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# URBAN THINKERS' DIALOGUES

Community Engagements On  
The City We Need

## Kampala Sessions - Brief

### THEME:

Pro-poor and gender responsive urban land governance for increased security of tenure and equitable access to land, housing and public open spaces in cities.



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## **Urban Land Governance, Housing and Public Open Spaces**

*The City We Need – Urban Thinkers Dialogues*

## **Urban Thinkers Dialogues**

In 2017 Uganda Community Based Association for Women and Children Welfare (UCOBAC) in partnership with Friedrich Ebert Stiftung (FES) organised five 1-2 day dialogues, engaging more than 600 participants in Kampala's five divisions of Central, Kawempe, Makindye, Nakawa and Rubaga. The dialogues engaged multiple community representatives and discussed local experiences and problems around land, housing and public open spaces. This briefing summarises the findings and recommendations derived from these public dialogues.

## Key findings and recommendations

- Large-scale corruption remains a major obstacle for developing and providing land security, affordable housing and public open spaces (POS), especially for the urban poor.
- Effective, just and transparent urban land administration, affordable and adequate housing to all, and the provision of sufficient public open spaces must be recognised as crucial socio-economic factors in the development of Kampala city and Uganda's economy.
- The government must show political will, commitment and provide sufficient funding to develop, implement and enforce regulatory frameworks (laws, policies and regulations) and strengthen institutions responsible for land governance, management, and adjudication, urban development and the provision of affordable housing.
- All urban (physical) planning processes need to be transparent, inclusive and participatory, especially considering the interests of the urban poor and vulnerable groups. Information about land, urban development and housing regulations, laws, policies and processes needs to be easily accessible and available to all.
- Central and local government bodies need to coordinate and consistently align their programmes with each other and other stakeholders to ensure effective land governance and administration, provision of accessible low cost housing and adequate public open spaces in urban areas. Failure to harmonise the many competing and overlapping mandates and interests remains one of the key barriers towards enhancing urban livelihoods and welfare.

## **Findings of dialogues on urban land, housing and public open spaces in Kampala's divisions**

### **1. Crosscutting challenges**

#### **Large scale widespread corruption within key public organs hinders effective land governance and fuels land-based conflicts**

Key public organs mandated to deliver services, such as central and local governments, specialised agencies, the police, military and the courts have lost credibility due to large-scale misuse and abuse of power, theft of public resources, along with other forms of corruption such as bribery. This has negatively affected the quality of service delivery, undermined the planned urban development process and eroded public trust in political leaders, institutions and processes. Corruption within urban land management and adjudication systems manifests itself through the registration of multiple titles for the same property. In addition, some police officers were thought to be conniving with the rich by providing them with protection as they grabbed land from the poor, especially those who were ignorant of court processes and could not afford to pay bribes.

*“[Kampala Capital City Authority] KCCA is the root cause of land conflicts especially on land for markets and in the road*

*reserves. They approve building plans for investors*“. – Market representative, Rubaga division, KCCA.

*“Police and the army are paid to provide protection to the rich as they set up buildings in some illegal sites. Many times, this is a poor person’s land – one who cannot afford to fight back for fear of being jailed. I wonder if the rich are never on the wrong side of the law!”* – Participant, Nakawa division.

*“Enforcement of some laws like the Condominium Property Act for organized urban housing cannot be effective if the fraud on the land where the flats will be built is not solved. It a total waste of time and the poorest are the most affected in all this – they keep losing land to the rich that connive with police for protection.”* – Opinion leader, Rubaga division.

*“Sometimes the physical planning committee members may refuse to approve one’s building plan if they do not pay a small kitu kidogo. What would a poor person do in such a situation?”* – Community member.

Entrenched corruption and greed is also seen as a major cause of the illegal appropriation and subsequent loss of POS. Land gazetted as POS has been summarily sold off or given away to ‘investors’ in the guises of implementing investments to create much-needed job opportunities, while involved government officials have received kick-backs. Complicit in this trend is the limited or absence of resistance

from institutions such as KCCA and National Environment Management Authority (NEMA), which have a duty to protect the existence and maintenance of POS.

*“Places such as Sheraton, Centenary Park and Serena were POSs, but they have been utilized for commercial purposes i.e. hotels, shopping malls.”* – Urban Sociologist, Makerere University.

*“Government diverts money meant for development of the city and relevant projects like POS to tear gas and irrelevant political issues. We are not consulted on our priorities. Even when consulted our views weigh nothing compared to their selfish interests.”* – CBO leader, Rubaga division.

