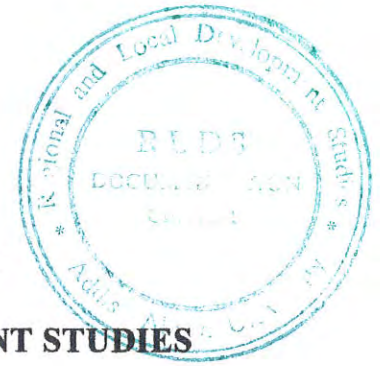


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**The Contribution of Land Tenure and Housing to the Empowerment of Low Income Earners in Nansana Town Council, Wakiso District, Uganda**

**Asiimwe George**



**Master of Arts Thesis in Urban Development and Urban Challenges in East Africa**

**Institute of Development Studies, Addis Ababa University (AAU)**

**Addis Ababa, Ethiopia**

**June 2011**

*Addis Ababa*  
*University*

*(Since 1950)*



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**Asiimwe George**

**A Thesis Submitted to the School of Graduate Studies at Addis Ababa  
University in Partial Fulfilment of the Requirements for the Award of the  
Master's of Arts Degree in Urban Development and Urban Challenges in East  
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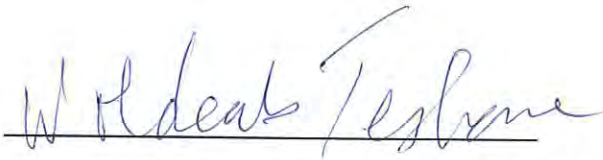
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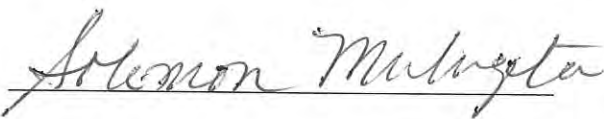
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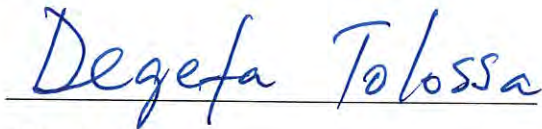
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Advisor



**Declaration**

I ASIIMWE GEORGE solemnly declare that this thesis is my own making and that all the data presented in this study was collected by me and has never been presented to any other institution for an academic award and that where other literature or authors have been cited, full acknowledgement and complete referencing has been done. I take full responsibility for all the mistakes, errors and recommendations made in this thesis.

A handwritten signature in blue ink, appearing to read "Asiimwe George", is written above a horizontal dotted line.

**Asiimwe George**

## **Abstract**

*Land is and remains Uganda's most valuable asset. Land tenure in Uganda is categorised into four forms; mailo land tenure, freehold tenure, leasehold and customary land tenure. The Ugandan economy has been liberalised and is now mostly a private sector led economy and the role of government has shifted from provider to enabler. This study set out to explore the contribution of land tenure towards social and economic empowerment of the low income earners. This research employs a qualitative methodology which seeks to see people's experiences through their day-to-day lived experiences and generating a deeper understanding of the lives of low income earners. Key informant interviews, open ended semi-structured questionnaires, non participant observation are some of the methods used to collect data. Purposive sampling, snow balling, and random sampling are employed in identifying respondents. The respondents chosen were 54 and they included home/house owners, bank credit administrators, tenants, local council leaders, real estate companies and brokers and sub-dividers.*

*The study reveals the existence of formal and informal land markets in Nansana with the informal sector being the key provider of land and housing to the low income earners in the area. Majority of the people in Nansana occupy crown or Buganda kingdom land which is untitled land. Land tenure and housing offer social empowerment to low income earners through improving their confidence and pride, getting them accepted in society and playing a developmental role in their community; it gives them a permanent address and helps them to realise lifelong aspirations. Economically, low income earners are empowered through diversifying their incomes with the money earned from rents and saving would-be rent money, investing their savings in tangible assets like housing and land; and being able to save their assets for use in old age where there is a lack of pension to live on and being able to have enough property to pass on to the children as inheritance and for their sustenance.*

*Effective utilisation of Land tenure and housing for the benefit of low income earners is impeded by institutional challenges such as bureaucracy, corruption in land offices, the high costs of registering land; the behaviour of sub-dividers which makes their habitats exhibit conditions that label them as informal settlements; government's denial of their tenure status and denial of services such as financial support and credit in banks as well market failures such as failure to accept the land agreements of the poor as collateral in banks. The study proposes institutional reforms of the Lands ministry and Buganda Land Board; land reforms such as expansion of leasehold tenure in urban areas; financial reforms such as acceptance of purchase agreements as collateral and inclusion of the poor in national housing finance programs; devising of new and innovative bottom-up planning mechanisms which involve all stakeholders as well as increasing the capacity of local councils, Buganda Land Board, Planning departments and civil society building within settlements.*

**Dedication**

This book is dedicated to **Asimwe Heather Georgina** my beloved daughter.

