

HOUSING INVESTMENT CHRONICLES IN UGANDA

DISCUSSION BRIEF ON SECURING LAND

A household's success in achieving their housing investment goals rests on their ability to secure land.

Despite a comprehensive range of policies and legislation on land, Uganda continues to grapple with serious land governance, tenure, and administration challenges, with the main obstacle being the presence of dual and overlapping land access systems and mechanisms. Prior to the advent of colonialism, land access and management were coordinated through traditional systems. These were replaced by British colonial systems of land tenure, administration and accompanying institutional frameworks (Nkurunziza, 2006). As a result, a 'duality' of formal and informal land markets emerged across the country, especially in Kampala and the Greater Kampala Metropolitan Area.

Today both the 'formal' and 'informal' systems of land access and administration remain active and operate as mutually reinforcing entities (Giddings, 2009). These

are underpinned by a range of actors, negotiating diverse interests within formal and informal institutional frameworks. Interviews with low and middle income households in the Greater Kampala Metropolitan Area indicated that residents utilise both systems to access land.

As part of the larger Housing Investment Chronicles (HIC) research project in Uganda, this brief consolidates some of the key emerging issues and processes identified by respondents in relation to accessing land, as well as opportunities for policy intervention and advocacy. It highlights some of the key institutions (formal and informal) that are used in accessing land; some of the processes and steps undertaken through the formal and informal processes; and the emerging opportunities and challenges experienced within both processes. Finally, we provide a list of recommendations and intervention points for a more effective system of land acquisition in the Greater Kampala Metropolitan Area.

ROLE OF FORMAL AND INFORMAL INSTITUTIONS IN ACCESSING LAND

	<p>Ministry of Lands Housing and Urban Development (MoLHUD)</p> <ul style="list-style-type: none"> Policy preparation and implementation State custodian of all land-related information Land Information, management & administration <p>Local Council I (LC1)</p> <ul style="list-style-type: none"> Mediate formal and informal land transaction processes Provide legitimacy to informal land transactions Act as witnesses and legal sanction for informal transactions
	<p>Private sector actors</p> <ul style="list-style-type: none"> Examples: Real estate agencies, Banks/financial institutions, Attorneys Critical roles in formal transactions Involved in housing development Intermediaries in formal and informal land transactions Attorneys are mostly engaged to facilitate land transactions Attorneys are also involved in mediation of conflict or disputes Focused on middle & high income market segments Capacity insufficient to meet housing demand
	<p>Civil society organizations (CSOs)</p> <ul style="list-style-type: none"> Examples: SSA-UHSNET (Shelter and Settlements Alternatives: Uganda Human Settlements Network), NSDFU/ACTogether (National Slum Dwellers Federation of Uganda) and UHOCU (Uganda Housing Cooperative Union) Engaged with low and middle income households Advocacy role – for just, inclusive and equitable land rights Some undertake housing projects Limited success in enabling greater access to land and housing.
	<p>Religious and cultural institutions</p> <ul style="list-style-type: none"> Examples: Buganda Kingdom through the Buganda Land Board [BLB], Roman Catholic Church, Church of Uganda, Uganda Muslim Supreme Council Institutions own significant amount of land across the GKMA Most of this land is encumbered by squatters or conflicts Lease out their land to public or private agencies for development Occasionally offer free land for charitable causes and other community-related projects

The HIC project differentiated between 'formal' legislated institutions for accessing and negotiating access to land, and those that are quasi-formal, as outlined below.

Unregistered land brokers and middle-men	
	<p>Brokers act as important nodes and as 'information gate-keepers' in urban land markets, influencing information access as well as land values.</p> <p>There is no known figures of how many land brokers operate in the GKMA. Land brokers are however easy to access as they advertise their services in posters across the city.</p>
Social networks	
	
<p>Social Networks e.g. friends, relatives etc serve as critical forms of social capital employed by low – and middle – income households in the process of legitimizing their rights and claims to land.</p>	

FORMAL AND 'INFORMAL' PROCESSES OF ACCESSING LAND

Below are some of the steps undertaken by low and middle income residents in accessing and purchasing land for housing development. The right side outlines the steps in the formal process, and the left side details the steps undertaken under the 'informal' process.



