while its entire budget was \$7.52 million, demonstrating the city’s reliance on centrally sourced subsidies.

While the new Local Administration Law 107 of 2011 granted municipalities more coordination responsibility within their jurisdictions, it also largely maintained centralized control and management of the city’s budget. Budgets are allocated at the provincial level as “provincial independent budgets”, which include the budgets of the administrative units (cities, towns and townships) affiliated with the province, except for the provincial capital. Law 107 of 2011 states that at least 25 per cent of the provincial independent budget is transferred to the councils of cities, towns and municipalities as per a decision from the provincial council, though the supreme council “can modify the rate...

292 URBAN-S (2019). Douma City Profile, Chapter 5: Governance and Stakeholder Analysis.

according to the public interest”.²⁹³ The provincial independent budget is ratified by the Minister for Local Administration and Environment after the approval from the Minister for Finance. The budget of other local administrative units is ratified by the executive office of the provincial council (which is chaired by the provincial governor). Although the law stipulates that the budget of each administrative unit is prepared by its executive office in cooperation with the council’s budget committee, the provincial oversight of municipal budgets effectively leaves the control of main investment budgets for cities, towns and townships in the hands of provincial governors, who are appointed by the President.

In Deir ez-Zor, for instance, roughly 75 per cent of the local administration budget of the Deir ez-Zor Governorate was spent through the governorate level, while only 25 per cent was spent through municipalities.²⁹⁴ The municipality’s local revenue service was limited in its ability to levy taxes and collect fees, and thus relied on subsidies to cover its budget gap. Other sources of revenue for Deir ez-Zor included the municipality’s own investments, issuing building permits and imposing fines for building violations. In 2008, the sources of municipal revenue in Deir ez-Zor were 44 per cent from taxes and fees, 54 per cent from investments and 2 per cent from other sources.²⁹⁵

Law 107 of 2011 specifically lists the following, inter alia, as revenue sources for cities, towns and townships: 50 per cent of entry prices to museums, castles and archaeological sites; taxes, fees and local costs; gifts, bequests and donations; aid provided by international non-governmental organizations and twin programmes (which are

293 Legislative Decree 107/2011, Article 138.

294 Urban-S (2018). Deir ez-Zor City Profile, Chapter 5: Governance and Municipal Services.

295 Ibid.

approved by the Minister for Local Administration and Environment); revenue from selling, renting and investing in private properties; fines resulting from the violations of local regulations, fines for fees and local costs; private sector loans, credits and other resources; 3 per cent of the total actual income of the State budget for the fiscal year “upon a decision from the minister and in accordance with specific criteria and principles”; 5 per cent from the wealth coming from forests; rates that are added to the taxes and State fees; aid planned in the State budget; assistance planned in the independent budget; loans, credits and other resources from the Public Loan Fund; and 25 per cent of the investment permit fees of mines and quarries. Aleppo is another example of centralized control of provincial and municipal budgets. Aleppo’s municipal budget was reviewed by the prime minister and nine ministers during their joint mission to Aleppo in 2018. The review was in part due to the lack of trust between Damascus and Aleppo following disputes between the central and regional government. The original budget pledged for 2019 was LS9 billion, but after the review Aleppo’s budget was reduced to only LS2 billion to LS3 billion.²⁹⁶

Another limiting factor to local autonomy over urban governance, and specifically over urban planning, is the lack of sufficient skilled human resources in local urban planning and governance bodies. The number of professional staff in planning offices is highly dependent on the administrative unit’s size and importance. While national urban centres, namely Aleppo and Damascus, have a relatively strong number of specialized staff, almost all other municipalities suffer from a general lack of human resource capacity, especially urban planners, architects and urban information professionals.

296 Urban-S (2019). Aleppo City Profile, Chapter 5: Governance and Stakeholder Analysis.



Damascus, Syria by Rantire source: Flickr

Furthermore, the conflict and mass displacements have had a detrimental effect on the already weak human resource infrastructure of the country's cities. The Deir ez-Zor city planning office, for example, only has one civil engineer, one assistant engineer and two technicians hired on three months contracts. This staff serves a population of at least 150,000 people.²⁹⁷ In the case of Dara, the city planning office has only five staff members, none of whom are urban planners or architects.

Digital governance

E-government

The Local Administration Law stipulates that local administration units should encourage the establishment of urban observatories and local information documentation centres that would, in principle, provide open-data platforms that publish up-to-date information and urban plans

297 The Deir ez-Zor population was approximately 150,000 in 2018. Prior to the conflict, in 2010 its population was 268,500. Source: Urban-S (2018). Deir ez-Zor City Profile.

for citizens.²⁹⁸ Due to conflict-strained local capacities, only one Urban Civil Observatory has been fully established in As-Sweida Governorate. Meanwhile, local governments use websites and social media platforms to communicate information to their constituencies. Official websites are established for some cities such as Hama, Homs, Latakia and Tartus. All such websites contain a feature for raising complaints and occasionally citizens can track their submitted transactions and requests online, as is the case for the Hama Council webpage.²⁹⁹ Other websites are set up at the governorate level, such as Damascus, Homs and Aleppo governorates, and in all cases information on the processes and required documents for submitting requests for different urban services are available on those websites. Moreover, almost all local councils have Facebook pages that are usually updated regularly with selected news of implemented projects and other announcements at the local level.

298 Legislative Decree 107/2011, Article 60.

299 See: <http://hama.org.sy/>

Such social media outlets are also typically the more frequently used platforms by which citizens communicate their complaints and concerns to their respective local councils. Despite these positive trends towards increased transparency through digital media, a gatekeeping attitude is still observed in national and local authorities towards releasing data and information to the public outside the traditional channels of formal requests and complaints.

The Local Administration Law also provides for the establishment of Citizen Service Centres (One-Stop Shops) that are digitally connected to relevant civil and cadastral records directorates and line ministries. While these centres do not yet offer their services digitally, they are intended to improve the efficiency of services provision for citizens, primarily by sparing them the trouble of multiple visits to various institutions inside and outside their respective local areas. The Citizen Service Centre provides the following services: services of the Directorate of Professions and Licences, urban planning and organization data, residential lease contracts, temporary cadastral records services, complaints filing services, services from the General Directorate of Cadastral Affairs, document ratification from the Ministry of Foreign Affairs and Expatriates, services from the Ministry of Industry, civil records from the Ministry of the Interior, unemployed statement and vehicle insurance documents. Other suggested services include those of the General Institution for Social Insurance (work clearance), the General Institution for Housing, requests for compensation for damages resulting from terrorist acts, and Traffic Department services (granting of a driving licence, renewal of a driving licence). Procedures related to civil documents at Citizen Service Centres usually require citizens to provide personal identification and general contact information, while those for cadastral

and real estate documents have different requirements which are applicable for different types of documents. The number of digitized citizen service centres in the governorates of Damascus, Rural Damascus, As-Sweida, Aleppo, Homs, Latakia, Hama and Tartous exceeds 40 centres, and the number of Citizen Service Centres being established as of 2022 extends that figure to 50 centres distributed across all governorates.³⁰⁰

Information on governorate and municipal administrative services' processes and required documents is also available on the Syrian Digital Government portal.³⁰¹ The portal is additionally developing certain digital services that can be requested by citizens online through a mobile application. These online services are expected to be active soon and would greatly increase the accessibility of citizens to civil, cadastral and, consequently, urban services.

A mobile application linked to the online portal of Citizen Service Centres is planned to be available with the following main services featured:

- Request new transactions.
- Review cases of submitted transactions.
- Alerts on the movement of submitted transactions.

Online services will include transactions related to civil registry documents, such as birth or death registrations, as well as documentation for other official documents related to civil records and cadastral services, such as clearance documents and non-employee statements.

300 Al Wahda Foundation for Press (2021).

301 See: <https://egov.sy/page/ar/112/0/%D8%A7%D9%84%D8%B5%D9%81%D8%AD%D8%A9%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3%D9%8A%D8%A9.html#&panel1-4>

The planned online digital services accessible through the government portal would not require users to provide identification documents for transactions related to occupancy or ownership, as is generally necessary at Citizen Service Centres. Instead, citizens register on the portal using his/her name, mobile phone number and national identification number. It is important to note, however, that the online digital services portal is still under development and set requirements may change as this progresses. As of 2022, the online cadastral services are limited to the Damascus Governorate³⁰² and only the digitized Citizen Service Centres are operational and require in-person presence, or that of a family member / legal agent to request and receive services. In contrast, the planned online digital services allow services to be delivered through the mail or received personally by the applicant, or a family member / legal agent, depending on the required service.

It should also be noted that several pieces of legislation have been passed to regulate this newly emerging sector of digitized State transactions, the most important of which are the Electronic Signature and Network Services Law No. 4 (2009) and the Electronic Transactions Law No. 3 (2014). Digital governance, in general, is being advanced in the country as way to erode corruption and provide for more transparency and efficiency. Electronic transactions are relatively new, hence the aforementioned laws were passed to provide accurate mechanisms to prove the occurrence of an electronic transaction and the credibility of the two parties' stated wills, determining the time of its conclusion and providing the possibility of reviewing its content. This is to guarantee the rights of all parties involved in the electronic transaction.

302 See: <https://ecsc.gov.sy/>

The digital divide

According to data provided by the World Bank, 34 per cent of the population were Internet users as of 2017, almost half of the average for the Arab World (63 per cent).³⁰³ Internet users are defined as individuals who have used the Internet from any location in recent months via any device, including a computer, mobile phone, personal digital assistant, games machine, digital television, etc. Furthermore, 83 per cent of the country's population were reported to have mobile phone connections as of 2020.³⁰⁴ However, throughout the conflict, Internet access has varied significantly from area to area due to electricity shortages and ongoing or intermittent violence disrupting telecommunications networks. When Internet access was available, it was reported as being slow and subject to frequent interruptions especially in areas which were not controlled by the Government.

A study in 2017 by UK Aid found that mobile device ownership was evenly spread across the country, with 81 per cent of the population owning a cell phone and two thirds or more having access to an Internet-capable mobile device such as a smartphone.³⁰⁵ Data on the rate of women who own mobile phones that are connected to the Internet is not publicly available and would require official communication with the mobile service providers in the country (MTN, Syriatel and the Syrian Telecom Company).

303 World Bank (2017). Individuals using the Internet (% of population) – Syrian Arab Republic. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SY>.

304 Kemp, S. (2020). Digital 2020: Syria. <https://datareportal.com/reports/digital-2020-syria>.

305 Syria Independent Monitoring team (2017). The Use of Mobile Technology for Humanitarian Programming in Syria: Potential and Constraint. UK Aid. https://assets.publishing.service.gov.uk/media/58e273b040f0b606e70000a1/Research_Report_-_Mobile_Technology_in_Syria_Potential_and_Constraints_March_2017.pdf.

However, it is generally believed that there are no noticeable disparities between men and women in terms of access to Internet in functional urban areas where access usually occurs through household fixed broadband or 3G/4G subscriptions. However, this situation might be compromised in some areas due to significant damage to power, telephone and Internet infrastructure during the conflict. Citizens then sometimes resort to Internet cafés for access to the Internet as there are no free Internet access zones in cities, where women might not enjoy the same level of access due to social norms. However, in the same UK Aid study, qualitative evidence indicated that in government-controlled areas, men and women had equal access to the Internet due to special sections in Internet lounges for use by women. It should be noted though that this study had a very limited scope of interviewees (only 48 people from different parts of the country, only four of which were women) and consequently most of the information on women's usage and access to mobile technology was reported by men.

Considering that the Syrian Arab Republic has the largest population of displaced persons (combined refugees and internally displaced persons) of any country in the world, questions of digital equity should also consider Internet and mobile phone access that these displaced persons are able to enjoy. This is critical, since displaced persons are effectively limited to digital technology with respect to their ability to access information and participate in urban governance procedures. A study on refugees living in urban areas of Jordan, especially Amman, found that 96 per cent of respondents owned a phone and that 78 per cent owned an Internet-enabled phone. However, the study also reported anecdotal estimates which suggested that only approximately 25 per cent of all urban Syrian

Arab Republic refugees in Jordan have access to smartphones. Regarding gender dynamics and access to mobile phones, the report shows that rates of both mobile ownership and use of Internet-enabled phones are nearly equal between women and men: 74 per cent of men and 72 per cent of women reported owning a smartphone.

Digital rights

The right to privacy is recognized as an unalienable right under constitutional law. Article 36 of the 2012 Constitution protects the "inviolability of private life", while Article 37 holds that the "confidentiality of postal correspondence, telecommunications and radio and other communication shall be guaranteed in accordance with the law". Nonetheless, in practice, longstanding restrictions to political freedom in the country have prevailed over protections of the right to privacy and freedom of expression. In the past 50 years, political dissent has been rigorously monitored by the Government, primarily through the state security forces, and punished with arbitrary arrest, detention, extrajudicial court proceedings and imprisonment.³⁰⁶

The 2001 Press Law, for example, gave the Government the discretion to control traditional media and arrest journalists or Internet users under charges of "threatening national unity" or "publishing false news that may weaken national sentiment".³⁰⁷ Following the onset of anti-Government protests and the rise of armed opposition, the Government issued a series of laws that fully extended censorship and surveillance of government opposition to the digital realm.

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306 Human Rights Watch (2010). A Wasted Decade: Human Rights in Syria During Bashar al-Assad's First Ten Years in Power. www.hrw.org/report/2010/07/16/wasted-decade/human-rights-syria-during-bashar-al-asads-first-ten-years-power#.

307 Freedom House (2018). Freedom on the Net 2018. www.refworld.org/docid/5be16af6116.html.

Legislation, including the Media Law no. 108 (2011), the Cybercrime Law no. 17 (2012), and the Anti-Cybercrime Law no. 9 (2018), have enabled state intelligence officials to legally exercise discretionary powers to infringe on citizens' rights to personal and digital privacy.³⁰⁸ These laws have been used to prosecute Internet users, journalists and dissidents for vague offenses that grant the State almost absolute discretion.³⁰⁹ Furthermore, security forces' surveillance of domestic Internet service providers

and government censorship via blocking, filtering or removing websites and website content has limited people's access to information, infringed upon their right to privacy and created an environment of self-censorship on both the Internet and in personal telecommunications that inhibits the freedom of expression. Accordingly, in the past seven years, the Syrian Arab Republic has been ranked between 174 and 177 out of 180 countries on the World Press Freedom Index,³¹⁰ while its "Freedom on the Net" score has ranged between 13 and 17 out of 100 since 2016.³¹¹

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308 Dávila-Ruhaak, S., N. Guruli and D. Samaro (2021). Digital Dominion: How the Syrian regime's mass digital surveillance violates human rights. University of Illinois Chicago John Marshall Law School International Human Rights Clinic.
309 Ibid.

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310 Reporters Without Borders (n.d.). World Press Freedom Index: Syria. <https://rsf.org/en/syria>.
311 Freedom House (2020). Freedom on the Net 2020 – Syria. <https://freedomhouse.org/country/syria/freedom-net/2019>.