Thank you for coming into my life and making it worthwhile. You mean the world to me.

**Daddy Loves You!**

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## Abbreviations and Acronyms

BLB	Buganda Land Board
CRDB	Centenary Rural Development Bank
CSO	Civil Society Organisation
DFCU	Development Finance Company in Uganda
DFCU	Development Finance Company in Uganda
FAO	Food and Agricultural Organisation of the United Nations
FIG	International Federation of Surveyors
GTZ	German Organisation for Technical Corporation
HFBU	Housing Finance bank of Uganda
KCC	Kampala City Council
LC	Local Council
MDG	Millennium Development Goals
MoFPED	Ministry of Finance Planning and Economic Development
MoLG	Ministry of Local Government
MoLHUD	Ministry of Lands Housing and Urban Development
NEMA	National Environment Management Authority
NFA	National Forest Authority
NGO	Non Government Organisation
NSS	National Shelter Strategy
UBOS	Uganda Bureau of Statistics
UDHS	Uganda Demographic and Health Survey
ULA	Uganda Land Alliance
UNDP	United Nations Development Programme
UN-Habitat	United Nations Settlements Programme
UNHS	Uganda National Household Survey
UNICEF	United Nations Children's Fund
UPE	Universal Primary Education
USE	Universal Secondary Education
WB	World Bank

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## **CHAPTER 1: INTRODUCTION**

### **1.0 Background**

Land is one of the key finite resources available to mankind whose use often draws controversy and mixed opportunities for the different users in every country. The right to use the land differs from one person to another and from country to country.

Land is essential to all human activities, limited in quantity, immobile and permanent. Surely it is, by its very nature, a public good. Like water in dry regions, it is a commodity that cries for public management and control. Indeed, in the case of urban land, the value of which is so heavily dependent on socially created demand and publicly provided services, the case is even more compelling for strong public intervention (Doebele, 1987:7).

The problem of adequate land for the urban poor in developing countries is bleaker today than it was 25 years ago, and almost surely will become bleaker in the future. Experience has repeatedly shown that the granting of tenure to private individuals is extremely efficient in releasing enormous energies for urban development. Furthermore, there are deep human psychological needs for "roots" - identity with a home or parcel - that must be recognised in even the most socialised societies (Doebele, 1987).

Many authors and organisations have defined land tenure differently such as Rakodi (2002) who defines land tenure in English common law terms as a collection of rights, each of which is a relationship between persons and organisations as to land. For FIG (1995) and GTZ (1998), land tenure is the relationship between people and land that is embodied in land rights and restrictions while Payne (2001) defines land tenure as the mode by which land is held or owned, or the set of relationships among people concerning land or its product.

According to Payne (2001) tenure is a continuum from the most secure to least insecure and goes on to list tenure forms as customary tenure which is found in most parts of Africa, the Middle East, Asia and (once upon a time) North America. Payne adds that customary tenure evolved from largely agricultural societies in which there was little competition for land, and therefore land had no economic value in itself, but where survival was often precarious and depended upon careful use of the land to ensure an ecological balance.

Private tenure is largely an imported concept in developing countries and is generally concentrated in urban areas, where it was designed to serve the interests of colonial settlers.

As such, it may co-exist with other indigenous tenure systems. The system permits the almost unrestricted use and exchange of land and is intended to ensure its most intense and efficient use. Its primary limitation is the difficulty of access by lower income groups. On the other hand, Public tenure is common in socialist countries, where all rights are vested in the state, while in capitalist countries; it may be restricted to a narrow range of public requirements, such as strategic or communal uses (Payne 2001).

The concept of public land ownership is largely a reaction to the perceived limitations of private ownership in that it seeks to enable all sections of society to obtain access to land under conditions of increasing competition. The religious forms of tenure in Islamic countries represent another variation in this range (Payne 2001).