### **Weak state institutions and poorly coordinated and enforced policy frameworks**

Weak, fragmented state institutions (i.e. ministries, departments and agencies – MDAs) with competing or overlapping mandates, and poorly coordinated, aligned and enforced policy frameworks, laws and programmes compound the challenge of delivering effective land governance, housing provision and access to urban POS, and drive the misappropriation and encroachment on public open spaces, as well as fragile and other land by political and economic elites.

*“In 2014, Uganda National Roads Authority (UNRA) informed us in Nakawa of the plans to construct a road in our area. Two years down the road, officers of the Standard Gauge Railway (SGR) asked us to stop all activities in the same area because a railway line was going to be set up. Some of us had acquired loans from banks to set up commercial houses [rentals] and we were yet to earn from these; some were building homes, none of these issues [were] considered as we were being informed of the so called government plans. Today in 2017, nothing has taken place in the areas where we were chased away from but the funny bit is that KCCA is asking us to pay property taxes for the buildings we did not use or get compensated for. Tenants already abandoned the houses; the banks are on our necks to repay the loans which we were unable to use as planned. None of the said government projects has been rolled out in the area. What’s the meaning of all this as we dialogue on urbanization?” – Market vendors’ representative, Nakawa division.*

There also remains uncertainty in attaining coordinated and streamlined development planning between the current centralised administration of Kampala and the long envisaged Metropolitan Authority (MA). Although the MA was proposed in the KCCA Act (2010) to act as a strategic framework for responding to the multi-dimensional challenges resulting from the overspill of urban development into the city’s surrounding regions, the relevant legislative,



administrative and institutional structures are yet to materialise.

**Systemic usurping and disempowering of institutions through political patronage/patrimony and underfunding of public institutions like KCCA.**

Institutions and local governments have been usurped and rendered powerless as a result of the entrenched political patronage, especially perpetuated by leaders in the highest echelons of government. Local leaders complained of having been deprived of their authority by top leaders, especially the President. They claimed that they could not effectively and efficiently execute their duties due to inadequate financial resources accorded to them. Local leaders claimed that their directives are talked down leading to the loss of respect from the members of their communities.

*“Do not blame us [local government leaders] so much in failing to serve you as expected. Government is not supporting us adequately to fulfil our official duties. How are we expected to lead minus the tools! Everyone is running to the President because we are looked down upon as inefficient and incompetent. If systems are to work – power issues have to change. Delegation does not work like this.”*– Mayor, Kawempe division.

*“Sometimes our hands are tied and we cannot do much because our offices are underfunded.”* – Mayor, Kampala Central division.

### **Ignorance with regards to rights and processes**

Widespread public ignorance or limited knowledge about land registration processes, acquisition of land documentation, land tenure systems, land rights, including landlord-tenant rights and responsibilities, the payment of various taxes, and urban planning are major obstacles for the urban poor to participate in and contribute effectively to the urban development process and secure livelihoods and their rights with regards to land, housing and their right to access POS.

*“Tenements are broken down by KCCA officers without prior notice to the residents. Such actions deprive the local person of housing. Some of us do not know what a lawful eviction is. Personally I also do not understand the land terminologies of leasing, bonafide occupant, lawful occupant, etc...we need to know these things to help us understand our rights. How do you expect us to cooperate!”* – Female community member, Kawempe division.

*“As land owners, we keep wondering about the determinants of the different kinds of taxes that we have to pay. For example how do they determine the actual number of tenants in one’s rental houses to decide on property tax?”*

*Who do they consult when deciding this? What happens when I have no tenants or if they are defaulting in their rent payment or worse still have run off with the rent money?” – A land lord in Makindye division.*

## **2. Land Tenure and Land Rights**

### **Threat of eviction as a result of land-based conflict**

Although the scale and magnitude of evictions in the city has ebbed over the last few years, the threat, nevertheless, remains, especially in an environment where powerful elites, politicians, government officials and rich businessmen continue to grab land with impunity. The spectre of eviction therefore hangs over the powerless urban poor, who live in almost perpetual fear of losing their land, property, livelihoods and lives as well. The few urban poor’s claims of ownership (usually for *Kibanja* interests) are either through inheritance or purchase but even then, they often only have purchase agreements to prove their interests. This is because they cannot afford the registration fees to get their interests registered on titles. As such, this category of land owners choose not to develop their land due to the looming threats of eviction and this has negatively impacted on the city’s development. The existence of a highly speculative land market, which remains unregulated, has further complicated the situation. Land values in the city continue to appreciate and spiral out of the reach of many urban residents, most notably the urban poor, who, if they cannot afford to develop

their small properties to match the dictates of the property market end up being evicted.