TAJIKISTAN

BACKGROUND

Tajikistan is a mountainous, landlocked country in Central Asia and borders Afghanistan, Uzbekistan, Kyrgyzstan and China, covering an area of 143,100 km². It gained independence in 1991 as the Soviet Union disintegrated. Almost immediately after independence, a civil war was fought from 1992 to 1997, after which the process of political, economic, social and infrastructural transformation began. The country is currently classified as a lower-middle-income country by the World Bank.³¹² The population was estimated to be around 9.5 million in 2020³¹³ with an annual growth rate of around 2.3 per cent.³¹⁴

Despite an increasing population, the majority (about 73 per cent) still live in rural areas. Most cities in the country have less than 50,000 inhabitants, despite an average urban population growth rate of around 3 per cent in 2020.³¹⁵ Additionally, there is a shortage of land in the country; for example, one of its four regions, the Gorno-Badakhshan Autonomous Region, occupies 45 per cent of the total area of Tajikistan, but only 3 per cent of it is suitable for the population.³¹⁶

EXECUTIVE SUMMARY

While most of the population in Tajikistan still lives in rural areas, the urban planning system is gradually developing. Initially, due to the shortage of land, construction was carried out in a chaotic manner without considering natural threats or zoning of territories. With the gradual progress in administrative capacities, public authorities were able to establish urban planning processes with a strong focus on vertical

coordination among various national ministries. There are three or four planning institutions consisting of the OJSC “Shahrofar” Design Institute of the Committee for Architecture and Construction and local representative bodies of this committee. However, the urban planning processes (design, implementation, monitoring, etc.) are mostly concentrated in the hands of the OJSC “Shahrofar” Design Institute, which leaves

312 World Bank (2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

313 World Bank (2020). Population, total – Tajikistan. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TJ>.

314 World Bank (2020). Rural population (% of total population) – Tajikistan. <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=TJ>.

315 World Bank (2020). Urban population growth (annual %) – Tajikistan. <https://data.worldbank.org/indicator/SP.URB.GROW?locations=TJ>.

316 Using the energy potential of country's rivers by constructing a small hydroelectric power station “Khorog” with a capacity of 8.7 MW on the Gunt River in the Gorno-Badakhshan Autonomous Region to provide energy supply to the population of the region. See: www.cawater-info.net/best-practices/ru/base/marker/18.

local authorities, in terms of general plans, with a role only at the consultation and implementation stages. Local authorities, according to the Town Planning Code, have more powers as they can develop planning frameworks for their territories. However, such documentation must correspond to the general plan developed by the central authority. Although there are examples of inter-institutional or multilevel governance in the context of collecting information and agreeing on general plans, effective coordination is undermined by, for example, the bureaucratization of such processes.

Public participation in the urban planning system is weak. There are no context-specific participatory processes to conform to the needs and concerns of various priority groups, however there are some informal mechanisms to consider private sector initiatives by local authorities in terms of urban planning at the preparatory stage when developing urban plans. In terms of transparency, urban plans are classified and not available to the public.

Zoning is regulated under Article 31 of the Town Planning Code which defines categories of territorial zones and establishes a legal regime for each. It takes approximately five months for a construction company to receive a building permit and involves applications to 16 public and private authorities which will cost \$1,150 in total. In several big cities, including Dushanbe, there is a Single Window Centre aimed to accelerate the time required for issuing building permits. Though Internet access is functioning, it remains a prevalent issue in rural areas that host around 73 per cent of the total population. At the same time, irrespective of COVID-19, the country has experienced a rise in construction during 2021 when the demand for services in the

construction sector increased by 200 per cent.³¹⁷ Nevertheless, COVID-19 did not have much impact on the provisioning of services of urban planning institutions, as such services continued to be provided manually, although with some delays.

Local governments have limited autonomy because mayors (chairpersons) in Tajikistan represent the central authority and are appointed and dismissed by the President and which excludes any election process. Their power in urban planning includes participating in consultations on the general plan development and providing comments. In general, decision-making positions in both the public and the private sectors are dominated by men. Women in Tajikistan are under-represented at all levels of government, although the number of women in government has increased over the past 25 years from 3 per cent in 1995 to 24 per cent in 2020. In the private sector, women accounted for up to 15 per cent of managers in 2016.

In terms of the financial and human capacities of local governments, the number of subsidies allocated each year by the Government depends on the region; for the Gorno-Badakhshan Autonomous Region and Dushanbe city it does not exceed 1 per cent of the total amount, based on figures from 2021. In terms of human resource capacity, the OJSC “Shahrofar” Design Institute has the staff to perform its functions, although there is a lack of some professional staff, such as urban economists, as there are only 1.2 professional people per 100,000 inhabitants. In the OJSC “Shahrofar” Design Institute, at least three urban planners are women.

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317 World Bank Group (2020). Tajikistan, Country Economic Update Fall 2020: Economic Slowdown Amid the Pandemic. Washington D.C.

As for digital governance in Tajikistan, a legal framework is being created. Currently, there are several governmental websites in the areas of, for example, electronic government procurement (zakupki.gov.tj), a business registration system and electronic tax reporting (andoz.tj) whereby citizens can access information and, for example, pay taxes. Around 22 per cent of the total population used the Internet in 2017, with most of these people living in urban areas. A high proportion of men (93.4 per cent) own a mobile phone, while 40 per cent of women do.

Internet services are considered to be expensive and the public spaces in the capital with free wireless Internet access are limited.

Against this backdrop, the introduction of the Internet into the activities of the Government is proceeding slowly and the paper form of doing business is still the preferred option. At the same time, the incremental development of e-governance is not taking place in an integrated manner.

The digitalization of some systems, such as tax, customs and governmental procurement was created in siloes. Urban planning services were meant to transition to an online platform, but as of 2022, services such as the issuance of permissions for building construction are still conducted in paper form.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

The Government pays due attention to the issues of territorial planning and urban management. As of November 2020, general plans were developed and approved for more than 90 per cent of cities and regional centres.³¹⁸ In general, the urban planning system involves several bodies responsible for the preparation, approval and implementation of urban plans. The main body responsible for urban planning by the Government is the Committee for Architecture and Construction with mandates including implementation of national public policy in the field of architecture and urban planning; construction of facilities, cities and villages; development and maintenance of an urban planning cadastre; the development of state

programmes and projects for architecture and urban planning based on scientific research; control over the implementation of the state complex-territorial organizational plan of regions and other administrative-territorial units of Tajikistan; and general plans of cities and other settlements.

The direct body within the Committee for Architecture and Construction, which is responsible for the preparation of urban plans, is the OJSC “Shahrofar” Design Institute.³¹⁹ Its functions include:

318 Avesta Information Agency (2020). General plans for reconstruction of 90 per cent of cities and regional centres approved in Tajikistan. <http://avesta.tj/2020/11/20/v-tadzhikistane-utverzhdny-genplany-rekonstruktsii-90-gorodov-i-rajtsentrov/>.

319 Committee on Architecture and Construction (2016). National report on the development of human settlements in Tajikistan for the United Nations World Conference on Human Settlements Habitat III. https://uploads.habitat3.org/hb3/ХабитатRUS-V-format_Tajikistan.pdf.

- development of urban planning documentation: general plans, detailed planning projects, district planning schemes as well as development of districts, micro districts, quarters and individual sites
- development of schemes of engineering networks of settlements and territories
- architectural design of general plans of construction objects, residential buildings, public buildings and structures, objects of production, hydrotechnical, energy and agricultural purposes, engineering structures, reconstruction of buildings and structures
- construction and design of residential and public buildings and structures, reconstruction of buildings and structures
- design of engineering networks and systems (water supply, sewerage, power supply, communications, heating, gas supply)
- performance of the general designer function
- development of interior and design projects

Together with the OJSC “Shahrofar”, the local authorities of the Committee for Architecture and Construction that represent all regions are responsible for monitoring settlements patterns and planning for the future development of the respective territories. Local authorities collect information on the ground and, on request, provide the information to central authorities for the development of general plans. In practice, however, the planning department of the OJSC “Shahrofar” on its own collects the required local information. Paragraph 3 of chapter 1 of the Charter of the Committee for Architecture and Construction outlines that the Committee performs its activities directly and in cooperation

with the central and local executive bodies of the governments, non-governmental organizations, private sector organizations and other legal entities.³²⁰ The representatives of local authorities still play a crucial role when collecting information from stakeholders in the region, which in future may supplement the information collected by the OJSC “Shahrofar”.

While the OJSC “Shahrofar” is responsible for preparing general plans, other bodies are responsible for their approval. The approval process starts after the general plan is presented to the chairman of the region, the mayor of the city, local deputies, representatives of local authorities who can all make amendments before giving their approval. After that, the general plan must get approval from 28 ministries, among which are the Ministry of Defence, the Ministry of Health and Social Protection of the Population, the Local Development Committee, etc. Each ministry reviews the explanatory note (which together with drawings constitutes the general plan itself) and adds any comments, which must be considered by the OJSC “Shahrofar”. There are no legal requirements to submit documents in a hierarchical order during the approval process, meaning that the documents can be submitted at the same time to all involved institutions. A copy of the plan is sent to the Committee for Architecture and Construction and the local architectural department (specifically to the chief architect of the city or region). Furthermore, the main architectural department of the given city or region is responsible for its compliance and implementation.

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 320 Government of Tajikistan (2018). Resolution: About the Committee for Architecture and Construction under Government of the Republic of Tajikistan. <https://tajsotmon.tj/ru/normativ/1761-polozhenie.html>.



Women eating ice cream in Dushanbe, Tajikistan by We Overland source flickr

In addition to the requirement for multilevel governance among the different ministries at the national level and with other subnational governments according to paragraph 3 of chapter 1 of the Charter of the Committee for Architecture and Construction, there are also other challenges that undermine effective coordination. For example, the bureaucratization of the urban planning process and how the large number of bodies involved in the approval process delay the plans; and the general centralization of powers over urban planning because general plans, which form the basis for local plans development, are developed at the national level.

Impacts of coronavirus disease on service provision

With the onset of the COVID-19 pandemic, which was first announced in 30 April 2020, there has not been a total lockdown of the country lasting several months. Some organizations in Dushanbe were able to start working remotely for a couple of weeks, while the majority of people continued to work at offices following the

safety measures.³²¹ Authorities did not announce fully-fledged quarantine measures at the national level, and State institutions continued to work offline while adhering to restrictions. Thus, the work process, especially in government agencies, continued as it had pre-COVID-19 and all services were provided, although the situation prolonged the time for service delivery. This situation lasted no more than a month before all work was resumed. Among other measures taken by the authorities was the closure of clothing markets, but food bazaars, mosques, beauty salons and other places of mass gathering remained open but subject to precautionary measures. All official buildings, bazaars and public transport, including in Dushanbe, were regularly disinfected.

There were no significant changes made by the planning authorities in terms of, for example, service delivery, planning, enforcement and development control.

321 Danilin, N. and A. Erkebaeva (2020). Tajikistan recognized the coronavirus disease epidemic only on April 30. What is happening there? In: Mediazona. <https://mediazona.ca/article/2020/05/21/tj>.

This is explained by late recognition of COVID-19 in Tajikistan, the short lockdown, as well as measures that had previously been implemented in the country irrespective of COVID-19, such as street washing, which in the hot season is already carried out to reduce the heat and dust.

Public participation

When local authorities are consulted during the general plan development, they can also unofficially seek the opinions of members of the private sector. Private companies may be consulted in the preparation stage of the urban planning process that enables external participation to a limited extent, albeit informal. Apart from this, there is no public participation in decision-making processes. There is also no mechanism for citizens to provide feedback on urban planning services provided and stakeholders other than the private sector, such as civil society organization and priority groups, are excluded from participating in planning processes.

Transparency and accountability

Disclosure of information and influence of third parties

Any general plan is classified as “top secret”, thus excluding publication and limiting the number of people who can access it. The Chief Architect responsible for the implementation of the given plan must have the appropriate clearance level.³²² Once the Government approves a general plan, it issues a decree that comes into force for 20 years.³²³

322 Paragraph 7 of RDS RT 30-201-2020 Instructions for the implementation of general plans for settlements.

323 Paragraph 7 of Part 3 of GNiP RT 30-01-2018 Urban Planning. Planning and Development of Urban Settlements.

Land-use planning

Detailed planning projects are developed for parts of cities and settlements as well as for individual city nodes and highways meant for the implementation of general plans. An approved detailed planning project is the basis for:

- Removal of frontage lines, construction regulation lines, boundaries of land plots, the establishment of public easements to the locality; it is also considered when developing investment and urban planning passports of territories and construction objects.
- Development of projects for neighbourhoods, micro-districts and other elements of the planning structure of urban and rural settlements.
- Development of projects of buildings and structures; issuance of cadastral maps (plans) of land plots.³²⁴

Detailed planning projects, then, are the basis for the construction of buildings on land allocated by the relevant local authority for a specific housing building. Article 31 of the Town Planning Code defines the following categories of territorial zones: residential; public and business; for production; engineering and transport infrastructure; recreational and tourist; agricultural use; for a special purpose; military facilities and other restricted areas; suburban. The legal regime established for each territorial zone applies equally to all land plots and constructions. Furthermore, there are no informal settlements in Tajikistan as recognized in international terminology. The “territories obtained by self-seizure” can be used to explain this category, but they are later subject to official consolidation.

324 Paragraph 117 of SNiP RT 11-02-2019 Composition, procedure for the development, coordination and approval of urban planning documentation.



Dushanbe City Walk by Prince Roy source: Flickr

Thus, although there is a problem of the unauthorized seizure of land, there are no informal concentrations as such.

Standards for development planning

To construct a building, the Law of the Republic of Tajikistan on other Obligatory Payments to the Budget No.197 of 2006³²⁵ requires individuals and legal entities to pay for the issuance of permits if they want to construct residential buildings or commercial constructions in the capital of Tajikistan, Dushanbe. However, this fee is not charged for the construction of individual housing or the construction of administrative buildings and buildings of social designation, such as healthcare centres and educational institutions, industrial enterprises and tourist facilities. In 2020, more than \$1.1 billion worth of investment was allocated to construction in Tajikistan and about 1.4 million m² of housing

were commissioned.³²⁶ There has also been a 200 per cent rise in demand for construction specialists in Tajikistan since July 2020.³²⁷ However, this high rate of construction coupled with strong bureaucracy slows down the process of obtaining a building permit; the process takes around five months as the applicant needs to apply to 16 public and private authorities,³²⁸ and costs approximately \$1,150.³²⁹

325 Paragraph 3 of Article 4 of the Law of the Republic of Tajikistan on other obligatory payments to the budget.

326 Chorshaniviev, P. (2020). More than \$1.1 billion worth of investments allocated for construction in Tajikistan in 2020. In: Asia-Plus. www.asiaplustj.info/ru/news/tajikistan/economic/20210205/v-tadzhikistane-na-stroitelstvo-v-2020-godu-napravleno-investitsii-na-bolee-11-mlrd.

327 World Bank Group (2020). Tajikistan, Country Economic Update Fall 2020: Economic Slowdown Amid the Pandemic. Washington D.C.

328 World Bank Group (2020). Economy Profile, Tajikistan: Doing Business 2020. www.doingbusiness.org/content/dam/doingBusiness/country/t/tajikistan/TJK.pdf.

329 Calculated according to the website: https://ec.europa.eu/info/funding-tenders/procedures-guidelines-tenders/information-contractors-and-beneficiaries/exchange-rate-infoeuro_en as of April 2021.

Representation, subsidiarity and local governance

Political representation

Tajikistan has a multilevel government structure. See table 8 for a graphic representation of the country’s government bodies. The national level is comprised of the President and the Government while the subnational level consists of “*khukumat*” representing regional (oblast), cities, and district (rayon) levels, and *jamoat* representing subdistrict levels of villages and towns. Hence, the national Government, *khukumats* and *jamoats* are the first, second and third tiers of government respectively.

