

The City We Need:

Equitable and Gender Responsive Urban Land Governance and Housing for Urban Poor

Although Uganda is in the early stages of urbanization, it has a high urban population growth rate, estimated at 5.4 percent per annum (World Bank report, 2015). International experience has demonstrated that where the urbanization process has been planned and effectively managed, it has resulted in a competitive and productive urban sector that drives socio-economic development through the creation of employment and the improvement of livelihoods.

At a 2014 UN Social Economic council meeting, President Paul Kagame of neighbouring Rwanda while delivering his key note speech stated that, “Sustainable urbanization had moved to the centre of the development agenda, because it is the key to the well-being of our citizens”.

Twenty years after the genocide had destroyed the country’s social fabric, urbanization was part and parcel of its unity and reconciliation efforts. He cautioned, however, that growth without planned urbanization was a “recipe for soaring inequality”, pointing out that more people were moving to cities at a faster rate than at any other time in human history. “Africa, currently the least urbanized continent, is part of that dramatic shift and is experiencing an urbanization rate several times higher than that of any other in the world. The shift has led to high wages that are empowering people to build a prosperous, secure future. There is therefore an urgent need to upgrade informal settlements, provide basic infrastructure and services, protect urban

wetlands and green space, and enable the private sector to create jobs.” – President Paul Kagame.

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The government of Uganda acknowledges that planned urbanization can significantly contribute to transformative urban development and has thus ratified several global guiding urban development frameworks including the Sustainable Development Goals (SDGs) and the New Urban Agenda (NUA).

Sustainable Development Goal 11 (Make cities and human settlements inclusive, safe, resilient and sustainable) emphasizes the need to significantly transform approaches for building and managing urban spaces for sustainable social and economic development. The NUA, which envisions “Cities for All”, highlights the relevance of enabling all inhabitants of urban areas - both in the present and the future - to enjoy cities equitably. It points to the essence of having human settlements with all persons able to enjoy their rights to adequate housing.

Housing is a basic human need and right, which is essential to the well-being of all mankind. It has a profound impact on the health, welfare and socio-economic development of an individual. In acknowledging this right, Chapter 4 of the Constitution of the Republic of Uganda, 1995, guarantees the enjoyment of fundamental and other human rights, including the right to property.

Objective XIV(b) provides that the State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall ensure that,

“All Ugandans shall enjoy rights and opportunities and access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits”.

Government’s commitment to create an enabling environment is evident through progressive laws and policies including; The Town and Country Planning Act (1964), Physical Planning Act (2010), Draft National Urban Policy (2013), National Land Policy (2013) and National Housing Policy (2016).

Uganda’s urban land governance and housing situation

Uganda is experiencing a high population growth rate of 3.2% and rapid urban growth of 5.4% p.a. With a population of over 35 million people, of whom close to 80% are below the age of 30, the increase in demand and pressure on land, housing and the eco-system is evident.

The 2014 National Census report reveals that Uganda has a total of 259 urban centres populated by 7.4 million people. These urban areas are developing with minimal or no planning or proper guidance, thus contributing to the proliferation of informal settlements. Slum settlements now occupy more than 50% of the land area in most of Uganda’s urban centres and provide accommodation to more than 70% of their populations.

The National Housing Policy (2016) states that Uganda has 6.2 million housing units and of these, 900,000 are sub-standard houses (structures not fit for human habitation). It further reveals a total national housing deficit of about 1.6 million units, of which 211,000 are in urban areas. It is projected that the housing backlog will also increase sharply unless something is done to address the problem.

Land is a prerequisite for the development of housing. As such, access to land needs to improve for a better housing situation in urban areas. The 1995 Constitution of Uganda vests land in its citizens. However, there are challenges associated with access to land for housing in urban areas, which are mainly attributed to the increasing population growth in urban areas, the increasing demand for land for investment, and inadequate urban land administration, management and planning. The challenges include, for example: increasing landlessness and land poverty, land grabbing and evictions, fraud and forgeries in land systems, encroachment on protected and high risk areas, disparities in and lack of access, ownership and control of land by vulnerable groups – especially women and youth, and the high growth of informal settlements/slums.

Although government possesses statutory power to acquire land for development, it cannot be easily exercised due to resistance met from land owners and sitting tenants who, in some instances, do not wish to be resettled or are not in agreement with the valuation standards applied to their properties. Most of the land in urban areas for informal settlements is characterized by multiplicity of tenure.

An urban area/centre can be defined by one or more of the following:- administrative criteria or political boundaries for example; area within the jurisdiction of a municipality or town committee, a threshold population size where minimum for an urban settlement is typically in the region of 2000 people although this varies globally between 200 and 50, 000 (UNICEF, 2012) Uganda’s 2014 Census report refers to urban centres as areas gazetted as City, Municipality, Town Council or Town Board as of March 2016 with population exceeding 1,000 persons.

