

ENHANCING TENURE SECURITY FOR THE URBAN POOR

-The Case of Uganda.

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Introduction

- Uganda is has an estimated **population of 34.5** million growing at **2.5%** p.a
- It is about **20% urbanized**. However it is rapidly urbanizing at a rate **exceeding 5.2% p.a.**
- Slums and informal settlements account for **about 60%** of the urban population
- Government has in the past implemented slum upgrading schemes in Kampala, Jinja, Mbale & Arua.
- However, these efforts have **not been sustainable** to meet the scale of the need.
- A number of lessons were learnt which informed the design of the future upgrading programmes.

Policy & Legal Framework

Is there a formal (in law and/or policy) recognition of tenure rights? If there is, what form of tenure system is applied?

The Laws

- ❑ The Constitution of the Republic of Uganda (1995)
- ❑ The Land Act (cap 227) (1998)
- ❑ The Land Amendment Act (2010)

The Policies

- ❑ The National Land Policy (2013)
- ❑ The National Slum Upgrading Strategy (2008)

The Constitution of the Republic Uganda

- ❑ Article 237(1) of the Constitution of Uganda vests land in the citizens of Uganda in accordance with the four land tenure systems.
- ❑ Land in Uganda shall be owned under:
 - ❑ Customary
 - ❑ Freehold
 - ❑ “Mailo” and
 - ❑ Leasehold.

The Constitution (cont'd)

- Art. 26 of the Constitution guarantees protection from deprivation of property & provides that every person has a right to own property .
- No person shall be compulsorily deprived of property or any interest in or right over property except for:
 - ▣ Public use or in the interest of defence, public safety, public order, public morality, or public health; and
 - ▣ The compulsory acquisition only to be made after prompt payment of a **fair and adequate compensation** prior to the taking possession; and a right of access to a court of law by any person who has an interest or right over the property.

The Land Act (cap 227) 1998

- ❑ Provides a framework for tenure, ownership and management of land under the four tenure systems as provided for under the Constitution of the Republic of Uganda.
- ❑ Provides security of tenure to all land users including customary tenants & bona fide tenants
- ❑ Provides for resolution of land conflicts between the registered owners and bona fide occupants and payment of annual nominal ground rent to the registered land owner
- ❑ Provides for compulsory acquisition of land for public interest through payment of adequate compensation in advance

Tenant – Landlord Relationship

How are issues such as rentals and landlords dealt with?

- ❑ Annual nominal ground rent (ANGR) to be paid by the tenant
- ❑ ANGR default for 2 consecutive years as ground for lawful eviction with court order
- ❑ Penalties provided for illegal eviction as well as sale of the tenants right without consent of owner
- ❑ First priority given to tenant to purchase on willing buyer-willing seller basis
- ❑ Regularization of tenure status of tenants using Land Fund.

The Land Amendment Act (2010)

To stop evictions on registered and customary land by enhancing the existing legal provisions of the 1998 Land Act:

- ❑ Provides powers to the Minister to fix the annual nominal ground rent
- ❑ Provides for eviction only by Court Order;
- ❑ Provides for criminalisation of unlawful forced eviction and state the consequences of illegal land allocations or other transactions entered into by District Land Boards;
- ❑ Provides for a first option to purchase where multiple rights exist &
- ❑ Provides for criminalisation of landlords' actions and enhancement of penalties for tenants and trespassers.

The National Land Policy (NLP) Framework

- Government adopted the National Land Policy 2013
- The NLP provides a framework for efficient, equitable and sustainable utilization and management of Uganda's land and land-based resources for poverty reduction, wealth creation and overall socio-economic development.
- The policy provides for multiple land tenure systems as enshrined in the constitution.