There are four regions (oblasts) plus the city of Dushanbe, and each oblast, rayon and city has its own *khukumat* that is directly subordinate to the central Government. Hence, there are a total of 82 *khukumats* representing rural rayons, oblast and rayon cities, and the city districts of Dushanbe. A *jamoat* is an institution of self-government in towns and villages according to the Constitution and each operates according to its own status and provisions. There are approximately 368 *jamoats* throughout the country.³³⁰

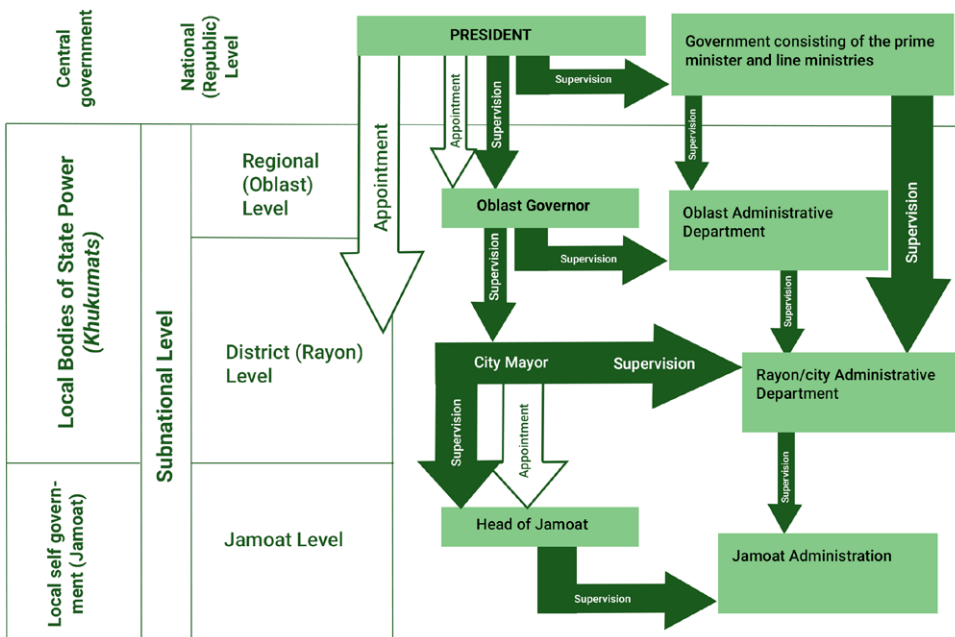


Figure 14. The structure of all government bodies in Tajikistan³²⁶

330 Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States. (n.d.). The Republic of Tajikistan https://iacis.ru/ob_organizatcii/gosudarstva-uchastniki/respublika_tadzhikistan.

331 Francis Conway et al., “Local Governance and Citizen Participation Programme in Tajikistan: Tajikistan—Subnational Government Assessment, 2009.” Urban Institute on International Development and Governance, May 2009. http://pdf.usaid.gov/pdf_docs/PNADQ959.pdf.

Khukumats – often referred to in English as “local governments” – are a hybrid form of government that are decentralized offices of the central ministries with a centrally appointed executive and technical staff that should report both to the appointed executive and their respective ministry. *Khukumats* have an elected council, legally assigned functions, and they have the authority to collect own taxes and fees that lead to their characterization as “local governments”.³³² The *khukumats* councils are elected in accordance with the Law on Local Council Elections (Constitutional Law On Elections of Deputies to Local Majlises of People’s Deputies”) of 10 December 1999. The elections are based on universal, equal and direct suffrage through secret ballots on single-mandate electoral districts. All citizens over 18 on the day of elections are eligible to vote.³³³

The mayor (or chairman as the position is called under the Constitutional Law on Local Government Bodies), bears responsibility for the city by heading the district level and reports to the Oblast Governor. The president appoints and dismiss city mayors (chairman), which means that the people occupying these positions are representative of the central authority. In terms of urban planning, the local commission responsible for providing comments on the general plans consists of the mayor, the governor (also called chairman) of the region, local deputies and representatives of local authorities. They are appointed and dismissed by the President. *Jamoats*, being institutions of self-government in settlements and villages, are formed on a local basis and have a legal status.

332 Urban Institute on International Development and Governance (2009). Local Governance and Citizen Participation Programme in Tajikistan. https://pdf.usaid.gov/pdf_docs/Pdacq478.pdf.

333 Mamadsho, I. and K. Mirodasen (n.d.). Local Government in Tajikistan. www.legal-tools.org/doc/6f8ec8/.

They consist of deputies who are elected based on universal and equal principles of the direct and secret ballot for a term of five years (Article 8 of the Law on Self-Government Bodies of Settlements and Villages).

Women are under-represented at all levels of political decision-making. In the parliament, only 19 per cent (12 of 63) legislators are women and there are only two parliamentary committees and one ministry that are headed by women.³³⁴ Also, since the 2009 elections, women have held 11.6 per cent of decision-making positions at the regional government level, 15.4 per cent at the city government level and 11.4 per cent at the district level. As of 2019, only 14.6 per cent out of 403 *jamoats* were headed by women.³³⁵ Nevertheless, general representation of women in parliament has increased over the past 25 years from 3 per cent in 1995 to 24 per cent in 2020.³³⁶ In general, women occupied around 15 per cent of all managerial positions in 2016,³³⁷ which shows how decision-making positions in the public and the private sector, including positions such as chairmen of regions or cities, are dominated by men.

Functions of local governments

Table 6 outlines the mandates by each level of *khukumats* as provided under Articles 14 and 15 of the Town Planning Code:

334 UN-Women (n.d.). Tajikistan. <https://eca.unwomen.org/en/where-we-are/tajikistan>.

335 Scientific Information Centre of the Interstate Coordination Water Commission under the IFSA. (2009). Regulatory and legal documents in the field of gender equality: Part 3. National documents. IFSA. www.cawater-info.net/library/rus/legal_20.pdf.

336 Scientific Information Centre of the Interstate Coordination Water Commission under the IFSA. (2009). Regulatory and legal documents in the field of gender equality: Part 3. National documents. IFSA. www.cawater-info.net/library/rus/legal_20.pdf.

337 Organisation for Economic Co-operation and Development (2019). *Draft background note: Promoting Gender Equality in Eurasia, Better Policies for Women’s Economic Empowerment*.

Table 6. Mandates by each level of khukumats in Tajikistan

Regional level and the Dushanbe city	District level and other cities
Monitor compliance with the legislation on urban planning and ensure the safety of the housing stock and public and industrial facilities	Ensure the safety of the housing stock, buildings and structures for public and industrial purposes
Solve the issues of resettlement and development of engineering, transport and social infrastructures	
Make decisions on the construction of buildings	Make decisions on the construction of buildings in agreement with the authorized State body in the field of architecture and urban planning
Restrict, suspend and prohibit urban planning activities on its territory if they do not comply with the requirements of the Town Planning Code and other regulatory legal acts	
Develop general plans of cities and regional centres of the respective territories and, in accordance with the established procedure, submit them for approval to the Government	Develop general plans of cities, regional centres and settlements and their submission for consideration to the relevant Majlis ³³⁸ of People's Deputies (council)
Approve general plans of settlements, rural settlements, detailed planning projects and projects for the development of terrain and other elements of the planning structure of settlements in agreement with the authorized state body in the field of urban planning and submit for approval to the relevant Majlis of People's Deputies (council)	Develop general plans of cities and centres of districts of republican subordination and submission for approval by the Government in the prescribed manner
Carry out the development and implementation of planning schemes for the Gorno-Badakhshan Autonomous Region, other regions, the city of Dushanbe, other cities and districts, schemes and projects for the development of infrastructures and landscaping	Demolition of unauthorizedly constructed constructions in accordance with the legislation of Tajikistan
Approve the plans for the district (groups of districts)	Develop projects of detailed planning of parts of the territories of settlements, plans for the development of localities and other elements of the planning structure of settlements and their submission, in agreement with the authorized state body in the field of architecture and urban planning, for consideration to the relevant Majlis of People's Deputies (government)

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 338 Majlis is a term meaning "council, parliament", including councils at the national or local level.

Establish the boundaries of the objects of urban planning activities of special regulation of local importance and the procedure for regulating urban planning activities in the territories of the corresponding objects	Organize an inventory of the technical condition of buildings, structures, and other objects of settlements
Regularly inform the population about the decisions made regarding urban planning activities	
Provide financing and urban planning documentation for settlements, scientific research in the field of urban planning; maintain a state urban planning cadastre; monitoring objects of urban planning activities; conduct complex engineering surveys; compile seismic zoning maps for settlements; monitor the implementation of urban planning documentation.	

The powers of the self-government bodies of settlements and villages (*jamoat*) under Article 15 of the Town Planning Code in the field of urban planning include ensuring the safety of the housing stock, public and industrial facilities on its territory. Also, *jamoats* submit to the state authorities of districts and cities the necessary materials related to the issues of resettlement, the development of engineering, transport and social infrastructures, the development of urban planning documentation for the construction of building projects of local importance. It is important to note that most of the powers at the local level are concentrated in the hands of *khukumats* rather than *jamoats*.

Financial and human capacities of local governments

Regarding the financing of the aforementioned bodies, there are budgets at the first level (the national State) and the second level (other governmental budgets at the local levels). Thus, the local budgets (second level) comprise the budgets of Gorno-Badakhshan Autonomous Region and its cities and districts, regions, cities and districts of regional subordination, the city of Dushanbe and its districts, cities, and districts of republican subordination of *jamoats* and villages. The state budget (first level) includes the budget of the national Government and the budgets of

state trust funds (Article 5 of the Law on State Finance of the Republic of Tajikistan).

The budget for each region is refined each year by the Law of the Republic of Tajikistan. Thus, for example, under Article 10, for Gorno-Badakhshan Autonomous Region subsidies as for 2021, the amount is 0.84 per cent, while the subsidies for Dushanbe is 0.93 per cent of the total sum in the amount of 139,788,000 somoni (SM), (\$12,370,619.46) which is provided from the state budget.³³⁹ *Jamoats* do not receive a specific allocated amount from the national government according to the Law but they are provided with finances from the budgets of *khukumat* and their financial resources are specified in a separate line of the raion budget. The allocated finances are transferred to the *jamoat* treasury account from which all *jamoat* expenses are funded.³⁴⁰

Local budget (*khukumat*) revenues consist of local tax (local taxes and other obligatory payments to the local budget including vehicle and real estate taxes; income from regulated national taxes and fees; state duties) and non-tax revenues (income from the republican budget (in the form of subsidies, subventions, subsidies, as well as

339 See the link for the law: http://ncz.tj/system/files/Legislation/1724_ru.pdf

340 Mamadsho, I. and K. Mirodasen (n.d.). Local Government in Tajikistan. www.legal-tools.org/doc/6f8ec8/.



Dushanbe, Tajikistan by Frantisek Trampota source: flickr

mutual settlements); rent for the use of local property; income from paid services provided by local executive bodies of state power, budgetary organizations financed from the local budget; receipt of funds from other sources (including fines, penalties and interest for non-compliance with contractual obligations, compensation for damage caused to local budgets as a result of violation of financial discipline); income from extra-budgetary sources – grants and other gratuitous receipts from individuals, legal entities and international organizations), as well as cash receipts from regulated national taxes and fees and other payments (Article 12 of Law On Local Government Bodies).

The financial sources of settlements and villages (*jamoats*), in their turn, under Article 26 of the Law on Self-Government Bodies of Settlements and Villages consist of:

- Budgetary funds of settlements and villages.
- Earmarked funds from the republican budget in the form of gratuitous financial assistance (subsidies).
- Financial assistance (subventions).
- Voluntary contributions.
- Income from the provision of paid services.
- Income from the execution of certain assigned state powers carried out by the self-government bodies of settlements and villages.
- Income from the property being in the property of settlements and villages.
- Income from grants and investments.
- Other sources not prohibited by regulatory legal acts.

With regard to the human capacity of the institution overseeing urban planning, namely the OJSC “Shahrofar”, there are more than a hundred professional staff consisting of 15 urban planners and architects, 13 volumetric design specialists, 20 designers and 30 appraisers, related specialists (water supply, heat, ventilation, electricity, weak currents) and administrators.³⁴¹ In general, the staff of the OJSC “Shahrofar” can perform their functions fully, although there is a lack of some specialized professional staff such as urban economists and specialists in ecology, road design, agriculture and the environment. In case the OJSC “Shahrofar” lacks narrow-profile specialists, it can hire them from other organizations. There is no requirement by the design institute to conduct periodic human capacity resources needs assessments.

Digital governance

E-government

Digitalization has long been considered as an essential element for sustainable development in Tajikistan as it makes public work more efficient, including the urban planning of various levels of government. The digitalization process began in 2005 in Tajikistan when extensive 3G mobile was successfully tested and the number of subscribers grew to 3 million in three years. In early 2010, the country was a leader in the development of the Internet throughout Central Asia but has not progressed sufficiently and Internet penetration is still an issue as of 2022.

The level of urban planning and construction integration with information communications technology is considered to be low.

341 Committee for Architecture and Construction (2021). Open joint-stock company “Shahrofar”. https://tajsotmon.tj/ru/komitet/org_struktura/1735-otkrytoe-akcionernoe-obschestvo-shahrofar.html.

For example, there are no general mechanisms for direct participation of the population in decision-making or approval processes of urban plans, and accordingly there is no open data platform to share, discuss or approve urban plans. In terms of urban services provided digitally or online, the Single Window Centre was opened at the Main Department of Architecture and Urban Development of Dushanbe on 1 September 2019, where it was intended that applications from citizens and businesses for information or construction permits issuance would be accepted. While the Single Window Centre was tested from July to December 2019, 55 new building permits were issued through it and many additional applications have since been processed.³⁴² This mechanism allowed citizens and businesses to register and request building permits by submitting documents online without physically visiting various institutions. As of 2022, the work of the Single Window Centre is concentrated in several big cities, including Dushanbe. No other urban planning-related institutions provide services in digital or online forms but there are several government websites in the areas of, for example, electronic government procurement (zakupki.gov.tj) where legal entities can purchase goods and services, a business registration system where citizens can register their enterprises, and electronic tax reporting (andoz.tj) whereby individuals can pay taxes online. However, Tajikistan ranks 187th out of 193 countries in terms of progress in information communications technology regulation.³⁴³

342 Vechorka (2019). The Single Window Mechanism will harmonize the process of issuing construction permits. <https://vecherka.tj/archives/41287?fbclid=IwAR31vAzrR-V5AEWLILOrJxdhQ1HI1dJ9MuyIK9dZ0PR5FPq3t0IXOmi7bs>.

343 European Union in Tajikistan (2021). Online conference: Digital Economy in the Republic of Tajikistan. (video). www.youtube.com/watch?v=HOKRBIpQdCg.

Digital projects are also often implemented without legal support and projects implemented by development partners and international organizations often duplicate each other, which leads to inefficiency of funds and knowledge used. Furthermore, the regulatory costs are high, and increasing local capacity for developing software products (technical support from external companies) is costly. Also, digital systems are rarely integrated, which subsequently leads to the development of expensive interfaces. These challenges cripple the efforts to digitize government services and activities.

The digital divide

As previously mentioned, Internet coverage is considerably low with only 22 per cent of the population having access to the World Wide Web in 2017.³⁴⁴ According to the list of the Speedtest Global Index, Tajikistan ranked 129th out of 140 countries in 2021 with 3.36 million Internet users.³⁴⁵ Therefore, the number of Internet users is relatively low due to the limited Internet coverage in rural areas, while the Internet is available in most cities. In 2019, less than 1 in 100 urban households had broadband Internet access and only 35 per cent had Internet access through mobile phones.³⁴⁶ It is important to note that men access the Internet and own mobile phones more than women do, which can partly be explained by prevailing gender roles and norms in society. Only 1 out of 10 women have access to the Internet, while 1 out of 4 men do. Almost all men (93.4 per cent) compared to 40 per cent of women own a mobile phone as of

2020.³⁴⁷

In Tajikistan the cost for Internet services is high; for example, a resident can buy 10 Gb of data for SM70, the equivalent of \$15 when the national average monthly salary is \$64).³⁴⁸ That data is barely enough for a week of active use, despite the relatively wide Internet coverage in cities. Hence, the unstable, poorly regulated and expensive Internet networks impede progress towards establishing digital governance in the country.

