UTC REPORT: THE CITY WE NEED – COMMUNITY ENGAGEMENTS ON RESPONSIBLE URBAN LAND GOVERNANCE FOR EQUITABLE ACCESS TO LAND, ADEQUATE HOUSING

Title of the Campus: The City We need – community engagements on responsible urban land governance for equitable access to land, adequate housing
Organizer(s) Names: Uganda Community Based Association for Women and Children's Welfare (UCOBAC) - Huairou Commission
Partner Organization(s): Fredrich Ebert Stiftung - Uganda (FES)
Date and Location: 25 Jul 2017 to 26 Jul 2017 / Kampala / Uganda / Kawempe Division

Urban Thinkers Campus in figures:

- 1 COUNTRIES REPRESENTED
- 79 PARTICIPANTS
- 7 ORGANIZATIONS
- 18 PARTNERS GROUPS REPRESENTED

Executive summary

Uganda Community Based Association for Women and Children's Welfare (UCOBAC) in partnership with by Friedrich Ebert Stiftung (FES) organized a two day Urban Thinkers Campus (UTC) in Kampala Central Division to facilitate effective participation and engagement of grassroots communities and affected persons in the conversation on responsive urban land governance for an effective and transformative urbanization process. The UTC provided a platform for critical exchange and dialogue between urban stakeholders who included researchers, professionals, civil society actors, academia, decision makers and grassroots men and women who believe that urbanization is an opportunity that can lead to positive urban transformation. Through the dialogue process, stakeholders built consensus on addressing key existing and emerging urbanization challenges related to land, housing and access to public open
spaces (POS) and collectively proposed solutions for the urban future. The dialogue focused on promoting pro-poor and gendered urban land governance in order to promote security of tenure and equitable access to land and housing and access to POSs in cities. Over 100 participants participated in the UTC done within 2 days.

Introduction to the Campus

For the first time in history, more than half of humanity lives in urban areas. By 2050, this proportion will reach nearly 70%, making urbanization one of the 21st century’s most transformative trends. Like in most developing countries in sub-Saharan Africa, Uganda is experiencing rapid urbanization, with a high urban growth rate of 5.2% per annum. The Greater Kampala Metropolitan Area has the highest urban population representing over 50% of Uganda’s total urban dwellers (Uganda Bureau of Statistics (UBOS), 2014). It is projected that by the year 2035 Uganda’s population will have grown to 68.4 million of which 30% will be in urban areas. (UN Habitat, 2016).

Urbanization presents massive challenges to sustainable urban development. The growing population in cities increases pressure on the limited land resource, resulting in a number of challenges including; disparities in land ownership and access, illegal evictions, displacements and land grabbing resulting from increasing demand for land for investment, under utilization of land due to poor urban land use planning and land fragmentation, lack of public open spaces in the city, inadequate land administration and management especially in land service delivery and dispute resolution, weakened land systems prone to fraud and forgeries, landlessness, proliferation of informal settlements and slums, homelessness and lack of adequate housing for urban dwellers.

In efforts to realize Sustainable Development Goal 11 – “Make cities and human settlements inclusive, sustainable, safe, resilient, and sustainable”, the New Urban Agenda (2016) makes a transformative commitment to promote sustainable urban development. It affirms a vision of cities for all, referring to the equal use and enjoyment of cities and human settlements. It seeks to promote inclusivity and to ensure that all inhabitants of the present and future generation are able to inhabit just, safe, healthy, accessible, affordable, resilient, sustainable cities and human settlements without discrimination of any kind. It aims to achieve cities and human settlements where all persons are able to enjoy equal rights, freedoms and opportunities in ways that foster prosperity and quality life for all.

The New Urban Agenda focuses on Land and Housing as one of the key drivers of change towards realizing “The City We Need”. It envisages cities and human settlements that fulfill their social function, including the social and ecological function of land, with a view to progressively achieve the full realization of the right to adequate housing as a component of the right to an adequate standard of living without discrimination.
It further commits to promote the development of urban spatial frameworks, including urban planning and design instruments that support sustainable management and use of natural resources and land in a manner that protects and improves the urban eco-system and environment. It further commits to promote the creation and maintenance of well-connected and well-distributed networks of open, multipurpose, safe, inclusive, accessible, green, quality public spaces, to improve resilience of cities to disasters and climate change, improve physical and mental health, promote ambient air quality and promote attractive and livable cities, human settlements and urban landscapes.