The National Slum Upgrading Strategy

- ❑ Does the regularization program/project include investments in urbanization (upgrading, implementation of basic infrastructure) and housing amelioration?
- ❑ The National Slum Upgrading Strategy provides a framework for improvement of the living conditions of slum residents urban areas on a sustainable basis and to prevent future slum growth.
- ❑ Provides strategies for holistic integrated approach to slum upgrading through participatory engagement of public, private and community sectors with citywide coverage.
- ❑ The Secondary Cities Programme for Transforming Settlements of the Urban Poor in Uganda (TSUPU) being piloted in 5 Municipalities

TSUPU

- ❑ To empower the urban poor to know their rights, responsibilities and obligations in order to participate in planning & decision making
- ❑ To improve access to basic services
- ❑ To put in place relevant policies to enhance orderly urbanization and management of urban growth
- ❑ To increase awareness about effective urban management

Key Design Principles

- ❑ Stakeholder participation in planning, decision making, and project identification
- ❑ Complementarity & Building synergies
- ❑ Empowerment of the Slum dwellers for effective engagement
- ❑ Sustainability of efforts
- ❑ City-wide coverage as opposed to project specific
- ❑ Mixed use development which enhances functional integration
- ❑ Land sharing Approach to enable to slum dwellers access land and affordable housing
- ❑ Public Private Partnership to deliver affordable housing

TSUPU Components

- ❑ National Urban Forum, Municipal Development Forum & Settlement level Forums
- ❑ Mobilization of slum dwellers into organized groups around savings
- ❑ National Urban Policy, Strategic Urban Development Plan, Urban Indicators, Urban Campaign
- ❑ Municipal Development Strategies
- ❑ Applied research by the Universities
- ❑ Student Internship programs in settlements of the urban poor
- ❑ Public Lectures
- ❑ Community Upgrading Funds

Launching Municipal Dev't Forum in Mbale M.C.



Does the policy and/or practice include participation /consultation with affected people and communities?

Importance of Participatory Approach

Stakeholder participation and dialogue in planning, project identification, prioritization, implementation and monitoring:

- ❑ Enhances ownership and a sense of belonging
- ❑ Provides opportunity for the slum dwellers to influence decisions
- ❑ Empowers the slums dwellers to have a voice
- ❑ Recognition of the slum dwellers as key partners in the development and management of the city.
- ❑ Enhances complementarity and synergies among urban actors.
- ❑ Exploits the potential of all the actors to participate in citywide upgrading programmes

Implementation Arrangement

The implementation of TSUPU project is through the partnership of the following Institutions:

- **Central Government** (Ministries of Lands, Housing and Urban Development; Finance, Planning & Economic Development; and Local Government)
- **Municipal Local Governments** (Municipal Local Government of Mbale, Mbarara, Arua, Jinja and Kabale)
- **NGO** (Slum Dwellers International; and Actogether)
- **Community Based Organizations** (the National Slum Dwellers Federations)
- **The Universities** (Makerere University) and
- **The Private Sector** Actors (Land owners, and Real Estate Investors).

The Current Status

- ❑ **What is the scale of the experience (pilot/local/national.. numbers!) regarding the size/number of informal settlements in the country?**
- ❑ The TSUPU is being piloted in 5 Municipalities.
- ❑ So far a total of 40,000 slum residents have been mobilized into savings groups.
- ❑ Some of the good practices are being rolled out to another 9 Municipalities especially the mobilization of slum dwellers, formation of community savings groups, and establishment of the Municipal Development Forums.
- ❑ The mobilization is ongoing to build sufficient capacity for citywide redevelopment.

Looking Forward

- ❑ Institutionalize the Municipal Development Forums to provide platform for dialogue and participation
- ❑ Scale up slum mapping and enumeration to generate reliable information for planning
- ❑ Enhancing the security of the residents through certification of their status with the help of the STDM and Clear designation of their residential address
- ❑ Strengthening Slum Dwellers Organizations for effective engagement in planning and policy review.
- ❑ Promote savings mobilization & access to credit to enhancing the incomes of the slum dwellers to enable them generate adequate resources for slum redevelopment.
- ❑ Consolidate mobilization of community savings into a Fund to enhance their livelihood & improve on the infrastructure.
- ❑ Promote slum redevelopment through land sharing approach and public private people partnership (PPPP).

PPPP to enhance Tenure Security

- **Public** – to coordinate, facilitate & regulate partnership & provide public infrastructure
- **Private** – to mobilize resources, design, implement & manage the redevelopment project
- **People** – to organize and ensure active community participation in the scheme including providing land, labour, own savings, and market for some of the apartments
- The **Partnership** of these key actors will ultimately ensure sustainability and enhance tenure security for all.

Thank for Your Kind Attention