*“The division office approves plans of rich investors without assessing the land situation of the places that the investors have acquired and plan to implement these plans – no one is consulted, we only get to know what’s happening during eviction when the police and KCCA enforcers are involved”.* – Local Council II representative.

*“You evict the poor from wetlands but watch investors as they reclaim these same spaces and even provide protection as they carry out their illegal activities – where is justice for the poor in all this?”* – Participant, Rubaga division.

### **Unregulated and inflated land market**

Kampala’s land market is built on speculation rather than the actual realities of the economy. Land prices are extremely erratic, fluctuating frequently and driven largely by speculation by real estate agencies, property dealers, brokers, valuers and lenders. Without any regulation, the distortions which accrue from such activities are creating an artificial land shortage, making it virtually impossible for many to access land and therefore adversely affect overall usability and productive development of the land.

### **Poor relations/disconnect between landlord, tenants and local authorities**

Tenant-landlord relations are important in determining land-based interactions. Many poor tenants reported that they had little or no interaction with their landlords, claiming that landlords intentionally avoided meeting with them, making it almost impossible for the tenants to fulfil their rent obligations. Subsequently, the landlords were said to use their failure to pay the due rents as a ploy to evict poor households from their land. Elsewhere, poor relations between landlords and local authorities have exacerbated attempts by urban authorities such as Kampala Capital City Authority (KCCA) to effectively guide and regulate developments within the city.

*“Land owners decide on their respective land uses without consulting physical planners. This is very wrong and is leading to congestion in our city.”* – Physical Planner, Rubaga division.

### **3. Access to Affordable and Adequate Housing**

#### **Inadequate and poor enforcement of development regulations and guidelines**

Public organs such as the KCCA and NEMA which are mandated to plan, implement and enforce development regulations and guidelines have persistently failed to execute their mandate. Subsequently, encroachment on sensitive ecosystems such as wetlands continues unabated with the proliferation of informal settlements, illegal middle/high

income residential and illegal industrial developments, which are exacerbating flooding across the city.

*“We do have some houses however, the biggest part of Makindye is covered by slums – houses are facing toilets, houses are poorly built near trenches that take sewage – there is generally no planning.”* – Mayor, Makindye Division.

*“I come from a typical slum where houses are built with no planning – we have no access routes because of the congestion. Even when fire breaks out – it’s difficult to access our houses. No one has ever told us about building standards. How can we be helped?”* – Leader of a women group, Nakawa division.

### **Unaffordable urban rents, house prices and housing finance**

The cost of housing in Kampala is high and unaffordable to many, especially the urban poor. Subsequently, the urban poor, who make up more than 60 percent of the city’s resident population, are exposed to grossly filthy, substandard housing conditions, largely in informal settlements. Building materials remain costly while rent continues to rise as landlords/property-owners pass on any increases in taxes and other costs to tenants. The high cost of housing is also attributed to foreigners who are distorting prices in the housing market by paying inflated property prices using more stable international currencies such as the US Dollar.

*“The most common type of housing are tenements/apartments which are privately owned. Makindye division has several low income earners who find it challenging to access affordable and descent housing. Rent fees per month for descent houses is over Shs 400,000/= Ugx and the owners usually request for 4-6 months (1.6m – 2.4m) prior payment before one can occupy a house. The cost of building a house is also very high.”* – Mayor, Makindye Division.

*“Foreigners have largely contributed to the escalating housing costs. They pay for rent using other stronger currencies against which the Ugandan shilling is very weak.”* – Deputy Mayor, Rubaga division.

Most poor households lack access to information about the available range of housing financial products and opportunities that are on the market. However, even with the required knowledge, current housing finance products remain largely unaffordable and inaccessible to most residents, especially to the urban poor. With interest rates ranging between 18% and 24 percent, poor households lack the kind of incomes and collateral needed to secure loans and mortgages from commercial banks and micro-finance institutions to finance their housing needs.

## **Government failure to provide affordable housing**

Government action has largely been limited to promoting an ‘enabling environment’ in contrast to direct intervention in providing housing. Housing products offered by major players such as the National Housing Construction Corporation (NHCC), a jointly owned public/private entity, are expensive and therefore unaffordable to middle-income groups, let alone the urban poor.