The Government of Uganda in the same spirit appreciates the significant contribution of planned urban development, effective management of land resources and housing development as critical engines in driving the country’s socio-economic transformation. Government policies and laws including the National Land Policy, the National Urban Policy, and the Housing Policy underscore government’s commitment to a transformative and sustainable urban development. There is however a great disparity between what the policies provide and the actual practice and reality on the ground. Effective and meaningful stakeholder engagement, participation and collaboration is critical to accelerate well-coordinated sustainable urban development. Therefore, FES in partnership with UCOBAC are creating stakeholder engagement platforms also referred to as Urban Thinkers’ Campuses where urban thinkers including government actors, private sector, civil society, land professionals, academia and grassroots communities can engage on the existing and emerging challenges and collectively identify and recommend sustainable solutions to address the challenges.

Organizers employed a multi-stakeholder approach to promote inclusivity and to create space for grassroots communities and affected persons to engage with the power holders including government, private sector, academia and civil society. Community friendly methodologies were used for example use of local language (Luganda) where necessary to promote high participation of members.

Summary of all session

The specific objectives of the dialogue were, (i) to broaden and strengthen engagement of grassroots communities with key actors on urban land, housing and POSs in the city (ii) to discuss the community challenges related to accessing land and housing, security of tenure and access to POSs. (iii) to share existing national urban land and housing legal and institutional frameworks and plans with the grassroots communities (iv) to clarify individual stakeholder commitments, roles and responsibilities (v) to share existing strategies, practices and mechanisms in promoting pro-poor and inclusive land governance.
The dialogue sessions were organized around the target objectives. Four major sessions were held on each day. The sessions included discussions on: (i) framework and plans for securing adequate housing and security of tenure for the urban poor. Framework and plans for development and protection of POSs. (ii) challenges faced by community in accessing land and adequate housing in Kampala Central Division (iii) existing practices that can increase equitable access to adequate housing in the city (iv) importance and benefits of POSs in urban communities. Current state of urban open spaces in Kampala/informal settlements and challenges.

Session one involved reviewing of the different sections of Uganda’s 1995 Constitution relating to land and housing such as objective XIV (b) which provides that all Ugandans shall enjoy rights and opportunities and access to descent shelter, health services, clean and safe water among other entitlements. Article 237 of the Constitution vests land in Uganda to the citizens of the country. Various laws, policies and strategies put in place by the government were discussed. Some of these include; the Land Act, Local Governments Act, KCCA Act, Physical Planning Act, Condominium Properties Act, etc and policies such as the National Land Policy, National Housing Policy, National Urban Policy and National Slum upgrading strategy. Institutions in charge of regulating and managing the land sector and dispensing land justice services and their respective roles were highlighted. The institutions include; Ministry of Lands, Housing and Urban Development (MLHUD), the Uganda Land Commission (ULC), District Land Boards (DLBs), District Land Office (DLOs) and Area Land Committees (ALCs).

Sections of the Constitution relating to POSs were reviewed. Among these were objective XVII-on recreation and sports which provides for the promotion of recreation and sports for the citizens of Uganda; environmental objective XXVII (IV) mandates the state to create and develop parks, reserves and recreation areas and ensure the conservation of natural resources. Laws such as the Physical Planning Act (2010) which regulates land use in Uganda were reviewed. Institutions with a mandate to create and protect POSs include MLHUD, Ministry of Education and Sports (MoES), National Environment Management Authority (NEMA), Kampala City Council Authority (KCCA) and local district governments.

Session two entailed a discussion on the challenges faced by community in accessing land and adequate housing in Kampala Central Division. The challenges in summary include; (a) population pressure leading to increased demand and competition for fixed resources such as land; (b) failure to harmonize and adequately implement existing land and housing policies; (c) absence of will to document and learn from best practices; (d) inadequate planning for the city i.e existing development plans and design are not responding to the changing urban context and its demands (e) unrealistic building rules and regulations which are not in favor of the poor- the set housing standards are unattainable by the most vulnerable lacking descent housing; (f) the land tenure system in the city is not conducive for housing developments; (g) absentee landlords/owners are a hindrance to urban development as some are inaccessible for negotiations to render land for development yet some lack the capacity to develop the their land (h) POSs are subjected to development applications courtesy of corrupt leaders and government officials that willingly participate in deals to sell off land for POSs; (i) employment of inexperienced and under qualified personnel to plan and manage city functions; (j) negligence of management of
POSs and (k) inadequate sensitization of urban dwellers and Ugandans in general about POS and the benefits that can be gained from being able to access and use them.