Nevertheless, there has been notable progress in the development of information infrastructure and the implementation of digitalization projects in Tajikistan. The level of ICT development achieved in the country allowed the national Government to formulate a policy aimed at developing a single information space in the country.³⁴⁹ Also, the foundation for the development of the digital sector reached three milestones in 2011, 2016 and 2019 when the Government formulated various policies/strategies.

- **2011:** An action plan for the formation of electronic government in Tajikistan (2012–2020), approved by Decree (No. 643) in 2011,³⁵⁰ launched the first e-government policy to introduce ICT services into the government agencies. Only a few mechanisms were implemented, namely those related to financial reporting and business development. Others remain outstanding, such as the creation of a unified electronic document management system, the elimination of digital inequality, the creation of interdepartmental e-government

344 Eurasian Development Bank (2019). *Digital Potential of the EDB Member Counties*. Research Department of the Eurasian Development Bank.

345 Speedtest Global Index (2021). Global Median Speeds October 2021. <https://www.speedtest.net/global-index#mobile>.

346 Ashurov, A. (2021). The World Bank offers to withdraw Tajiktelecom from the control of the Communication Service of Tajikistan. <https://rus.ozodi.org/a/31223282.html>.

347 Asian Development Bank (2020). *Women's Time Use in Rural Tajikistan*. Manila.

348 Bukhari-zade, N. (2008). On the specifics of using the Internet in Tajikistan. www.dw.com/ru/об-особенностях-пользования-интернетом-в-таджикистане/a-3592831.

349 Motkin, A. (2018). *Changing Economy Changing Society: IT industry in Post-Soviet Countries*. Washington, D.C.: StratEast

350 See www.adlia.tj/show_doc.fwx?rgn=116092.

systems, and the implementation of projects in the field of telemedicine and distance education.

- **2016:** National Development Strategy of the Republic of Tajikistan until 2030,³⁵¹ in terms of ICT, focuses on introducing information technologies at all levels of government.
- **2019:** The Action Plan of Digital Economy in the Republic of Tajikistan is based on the 2030 National Development Strategy and is a common vision on the use of digital technologies to achieve long-term sustainable development. It outlines initiatives to, for example, launch digital projects in key sectors of economic activity as well as in the social sphere.

Along with these policies, the number of telecommunication operators has more than doubled over the last decade which has boosted the application of ICT. Since 2019, operators such as Tcell and Megafon have launched several free Internet zones in the green open spaces of Dushanbe. Among them are the following: a recreation and entertainment park named after Sadridin Aini; a park named after Ahmadi Donish; recreation and entertainment park “Kuli-Javonon” (Molodezhnoe Lake);³⁵² Kurushi Kabir Park;³⁵³ city garden “Bogi Rudaki” (“Rudaki Park”) and a recreation and entertainment park named after Abulkosim Firdavsi. Public transport such as buses around the capital also have free Wi-Fi³⁵⁴ as do 14 Gazprom Neft petrol stations

across the country.³⁵⁵ However, initiatives to expand digitalization processes are mostly undertaken by private companies and there are no directives by the Government for universal access to digital services.

Digital rights

The Law on Protection of Personal Data from 2018 determines the legal and organizational basis for the collection, processing and protection of personal data. Citizens and legal entities can be brought to justice for non-compliance with the requirements of this law. It stipulates the digital rights of citizens, such as making complaints and reporting on incidents of a data breach. In paragraph 1 of Article 9 of this law, personal data is categorized as public, but there are protections, as certain personal data is protected and of limited access. It provides for the possibility of collecting and processing personal data without the consent of the subject in cases when authorities, in performing their functions, need to verify information about citizens. At the same time, the requirements for the protection of this data (Article 5) and the basic principles for the processing of personal data with the consent of the subject of personal data (paragraph 1 of Article 8) are established.³⁵⁶

351 http://www.adlia.tj/show_doc.fwx?rgn=127827.

352 Megafon (2019). MegaFon Tajikistan launches free Wi-Fi in Molodezhnoye Lake Park. https://megafon.tj/podderzhka/novosti/megafon_tadzhikistan_zapustil_besplatnyy_wi-fi_v_parke_molodezhnoe_ozero/.

353 Asia-Plus (2019). Tcell expands free Wi-Fi access zone! <https://asiaplustj.info/ru/news/tajikistan/society/20190828/tcell-rasshryaet-svobodnyu-zonu-besplatnogo-dostupa-wi-fi>.

354 Avesta Information Agency (2021). MegaFon Tajikistan and Smart City digitalize Dushanbe. <http://avesta.tj/2021/06/18/megafon-tadzhikistan-i-umnyj-gorod-tsifroviziruyut-dushanbe/>.

355 Seldon News (2019). Gazprom Neft-Tajikistan and MegaFon. Tajikistan have agreed to free Wi-Fi at the patrol station. <https://news.myseldon.com/ru/news/index/213880881>.

356 Eurasian Group (2021). Republic of Tajikistan: Second Progress Report under Enhanced Monitoring. https://eurasiangroup.org/files/uploads/files/Report_Tajikistan_2021_ru_1.pdf.



Road in Mukono, Uganda by Antoine Plüss source : Unsplash

UGANDA



BACKGROUND

Uganda is in East Africa and borders Kenya, South Sudan the Democratic Republic of the Congo, Rwanda and Tanzania. The World Bank classifies Uganda as a low-income economy.³⁵⁷ Like most countries in sub-Saharan Africa, Uganda is experiencing rapid urbanization. In 2021, the population was around 42 million and is one of the fastest-growing populations in the world; it will reach 100 million by 2050.³⁵⁸ While the urban population was approximately 11 million in 2020,³⁵⁹ the country has an urban growth rate of 5.2 per cent, which is high by international standards, and it is projected that the urban population will grow to 22 million by 2040.³⁶⁰ Most of this urban growth occurs in secondary towns such as Hoima – 10.7 per cent, Mbarara – 8.6 per cent and Mukono – 10.4 per cent. The Greater Kampala Metropolitan Area has the highest urban population with over 50 per cent of the country's total urban population.³⁶¹

357 World Bank (2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

358 World Bank (2021). The World Bank in Uganda: Overview. <https://www.worldbank.org/en/country/uganda/overview#1>.

359 World Bank (2020). Urban population – Uganda. <https://data.worldbank.org/indicator/SP.URB.TOTL?locations=UG>.

360 World Bank (2021). Ibid.

361 Uganda Bureau of Statistics (2016). The National Population and Housing Census 2014 – Main Report. Kampala, Uganda.

EXECUTIVE SUMMARY

There are six major planning institutions with a role in urban planning in Uganda. These are the Ministry of Lands, Housing and Urban Development; the Ministry of Local Government; the National Physical Planning Board, district land boards, Uganda Land Commission, and physical planning committees of local governments. The planning system is decentralized and local planning authorities can take decisions within their jurisdictions. Local governments have the mandate to formulate as well as implement urban plans, although approval is required at the national level from the National Physical Planning Board. However, the legal and administrative mechanisms for inter-institutional coordination are inadequate and, as a result, there are institutional conflicts, duplication and overlaps among various institutions at various levels of government. Public participation is carried out in urban planning processes, but it is inadequate as the public is only invited to provide comments after plans have already been formulated. There are no context-specific participatory processes customized to suit the needs and circumstances of various priority groups. Plans are also not widely distributed, with most of them displayed at planning offices rather than online.

Regarding the effectiveness of the development control system, it takes approximately three to four months to process building permits, and online applications have not yet been introduced in the urban planning system.

Delays have encouraged unauthorized developments as there is a legal loophole that allows developers to proceed with the building if they get no response to their application within 30 days. Hence, 60 per cent of the urban population in Uganda live in informal settlements because of the existing ownership system, as well as there being landholders without formal recognition in the legal framework.³⁶²

Local governments are heavily reliant on inter-government transfers as central governmental grants contribute to over 85 per cent of local budgets, and more than 90 per cent of this funding coming in the form of conditional grants. However, the allocated resources are still far below the amounts required by local governments to fulfil their mandates. Most devolved functions have not been accompanied by fiscal decentralization as the sectors of water, public works, agriculture and health retain on average more than 80 per cent of sector allocations at the national level. While local governments are allowed to collect own-source revenues, this option is largely under-exploited partly due to legal frameworks that reflect direct central government control of commercial activities; inexistent or poorly updated property registers; and weak enforcement mechanisms.

Local governments are understaffed and lack adequate financial, technical and human resources to fulfil their urban planning mandates. Uganda has no requirement for urban planning institutions to conduct periodic capacity (financial, technical, and human resources) needs assessments, which undermines the effectiveness of the urban planning system.

Digital governance is one of the Government's priorities but so far there have been mixed results.

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362 Office of the Auditor General (2015). Implementation of physical development plans in municipalities. Republic of Uganda.

The Government offers free wireless Internet through the National Information Technology Authority in 284 sites (Wi-Fi hotspots), but these are only located in the greater Kampala region. Also, only around 20 million people – 44 per cent of the population – have a mobile subscription and nearly half of them also have access to mobile Internet services. Men own more mobile phones compared to women (81.6 per cent vs. 63.2 per cent) but interestingly, a higher proportion of individual women own smartphones (18.1 per cent) compared to men (13.4 per cent). On the brighter side, Uganda has recently enacted a data protection law with provisions on the use, storage and processing of personal information.

Institutional arrangements, effectiveness and public participation

Institutional mandates and coordination in urban planning

Physical planning in Uganda is a decentralized function undertaken by local governments under the supervision of the Ministry of Local Government and the Ministry of Lands, Housing and Urban Development. The key institutions are described in box 17. The Physical Planning Act 2010 tasks Urban Physical Planning Committees with preparing urban physical development plans, including detailed plans that are subsequently implemented in a short time to realize the goals of the overarching physical development plans. Approval of plans is made by the National Physical Planning Board (Section 6, 25(6)).³⁶³ Urban physical planning committees are also responsible for implementation (Section 12 and 14).

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363 The National Physical Planning Board may also prepare urban plans if requested to do so by, and at the cost of a local government (Section 25).

Box 17. Responsibilities of key institutions in urban planning: Uganda

Directorate of Physical Planning, and Urban Development

The Directorate of Physical Planning and Urban Development in the Ministry of Lands, Housing and Urban Development is comprised of three departments: Physical Planning, Urban Development and Land-Use Regulation and Compliance. The Department of Physical Planning is responsible for national and regional planning; developing policy, laws, guidelines and standards in relation to physical planning; and providing technical support to local governments in the field of physical planning. The Department of Urban Development is responsible for the formulation of urban policies, regulations and development; the review of relevant laws; and standard setting to enhance urban development. The Department of Land Use Regulation and Compliance is mandated to ensure that the land use regulatory framework is complied with countrywide.

Department of Urban Administration

The Department of Urban Administration is under the Directorate of Local Government Administration in the Ministry of Local Government. Its key functions regarding physical planning include: i) assisting municipal councils to develop and implement physical development plans; ii) ensuring that physical development plans contain all modern infrastructure, especially roads, water and sanitation as well as electricity and communication channels; and iii) participating in the annual assessment of the performance of municipal town clerks.

National Physical Planning Board

The National Physical Planning Board consists of nine members appointed by the Ministry of Lands, Housing and Urban Development, five of whom should not be employed in public service. The Board is responsible for advising the Government on all matters relating to physical planning, including hearing and determining appeals lodged by aggrieved people and local governments; studying and giving guidance and recommendations on issues relating to physical planning transcending more than one local government; and approving regional, urban and district physical development plans.

Physical Planning Committees

The Physical Planning Committees include the Municipal Physical Planning Committees and Divisional Physical Planning Committees. Municipal Physical Planning Committees constitute technical officers from the municipality. The committee is chaired by the town clerk with the physical planner as its secretary. Other members of the committee are municipal engineer, municipal environmental officer, and the municipal health inspector. The role of Divisional Physical Planning Committees is to advise the Municipal Physical Planning Committee on land uses and oversee developments in the divisions to make sure they are adhering to approved Physical Development Plans.

District Land Boards and Uganda Land Commission

The District Land Boards and the Uganda Land Commission are bodies created by the Constitution to manage land which is not privately owned. The Uganda Land Commission holds and manages land in Uganda that is vested and acquired by the Government. The District Land Boards on the other hand are charged with holding and allocating all district land that is not owned by any person or authority, facilitating the registration and transfer of interests in land, and dealing with other land-related matters in the district.

The information is based on the following source: Office of the Auditor General (2015). Implementation of physical development plans in municipalities. Republic of Uganda.

There are legal provisions that require inter-institutional coordination between some of the institutions listed. Section 51 of the Physical Planning Act prohibits subdivision and consolidation of land, renewal, or extension of leases without the approval of the Physical Planning Committees. While these committees are mandated to undertake all the planning for the municipality, the District Land Boards and the Uganda Land Commission are charged with the management of public land in these areas. Land administration matters in municipalities are handled by Area Land Committees at the division level. They advise the District Land Boards on subdivisions, consolidation and allocation of public land within the municipalities. This, therefore, calls for coordination mechanisms among the Physical Planning Committees on one hand and the District Land Boards and Uganda Land Committee on the other, which is envisaged under Section 51 of the Physical Planning Act.

However, from interviews done by the Office of the Auditor General with the members of the municipal Physical Planning Committees and the District Land Boards, and a review of correspondence between the boards and the committees, it was found that there was no coordination mechanism to harmonize land administration decisions and physical planning

activities amongst them. This has resulted in subdivisions and allocation of public land without approval by the Physical Planning Committees because of existing gaps within the operational or working framework between the Area Land Committees, the District Land Boards and the Physical Planning Committees. For example, the assistant town clerks, who are the secretaries to the Area Land Committees, do not report to the town clerk or the Physical Planning Committee but to the District Land Board and the current law does not provide for the town clerk and physical planner to have a seat or be represented on the board. As a result, District Land Boards have, in some cases, taken decisions regarding municipal council land without consulting municipal council authorities (town clerk or planner). Consequently, the Office of the Auditor General has observed that “the current coordination mechanism through the Area Land Committees has not achieved the desired coordination levels to ensure that land administration and physical planning activities are harmonized”.³⁶⁴

In the Greater Kampala Metropolitan Area, the Kampala Capital City Act 2010 was enacted to improve horizontal and vertical coordination.

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³⁶⁴ Office of the Auditor General. (2015). Implementation of physical development plans in municipalities. Republic of Uganda.

However, this has not been a success as the Act does not clearly delineate a hierarchy between the administrative and political wings of the Kampala Capital City Authority, which contributes to confusion over intended roles.³⁶⁵ For example, Section 11(1) of the 2010 Act states that the mayor shall be the political head of the capital city, while Section 17(1) states that the executive director shall be the chief executive of the authority, with no clarification being offered on the difference between the capital city and the authority. Section 6 of the Act goes on to indicate the mayor as a member of the Kampala Capital City Authority – while excluding the executive director from the same list. These legislative shortcomings are credited with causing frequent “institutional paralysis, with the political and administrative wings of the Kampala Capital City Authority pulling in opposite directions”.³⁶⁶

Impacts of coronavirus disease on service provision

With the advent of COVID-19, most local authorities have undertaken disease control and social protection measures. In Kampala, garbage collection, road sweeping and road repairs have been scaled up; the Kampala Capital City Authority has installed 84 handwashing points, 68 metered water standpipes, and tanks to support hygiene facilities in many public places such as parks, markets, public buildings and health centres. Shopping online has also been

enhanced as markets have been closed.³⁶⁷ However, none of the measures are specifically targeted at ensuring the continuity of urban planning services, such as development control and enforcement.

