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Design

Introduction:

Utilizing Afghanistan's human capacity, natural resources and geographical location for implementation of socio-economic development programs, with particular emphasis on employment growth, poverty reduction and living standards' development.

In little more than a decade we have had tremendous achievements in Afghanistan particularly in the economic sector. We have moved from an archaic traditional planned economy with delapidated infrastructures to a free market economy with considerable investment in new and modern infrastructures. For instance we have had a steady GDP growth rate of more than 10% during the last decade, and indeed our nascent private sector has played a key role in this rapid economic development.

The government, with assistance from the international community, has developed proper policies to support private sector development and attract foreign investment, which is well reflected in the Afghanistan National Development Strategy (ANDS). The newly developed private banking, aviation, and telecommunication sectors are excellent examples to be mentioned.

Meanwhile, we have faced many setbacks and challenges due to deterioration of security situation since 2006 and lax political will in a weak governing

coalition, which caused widespread corruption, bad governance, and increased crime rates. Thus, many businesses suffered high costs, which have undermined their competitiveness vis-à-vis of their direct competitors in the region.

Concept:

We strongly believe that the objectives of reducing poverty, creating jobs, and sustaining high rate of growth could only be fulfilled with a dynamic private sector. Thus enabling private sector and creating friendly environment for domestic and foreign investment ought to be the utmost priority of the next government.

In fact the upcoming presidential election is creating a unique opportunity for an overview and assessment of the past policies and for the way forward for the decade to come, during which we have a firm international commitment for financial and technical support as it was stated during Bonn Conference (2011), Tokyo Conference (2012), and Chicago Summit (2012).

Seizing this opportunity, the Afghanistan Chamber of Commerce and Industries (ACCI) has analyzed the challenges that private sector has faced during last 12 years and reflected on how to overcome some of these issues. We believe that our initiative will help the candidates to get an updated and real picture of the business situation and the private sector problems and concerns, and thereby enrich their programs based on the ground realities.

ACCI in cooperation with Harakat - Afghanistan Investment Climate Facility Organization, organized "Afghanistan National Business Forum" on February 27, 2014, where more than 300 business representatives, experts and scholars gathered in Kabul and discussed the private sector problems and possible solutions.

ACCI and Harakat officials provided brief speeches on the concept of the forum and its particular relevance before the election in order to attract major presidential candidates' attention to the importance of private sector development in their national economic agendas. Afterward the participants were divided into eight small working groups in order to discuss in details

expert and stakeholders perspective on key issues in the following economic sectors such as:

1. Agriculture and Animal Husbandry,
2. Natural Resources and Mines,
3. Infrastructure and Construction,
4. Small and Large Industries, including Micro, Small and Medium Enterprises (MSMEs),
5. Trade and Transit,
6. Services,
7. Human Resources and Employment and
8. Anti-Corruption .

The discussions of the working groups focused on three following topics:

- Recognizing major problems in the sectors,
- possible solutions based on existing resources and capacities,
- and specific policy recommendations to the presidential tickets.

In order to respect diversity and make the discussions inclusive the ACCI and Harakat invited male and female representatives from all business sectors located in different geographic zones of the country.

Objective:

Based on the forum's concept we have intended to achieve the following objectives:

- Economic policies and program ought to become top national priority for the next government.
- The next government should recognize constraints and challenges for private sector development and take seek immediate policy measures to improve business and investment environment.
- The private sector stakeholder should have a say in the government policy development and decision making.

General Recommendations:

The followings are a summary of recommendations discussed in each of the small working groups:

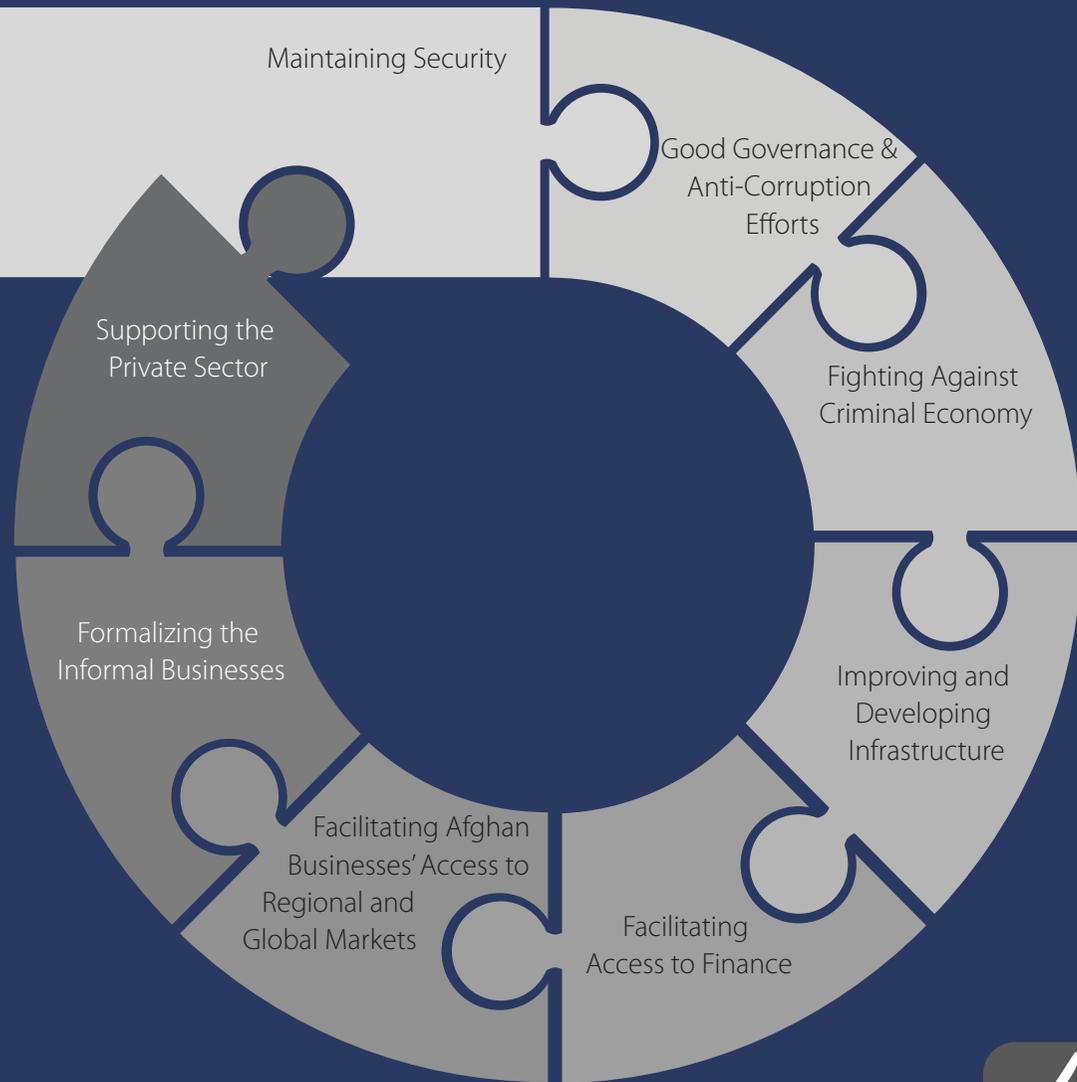
1. Improving security, particularly physical security of

the entrepreneurs and their investments,

2. improving governance and appointing people based on merits and skills,
3. fighting corruption, which is severely hurting private sector development and investment,
4. introducing one-stop-shop for provision of government services,
5. introducing electronic governance in order to create suitable and proper environment for investment,
6. investing in economic infrastructures such as roads, dams and canals, power generation and distribution, airports, industrial parks,
7. facilitating access to finance,
8. improving access to regional and international markets through better bilateral and multilateral trade and transit agreements,
9. fighting illegal and criminal economy such as drug trafficking and contrab, and
10. Taking proper measures to formalize the informal economy.

Conclusion:

We will present this policy recommendation paper to the Presidential candidates, and national and international stakeholders. We hope there will be debates and roundtable discussions among key stakeholders on findings of this report to bring about necessary reforms. Our aim is to transmit firsthand and updated information about the challenges and potentials for improvement in the private sector coming directly from the business practitioners themselves, which will allow the next government to immediately address some of their concerns.