*“Government should stop pretending to provide houses for the poor. The houses being built by NHCC cannot be afforded by low income earners. It is still those middle income level and high status people that acquire them.”* – Youth representative, Kampala Central division.

## **Poor perceptions about housing cooperatives**

Housing cooperatives, which are currently being promoted as an alternative strategy by government through the National Housing Policy (2016) and NGOs to address the housing challenges facing a city such as Kampala, are viewed with a lot of suspicion and scepticism by the public.

*“That idea of Mayumba Kumi worked for security but it cannot work for housing because of the existing land wrangles and poor relationships among urban dwellers. How can one save with their neighbour whose name they do not know or even bother to greet! In fact it will be a still birth, it’s not economically viable.”* – Male councillor, Nakawa division



## **Increasing crime rate due to increasing and widespread urban poverty**

The city is experiencing rising levels of unemployment, especially among the growing youth population, and poverty. Coupled with a lack of affordable housing, this has fuelled the proliferation of informal settlements. This has precipitated the increase in crime and growing insecurity across the city.

*“Poor planning and congestion cannot only be blamed on KCCA, urban dwellers are also part of the problem. People without building plans construct houses on weekends and during the night when KCCA is not working. This congestion is also contributing to high insecurity because the areas are inaccessible.”* – Police officer, Nakawa division.

## **4. Access to Public Open Spaces (POS)**

### **Ignorance about the values and benefits of POS**

Many local leaders urban residents and Ugandans in general seem to be unaware of the relevance and benefits of POS and ascribe little or no value to the few existing POS. However, crucial benefits of POS include recovery from urban stress factors such as noise and air pollution, space and facilities for leisure and recreation, as well as for social interaction and communication, access to and experience of nature, all of which assist in articulating and establishing a sense of place, identity, and community and result in positive

effects on human physical and psychological health and well-being.

*“Ugandans have no social, traditional and historical attachment to POSs, so they do not appreciate them. Many think it’s a thing of the western world... In our culture, we view relaxation as idleness, waste of time, laziness, misuse of time for fornication. Many Ugandans associate POS with these elements. Our norms stop us from using these places.”*

– Mayor, Kampala Central Division

*“In Nakawa opposite shell petrol station and the main market we used to have a taxi park. In this park there were so many businesses from which KCCA used to collect revenue not forgetting the charges made on taxi business – loading and off-loading from the park. We were evicted from this place and the small commercial buildings were demolished to be replaced by poorly maintained green grass. The place is redundant and being misused by idlers, thugs and university students who meet there to get intimate in full view of the public.”* – Angry taxi association leader, Nakawa division.

### **Restricted access to Public Open Spaces (POS) by the public**

Many of Kampala’s POS can only be accessed or used at a cost. POS in the city such as Sheraton Gardens and Centenary Park have been illegally leased out to private entities making public access difficult or impossible unless one pays a fee or identifies with a certain social status. State organs such as the Uganda Police Force and the military occupy some POS

like the Constitutional Square and therefore restrict access for ordinary citizens. Other open spaces like play grounds or recreational gardens are privately owned by schools and religious institutions, which hire them out for use thus limiting unrestricted public access.

*“Kawempe Muslim school play field in Mbogo used to be an open field for playing football – anyone could access it whenever they felt like but today the land was taken over by government. One has to pay to use the field. This is land grabbing so we can’t offer land for POS.”* – Muslim faith leader, Kawempe division.

*“You cannot say that Sheraton is a public open space when you have to book and pay to use the gardens to shoot wedding photos. A villager cannot be seen relaxing in that posh place.”* – Youth leader, Nakawa division.

### **Poor management and negligence of POSs**

POSs in the city are generally poorly managed and thus many have turned into hubs of crime, homelessness and solid waste dumps. The deterioration in the quality of urban POS and the insecurity and health risks that they pose have played a role in making them unattractive to the public. -

*“Failing to plan for security is planning for insecurity. Some of these open spaces are not safe but KCCA has not taken a step*

*to involve police in its planning for security. Assign us active roles and we shall act.*“ – Police officer, Rubaga division.