Public participation

Public participation in the urban planning process often occurs through open hearings and stakeholder consultation workshops. However, such participation is only after draft plans have already been formulated. The Physical Planning Act provides that any interested person who wishes to make any representations against, or objections to the plan, in writing or through an open hearing, must write to the Physical Planning Committee within 90 days of publication of the notice or according to a date specified in the notice. The committee may accept or reject the representations or objections to the plan but is required to give reasons in the case of the latter (Section 27). There are no context-specific participatory processes customized to suit the needs and circumstances of various priority groups such as women, migrants, displaced people, persons with disabilities, the elderly, young people and children. These groups are expected to use the same forums that are available to everyone else.

365 G. Stewart-Wilson and others (2017). *Owning Our Urban Future: The Case of Kampala City*. Kampala, Uganda National Academy of Sciences.

366 Matte, R. (2017). Bureaucratic structures and organizational performance: A comparative study of Kampala capital city authority and national planning authority. *Journal of Public Administration and Policy Research*, 9(1), pp. 1–16.

367 Kampala Capital City Authority (2020). Press Release on Measures to Combat the Spread of Covid-19 and Price Hikes in Kampala City. www.mediacentre.go.ug/sites/default/files/media/KCCA%20PRESS%20RELEASE-COVID%2019%2026th%20March%202020.pdf.

Transparency and accountability

Disclosure of information and influence of third parties

Section 27 of the Physical Planning Act requires the Physical Planning Committees to publish a notice in the Gazette inviting the public to inspect draft plans at a place and time specified in the notice. While urban plans are made publicly available, they are often posted at the planning office rather than published online. Third parties such as private companies may influence urban planning activities through Section 31 of the Physical Planning Act, which concerns private local physical development plans. It allows landowners to use the services of qualified planners to prepare local physical development plans that are to be submitted to the respective Local Physical Planning Committee for adoption.

Land-use planning

Uganda has a development control mechanism, which is based on approved local physical development plans. All developers intending to undertake developments in any part of the planning area must seek approval from the Physical Planning Committee. Development applications received from developers are examined by the committee to ascertain if they comply with planning standards and regulations. The assessment of the application must be based on an approved local physical development plan (Sections 33–34). Nonetheless, there are still significant levels of informal development despite the existence of a development control mechanism. Currently, about 60 per cent of the urban population live in unplanned settlements.³⁶⁸

368 Office of the Auditor General. (2015). Implementation of physical development plans in municipalities. Republic of Uganda.

Substandard housing conditions are prevalent, with over 70 per cent of housing units built with temporary building materials, of which 27 per cent of these housing units are in urban areas.³⁶⁹

In Kampala, the major contributor to informality is the system of land ownership. There are four official types of land tenure recognized by law: freehold, leasehold, customary and *mailo*. The *mailo* system traces its origins from the 1900 Buganda Agreement, which formed the basis of relations between the British Empire and the Buganda Kingdom. It allocated land to the king of Buganda and their officials in square mile increment land tenure, leaving peasants who had been living on the land without formal recognition. While the *mailo* system was eventually enshrined in the 1998 Land Act, it had already separated occupancy from land ownership rights. The separation was intended to protect the rights of occupants over the rights of landowners.³⁷⁰ However, the urban development system is not aligned with the reality of land relations as the Kampala Capital City Authority requires formal proof of land ownership before granting development permits. This means that occupants (known as *bibanja*; singular-*kibanja*) under the *mailo* system are forced to resort to informal methods of land subdivision and development since they do not have ownership rights over the land that they occupy.³⁷¹

369 Ministry of Lands, Housing and Urban Development (2017). The Uganda National Urban Policy. Republic of Uganda.

370 Muinde, D. K. (2013). Assessing the effects of land tenure on urban developments in Kampala (Master's Thesis, University of Twente).

371 G. Stewart-Wilson and others (2017). Owing Our Urban Future: The Case of Kampala City. Kampala, Uganda National Academy of Sciences.



Standards for development planning

In terms of timelines for receiving a development permit, the Physical Planning Act requires Physical Planning Committees to communicate their decisions within 30 days of making them (Section 38). This provision is notable as the 30-day limit applies to communication after making the decision and not within 30 days of receiving the application. However, the Public Health Act, which is another law that regulates this area, states under Section 28(1) that “if within 30 days of the receipt of any plans and notice or further particulars delivered in accordance with these rules, the local authority fails to intimate to the person submitting the plans its disapproval of the building or work which the person intends to erect, the person submitting the plans may proceed with the building or work in accordance with the plans, but not so far as to contravene any of the provisions of these rules or any other law in force”. The effect of this provision is that failure to receive any feedback within 30 days as to whether the application has been granted or not amounts to an implicit approval.

Accordingly, this provision is frequently used by developers to commence development without approval as municipalities often take more than 30 days to evaluate development applications; times range from 75 days in Fort Portal Municipality to 139 days in Mbale Municipality.³⁷² The average number of days for an evaluation is estimated to be 113 and application costs are about 7.4 per cent of the total cost of construction.³⁷³ These delays are attributed to the absence of a mechanism to track the progress of development applications from the time of receipt to the point of approval, which makes it difficult for the municipal councils to identify the causes and the interventions needed to address them. There is also an inadequate capacity within Physical Planning Committees to manage the large volume of applications, which is another reason for the delays.³⁷⁴

372 Office of the Auditor General. (2015). Implementation of physical development plans in municipalities. Republic of Uganda.

373 World Bank Group. (2020) Economy Profile, Uganda: Doing Business 2020. www.doingbusiness.org/content/dam/doingBusiness/country/u/uganda/UGA.pdf.

374 Office of the Auditor General. (2015). Implementation of physical development plans in municipalities. The Republic of Uganda.

Representation, subsidiarity and local governance

Political representation and functions of local governments

The Local Governments Act 1997 stipulates the decentralization and devolution of functions, powers, and services to all levels of governance of Uganda.³⁷⁵ With regard to urban planning, the Local Government Act 1997 provides that the district council is the planning authority of a district (and a city is considered a district under the Act), which gives the council the power to prepare comprehensive and integrated development plans (Section 35). In Kampala, the planning mandate is vested with the Metropolitan Physical Planning Authority, comprised of ministerial appointees (Kampala Capital City Act Section 21-22). Local governments have the legal authority to undertake urban functions as underlined by both the Local Government Act and the Physical Planning Act. The former gives urban authorities the power to prepare integrated urban development plans within the national planning framework and the latter specifically covers spatial planning where local Physical Planning Committees are tasked with preparing urban physical planning plans and detailed plans as well as implementing them. The Local Government Act also calls for the election of local councils. Women's representation in local governments is 41.4 per cent of all government positions, however, there are more women representatives in seats as a result of affirmative action than being appointed to the office by direct election.³⁷⁶

It is notable that the Parliamentary Elections Act 2005 and the Local Governments Act require 30 per cent of seats to be reserved for women at national and subnational levels of decision-making bodies. However, women's access to wider decision-making processes beyond politics is limited, despite the existence of legal and policy provisions, indicating the low quality of representation and impact of the representation.³⁷⁷

Financial and human capacities of local governments

Local governments in Uganda are funded through central government grants, local revenue collections, and in some cases provided with loans and donations from development partners either directly to the local governments or indirectly to specific sectors. The central Government, in accordance with Article 193 of the Constitution, is required to provide grants to local governments in three categories, namely:

- i. Unconditional grants, which are the minimum grants paid to local governments to run decentralized services.
- ii. Conditional grants that are given to local governments to finance programmes agreed to between the central Government and the local governments.
- iii. Equalization grants that are given to those local governments whose service provision standards are below the national average.

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375 See the link for the Local Governments Act 1997: <https://ulii.org/akn/ug/act/1997/5/eng%402000-12-31>.

376 Nakaweesi-Kimbugwe, S. (2018). Country Analysis: Leadership in Advancing Women's Rights in Public Decision-Making Processes in Uganda. Robert Bosch Stiftung.

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377 Ibid.

Grants from the central Government contribute to over 85 per cent of the financing to budgets of local governments, with more than 90 per cent of this funding coming in form of conditional grants. However, the allocated resources are still far below the amounts required by local governments to fulfil their mandates. The planning process for financing of local governments has not been guided by comprehensive needs assessments but instead has been guided by indicative planning figures as advised by the Ministry of Finance, Planning and Economic Development. The indicative planning figures sent to local governments are pre-determined by individual sectors based on the previous financial year allocation. This has resulted in actual budgetary requirements for local governments not being known for purposes of resource allocation.³⁷⁸ Furthermore, even where functions have been decentralized, the national Government still retains a significant amount of the funds that should be devolved. For instance, the water, agriculture, works and health sectors retain, on average, more than 80 per cent of sector allocations at the national level.³⁷⁹ Consequently, most local authorities are unable to meet their infrastructural and service provision obligations. Indeed, the 2017 National Urban Policy of Uganda has noted that “central government transfer of funds to urban local governments are insufficient compared to the needs of urban services”.³⁸⁰

In addition to intergovernmental transfers, local governments have the legal authority to collect own-source revenues.

378 Office of the Auditor General (2016). Financing of Local Governments in Uganda through Central Government Grants and Local Government Revenues. Republic of Uganda.

379 Office of the Auditor General (2016). Financing of Local Governments in Uganda through Central Government Grants and Local Government Revenues. Republic of Uganda.

380 Ministry of Lands, Housing and Urban Development (2017). The Uganda National Urban Policy. Republic of Uganda.

Article 191 of the Constitution of Uganda 1995 and Section 80 (1) of the Local Government Act enable local governments to levy, charge and collect appropriate fees and taxes, including rates, rents, royalties, stamp duties, personal graduated tax and registration and licensing fees. Section 80 (2) of the same Act requires each local government to have a comprehensive list of all its internal revenue sources and maintain data on total potential collectible revenues. However, local governments have not fully exploited the potential they have to generate local revenue. A review of existing laws and regulations for financing local governments reveals that several laws governing domestic business registration, regulation and licensing have not been updated to reflect current operations. Most laws governing licensing of businesses such as banks, pharmacies and health facilities still reflect direct central government control as operational licence fees are paid to central regulatory bodies although local governments are operating these in practice.³⁸¹

Moreover, most local governments do not have an updated property register. An assessment of existing registers for individual revenue categories in 32 local governments showed that 23 of them did not have property valuation registers (and none had a register for leased properties for ground rent purposes). Of the 9 that did, only 7 were up to date. Notably, the 9 local governments that had property valuation registers collected only 16 per cent of the assessed property tax because of weak collection and enforcement mechanisms, with the rest (23) failing to collect any property rates due to lack of property valuation registers.

381 Office of the Auditor General (2016). Ibid.



Ugandan Parliament by Kabuubi Media Africa source: Flickr

The consequence of the under-utilization of own-source revenue options is that local governments are heavily reliant on intergovernmental transfers, which has not only curtailed their service delivery mandates but also left them with a “very marginal opportunity for local fiscal autonomy and discretion in resource allocation decisions”.³⁸²

Furthermore, planning institutions in Uganda have limited capacity in terms of professional human resources. For instance, Kampala, with a population of 1.65 million, has only 114 staff of the Kampala Capital City Authority, including 62 engineers, 7 surveyors, 7 physical planners, 6 architects, 7 technical review teams, 5 building inspectors, 7 geographic information systems experts, 10 data collection teams, 1 landscape expert and 2 cartographers.³⁸³ With a specific focus on planners, this is 0.44 per 100,000 inhabitants. This is low compared to 37.63 or 23.47 planners per 100,000 inhabitants in countries such as the United Kingdom and Australia respectively.³⁸⁴

382 Ibid.

383 Njuguna, S. (2019). Effectiveness of Planning Laws in sub-Saharan Africa: Urban Legal Case Studies (Volume 8). UN-Habitat.

384 UN-Habitat (2012). The State of Planning in Africa. <https://unhabitat.org/sites/default/files/download-manager-files/The%20State%20of%20Planning%20in%20Africa%20%2C%20An%20Overview%20.pdf>

Uganda has no requirement for urban planning institutions to conduct periodic capacity (human and financial resources) needs assessments, which undermine the effectiveness of the urban planning system. For instance, while Section 12(a) of the Physical Planning Act requires Physical Planning Committees to detail the physical development plans for operationalization, most municipalities have not fully detailed their plans, with some exhibiting implementation gaps as much as 80 per cent.³⁸⁵ The failure to detail the plans has been attributed to inadequate financial and human resources. Furthermore, inspection records in five municipalities reviewed by the Office of the Auditor General indicate that most developments are completed without any inspections during the construction phase (although this is a requirement under the Physical Planning Act) due to a limited number of buildings inspectors and enforcement staff. This has resulted in cases of alteration of approved plans by developers and in some cases, illegal developments.³⁸⁶

385 Office of the Auditor General. (2015). Implementation of physical development plans in municipalities. Republic of Uganda.

386 Ibid.

Digital governance

E-government

The Uganda Government has identified information communications technology as one of the key priority sectors that will spur socioeconomic transformation in the country as stipulated in national development frameworks such as Vision 2040 and the National Development Plan II (2015/16 to 2019/2020). Some of the priority areas identified in the National Development Plan for 2020 include the extension of the national broadband infrastructure and the construction of incubation hubs and information communications technology parks. The broadband infrastructure connects all major towns in Uganda onto an optical fiber-based network and all government organizations onto the e-government network.

A total of 133 government ministries, departments and agencies' sites have been connected to the infrastructure, with 94 of these sites currently using Internet delivered over the infrastructure. Uganda is one of the five countries in Africa offering open datasets according to the 2016 United Nations e-Governance Survey, with a few government bodies such as the Uganda Bureau of Statistics and the respective Ministries of Finance, Water and Agriculture releasing data in open formats. Other ministries, departments and agencies also release huge amounts of data but in non-electronic and non-reusable formats. Besides, most of these agencies are unresponsive to information requests and lack a proactive information disclosure policy.³⁸⁷

387 Collaboration on International ICT Policy (n.d.). State of Open Government Index in Uganda. https://cipesa.org/?wpfb_dl=255#:~:text=According%20to%20the%202016%20United,rank%20at%20156%20in%202014.

According to the United Nations e-Government Index, the three most used online services in Uganda in 2018 were utility payments, submission of income taxes and registration of new businesses. For instance, the local government of Kampala has an e-filing payment portal "eCitie", which is the uniform payment platform for all Kampala Capital City Act 2010 revenue sources (local hotel tax, business licenses, local service tax, markets tax, rent and rates, property rates). Users can also use mobile money services to make payments through this system.³⁸⁸ However, the application for building permits is not one of the services offered online.

The digital divide

Approximately 20 million people in the country have a mobile subscription, which is 44 per cent of the population. Nearly half of all mobile subscribers also access mobile Internet services. There are approximately 10 million mobile Internet connections in Uganda, which is a penetration rate of 23 per cent of the country's total population. The number of smartphone Internet connections has quadrupled since 2018 to approximately 6 million, around a quarter of total mobile connections.³⁸⁹ More men own mobile phones than women (81.6 per cent as against 63.2 per cent), but a higher proportion of women own smartphones (18.1 per cent)

388 Department of Economic and Social Affairs (2018). United Nations E-Government Survey 2018: Gearing E-government to Support Transformation Towards Sustainable and Resilient Societies. https://publicadministration.un.org/egovkb/portals/egovkb/documents/un/2018-survey/e-government%20survey%202018_final%20for%20web.pdf.