1- Agriculture

Major Problems

1. Lack of accessible water;
2. Traditional and inefficient irrigation system;
3. The low position of Agriculture Cooperatives;
4. Low quality seeds;
5. Lack of arable lands;
6. Lack of fodder, especially in autumn and winter seasons;
7. Lack of quality veterinary medicines;
8. Lack of veterinary clinics for fighting against animal diseases;
9. Lack of standard slaughterhouses;
10. Little investment on modernization of agriculture and animal husbandry;
11. Lack of cold storages and equipped storehouses;
12. Lack of an efficient and proper marketing system for agriculture and animal products;

13. Lack of efforts for improving the value chains through increasing the quality and profitability of the agricultural products;
14. Lack of affective and desirable programs for the improvement of the exporting commodities and making them competitive;
15. Lack of professional and trained human force in agriculture and animal husbandry;
16. Deforestation and timber smuggling.

Proposed solutions

1. Supporting and encouraging investments in different stages of Agriculture and Animal Husbandry industries (production, utilization, storage, transportation, processing, marketing and sell);
2. Promoting modern irrigation;
3. Building cold storages;
4. Providing and promoting quality improved seeds;
5. Addressing the electric power shortages;
6. Providing public lands to the private businesses in order to use for modernizing agriculture and developing agricultural industries;

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7. Facilitating farmers and agriculture & animal husbandry businesses to access medium and long term loans; especially by establishing Agriculture & Animal Husbandry Development Bank;
8. Increasing the quality and quantity of Agriculture and Animal Husbandry cooperatives;
9. Establishing research centers and farms in Agriculture and Animal Husbandry sector;
10. Improving and promoting standards to prevent the import of low quality medicines, chemical fertilizers and improved seeds;
11. Modernizing the curriculums of Agriculture Colleges and Universities, and training professions;
12. Establishing agriculture & animal husbandry vocational and technical schools and centers under the Ministry of Education and the Ministry of Labor, Social, Martyrs and Disabled affairs;
13. Establishing fodder depots in different parts of the country;
14. Developing and promoting veterinary clinics;
15. Addressing the problems related to lands seizure and providing the lands to investors;
16. Having an active diplomacy in introducing the agriculture products in regional and global markets via organizing conferences, business fairs, business delegations and advertisements.
17. Preventing deforestation and timbers smuggling.



2- Mining

Major Problems

1. Lack of necessary security in exploring, extraction and utilization of Afghanistan natural resources;
2. The lack of conformity of laws with the existing realities and conditions (including mines and mineral resources, procurements, taxes and customs laws);
3. Poor management, unnecessary bureaucracy, corruption, lack of transparency in contracts and biddings;
4. Lack of sufficient and real information, lack of necessary surveys and studies, and lack of access to accurate information regarding natural resources of Afghanistan;
5. Lack of special education center for training professionals and lack of studies on minerals and mines;
6. Lack of a supportive policy on mines and the mining companies; and lack of financial resources for supporting investors in mining sector;
7. Problems in transport and transit inside and outside the country. For instance there are not proper roads to link the mining sites with nearby cities, and there are transit problems in transporting extracted minerals or mineral products to abroad;
8. The irresponsible interference and misuse of powerful people including some government officials who create problems for mining companies and do extortions;
9. Lack of basic facilities such as electric power, water and roads in mining sites;
10. Illegal mining and mineral smuggling;
11. Lack of investment in adding the values of mineral products in Afghanistan;
12. Traditional and substandard mining, especially in precious and semi-precious stones and gems;
13. Lack of capacity in government for supervising the proper implementation of mining contracts.

Proposed solutions

1. Maintaining security in mining sites;
2. Amending, reforming and approving a number of laws; especially the laws on mining, procurement, customs and taxes;
3. Shortening the contract and bidding processes and ensuring transparency in those processes;
4. Creating professional centers and institutes for training professionals and conducting studies on mines and natural resources;
5. Developing and introducing supportive and encouraging policies in mining industry; and facilitating the businesses access to finance and bank guarantees;
6. Developing the roads in order to facilitate convenient transport of extracted minerals to factories and cities, and removal of transit problems;
7. Implementing the laws and preventing the powerfuls to misuse their power;
8. Provision of the basic facilities like electric power and water in the mining sites and factories by the government;
9. Preventing illegal and substandard mining;
10. Providing proper conditions and necessary facilities for investment in processing minerals;
11. Developing insurance facilities for the securities and assurance of workers, especially the miners;
12. Giving the priority to Afghan companies in mining and conditioning the contracts of foreign companies to the partnership with an Afghan partner;
13. Increasing the government monitoring capacity in implementing the terms of mining contracts;
14. Increasing the government capacity in managing the legalities of contracts.