Urban areas are developing with minimal or no planning and proper guidance thus contributing to the growth of informal settlements.



A snapshot of Banda urban slum - © UCOBAC/FES

In such cases, one piece of land may have ownership, control and access claims from various claimants, with one being the proprietor holding the title and several other persons holding some form of lease or property rights on the same piece of land. This is a primary contributor to conflicts over land, leading to forceful evictions and insecurity of tenure which is detrimental to transformative and sustainable urban development. With such cases, urban development plans are stalled to resolve arising conflicts and to recognize citizens' rights.

Based on the situation described, it is thus imperative that all stakeholders including government, the private sector, civil society organizations, academia and urban dwellers, i.e men and women, youth and elderly, vulnerable/marginalized; collaborate and exploit capacities to achieve sustainable urban development for Uganda.



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Some of the panelists at the Urban Thinkers Dialogue. From Left: Ms. Dorothy Baziwe - Uganda Human Settlements Network, Mr. Peter Mwesigye - UN-HABITAT/GLTN, Dr Don Rukare, Ms. Hafsa Namuli- AcTogether and Mr. Samuel Mabala - Ministry of Lands, Housing and Development (MLHUD).

Friedrich-Ebert-Stiftung (FES) and Uganda Community Based Association for Women and Children Welfare (UCOBAC) in April 2017 organized a dialogue on Equitable and Gender Responsive Access to Land and Housing for Urban Poor in Kampala. Participants in the dialogue proposed the following for effective and sustainable urban development for Uganda:

An inclusive, participatory and gender responsive urbanization process:

There is a lack of comprehensive coordination between and among the various stakeholders – including affected citizens, government, private sector and civil society working on urban land and housing sector, in that each is not adequately informed of, or engaged in the other's activities, thus causing disjointedness in realizing organized urbanization.

For an effective, inclusive and sustainable urbanization process, there is need for multi-stakeholder coordination, engagement and collaboration in the urban planning and management process. This should include government, civil society, the private sector, professionals, academia and very importantly the ordinary city inhabitants in formal and informal settlements; including men and marginalized groups like women, youth, the elderly, etc. This can be achieved through open multi-stakeholder engagement forums, dialogues and institutionalized consultations, led by government, with the help of civil society organizations, in a way that actively engages citizens and urban dwellers/communities.

“Challenges of urbanisation and its associated population boom, such as population pressure on available resources like land and infrastructure, evictions of market vendors, increasing insecurity, [diminishing] quality of livelihoods among others require an inclusive planning process for our urban areas which will lead to ownership of the transformation by all.”

– Mareike Le Pelley, Resident Representative of FES Uganda.

Stringent policy review, implementation and harmonization:

Uganda’s legislation framework provides for the rights of all citizens to land and housing through various laws and policies, such as the National Housing Policy of 2016 and the National Land Policy of 2013.

The National Housing Policy (2016) under objective 2.4 states that the policy aims to increase the construction of adequate housing for all income groups, from the current 60,000 to 200,000 housing units per annum to meet the country’s housing needs by 2022. Section 3.10 of the same policy on institutional/ employer housing indicates government’s commitment to provide accommodation for staff working in public or private sector organizations such as the public service, schools, prisons, army, police and private sector organizations like factories, small and large scale enterprises.

The National Land Policy envisions a transformed Ugandan society through optimal use and management of land resources. Section 6.5 (131 and 132) specifically provides for land use planning and regulation.

Failure to transform these provisions into a reality is facilitating the growth of unplanned informal settlements. While these policies are good, there is an urgent need for their effective implementation through approaches such as prioritization in budget allocations by the Ministry of Finance, Planning and Economic Development, and increasing the human resource capacity in implementing agencies like the Kampala Capital City Authority (KCCA).

Recognition of formal and informal land tenure systems to ensure security of tenure for all:

The existing multiple tenure systems – i.e. mailo, freehold, lease hold and customary tenure; are not conducive for orderly and progressive urban development. It is recommended that the government, through the Ministry of Lands, Housing and Urban Development (MLHUD), works with the Uganda Law Reform Commission to ensure that there is recognition of rights to land beyond the formal rights accorded to individuals based on the four formal tenure systems. This will go a long way to ensure secure land and decent housing for the urban poor.

It should be noted that the reform of the land tenure systems is a long term and costly process that will be achieved over a long period of time. It is, therefore, recommended that in the interim, government should establish or adapt structures and frameworks that can accommodate the multiple interests on land and protect the interests of the vulnerable, especially women, in the city, such as suggested in the following paragraphs.

“Adequate housing for all is a right irrespective of one’s status”.

– Mr. Samuel Mabala, Commissioner for Human Settlements, Ministry of Lands, Housing and Urban Development.