389 Okeleke, K. (2019). Uganda: Driving inclusive socio-economic progress through mobile-enabled digital transformation. GSM Association.

compared to men (13.4 per cent).³⁹⁰ The National Information Technology Authority–Uganda offers free wireless Internet at 284 sites (Wi-Fi hotspots) in various parts of Kampala and Entebbe. The free Internet access zones are mainly located in public buildings, schools, hospitals, restaurants and banks.³⁹¹

Digital rights

There is a data protection law with provisions on the use, storage and processing of personal information. The Data Protection and Privacy Act of 2019 has provisions to i) protect the privacy of individuals by regulating the collection and processing of personal information in Uganda and outside Uganda if the information relates to Ugandan citizens; ii) provide for the rights of the persons whose data is collected, and the obligations of data collectors, data processors and data controllers; and iii) regulate the use or disclosure of personal information. The Act enables individuals whose personal information has been requested, collected, collated, processed or stored, to exercise control over their personal data, including giving consent to the collection and processing, or to request for the correction and deletion of personal data. Among the principles which must be complied with by data collectors, data processors, data controllers, or any other person who collects, processes, holds or uses personal data are accountable to data subjects for data collected; lawfulness, fairness and transparency; adequacy, relevance and minimization of data collected; data retention only for the period authorized by law or purpose; quality and accuracy of data collected, processed, used or stored; transparency and

participation of data subjects in collection, processing, use and storage of personal data; and security safeguards in respect of personal data.

The Act enables individuals to make complaints and report incidences of data breaches and misuse of personal information. Section 4 mandates the personal data protection office under the National Information Technology Authority – Uganda to, for example, oversee the implementation and enforcement of the Act; receive and investigate complaints from data subjects; and establish and maintain a data protection and privacy register. Under Sections 31–33, a data subject or any person who believes that a data collector, data processor or data controller is infringing upon their rights may make a complaint to National Information Technology Authority – Uganda, which is obligated to investigate every complaint.

It may then direct a data collector, data processor or data controller to remedy any breach or take other actions to restore the integrity of data collected, processed or held by the data collector, data processor or data controller or the rights of the data subject.

The Act also provides for compensation where person suffers damage or distress due to data misuse.

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390 The Collaboration on International ICT Policy for East and Southern Africa (2018). National Information Technology Survey 2017/18 Report. www.nita.go.ug/sites/default/files/publications/National%20IT%20Survey%20April%2010th.pdf.

391 Ibid.

ANNEX

Questionnaire for the governance case studies: urban governance and decision-making in urban planning in low-income/UN-Habitat priority countries

The questionnaire below was developed by UN-Habitat's Policy, Legislation and Governance Section and was widely peer-reviewed internally by UN-Habitat experts. It was used to facilitate the data collection process and formed the basis for interviews with country experts.

Part A: Pro-poor decision-making and public participation

Questions	Explanatory notes
1. In your planning system, which institution(s) is/are in-charge of preparing, approving, and implementing urban plans? Open answer.	Q 1–3 focus on institutional overlaps and sectoral fragmentation . Citizens, especially the urban poor, suffer from inadequate basic services provision, if there are frequent institutional wrangles stemming from duplication of roles as well as lack of policy coordination and integration at the institutional level.
2. Are there legal provisions that require inter-institutional/multilevel governance within and among national and subnational governments (e.g., coordination across line ministries at the national level or coordination among local jurisdictions that belong to the same metropolitan area)? Yes/No. 2.1. If yes, please include the legal provision.	
3. What are the challenges facing the inter-institutional/multilevel governance process? Open answer.	

<p>4. In your planning system, are urban plans made publicly available? Yes/No</p> <p>4.1 If yes, on which platform is this done?</p> <p>A.Website</p> <p>B.At the planning office</p> <p>C.Other (please specify)</p>	<p>Q 4-6 focusses on information sharing and the involvement of non-state actors to generate community buy-in and increase the likelihood of compliance.</p>
<p>5. Can well-established third-parties such as private companies influence urban planning and decision-making (e.g., if they own large tracts of land)? Yes/No</p> <p>5.1 If yes, please provide an example.</p>	
<p>6. Is there a legal framework that outlines permitted urban land uses (e.g., a zoning ordinance) which guides the decisions of planning authorities? Yes/No.</p> <p>1.If yes, are there cities with concentrations of informal settlements? Yes/No.</p> <p>2.If yes, using one of the cities that has the largest informal concentration, what percentage of the total city population lives in informal areas? Open answer.</p>	

7. When preparing urban plan stakeholders (academia, civil society, private sector, community) consulted? **Yes/No.**

7.1 If yes, at what phase/stage of the urban planning process are the stakeholders involved? Multiple-choice.

- A. Preparation and design
- B. Post-design (i.e., once plan is complete)
- C. Implementation
- D. Monitoring/evaluation
- E. Post-implementation
- F. All the above

7.2 If **yes**, which communication strategies and participation models are used to collect public views and feedback? **Multiple choice:**

- A. Public town hall
- B. Charette
- C. Survey/polling techniques,
- D. Task forces/committees
- E. Virtual meetings
- F. Other (please specify)

8. Are there context-specific participatory processes for various vulnerable groups (e.g. to collect views of women, migrants, displaced people, persons with disabilities, elderly, youth and children)? **Yes/No.**

8.1. If **yes**, briefly mention the mechanism and vulnerable group.

9. Can the public/citizens give feedback about the government's performance and conduct in the delivery of urban services? **Yes/No.** If **yes**, please provide the platform.

Q 7–9 assess whether there is any form of **public participation** in urban planning processes. They also assess whether non-state actors are involved in all stages of planning as envisaged by New Urban Agenda as well as whether vulnerable groups are engaged in decision-making. Public participation brings a sense of community ownership, compliance and trust to development activities. It also allows the needs of minority groups and issues affecting their daily lives to be prioritized in the development agenda.

10. On average, how long does it take to approve and grant a development/ construction permit? Multiple choice.

- A. 0–3 months
- B. 3–6 months
- C. 6–9 months
- D. 9–12 months
- E. Other (please specify)

Useful resource: <https://www.doingbusiness.org/en/data/exploretopics/dealing-with-construction-permits/what-measured>

11. On average, how much does it cost (in US\$) to apply for a development/construction permit? **Open answer.**

Useful resource: <https://www.doingbusiness.org/en/data/exploretopics/dealing-with-construction-permits/what-measured>

12. In the context of the COVID-19 pandemic, which changes has the planning department made to ensure continuity in service delivery, planning, enforcement and development control? **Open answer.**

Q 10–11 look into the **standards set for development planning**. Planning systems can be burdensome (costly and lengthy) on majority of the urban population leaving them to pursue informal routes. Income per capita could be a good benchmark to assess cost-effectiveness.

This question will help UN-Habitat understand the changes/needs institutions have in the **COVID-19/post-operating phase**. The COVID-19 crisis has governments around the world operating in a context of radical uncertainty, and faced with difficult trade-offs given the health, economic and social challenges it raises. Most of them have had to do things digitally (without any capacity/infrastructure) and this could be an entry point for UN-Habitat with the normative tools being developed in this area.

Part B: Subsidiarity, Decentralization and Capacity

<p>13. Does your country have locally elected bodies such as a city council headed by a mayor? Yes/No</p> <p>13.1 If yes, what role does it have in urban planning and decision-making? Open answer.</p> <p>13.2 If yes, what is the percentage of women councillors to the total number of councillors in a local authority (in the last election)? Open answer.</p>	<p>Q13 focuses on democratic governance and assesses gender balance in decision-making bodies.</p>
<p>14. Do local governments have the legal authority to undertake urban functions (such as preparing and approving urban plans)? Yes/No.</p>	<p>Q 14–17 assess jurisdictional and fiscal autonomy that subnational governments have and the fiscal and human resource capacity of urban planning institutions. Local governments are geographically closer to the people and have local knowledge which allows planning programs and services to be more easily adapted to particular local circumstances, priorities and needs.</p> <p>Fiscal and human resources are central to effective implementation. Staff per capita is a useful and objective benchmark to assess “under-staffed” institutions (total no. of planners/population size *100,000 inhabitants).</p>
<p>15. What percentage of the budget of the local government is received from national government? Open answer.</p>	
<p>15.1.1. Do local governments have the legal authority to collect revenue/property taxes? Yes/No,</p>	
<p>15.1.2. If yes, what kind of revenue is collected?</p>	
<p>15.1.3 What percentage (%) does the local revenue account for in the total local budget? Open answer,</p>	
<p>16. How many professional staff (planners, architects, GIS experts, cartographers, surveyors, etc.) does your planning office/ institution (local government) have? Open answer.</p>	
<p>17. Is there a requirement for urban planning institutions to conduct periodic capacity (human and financial resources) need assessments? Yes/No.</p>	

Part C: Digital Governance

<p>18. Which digital platforms does your institution use to engage residents in decision-making and share information (e.g., an open data platform to share approved urban plans)? Open answer.</p>	<p>Q18–20 assess transparency, convenience, and capacity of digital systems. There is also the additional layer of analysing whether the digital processes are pro-poor (the documents requested online might not be in the possession of people living in informal settlements – some of the documents they must prove ownership are normally considered illegitimate). This could be another barrier facing marginalized groups from benefitting from online services in addition to internet access issues.</p> <p>The formal documentation requirement is not unique to digital systems as it has been carried over from the traditional manual process.</p>
<p>19. Which urban services are provided digitally/online? Open answer.</p>	
<p>20. Does the digital governance process rely on citizens providing identification documents (such as title deeds, building permits, occupancy certificates or other formal documents for ownership)? Yes/No.</p> <p>20.1 If yes, does this require the applicants to present themselves physically? Yes/No.</p>	
<p>21. Out of the total population, how many have access to the internet (%)? Open answer.</p>	
<p>22. Out of the total number of women in the country, how many own a mobile phone with internet access (%)? Open answer.</p>	<p>Q 21–23 assess the digital divide (refers to the gap between those able to benefit from the digital age and those who are not) and the gender gaps that exist in online connectivity.</p>
<p>23. Within your urban area, are there free internet access zones/spaces? Yes/No If yes, please name the zone.</p>	
<p>24. Does your country have a data protection law, with provisions on the use, storage and processing of personal information? Yes/No. If yes, please name the law and provisions.</p>	
<p>25. Can citizens make complaints/report incidences of data breach and misuse of personal information? Yes/No. If yes, how is the complaint made? Open answer.</p>	<p>Q24-25 assess the human rights impact in the use of technology by state agencies. Millions of urban residents are leaving digital footprints and data shadows without any control or even knowledge of their use. Coupled with data security concerns and the vulnerability of computing systems to hacking, crashing and viruses, a large amount of personal information is at risk of misuse.</p>

REFERENCES

Afghanistan

Asian Development Bank (2021). Poverty Data: Afghanistan. www.adb.org/countries/afghanistan/poverty#accordion-0-9.

Box, J., Buencamino, G., and Kimble, D. (2011). An Assessment of Afghanistan's Municipal Governance Framework. Urban Institute Centre on International Development and Governance.

Central Intelligence Agency (2021). The World Factbook: Explore All Countries – Afghanistan. <https://www.cia.gov/the-world-factbook/countries/afghanistan/#communications>.

Government of Afghanistan. (2015). The State of Afghan Cities: 2015. Kabul, Gojira.

Ibrahimi, S.S., Safi, N. (2020). Coping with COVID-19 and Conflict in Afghanistan. New York: Censer on International Cooperation.

International Organization for Migration (2020), Displacement Tracking Matrix for Afghanistan: Baseline Mobility Assessment Summary Results (January–June 2020). <https://displacement.iom.int/reports/afghanistan---baseline-mobility-assessment-summary-results-january-june-2020?close=true>.

Kemp, S. (2020). Digital 2020: Afghanistan. https://datareportal.com/reports/digital-2020-afghanistan#:~:text=There%20were%207.65%20million%20internet,at%2020%25%20in%20January%202020._Datareportal.

Khaliq Nemat, A., Leslie, J., Mahdi, O. (2015). 2015 Afghanistan Country Report for Habitat III: Islamic Republic of Afghanistan. Ministry for Urban Development Affairs.

Majale, M. (2017). Afghanistan – Housing Profile. <https://unhabitat.org/sites/default/files/download-manager-files/Afghanistan%20Housing%20Profile-11October2017.pdf>. ISBN Number (Series): 978-92-1-131927-9. Nairobi: UN-Habitat.

UN-Habitat (2016). Country Programme Document 2016-2019: Afghanistan. ISBN Number (Series): 978-92-1-132030-5. Nairobi: UN-Habitat;

(2020-2021). Land and Property Tax Revenues for Service Delivery, Reconstruction, Citizenship Building and Sustaining Peace in Fragile States, Afghanistan: Diagnostic Assessment Report (forthcoming).

United Nations, Department of Economic and Social Affairs, Population Division. (2019). World Urbanization Prospects: The 2018 Revision. New York: United Nations.

United States Agency for International Development. (2013). Connecting to Opportunity: A Survey of Afghan Women's Access to Mobile Technology. https://reliefweb.int/sites/reliefweb.int/files/resources/survey_afghan_women_mobile.pdf.

World Bank Group (2017). Doing Business in Afghanistan 2017, Subnational Doing Business. Washington, DC: World Bank.

World Bank (2010). Securing Durable Development in Afghanistan: Policy Notes for the Government. Washington, D.C.

- (2015). Individuals using the Internet (% of population) – Afghanistan. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=AF>.
- (2016). Citizens' Charter Afghanistan Project (P160567). Report No: PAD2019 <http://documents1.worldbank.org/curated/en/257391477792873512/pdf/PAD-Citizens-Charter-Afghanistan-P160567-Oct-7-Board-version-10072016.pdf>.
- (2017). Doing Business in Afghanistan 2017. Washington, DC: World Bank.
- (2018). Data on Population living in slums (% of urban population). <https://data.worldbank.org/indicator/EN.POP.SLUM.UR.ZS?locations=AF>.
- (2019). Data on Urban Population Growth (annual %), Afghanistan. <https://data.worldbank.org/indicator/SP.URB.GROW?end=2019&locations=AF&start=1961&view=chart>.
- (2019). Population in the largest city (% of urban population) – Afghanistan. <https://data.worldbank.org/indicator/EN.URB.LCTY.UR.ZS?end=2019&locations=AF&start=1961&view=chart>.
- (2020): Mobile cellular subscriptions – Afghanistan. <https://data.worldbank.org/indicator/IT.CEL.SETS?locations=AF>.
- (2020). Population ages 0-14 (% of total population) – Afghanistan. <https://data.worldbank.org/indicator/SP.POP.0014.TO.ZS?locations=AF>.
- (2017-2018). Global Indicators of Regulatory Governance. <https://rulemaking.worldbank.org/en/data/explorecountries/afghanistan>.
- (2020). Population, total. - Afghanistan. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=AF>.
- (2020). Urban Population – Afghanistan. <https://data.worldbank.org/indicator/SP.URB.TOTL?locations=AF>.
- (2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

Cameroon

- Essome, M. (2020). Governance locale: Les Femmes toujours minoritaires au sein des Mairies. In: villes & communes. www.villesetcommunes.info/actu-cameroun/7052/.
- Cheka, C. (2007). The state of the process of decentralisation in Cameroon. *Africa Development*, 32(2).
- Cotula, L. and others (2009). Land grab or development opportunity? agricultural investment and international land deals in Africa. FAO, IIED and IFAD.
- CLGF. Cameroon. www.clgf.org.uk/regions/clgf-west-africa/cameroon/.
- Douard, P. and Sembres, T. (n.d.) Building a mapping alliance for inclusive and transparent land-use planning: Cameroon. EUREDD. www.euredd.efi.int/publications/building-a-mapping-alliance-for-inclusive-and-transparent-land-use-planning.
- Feicom. (n.d.). <https://feicom.cm/>.
- Fomete, T. and others (2018, March). Reframing local land use planning methods and tools in South-West Cameroon as a foundation for secure tenure, sustainable and equitable rural development, and REDD+. In

2018 World Bank conference on land and poverty: land governance in interconnected world.

Internet Without Borders. #Digital Camerwoman: How Internet Empowers Women in Cameroon – Internet Sans Frontières. <https://internetwithoutborders.org/digitalcamerwoman-how-internet-empowers-women-in-cameroon/>.