3- Infrastructure and Construction

Major Problems

1. Lack of security;
2. Lack of a single authorized administration in procurements and introduction of projects in the government;
3. Lack of standard construction codes and lack of advanced technical devices matching the geographic particularities of Afghanistan;
4. Lack of electric power;
5. Lack of financial resources;
6. Lack of professional technical human resources;
7. Lack of separate procurement bill and taxation regulation for the construction sector;
8. Lack of spaces for parking and construction material storages;
9. Administrative corruption in provision of roads construction and other infrastructure building contracts;
10. Major infrastructural contracts tendering outside of

Afghanistan;

11. The existence of subcontracts and resulted challenges such as low quality of works and nonpayment of subcontract monies to Afghan companies by main contractors;
12. Late payments of the government contracts instalments;
13. The vulnerability of construction sector against the unstable exchange rates of Afghani against foreign currencies;
14. The dependence of construction materials availability and rates to the foreign markets and lack of necessary investment in production of construction materials inside the country;
15. The problem of getting construction projects' permit from the municipalities;

Proposed solutions

1. Maintaining the local security of projects by the government security forces;
2. Establishing a single and independent agency for projects and procurements;
3. Completing the necessary local construction codes by the Ministry of Finance and Afghanistan National Standard Agency (ANSA);

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4. Building dams on the rivers and utilizing renewable energy sources;
5. Establishing the Mortgage and Construction Bank;
6. Drafting and implementing a separate procurement bill for construction sector;
7. Supporting and encouraging investment in construction sector through the introduction of separate laws and regulations;
8. Providing land in suitable price and long term instalments to the construction companies in their work sites proximities, considering their needs and capacities;
9. Necessary attention to the training of professional and technical human resources considering the modern needs of the sector;
10. Announcing the major infrastructure contracts inside Afghanistan;
11. Preventing the endorsement of those subcontracts that are prone to corruption;
12. Paying the government contracts money on time;
13. Supporting the construction sector against the damages caused by the unstable exchange rates;
14. Investing on production of construction materials inside Afghanistan in order to decrease the dependency to foreign markets;
15. Resolving the problems in issuing the construction projects permit by municipalities.



4- Small and Large Manufacturing Industries and the MSMEs

Major Problems

1. Lack of land for industrial parks, especially for carpet and medicine production sectors;
2. Lack of stable, cheap and standard electric power;
3. Lack of incentive tariffs and taxes for domestic products;
4. Lack of access to suitable and long term loans;
5. Lack of an affective industrial policy;
6. Manufacturing sector's concern regarding the lack of government ability in managing the WTO membership conditions and requirements in such a way that the nascent domestic products shall not suffer;
7. Lack of skilled and professional work force in manufacturing;
8. The existence of problems in taxation system;
9. The dumping policies of some neighboring and regional countries;
10. Lack of adequate technical information on investment opportunities in different parts of Afghanistan

economy considering their comparative advantages;

11. The availability of smuggled commodities in Afghanistan markets;
12. Lack of necessary control on the quality of imported goods.

Proposed solutions

1. Establishing the Ministry of Industries;
2. Distributing government lands in suitable prices;
3. Distributing electric power in lower price (the final cost + 1 Afghani) to the manufacturers;
4. Using Afghan products in government offices;
5. Implementing the incentive policy and extending that to the health sector and MSMEs;
6. Establishing Industrial Bank and providing bank credits with suitable conditions;
7. Seven years of tax exemption for all newly established manufacturing factories;
8. Establishing carpet and medical manufacturing factories;
9. Reforming tax systems;