## **General recommendations**

1. The central and local governments need to implement transparent, inclusive and participatory urban planning to develop and protect POS and to provide affordable and adequate housing for all, accommodating all needs, for example those of vulnerable groups such as people with disabilities (PWDs). This can be done through joint engagement platforms such as the city development forums (CDFs) and Municipal Development Forums (MDFs), which should also clarify respective mandates and responsibilities.
2. Urban development, urban land and housing laws and policies need to be implemented and enforced in a timely manner by government organs in close partnership with non-state actors (i.e. the private sector, civil society, local communities etc.) for greater effectiveness. The National Land Policy (2013), National Housing Policy (2016), the upcoming National Urban Policy and the land fund should be operationalised and enforced accordingly especially to the needs of the urban poor who disproportionately bear many of the negative impacts of unplanned, unregulated and uncoordinated urban growth. In addition, greater emphasis should be placed on improving and increasing

investment in urban service delivery (decentralized industry to create jobs, road infrastructure, education, health, housing etc.) country-wide to lessen pressure on Kampala while at the same time ensuring a more balanced urban development model. This can be achieved through the fast-tracking of the development of the regional and strategic cities as envisaged in the country's Vision 2040 agenda. The Greater Kampala Metropolitan Area (GKMA) regulatory, institutional and policy frameworks (such as the GKM Physical Planning Authority etc.) need to be operationalised to streamline land use planning across the GKMA to effectively address land, housing and public open space issues.

3. Lower level governance structures need to be better supervised and empowered with the requisite resources (for example greater fiscal and administrative power, regular re-skilling and re-training, technical guidance etc.) for more effective service delivery.
4. KCCA, NEMA and National Water and Sewerage Corporation (NWSC) need to prioritise solid waste and sewage management to enhance the quality of the urban environment and thus reduce health risks associated with poor solid and sewage disposal and management.
5. The working conditions of public organs, including the judiciary need to improve to fight and minimise corruption. Better remuneration and facilitation with the appropriate skills and tools will enable and motivate

them to deliver services as per their mandate, responsibilities and jurisdiction.

## **Recommendations to promote pro-poor urban land rights and affordable housing**

1. Government working in partnership with civil society and urban communities should increase awareness on the legal and regulatory frameworks pertaining to land administration, urban land management and housing. The roles of the various implementing agencies in the land and housing sector need to be clarified and access to relevant information availed to the public to ensure greater transparency and accountability which will concurrently lower incidents of corruption and conflict.
2. Government and development partners need to prioritize low-cost housing provision for urban residents especially for the low income earners living in informal settlements. Housing should be approached as an industry in itself given the potential it holds for the creation of multi-sectoral economic linkages to enhance overall urban productivity and performance. This can be achieved through;
  - Promoting densification and mixed land use.
  - Adopting a culture of documenting, replicating and disseminating information on successful practices and lessons from other developing nations with similar challenges;

- Exploring and developing innovative, inclusive, affordable and accessible land and housing financial support products and services and
  - Developing a framework for promoting the housing cooperative model especially in the urban sector.
3. Public-private-partnerships (PPPs) and collaborations in the land and housing sector for sustainable urban development should be promoted. Land owners who cannot afford to develop their land should be enabled to partner with funding agencies to explore ways for utilising underdeveloped land for affordable, adequate and accessible housing.

### **Recommendations to improve urban Public Open Spaces**

1. A clear legal, regulatory and institutional framework, developed in partnership with various non-state urban development actors and affected persons needs to guide and regulate the establishment, management and improvement of urban POS.
2. There is need to push for political support, political will and commitment, and adequate funding to establish, preserve and restore POS, while also reclaiming those appropriated through illegal processes. A fund ought to be created to cater for acquisition, development and maintenance of urban POS.
3. KCCA should play a leading role in developing a POS master plan mapping out all existing POS in the city at all

- levels, together with the approved urban land use plans to ensure universal access to urban POS.
4. Campaigns by the relevant Ministries, Departments and Agencies to promote awareness need to be rolled out to reverse negative cultural perspectives or apathy about the value of urban POS.
  5. Inclusive planning for POS needs to be promoted, which is also cognisant of the needs, issues and interests of vulnerable groups (for example children, urban poor, women, the elderly and PWDs). Urban authorities such as KCCA need to work in partnership and collaboratively with these groups because they play key roles in the maintenance and protection of POS.
  6. Personal safety and security in POS need to be urgently addressed. The Uganda Police Force and other relevant bodies should play active roles in the planning, development and maintenance of security in all urban POS, e.g. through community policing programmes.
  7. Best practices from countries that have successfully managed to create and maintain urban POS need to be documented, shared and adopted where relevant by the MDAs that have done benchmarking.



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

UCOBAC is a national non-government organization dedicated to promoting rights of women and children in Uganda using community based initiatives.

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