- Although many low and middle income households use these informal processes to locate and purchase land, they noted that this process has a key flaw in that it lacks transparency, and thus puts buyers at risk unnecessarily.
- Although the formal processes contain less risk for buyers, they are also lengthy, costly, and time consuming.

KEY ISSUES & CHALLENGES ASSOCIATED WITH ACCESS TO LAND

1. Many low and middle income households reported that processes of accessing land formally were both expensive and time-consuming. This was partly attributed to bureaucratic systems as well as perceptions of a culture of graft/bribery in land administration systems.

'In Nkokonjeru land has been sold more than three times with the LC I [Chairperson] as the chief mediator spearheading these transactions...' - FGD participant, Nkokonjeru Caritas PHCS, GKMA

2. There is also inadequate information and records on formally registered land within the GKMA. Where the information exists, respondents noted that it could be hoarded by rent-seeking individuals, thus excluding residents who lack the political currency to access vital land information.

3. While informal processes of land are prevalent, they also lack transparency, particularly on the part of local leaders who are important middlemen and mediators of transactions. In some cases, residents reported cases of local leaders becoming compromised, thus throwing into question their impartiality as mediators in land transactions especially where state influence is limited. Continued erosion of public trust in local leadership will only further impede the capacity of low and middle income households to access to land to meet their housing needs.

'A man bought a big chunk of land with three tenants on it in Nkokonjeru Town Council. The LC I Chairperson said that this man was shown the land at the top of the

hill where he viewed mere trees yet there were houses obscured by the trees. At the time when he bought and went to develop the land he discovered there were tenants/squatters. He presented himself as the new landlord and that he had bought the land. They claimed not to know him. He involved the LC I of the area who only advised him to talk to the tenants. He eventually failed to negotiate with the tenants on the land and he abandoned it'. - FGD participant, Nkokonjeru Caritas PHCS, GKMA

4. Land appreciation in and around the GKMA, as a consequence of speculation and land hoarding, is making it increasingly difficult for low and middle income households to access land for housing.

5. Low and middle income residents also admitted to having limited information on how to access land through formal channels, and this further exposed them to fraud. This highlighted a gap or failure by key duty-bearers within the state to inform residents and intervene in the case of displacement or mismanagement.

6. Asymmetrical and skewed power relations across the social spectrum have created unequal competition for critical resources such as land, an essential element for meeting housing needs. Without the necessary resources to navigate the convoluted land institutions and processes, low and middle income households are rendered unable to easily acquire accessible, serviced and affordable land, which deprives them of their inalienable right to adequate housing.





RECOMMENDATIONS

1. Enforce and implement existing land policies and related policy reforms, and integrate and harmonise implementation of land-related policy, legislation, institutional and procedural frameworks for greater effectiveness.
2. Government to translate land-related policy, legislation and procedures on land access, administration and adjudication systems into local languages to better inform and increase awareness amongst local communities.
3. National land fund to prioritise the housing needs of low and middle income residents, particularly in areas plagued by land conflicts and disputes.
4. Increase land banking and engagements with large land owners to enable access to well located and affordable land by low and middle income residents.
5. Increase facilitation, monitoring and supervision of local land committees to ensure effective functioning and management of local land matters. These committees need to be equipped if they are to adequately address land-related tensions, violence and conflict in the GKMA.
6. Streamline bureaucracies within the formal land delivery processes to smooth land registration, exchange, transfer and acquisition through the formal systems, improving service provision and creating public confidence.
7. Extend government regulation over the urban land market to curb speculation and exploitation.
8. Register key players and provide training, monitoring and professionalisation to improve the functioning of the urban land markets.

CITATIONS

Giddings, S. W. (2009). "The Land Market in Kampala, Uganda and its Effect on Settlement Patterns", International Housing Coalition, pp.1–33.

Nkurunziza, E., (2007). "Informal Mechanisms for Accessing and Securing Urban Land Rights: The Case of Kampala, Uganda", *Environment and Urbanization*, 2007, 19(2), pp. 509–526. <http://doi.org/10.1177/0956247807082833>