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10. Providing appropriate and technical information on investment opportunities in different parts of the Afghan economy considering their comparative advantages;
 11. Small and medium entrepreneurs, especially the women entrepreneurs should be supported by the establishment of Industries and Agriculture Bank and the provision of especial incentives and supports;
 12. Preventing environmental damages and pollutions; and ensuring public health in the policies of the next government;
 13. Preventing the enter of smuggled goods into Afghan market;
 14. Implementing the standards and quality controls;
 15. Preventing the dumping.
- Especial suggestions of the MSMEs
1. Introducing fix and just taxes for the MSMEs considering the incomes and financial condition of different classes of MSMEs;
 2. Amending articles 64, 74 and 75 of income taxes law based on the MSMEs suggestion;
 3. Exempting the micro businesses, especially the common restaurants from the income taxes;
 4. Up to five years of tax exemption for MSMEs in production and manufacturing sectors;
 5. Establishing handicraft complexes in big cities to facilitate small production activities and selling the products of such businesses;
 6. Establishing MSMEs fund for provision of loans with easy conditions and low interest rates;
 7. Introducing the Law on Rents in order to regulate fair relations between the property owner and the tenant and to ensure a safe environment for the activities of the MSMEs;
 8. Paying necessary attention to the revival and promotion of handicrafts, facilitating their access to global markets by organizing business fairs and sending the MSMEs representatives for marketing in outside of Afghanistan.





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5- Trade and Transit

Major Problems

1. Transit problems with the countries of the region, especially with the neighboring countries, in imports and exports;
2. Problems in custom tariffs; income tax payment procedures and the system of providing financial balance;
3. The existence of multiple agencies for processing business documents, overlapped activities among controlling agencies and mobile surveillance;
4. Lack of an equipped and independent agency for controlling produced, imported and exporting goods;
5. The lack of clarity in ACCI's protocol position, as the legal representative and apex organization of the private sector, in the system of the state;
6. Lack of necessary security for traders and investors;
7. Problems in getting visas;
8. Lack of a proper system for resolving the disputes between Afghan and foreign businesspeople;
9. Lack of government attention to the improvement and growth of exports;

10. Weak transportation infrastructures;
11. Lack of necessary support of the Ministry of Finance from TIR program;
12. The Existence of corruption in customs and the entrances of the major cities;
13. Problems in processing the custom documents of the importing fuels in the ports;
14. Lack of government agencies' support for the investors owning fuel facilities in the ports and cities;
15. Fuel illegal trafficking through Afghanistan ports;

Proposed solutions

A- Tax system reforms:

- a. Simplifying the payment of taxes and preventing multiple income tax charging during the capital turnovers;
- b. Tax policy should support and encourage domestic investments;
- c. Extending the umbrella of income taxes to all businesses;
- d. Increasing the duration of trade, services and investment licenses to five years;
- e. Elimination of the 2% taxes on exporting commodities;
- f. Decreasing the income tax from 20% to 10%;

B- Customs and Transit reforms:

- a. Reviewing and simplifying the custom tariffs;
- b. Replacing the customs pricing database with the pro forma invoice system; and issuing the pro forma invoices by ACCI;
- c. Charging fixed tariffs in all customs of Afghanistan; and therefore to authorize all customs to charge custom duties and equipping them with necessary technical and professional equipment such as laboratories and modern quality control instruments, especially those custom offices that are located on the borders;
- d. To let the traders process their goods in any custom office they feel convenient and to stop the customs interferences on the highways;
- e. To implement electronic systems in the customs;
- f. To revise Afghan-Pak Transit and Trade Agreement (APTTA), and to sign regional transit agreements with the countries in the region and separate trade agreements with neighboring nations;
- g. To address the problems of fuel trading companies in border customs;
- h. To stop illegal imports of fuels;

C- Infrastructures development

- a. Establishing large and modern terminals in the border customs and major trade locations by public-private partnership;
- b. Preparing the conditions for TIR implementation;
- c. Building and developing highways and roads;
- d. Developing railways all across country;

e. Developing a transparent mechanism for roads maintenance;

D- Governance reforms and supporting the private sector:

- a. Promoting electronic governance;
- b. Eliminating the mobile surveillance;
- c. Public private partnership in creating a modern quality control system;
- d. Improving the ACCI position as a national institution that cooperates with the government and creates linkages between the government and the private sector;
- e. To delegate some of the authorities to ACCI (such as issuing the pro-forms, introducing businesspeople to the embassies for visa, organizing trade fairs and expos and etc.);
- f. To engage ACCI more in economic and business decision making processes, including the introduction of new laws and amendment of the existing laws;
- g. To handover ACCI properties to this national institution forever;
- h. To prepare an accurate and preferential visa procedure for traders and investors;
- i. To introduce traders and investors to Embassies only by ACCI;
- j. To create a proper system for resolving business disputes between Afghan and foreign entrepreneurs;

E- Improving Security:

- a. To act fairly and seriously against the abductors and the people who harm the entrepreneurs.