In Session three, a civil society organization (CSO) named Shelter and Settlements Alternative (SSA) shared its experience in establishing housing cooperatives and use of Village Savings and Loans Associations (VSLA) to support urban dwellers’ livelihoods and the applicability of these options in bridging the land and housing gap. Advantages and limitations of housing cooperatives were discussed. Another CSO called AcTogether shared its experience in using innovative and inclusive land tools and approaches such as the Social Tenure Domain Model (STDM) to record and register different types of rights to land and structures on land. STDM is a user friendly land tool that can be customized to a given context to ensure security of tenure for urban dwellers especially those situated in informal settlements.

Session four involved a discussion on POSs, norms and attitudes (ie culture) of Kampala city dwellers relating to POSs, challenges encountered in accessing and using POS and solutions to the challenges. Challenges noted include; (1) poor governance characterized by greed and self centeredness of leaders has largely contributed to loss and inaccessibility of POSs; (2) POSs have been utilized for commercial purposes i.e permanent buildings for business have been set up in these places; (3) ignorance of relevance of POSs hence urban dwellers do not appreciate them and therefore do not protect them; (4) insecurity in POSs; they harbor drunkards and drug abusers which stops descent urban dwellers from accessing and using them; (5) restricted access i.e institutions such as the police and KCCA assault and arrest those who try to use the POSs like the Constitutional Square; (6) condition of POSs in Kampala; they are sub-standard and poorly designed; (7) high level of insecurity in POSs.

Key outcomes of the UTC

Some of the key outcomes of the UTC include:

- The UTC provided an open engagement and consultative forum among leaders, authorities in charge of city management and the local populace to discuss key challenges affecting the people and jointly coming up with sustainable solutions to the challenges identified. This will facilitate responsive and gendered land governance.
- Sensitization of participants on existing frameworks and plans for land and housing sector and about POSs. It was noted that some of the leaders at local level cannot take appropriate decisions because they are not well acquainted with the laws and policies governing the sector. Some community members who are not leaders appreciated the campus as it was a learning experience for them which would facilitate informed decision making concerning their properties in the city.
- Clarification of different stakeholder roles and responsibilities.
• Strengthening of the working relationship and collaboration between the UTC organizers, local leadership and participants of the dialogue.
• Using the multi-stakeholder approach to involve all sectors and community members of varying caliber in the campus is an example of democracy at work.
• Development of a position paper with policy recommendations to be widely disseminated to policy makers and various stakeholders.
• Commitment from local leaders such as local council chairpersons and councilors to widely share information on the New Urban Agenda with their communities. This is aimed at stimulating community participation in the on-going urbanization processes.

Conclusion & way forward

The UTC was successfully held for two days with a remarkable turn-out. In the way forward, organizers (UCOBAC and FES) intend to;

• Hold more UTCs in the remaining four divisions of Kampala district because each location has unique urbanization challenges. This process is also aimed at promoting evidence-based advocacy on urbanization.
• Widely disseminate campus reports, policy briefs and position papers through different vehicles including national and community level meetings, organizers’ websites and social media pages and organization publications.
• Continue to monitor and participate in government programs and activities relating to land, housing and Public Open Spaces.
• Participate in other UTCs that may be organized by other partners.

On the basis of the UTC outcomes, what are your recommendations to National Governments and other Stakeholders, including local and sub national governments, in order to effectively contribute to the implementation of the New Urban Agenda?

The following are the key recommendations to national governments and other stakeholders for effective contribution to the implementation of the New Urban Agenda;

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 disjoinedness 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 other marginalized groups like women, youth, the elderly, Persons With Disabilities, 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.

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 urban land and housing, and to acknowledge that land corruption hits the poor hardest. Governments 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 to check the performance of the land offices and to easily detect fraud. Adoption of unconventional pro-poor and participatory land recordation tools: such tools include the Social Tenure Domain Model (STDM) which was developed by UN-HABITAT through the Global Land Tool 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. STDM land tool application can improve relationships between tenants and landlords/land owners, increase participatory planning processes in slum dwellings, improve security of tenure, facilitate easier and quicker conflict resolution among claimants and it can minimize forced evictions. It is thus recommended that governments recognize and integrate non-conventional tools like the STDM in existing land registration and information systems because they are pro-poor, affordable and easy to use.