Integration of unconventional pro-poor and participatory land recordation tools:

It is important that the on-going titling process using Uganda's Land Information System (LIS) to facilitate the process of regularizing land in Uganda make use of tools that facilitate the securing of pro-poor land rights. Such tools include the Social Tenure Domain Model (STDM), a pro-poor land tool that was developed by UN-HABITAT through the Global Land Tools Network (GLTN) to answer land related issues through recording, mapping and registration of both formal and informal land and housing claims or rights, to improve tenure security.

The STDM tool has been successfully implemented in Mbale, Entebbe, Masaka, Tororo and Kampala (in all five divisions). The STDM tool application has improved relationships between tenants and landlords/land owners, increased participatory planning processes in slum dwellings, improved security of tenure, facilitated easier and quicker conflict resolution among claimants and it has minimized forced evictions. It is thus recommended that the government recognizes and integrates non-conventional tools like the STDM, which are pro-poor, affordable and easy to use with the LIS.

Participatory slum upgrading process:

The high urbanization rate in the country has led to many challenges, including the general deterioration of the housing and living conditions of most urban dwellers. Coupled with poor planning for provision of housing and other basic infrastructure services, the high rate of urbanization has led to the rapid growth of slums and informal settlements in all the major cities and towns of Uganda. Slums and informal settlements provide accommodation to more than 70% of the urban population (MLHUD, 2016).

There is a need to ensure that the National Housing Policy is implemented in a participatory manner, with slum dwellers involved as citizens with needs and rights to housing. MLHUD and implementing agencies like the KCCA need to provide slum dwellers with sufficient information about

on-going and planned projects, as well as about the roles of KCCA and MLHUD in the slum upgrading process.

Enact the land resettlement policy and adopt a human rights based approach for evictions rather than inhumanely handling Ugandans in informal settlements:

While government needs to acquire land for urban development, it is critical that it undertakes a more humane way of handling affected persons, especially in informal settlements. This can be done by adopting and applying adequate resettlement and, or, compensation practices. While MLHUD is developing the Land Resettlement Policy, deliberate and comprehensive guidelines for resettlement should be developed and applied in a participatory manner.

People in the affected urban areas should be given prior notice of government's/ private investor's intentions to acquire or utilize their land, and they should be adequately sensitized on their rights as well as the implication of the actions that are about to take place. In addition, Government should provide adequate and fair compensation to affected parties to enable them to restore their land, housing and livelihood needs.

Ensure access to land justice and land administration institutions:

Some of the land administration institutions such as the District Land Boards and Area Land Committees, Police, and Local Council Courts II and III are marred with corruption and bureaucracy. Clients' cases are deliberately delayed or obstructed due to corruption in these institutions, and clients are required to pay off the responsible authorities to forward or work on their files. The poor cannot follow their cases through with court proceedings as some lack transport means to get to court; are ignorant of the procedures for solving a land or property dispute; or simply cannot afford legal services.

There is a need to recognize corruption in the urban land and housing sector, and to acknowledge that land corruption hits the poor hardest. Government should adopt innovative approaches to mitigate corruption and enhance transparency.

Such approaches can include: (i) establishing effective and cheap Alternative Dispute Resolution mechanisms for the poor who cannot afford formal land justice institutions; (ii) continuous sensitization on land and housing rights for citizens to be aware of their rights and thus not to be taken advantage of; (iii) spontaneous monitoring and inspection checks should be carried out by the Inspectorate of Government to check the performance of the land offices and to easily detect fraud; (iv) effective means of protecting witnesses that report corruption need to be devised as is provided for under the Whistleblowers Protection Act of 2010 and impunity needs to be fought by punishing perpetrators.

References

Ghana, The International Bank for Reconstruction and Development / The World Bank (2015). *Rising Through Cities in Ghana – Ghana Urbanization Review Overview Report*. Washington, DC: The World Bank.

Uganda, Ministry of Lands, Housing and Urban Development (2016). *The Uganda National Housing Policy*. Kampala, Uganda.

Uganda Bureau of Statistics (2016). *The National Population and Housing Census 2014 – Main Report*, Kampala, Uganda.

United Nations Children’s Fund (2012) *The State of the World’s Children 2012* <https://www.unicef.org/sowc2012/pdfs/SOWC-2012-DEFINITIONS.pdf> p.10.

About Uganda Community Based Association for Women and Children Welfare (UCOBAC) and Friedrich Ebert Stiftung (FES).

Uganda Community Based Association for Women and Children Welfare (UCOBAC) is a national non-government organization dedicated to promoting rights of women and children in Uganda using community based initiatives.

The Friedrich-Ebert-Stiftung (FES) is a private, non-profit German institution which is committed to the ideas and basic values of social democracy. The FES has a network of around 100 offices worldwide with its headquarters in Germany. With its work in Sub-Saharan Africa, FES strives to support democratic structures, promote social justice and equitable socio-economic development. In Uganda, FES works with partners among civil society, government, the labour movement, academia and the youth.

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