6- Services

Major problems in service sector

1. Administrative corruption;
2. The lack of a policy to support private sector activities;
3. The contradictions between the existing policies and laws with the practices of the government and lack of clarity in some economic laws;
4. Unfair taxes and poor tax collection system;
5. Lack of land, water, electric power, technology and machineries (equipments);
6. Lack of professionals and technicians;
7. Problems in getting business licenses in service sector;
8. Charging fines during the renovation of licenses if the company has not functioned during the period of expired license;

9. Lack of access to finance;
10. Lack of attention to the service sector ideas in drafting related policies, regulations and laws;

Proposed solutions

1. To reform related laws, policies and regulations in accordance with the current situation and the principle of supporting the private sector;
2. To prevent corruption through simplifying the process of offering services, issuing licenses and processing the documents in government agencies, by establishing a single authorized unit and to monitor the unit's activities seriously;
3. To revise the law on income taxes and to decrease the taxes on services activities including the tax on renting services;

4. To introduce and enact new economic laws in order to provide better conditions and avoid contradictions between the policies and regulations;
5. To simplify licensing and issuing licenses through a unified process for five years;
6. To exempt all inactivity fines by the Ministry of Finance;
7. To establish development banks for financing private investments by long term and low interest loans;
8. To engage the private sector in drafting related polices, regulations and laws;
9. To consider the private sector's view in developing curriculums so that the workforce and experts are trained according to needs of the market;
10. To establish a Research and Development Department in the Ministry of Economy, and to allocate a portion of the private sector taxes to R&D programs.



B- Major problems of the Banking sector

1. Complex laws and procedures;
2. Lack of an internationally recognized and standard reporting system;
3. Generalizing the problems of an individual bank to all banking system;
4. Closing, exposing and transferring the creditors' money without a court verdict;
5. The central bank is not accepting the small notes and coins;
6. The lengthy and complex procedure in central bank to approve the employment of private banks' staff;
7. Interference of irresponsible agencies in banking affairs.

Proposed solutions

1. To introduce private banks to the international banks for correspondence banking;
2. To allow the payment of US Dollars currency to the customers in provinces;
3. To pay attention to the general growth of financial markets (money market; properties market and insurance market);
4. To train professional human force for finance and banking;
5. To improve relations between banks and universities;
6. To raise public awareness regarding the developments in banking in order to get the trust of the clients and encourage the people to save;
7. To improve the level of engagement of ACCI and the Union of Afghanistan Banks in legislations and financial & banking development affairs.



C- The major problems of Telecommunications and Information Technology

1. Insecurity;
2. Lack of electric power and necessary infrastructure;
3. Lack of skilled human resource;
4. Unnecessary bureaucratic obstacles in hiring and renewing the contracts of skilled foreign personnel;
5. The existence of illegal telecommunication and IT service providers;
6. Lack of applying laws in government agencies, illegal activities and political interferences;
7. Biased and unfair jurisdictions;
8. The use of parasites by AISAF and other security forces that interrupts telecommunication signals;

Proposed solutions

1. Government needs to improve security situation and cooperate in maintaining the security of telecommunication offices and antennas;
2. To provide consistent and durable electric power;
3. To improve and develop the education curricula considering the market requirements and needs;
4. To simplify and speedup the employment and work permits extension of foreign experts and technicians;
5. To prevent the illegal telecommunication services;
6. To prevent unlawful acts of the government agencies and political interferences;
7. To improve jurisdiction system in order to ensure fairness and preventing biased in court decisions;
8. To prevent unnecessary use of electric parasites that interrupt telecommunication signals.