Kemp, S. (2021). Digital 2021: Cameroon. <https://datareportal.com/reports/digital-2021-cameroon>.

Kouagheu, J. (2020). Cameroon holds first ever regional elections, separatists wow disruption. In: Reuters; Kindzeka, E, M. (2020). Cameroon's Ruling Party Scores Landslide Victory in Regional Elections. In voanews.

Ministry of Posts and Telecommunications. (2016). Plan Stratégique Cameroun Numérique 2020. <https://cameroundigital.com/wp-content/uploads/2017/05/Plan-strat%C3%A9gique-Cameroun-Num%C3%A9rique-2020.pdf>

Ngoran, S. D. and Xue, X. (2015). Addressing urban sprawl in Douala, Cameroon: Lessons from Xiamen integrated coastal management. *Journal of Urban Management*, 4(1), pp.53–72.

UN-Habitat. Cameroon: overview. <https://unhabitat.org/cameroon>.

World Bank (2020). Urban population (% of total population) – Cameroon. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=CM>.

(2021). The World Bank in Cameroon. www.worldbank.org/en/country/cameroon/overview#1.

World Population Review. (2021). Population of Cities in Cameroon (2021). <https://worldpopulationreview.com/countries/cities/cameroon>.

Guinea

PopulatioStat. (n.d.). Conakry, Guinea Population. <https://populationstat.com/guinea/conakry>.

The Hunger Project. (n.d.). Guinea. <http://localdemocracy.net/countries/africa/guinea/>.

The Post and Telecommunications Regulatory Authority. (2020). Annual Activity Report.

UCLG & OECD. (2016). Guinea: Unitary Country, Africa. www.oecd.org/regional/regional-policy/profile-Guinea.pdf.

World Bank (2018). Population living in slums (% of urban population). <https://data.worldbank.org/indicator/EN.POP.SLUM.UR.ZS?locations=GN>.

(2019). Individuals using the Internet (% of population) – Guinea. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=GN>.

(2020). Population, total – Guinea. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=GN>.

(2020). Population growth (annual %) – Guinea. <https://data.worldbank.org/indicator/SP.POP.GROW?locations=GN>.

(2020). Urban population growth (annual %) – Guinea. <https://data.worldbank.org/indicator/SP.URB.GROW?locations=GN>.

World Bank. (2020). Urban population (% of total population) – Guinea. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=GN>.

Niger State

Akinmoladun O.I. and Oduwaye, L. (2007). Planning laws and policies influencing the use of land in metropolitan Lagos, Nigeria. *FUTY Journal of the Environment*, 2(1), pp.88–99.

Kemp, S. (2021). Digital 2021: Nigeria. <https://datareportal.com/reports/digital-2021-nigeria>.

National Population Commission (2006). National Population and Housing Census.

Niger State Bureau of Statistics (2017a). Statistical Yearbook. Government of Niger State.

Niger State Bureau of Statistics (2017b). Facts and Figures about Niger State. Government of Niger State.

Niger State Government (2009). Report of Niger State Stakeholders Development Committee on Vision 3:2020.

Max Lock (1979). Final Report - Niger State Regional Report, 1979-2000.

Niger State Urban and Regional Planning Edict 3 of 1999

Rapid Diagnostic Report for Niger State Urban Policy (2021).

Peru

Álvarez, V. (2019). Compendium of Good Practices in Linking Civil Registration and Vital Statistics (CRVS) and Identity Management Systems. Ottawa, the Centre of Excellence for Civil Registration and Vital Statistics Systems.

Chujutalli Bocanegra, J. and Ormeño Calderón, C.A. (2020). Estrategias para incrementar la recaudación del impuesto predial en la Municipalidad Distrital del Rímac. MA thesis. M Gestión Pública.

Defensoría del Pueblo (2019). Participación política de las mujeres en el Perú: elecciones generales 2016 y elecciones regionales y municipales 2018. Lima: Defensoría del Pueblo del Perú.

ECLAC (n.d). Elected city council members who are female. <https://oig.cepal.org/en/indicators/elected-city-council-members-who-are-female>.

El Estado Peruano (2021). Ministerio de Educación. 1000 escuelas de la Amazonía y 6500 plazas públicas tendrán internet gratis mediante Wifi. www.gob.pe/institucion/minedu/noticias/341023-1000-escuelas-de-la-amazonia-y-6500-plazas-publicas-tendran-internet-gratis-mediante-wifi.

El Estado de Peru (2020). Desarrollo de capacidades para trabajadores de las Entidades Prestadoras de Servicios de Saneamiento (EPS). www.gob.pe/10037-organismo-tecnico-de-la-administracion-de-los-servicios-de-saneamiento-desarrollo-de-capacidades-para-trabajadores-de-las-entidades-prestadoras-de-servicios-de-saneamiento-eps.

(2020). Programa Nuestras Ciudades. www.gob.pe/8226-programa-nuestras-ciudades-que-hacemos; www.gob.pe/10037-organismo-tecnico-de-la-administracion-de-los-servicios-de-saneamiento-desarrollo-de-capacidades-para-trabajadores-de-las-entidades-prestadoras-de-servicios-de-saneamiento-eps.

(2021). Cursos de gestión ambiental – Aprende. www.gob.pe/1029-cursos-de-gestion-ambiental-aprende.

El Peruano. (2018). Normas Legales. <https://cdn.www.gob.pe/uploads/document/file/353216/decreto-legislativo-que-aprueba-la-ley-de-gobierno-digital-decreto-legislativo-n-1412-1691026-1.pdf>.

Espinoza A. and Fort, R. (2020). Mapeo y tipología de la expansión urbana en el Perú. http://www.grade.org.pe/wp-content/uploads/EspinozaFort_GRADEADI_expansionurbana.pdf.

Instituto Nacional de Estadística e Informática (2019). Encuesta Nacional de Hogares. [www.datosabiertos.gob.pe/dataset/encuesta-nacional-de-hogares-enaho-2019-instituto-nacional-de-estadistica-e-informatica-inei](http://datosabiertos.gob.pe/dataset/encuesta-nacional-de-hogares-enaho-2019-instituto-nacional-de-estadistica-e-informatica-inei); MVCS (2021). Política Nacional De Vivienda y Urbanismo. Lima: Ministerio de Vivienda, Construcción y Saneamiento.

(2020). El 40,1% de los hogares del país tuvo acceso a Internet en el primer trimestre del 2020. www.inei.gob.pe/prensa/noticias/el-401-de-los-hogares-del-pais-tuvo-acceso-a-internet-en-el-primer-trimestre-del-2020-12272/.

Ministerio de Vivienda, Construcción y Saneamiento. (2020). Arranca Perú: MVCS generará más de 1800 puestos de trabajo en Lima Metropolitana y Callao con obras de pistas y veredas. www.gob.pe/qu/institucion/vivienda/noticias/297155-arranca-peru-mvcs-generara-mas-de-1800-puestos-de-trabajo-en-lima-metropolitana-y-callao-con-obras-de-pistas-y-veredas.

(2020). Lineamientos para prevenir la propagación del COVID-19 en las obras de construcción. www.gob.pe/institucion/vivienda/informes-publicaciones/544171-lineamientos-para-prevenir-la-propagacion-del-covid-19-en-las-obras-de-construccion.

(2021). Guía de acondicionamiento de espacios públicos abiertos en el marco del Estado de Emergencia Nacional. www.gob.pe/institucion/vivienda/informes-publicaciones/1679197-guia-de-acondicionamiento-de-espacios-publicos-abiertos-en-el-marco-del-estado-de-emergencia-nacional; <https://www.gob.pe/institucion/vivienda/informes-publicaciones/1515635-guia-para-el-uso-temporal-de-espacios-publicos-colindantes-a-restaurantes-y-servicios-afines-autorizados-asi-como-establecimientos-culturales-y-de-arte>.

(n.d.). MVCS instaló este año 440 módulos temporales de vivienda para lucha contra la Covid-19. www.gob.pe/institucion/vivienda/noticias/322724-mvcs-instalo-este-ano-440-modulos-temporales-de-vivienda-para-lucha-contra-la-covid-19; <https://www.gob.pe/institucion/vivienda/noticias/126693-mvcs-instalara-60-modulos-temporales-en-centros-penitenciarios-del-pais-para-luchar-contra-el-covid-19>.

(2021). Política Nacional De Vivienda y Urbanismo. Lima.

(2021). Monitoreo de aguas residuales permite anticipar tendencia de contagios de Covid-19. www.gob.pe/institucion/vivienda/noticias/501517-ministerio-de-vivienda-monitoreo-de-aguas-residuales-permite-anticipar-tendencia-de-contagios-de-covid-19.

Presidencia del Consejo de Ministros (2011). Aspectos Claves en la Gestión Pública Descentralizada. Peru: ABC de la Descentralización.

(2019). Licencias de Edificación - Principales modificaciones al procedimiento Guía para gobiernos locales. Lima.

(2021). Guía metodológica: tablero de control, transferencias intergubernamentales. www.descentralizacion.gob.pe/wp-content/uploads/2021/08/GUIA-METODOLOGICA-1.pdf.

Secretaría de Descentralización. (n.d.) Objetivos y funciones. www.descentralizacion.gob.pe/index.php/objetivos-y-funciones/#.

Secretaría de Descentralización (2021). Consejo Nacional de Descentralización – CND. www.pcm.gob.pe/InformacionGral/archivo/cnd.htm.

UN-Habitat (2020). Population Data Booklet. Nairobi: UN-Habitat.

United Nations Department of Economic and Social Affairs (2020). E-government Survey 2020: Digital Government in the Decade of Action for Sustainable Development. New York.

United Nations Development Programme (2020). Latest Human Development Index Ranking – Peru. <http://hdr.undp.org/en/content/latest-human-development-index-ranking>.

Yepes Salazar, M. and Ríos Silva, R. (2017). Determinantes de la Recaudación de los Impuestos Municipales. VI Jornadas Iberoamericanas de financiación Local. Córdoba, Argentina.

World Bank (2019). Gini index (World Bank estimate) – Peru. <https://data.worldbank.org/indicator/SI.POV.GINI?locations=PE>.

(2020). Economy Profile Peru: Doing Business 2020. www.doingbusiness.org/content/dam/doingBusiness/country/p/peru/PER.pdf.

(2020). Individuals using the Internet (% of population)-Peru. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=PE>.

(2020). Urban population (% of total population) – Peru. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=PE>.

(2020). Urban population – Peru. <https://data.worldbank.org/indicator/SP.URB.TOTL?locations=PE>.

(2020). GDP per capita, PPP (current international \$) – Peru. <https://data.worldbank.org/indicator/NY.GDP.PCAP.PP.CD?locations=PE>.

Laws and regulations consulted: all updated and full versions recovered from EIPeruario.com and available for free download at: <https://busquedas.elperuano.pe/>

Saudi Arabia

Arab News (2019). Saudi Interior Ministry launches e-service for traffic fine objections. www.arabnews.com/node/1465236/saudi-arabia.

Diab, Y., El Shaarawy, B. and Yousry, S. (2020). Informal Settlements in the Arab Region: Towards Arab Cities without Informal Areas, Analysis and Prospects. Nairobi: UN-Habitat.

Human Right Watch (2015). Saudi Arabia: Landmark Elections for Women. www.hrw.org/news/2015/12/11/saudi-arabia-landmark-elections-women.

McDowall, A. (2015). First women elected to Saudi local councils. www.reuters.com/article/us-saudi-election-idUSKBN0TW08E20151213.

MOMRA (n.d.). balady.gov.sa.

Nugali, N. (2019). Smartphone application launched to improve public agencies' services in Saudi Arabia. In: Arab News. www.arabnews.com/node/1452376/saudi-arabia.

O'Grady, V. (2020). Free Wi-Fi on the way across Saudi Arabia. In: developing telecoms. www.

developingtelecoms.com/telecom-technology/wireless-networks/10299-free-wi-fi-on-the-way-across-saudi-arabia.html.

Saudi Arabia Communications and Information Technology Commission (2015). ICT Workforce in the Kingdom of Saudi Arabia. https://www.citc.gov.sa/en/reportsandstudies/Reports/Documents/ICTWorkforce_en.pdf.

Shearman & Sterling LLP. (2016). Understanding the Key Government Institutions and Ministries in the Kingdom of Saudi Arabia.

The Permanent Mission of the Kingdom of Saudi Arabia (2016). The Promotion, Protection and Enjoyment of Human Rights on the Internet.

United Cities and Local Governments (2016). Fourth Global Report on Decentralization and Local Democracy: Co-Creating The Urban Future, The Agenda Of Metropolises Cities and Territories. Barcelona (Spain).

United Nations Saudi Arabia (2020). Socio-Economic Impact of COVID-19 in the Kingdom of Saudi Arabia and How to Build Back Better: Diagnostics paper. <https://saudiarabia.un.org/sites/default/files/2020-12/Socio-Economic%20impact%20of%20COVID-19%20in%20the%20Kingdom%20of%20Saudi%20Arabia%20and%20how%20to%20Build%20Back%20Better%2C%20Diagnostics%20paper%2C%20UN%20in%20KSA%2C%20November%202020.pdf>.

UN-Habitat. (2012). The State of Planning in Africa. <https://unhabitat.org/sites/default/files/download-manager-files/The%20State%20of%20Planning%20in%20Africa%20%2C%20An%20Overview%20.pdf>.

(2019). Saudi Cities Report 2019. Riyadh, Ministry of Municipal and Rural Affairs. ISBN: 978-603-8279-62-8

(n.d.). Future Saudi Cities Programme: Jazan City Profile. (Internal source)

(n.d.). Future Saudi Cities Programme. (Internal source)

United Nations Development Programme (2020). Human Development Report 2020, The Next Frontier: Human Development and the Anthropocene: Briefing note for countries on the 2020 Human Development Report, Saudi Arabia. <http://hdr.undp.org/sites/default/files/Country-Profiles/SAU.pdf>.

World Bank (2019). Doing Business: Measuring Business Regulations. www.doingbusiness.org/en/data/exploretopics/dealing-with-construction-permits/reforms.

(2020). Individuals using the Internet (% of population) – Saudi Arabia. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SA>.

(2020). Population, total – Saudi Arabia. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SA>.

(2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

Somalia

Affi, L. (2020). Excluding women: the clanization of Somali political institutions. CMI Brief.