Consistent sensitization of masses on land and housing policies and POSs. This will in a way facilitate communities’ uptake and support of government programs for the localization of the New Urban Agenda. This will result to building strong and sustainable cities. Stringent implementation of laws on land and housing: Governments should prioritize the implementation of land and housing laws and policies by allocating funds from the national budgets and increasing the human resource capacity in implementing agencies/authorities. Countries such as Uganda have not sufficiently and efficiently met the housing demands of their citizens in urban areas and resolving long running land related questions because of failure to translate the well written laws into practice.
Monitoring & reporting

1. How do you intend to monitor the achievements and progress in the implementation of your action plan approved at your Campus (success indicators and other measures of achievement should be proposed)?

a) Use of rapid appraisal methods for UTC performance monitoring, assessment and to gather any relevant information for decision makers.
b) Use of impact analysis to evaluate outcomes of the UTCs over time and inform future programming.
c) Following up on leaders to check the fulfillment of their commitments.
d) Monitoring of policy and strategy development and implementation from national to local level. This will be achieved through consultative meetings and participation in on-going policy implementation activities.

However, these activities will largely depend on budget flexibility and availability of funds.

2. Explain how you intend to share the results of your action plan with the WUC community and other partners in order to jointly implement the New Urban Agenda?

Results of the action plan will be shared through:

- Organizer websites
- Respective organization publications ie annual reports, newsletters, activity reports, policy briefs, opinion pieces and position papers.
- Mainstream media such as newspapers that can be accessed locally and globally online
- Social media pages particularly Facebook and Twitter
- Sharing information through organization e-mailing list
- Continuous sensitization of communities on the New Urban Agenda and providing updates on any developments in the formulation and implementation of policies and laws relating to urbanization. This is aimed at promoting sustainability of initiatives.
- Strengthening partnerships and collaborations between communities and leaders.
- Creation of a local movement for advocates of inclusive, participatory and gender responsive urbanization processes. This platform will be useful for collective advocacy on challenges of urbanization and strategies to tackle the challenges and will influence decision-making policies from national to local level.

List of key speakers

1. Mr. Samuel Mabala, Commissioner for Urban Development - Ministry of Lands, Housing and Urban Development, Uganda, Ugandan
2. Mr. Charles Sserunjogi, Mayor - Kampala Central Division, Uganda, Ugandan
3. Ms. Dorothy Baziwe, Executive Director – Shelter and Settlements Alternatives, Uganda, Ugandan
4. Mr. Anthony Mugeere, Urban Sociologist and Lecturer – Makerere University, Uganda, Ugandan
5. Mr. John Mwebe, land Rights Activist, Moderator of the UTC sessions, Uganda, Ugandan

List of participants

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List of organizations represented

1. Ministry of Lands, Housing and Urban Development (MLHUD)
2. Ministry of Labour, Gender and Social Development (MLGSD)
3. Uganda Law Society (ULS)
4. Mengo Youth Development Link (MYDEL)
5. AcTogether Uganda/Slum Dwellers Federation
6. Kampala Capital City Authority (KCCA)
7. Urban Authorities Association of Uganda

List of partner groups represented

Authorities and sub-national authorities

- Ministry of Land, Housing and Urban Development (MLHUD)
- Kampala Capital City Authority (KCCA)
- International Accountability Project (IAP)
- Local Government ie Local Council I,II,III, councilors
- Resident City Commissioner (RCC)
- Urban Authorities Association of Uganda (UAAU)

Research and Academia

- Makerere University (MUK)
Civil Society Organizations

- AcTogether Uganda
- Slum Dwellers International
- Shelter and Settlements Alternatives (SSA)
- Uganda Law Society (ULS)
- Action for Development

Children and youth

- National Youth Council (NYC)
- Uganda Youth Network (UYN)
- Mengo Youth Development Link (MYDEL)
- Central Youth Development Association (CYDA)

Grassroots organizations

- Ngalo Women’s Development Initiative
- Kamwokya Market

List of countries represented

1. Uganda

UTC Photos