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7- Human Resources

Major Problems

1. Lack of an appropriate policy on employment and creation of job opportunities;
2. Lack of laws and regulations, lack of coordination between existing laws and contradictions between the laws and constitution articles;
3. Lack of large investments in Agriculture and Animal Husbandry and Manufacturing sectors;
4. Lack of coordination between the labor market and education system; especially the lack of vocational training centers;
5. Inconsistency and contradictions between production activities and financial system, and between government and private banks;
6. Lack of accurate economic censuses, especially the lack of accurate figures on employed and unemployed labor forces;

Proposed solutions

1. To support the ministry of labor with skilled and professional personnel in order to implement employment policy and fight against unemployment;
2. Amending and reforming the labor law and other relevant laws, and to coordinate them with the constitution of the country;
3. To establish a lot of factories for supporting agriculture, animal husbandry and manufacturing in order to apply modern technologies and increase the employment rate;
4. To establish technical and vocational institutes to train skilled labor force in different sectors based on the requirements of the labor market;
5. To coordinate between production and finance systems, and between private and public banks;
6. To implement accurate surveys and studies in order to provide accurate facts on employed and unemployed labors;

8- Anti-Corruption

Major Problems

1. The existence of business mafias;
2. The existence of business monopolies;
3. The misuse of business licenses;
4. Unlawful influence of irresponsible people and parties on public decisions;
5. Smuggling;

B- Corruption problems in trades

1. Corruption in issuing trade and investment licenses;
2. Corruption in transportation of goods;
3. Corruption in ports due the nonexistence of business attachés;
4. Corruption in custom duty rates;
5. Corruption in pricing;
6. Corruption in business courts;
7. Corruption caused by lack of an affective quality control, and the inference of parallel agencies in quality control affairs;
8. Corruption caused by imports of unpermitted goods.

C- Corruption problems in manufacturing:

1. Corruption in distribution of lands for businesses in the industrial parks or outside the industrial parks;
2. Corruption in using foreign products instead of domestic products by the government agencies, despite the presidential decree that orders all government agencies to give the priority to domestic products;
3. Corruption in implementing raw materials tariffs, especially in approving the quality and material of the carpet raw materials;
4. Corruption in getting and renewing investment licenses;
5. Corruption in registering the business brands (علايم) (تجارتی) and copyrights;
6. Corruption in procurements;
7. Corruption caused by implementation of policies, especially the incentive investment policy;

D- Corruption problems in construction sector:

1. Corruption in the process of contracts (tenders and

bidding), especially in the subcontracts and the implementation of construction contracts;

2. Corruption caused by the lack of standards and lack of implementation of introduced standards;

3. Corruption in implementing the quality control.

E- Corruption problems in customs and finance:

1. Corruption in implementing finance law and corruption caused by the problems in costumes law, especially its 27th article that says the tariff rate should be suggested by the customs Director and approved by the Minister of Finance;

2. Corruption in collecting custom duties, pricing and the interference of brokers;

3. Corruption in financial balance structure and procedures;

4. Corruption in repeated inventory control and reconciliation;

5. Corruption caused by the lack of on time access to business informations in the absence of business attachés abroad;

6. Corruption caused by the partial implementation of Asycuda;

7. Corruption caused by the unnecessary interferences of mobile surveillance; criminal police, attorney officers, the anti-corruption agencies, and other security agencies, and extortions on highways;

10. Corruption in controlling tax documents;

11. Corruption by increase and decrease of tax rates by government authorities.



Proposed solutions

1. To define the market economy in accordance to the current Afghanistan situation: The agriculture bank was apparently abolished in the process of privatization while now there are efforts to revive than again. Therefore, we suggest that in future when important economic decisions are taken, the conditions should be analyzed and necessary measures should be considered.
2. To establish an authorized center for business dispute resolutions in Afghanistan;
3. To revise and reform the laws on finance, customs and procurement in order to minimize the possibilities of corruption;
4. To nullify the counterfeit licenses issued in trades and investment;
5. To establish a one stop shop for issuing trades and investment licenses;
6. To consider the tax exemption for some of the necessary and important material for production and manufacturing;
7. To implement court verdicts on economic and business affairs;
8. To recognize eligible manufacturers for distribution of lands in industrial parks;
9. To prohibit the import of worn and used goods and materials including different types of vehicles and electronic appliances.









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