Ali, A. M. (2008). The Al-Shabaab Al-Mujahidiin—a profile of the first Somali terrorist organisation. Çalıştay

- sunumu: IGAD Capacity Building Programme Against Terrorism (ICPAT), Jinga, Uganda, pp.28–29.
- Aubrey, D. and Cardoso, L. (2019). Towards Sustainable Urban Development in Somalia and IDP Durable Solutions at Scale. UN-Habitat.
- Barasa, E. M. and Tetu, K. (2018). Public-Private Partnership in Fragile States. Rome: Food and Agriculture Organization of the United Nations. www.fao.org/3/I9308EN/i9308en.pdf.
- Bruyas, F. (2006). Somaliland, Puntland State of Somalia: The Land Legal Framework, Situation Analysis. www.globalprotectioncluster.org/assets/files/field_protection_clusters/Somalia/files/HLP%20AoR/Land_Legal_Framework_2006_EN.pdf.
- Kemp, S. (2021). Digital 2021: Somalia. <https://datareportal.com/reports/digital-2021-somalia>.
- Ministry of Labour and Social Affairs (2019). Somalia Social Protection Policy. The Federal Government of Somalia. www.alnap.org/system/files/content/resource/files/main/MoLSA-Somalia-FINAL-min.pdf.
- Ministry of Public Works, Reconstruction and Housing (n.d.) Ministry Mandate. <https://mpwr.gov.so/mandate/>.
- Ministry of Planning Investment and Economic Development (n.d.) Somalia National Development Plan 2020 to 2024. <http://mop.gov.so/wp-content/uploads/2019/12/NDP-9-2020-2024.pdf>.
- United Nations. (2020). United Nations E-government Survey 2020: Digital Government in the Decade of Action for Sustainable Development. [https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20\(Full%20Report\).pdf](https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2020-Survey/2020%20UN%20E-Government%20Survey%20(Full%20Report).pdf).
- UN-Habitat. (2015). Harmonization of the Legal Systems Resolving Land Disputes in Somaliland and Puntland: Report and Recommendations. HS Number: HS/007/16E
- United Nations Development Programme (2019). Minister Deqa Yasin Presents Women's Charter at 63rd Commission on the Status of Women event in New York. www.so.undp.org/content/somalia/en/home/presscenter/pressreleases/2019/somali-women-issue-charter-that-calls-for-equal-gender-represent.html.
- United Nations High Commissioner for Refugees (n.d.) CCCM Somalia Overview. Operational Data Portal. https://data2.unhcr.org/en/situations/cccm_somalia.
- United Nations (n.d.) Somalia braces for Covid-19. www.un.org/en/coronavirus/somalia-braces-covid-19.
- World Bank (2017). Individuals using the Internet (% of population) – Somalia. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SO>.
- (2018). Federal Republic of Somalia Systematic Country Diagnostic. World Bank Group. Report No. 123807-SO. <https://documents1.worldbank.org/curated/en/554051534791806400/pdf/SOMALIA-SCD-08152018.pdf>.
- (2019). Multi Partner Fund for Somalia Mid Term Review. Final Report. Aleph Strategies. <https://thedocs.worldbank.org/en/doc/638261591382785804-0010022020/original/SomaliaMPFMidTermReviewSeptember2019.pdf>.
- (2021). Somalia Urbanization Review: Fostering Cities as Anchors of Development. World Bank
- (2020). How Do We Define Cities, Towns, and Rural Areas? World Bank. <https://blogs.worldbank.org/sustainablecities/how-do-we-define-cities-towns-and-rural-areas>.

Syrian Arab Republic

Aita, S. (2019). Urban Recovery Framework for Post-Conflict Housing in Syria: A first physical, social and economic approach. The Cercle des Economistes Arabes.

ALWAHDA Foundation for Press. (2021).

Dávila-Ruhaak, S., Guruli, N., & Samaro, D. (2021). Digital dominion: How the Syrian regime's mass digital surveillance violates human rights. UIC John Marshall Law School International Human Rights Clinic.

Favier, A, Kostrz, M. (2019). Local Elections: Is Syria Moving to Reassert Central Control? Middle East Directions: Wartime and Post-Conflict in Syria, European University Institute.

Freedom House. (2018). Freedom on the Net 2018. www.refworld.org/docid/5be16af6116.html.

Freedom House. (2020). Freedom on the Net 2020 – Syria. <https://freedomhouse.org/country/syria/freedom-net/2019>.

Hasan, S. (2012). Civil society participation in urban development in Syria. Doctoral dissertation, Heriot-Watt University.

Homs Engineering syndicate chairman. (2018).

Human Rights Watch. (2010). A Wasted Decade: Human Rights in Syria during Bashar al-Asad's First Ten Years in Power. www.hrw.org/report/2010/07/16/wasted-decade/human-rights-syria-during-bashar-al-asads-first-ten-years-power#.

Kemp, S. (2020). Digital 2020: Syria. <https://datareportal.com/reports/digital-2020-syria>.

McAuslan, H. A. (2007). Urban Planning in Syria: General Overview and Recommendations for Improvement.

Reporters Without Borders. (n.d.). World Press Freedom Index: Syria. <https://rsf.org/en/syria>.

Syria Independent monitoring team (SIM). (2017). The Use of the Mobile Technology for Humanitarian Programming in Syria: Potential and Constraint. UK Aid. https://assets.publishing.service.gov.uk/media/58e273b040f0b606e70000a1/Research_Report_-_Mobile_Technology_in_Syria_Potential_and_Constraints_March_2017.pdf.

The Tahrir Institute for Middle East Policy. (2017). Syria's Women: Policies and Perspectives. <https://timep.org/wp-content/uploads/2017/07/SW-Peacebuilding-1.pdf>.

UN-Habitat. (2020). Sewage and Sanitation Sectoral Study: Dara Urban profile.

URBAN-S. (2018). Deir Ez-Zor City Profile, Chapter 5: Governance and Municipal Services.

(2019). Aleppo City Profile, Chapter 5: Governance and stakeholder analysis,

(2019). Dara City Profile, Chapter 5: Governance and stakeholder analysis.

(2019). Douma City Profile, Chapter 5: Governance and stakeholder analysis.

World Bank. (2017). Individuals using the Internet (% of population) – Syrian Arab Republic. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SY>.

(2017). Individuals using the Internet (% of population) – Syrian Arab Republic. <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=SY>.

Tajikistan

Ashurov, A. (2021). The World Bank offers to withdraw Tajiktelecom from the control of the Communication Service of Tajikistan. <https://rus.ozodi.org/a/31223282.html>.

Asia-Plus. (2019). Tcell expands free Wi-Fi access zone! <https://asiaplustj.info/ru/news/tajikistan/society/20190828/tcell-rasshiraet-svobodnuyu-zonu-besplatnogo-dostupa-wi-fi>.

Asian Development Bank. (2020). Women's Time Use in Rural Tajikistan. Manila.

Avesta Information Agency. (2020). General plans for reconstruction of 90% of cities and regional centers approved in Tajikistan. <http://avesta.tj/2020/11/20/v-tadzhikistane-utverzhdenny-genplany-rekonstruktsii-90-gorodov-i-rajtsentrov/>.

Avesta Information Agency. (2021). MegaFon Tajikistan and Smart City digitalize Dushanbe. <http://avesta.tj/2021/06/18/megafon-tadzhikistan-i-umnyj-gorod-tsifroviziruyut-dushanbe/>.

Bukhari-zade, N. (2008). On the specifics of using the Internet in Tajikistan. www.dw.com/ru/о6-особенностях-пользования-интернетом-в-таджикистане/a-3592831.

Committee on Architecture and Construction. (2016). National Report on the development of human settlements in the Republic of Tajikistan for the United Nations World Conference on Human Settlements HABITAT III. https://uploads.habitat3.org/hb3/ХабитатRUS-V-format_Tajikistan.pdf.

Committee for Architecture and Construction. (2021). Open joint-stock company "Shakhrofar". https://tajsotmon.tj/ru/komitet/org_struktura/1735-otkrytoe-akcionernoe-obschestvo-shahrofar.html.

Chorshaniviev, P. (2020). More than \$ 1.1 billion of investments allocated for construction in Tajikistan in 2020. In: Asia-Plus. www.asiaplustj.info/ru/news/tajikistan/economic/20210205/v-tadzhikistane-na-stroitelstvo-v-2020-godu-nappravleno-investitsii-na-bolee-11-mlrd.

Danilin, N. and Erkebaeva, A. (2020). Tajikistan recognized the coronavirus epidemic only on April 30. What is happening there. In: Mediazona. <https://mediazona.ca/article/2020/05/21/tj>.

European Union in Tajikistan. (2021). Online conference: Digital Economy in the Republic of Tajikistan. (video). www.youtube.com/watch?v=HQKRBiPqdcg.

Eurasian Development Bank. (2019). Digital Potential of the EDB Member Counties. Research Department of the Eurasian Development Bank.

Eurasian Group. (2021). Republic of Tajikistan: Second Progress Report under Enhanced Monitoring. https://eurasiangroup.org/files/uploads/files/Report_Tajikistan_2021_ru_1.pdf.

Government of the Republic of Tajikistan. (2018). RESOLUTION: About the Committee for Architecture and Construction under Government of the Republic of Tajikistan. <https://tajsotmon.tj/ru/normativ/1761-polozhenie.html>.

Mamadsho, I. and Mirodasen, K. (n.d.). Local Government in Tajikistan. www.legal-tools.org/doc/6f8ec8/.

Megafon. (2019). MegaFon Tajikistan launches free Wi-Fi in Molodezhnoye Lake Park. https://megafon.tj/podderzhka/novosti/megafon_tadzhikistan_zapustil_besplatnyy_wi-fi_v_parke_molodezhnoye_ozero/.

Motkin, A. (2018). Changing Economy Changing Society: IT industry in Post-Soviet Countries. Washington, D.C. StrategEast

Organisation for Economic Co-operation and Development (2019). Draft background note: Promoting Gender Equality in Eurasia, Better Policies for Women's Economic Empowerment.

Ruhullo, S. and Bcosoda, C. (2020). The number of women in parliament is growing, but "politics still has a masculine face". <https://rus.ozodi.org/a/30475728.html>.

Seldon News. (2019). Gazprom Neft-Tajikistan and MegaFon. Tajikistan have agreed to free Wi-Fi at the patrol station. <https://news.myseldon.com/ru/news/index/213880881>.

Scientific Information Center of the Interstate Coordination Water Commission

(2009). Regulatory and legal documents in the field of gender equality: Part 3. National documents. IFSA. www.cawater-info.net/library/rus/legal_20.pdf.

Speedtest Global Index. (2021). Global Median Speeds October 2021. www.speedtest.net/global-index#mobile.

The Urban Institute on International Development and Governance. (2009). Local Governance and Citizen Participation Program in Tajikistan. https://pdf.usaid.gov/pdf_docs/Pdacq478.pdf.

UN-Women. (n.d.). Tajikistan. <https://eca.unwomen.org/en/where-we-are/tajikistan>.

Vechorka. (2019). The Single Window Mechanism will harmonize the process of issuing construction permits. <https://vecherka.tj/archives/41287?fbclid=IwAR31vAzrR-V5AEWLILorJxddhQ1HI1dJ9MuyIK9dZ0PR5FPq3t0IXOmt7bs>.

World Bank Group (2020). Tajikistan, Country Economic Update Fall 2020: Economic Slowdown Amid the Pandemic. Washington D.C.

(2020). Tajikistan, Country Economic Update Fall 2020: Economic Slowdown Amid the Pandemic.

(2020). Economy Profile, Tajikistan: Doing Business 2020. www.doingbusiness.org/content/dam/doingBusiness/country/t/tajikistan/TJK.pdf.

World Bank. (2020). Population, total – Tajikistan. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TJ>.

(2020). Rural population (% of total population) – Tajikistan. <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=TJ>.

(2020). Urban population growth (annual %) – Tajikistan. <https://data.worldbank.org/indicator/SP.URB.GROW?locations=TJ>.

(2021). World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

Uganda

Collaboration on International ICT Policy. (n.d.). State of Open Government Index in Uganda. https://cipesa.org/?wpfb_dl=255#:~:text=According%20to%20the%202016%20United,rank%20at%20156%20in%202014.

Department of Economic and Social Affairs. (2018). United Nations E-Government Survey 2018: Gearing E-government to Support Transformation Towards Sustainable and Resilient Societies. https://publicadministration.un.org/egovkb/portals/egovkb/documents/un/2018-survey/e-government%20survey%202018_final%20for%20web.pdf.

Kampala Capital City Authority (2020). Press Release on Measures to Combat the Spread of Covid-19 and Price Hikes in Kampala City. www.mediacentre.go.ug/sites/default/files/media/KCCA%20PRESS%20RELEASE-COVID%2019%2026th%20March%202020.pdf.

Matte, R. (2017). Bureaucratic structures and organizational performance: A comparative study of Kampala capital city authority and national planning authority. *Journal of Public Administration and Policy Research*, 9(1).

Ministry of Lands, Housing and Urban Development. (2017). *The Uganda National Urban Policy*. Republic of Uganda.

Muinde, D. K. (2013). *Assessing the effects of land tenure on urban developments in Kampala* (Master's thesis, University of Twente).

Nakaweesi-Kimbugwe, S. (2018). *Country Analysis: Leadership in Advancing Women's Rights in Public Decision-Making Processes in Uganda*. Robert Bosch Stiftung.

Njuguna, S. (2019). *Effectiveness of Planning Laws in Sub Saharan Africa: Urban Legal Case Studies (Volume 8)*. UN-Habitat.

Office of the Auditor General (2015). *Implementation of physical development plans in municipalities*. Republic of Uganda.

Office of the Auditor General. (2016). *Financing of Local Governments in Uganda through Central Government Grants and Local Government Revenues*. Republic of Uganda.

Okeleke, K. (2019). *Uganda: Driving inclusive socio-economic progress through mobile-enabled digital transformation*. GSM Association.

Stewart-Wilson, G. and others (2017). *Owning Our Urban Future: The Case of Kampala City*. Kampala, Uganda National Academy of Sciences.

The Collaboration on International ICT Policy for East and Southern Africa (CIPESA). (2018). *National Information Technology Survey 2017/18 Report*. www.nita.go.ug/sites/default/files/publications/National%20IT%20Survey%20April%2010th.pdf

Uganda Bureau of Statistics. (2016). *The National Population and Housing Census 2014 – Main Report*. Kampala, Uganda.

UN-Habitat (2012). *The State of Planning in Africa*. <https://unhabitat.org/sites/default/files/download-manager-files/The%20State%20of%20Planning%20in%20Africa%20%2C%20An%20Overview%20.pdf>.

World Bank Group. (2020). Economy Profile, Uganda: Doing Business 2020. www.doingbusiness.org/content/dam/doingBusiness/country/u/uganda/UGA.pdf.

World Bank (2020). Urban population – Uganda. <https://data.worldbank.org/indicator/SP.URB.TOTL?locations=UG>.

(2021). The World Bank in Uganda: overview. www.worldbank.org/en/country/uganda/overview#1.

World Bank Country and Lending Groups. <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

UN-Habitat supports cities and countries all over the world to strengthen governance by improving the coordination and transparency of institutional frameworks; empowering representatives of urban stakeholders and constituencies through inclusive sound institutions and mechanisms; and providing predictability and coherence in urban development plans to enable social inclusion, sustained, inclusive and sustainable economic growth, and environmental protection. The rationale being that the quality of urban governance is the most important factor for the eradication of poverty and for prosperous cities. UN-Habitat's Strategic Plan 2020-2023 states that urban and territorial planning and design must be a central component of the renewed urban governance paradigm, which promotes local democracy, participation, inclusion, and transparency to ensure sustainable urbanization and spatial quality.

UN-Habitat has conducted this in-depth study on the state of urban governance for planning in 10 countries in the global South, with key principles of effective governance as reflected under international commitments such as the New Urban Agenda and the 17 Sustainable Development Goals forming the basis of the analysis. The research findings support previous United Nations studies that found that urban governance systems are currently unfit for purpose and need critical reforms to enable sustainable and inclusive urban development. The findings also serve to inform public officials and other stakeholders working to protect the rights of urban populations on possible actions to improve urban governance. Developing solutions to urban challenges involves several interacting factors and actors, making desirable outcomes hard to achieve and predict. Maximizing the potential of urban areas requires institutionalizing multilevel governance arrangements, transparency and accountability among diverse stakeholders in a way that recognizes the complexity of urban challenges.

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