There are also Non-formal tenure categories. These include a wide range of categories with varying degrees of legality or illegality. They include regularised and un-regularised squatting, unauthorised subdivisions on legally owned land and various forms of unofficial rental arrangements (Payne 1997; 2001).

The question of land tenure is of paramount importance in the way people in Uganda decide where to live and the type of housing they construct or rent and also on the decision to purchase land. Many writers have blamed the current prevalence of slums on poor and unclear tenure status (Nkurinziza 2007; Luasa and Nyakaana 2005; UN-Habitat 2008). The people who construct in areas with unclear tenure end up constructing poor quality housing and this is linked among other factors, to land tenure (UN-Habitat 2007; Doebele, 1987), poverty and land sub-divisions (Payne, 1996). Despite all the negative connotations that have been slapped on slums, the poor continue to live there because of affordable rent and land for housing (although not always the case for land), while others derive their livelihoods from there.

Land in Uganda currently is held under four major tenure forms; customary, freehold, *mailo*<sup>1</sup> and leasehold (the last three categories fall under private tenure proposed by Payne). Each of these has its own problems and advantages but the key issue of this study is to consider how these tenure systems have empowered the urban poor in terms of helping them to increase their housing options, and the incomes they acquire or saving from housing. The other issue of interest is how the tenure system is linked with overall economics of poverty eradication

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<sup>1</sup> The Unit of measure was the square mile hence *mailo* land

particularly concerning access to finance for investment and/or incremental construction as well as housing as an income generating activity for the urban poor in Nansana Town. This is against the background of the economic liberalisation policy and Structural adjustment policies which the government of Uganda has pursued and the free market economy which has allowed private sector participation in all sectors of the economy, housing inclusive.

The effect of political turmoil and economic instability of the 1971-1986 era has led to indiscipline and lack of enforcement of the building standards and regulation and an accumulation of housing backlog all over the country with a backlog in 2005 of 80,000 houses at the cost of \$2.4 billion and a projected 2015 backlog of 300,000 houses to cost \$9 billion. Available existing liabilities for housing would cover only 13% of the value of housing backlog in the capital Kampala (UN-Habitat 2006). Complicating matters is the fact that large amount of financial assets are held outside of the formal banking system and are therefore unavailable for intermediation.

According to UN-Habitat (2006) the housing environment discourages large developers who use their own resources or expensive commercial loans to finance projects. Consequently most developers build in single unit or small batches resulting in high unit costs and prices. Since the 1970's and 1980's, several policies and projects have been pursued in the housing sector in Uganda, for example, the Masese Women self-help housing project, the Naalya National Housing estates, the Bugolobi, Bukoto, and Naguru estates are some of the few examples. However, these have since been privatised and sold off to private occupiers and companies. This is because in 1992 the National Shelter Strategy (NSS) was adopted. The government then took on the "enabling approach" as its major policy. Under this policy, government operated to identify and remove bottlenecks that hamper housing development and by encouraging private sector participation in housing development. In 2005, a National Housing policy was adopted to replace the NSS. The goal of the new policy was "well integrated sustainable human settlements, where all have adequate shelter with secure tenure, enjoy a healthy and safe environment with basic infrastructure services" (UN-Habitat 2006).

Hamdi (1991: 109) says that under the enablement approach, the users have to be given power to make decisions on how to solve their housing problems. The World Bank and UN-

Habitat have all supported this approach which focuses on enhancing housing finance institutions and supporting policies that enable housing markets to work effectively.

Rapid growth of population and rural urban migration has had a big influence on housing conditions in Uganda. In Kampala alone 54% of the population live in tenements, while 12% live in stores and garages, 65% rent their accommodation, while 71% occupy rooms rather than freestanding houses (UBOS 1999).

With the enablement approach being in force, the vast majority of housing in Uganda is provided by the private sector, for instance, out of five million households nationwide, approximately 2,000 are financed by mortgages (UN-Habitat 2006). This implies that more than 80 percent of the housing is provided and funded by the private sector.

### **1.2 Statement of the Problem**

The largest number of developing countries have been facing land and housing shortages in the cities due to deteriorating quality of existing stock and the failure to meet housing development with urban and population growth. There is increased pressure from donor agencies and supranational agencies such as IMF and World Bank for governments to reduce their involvement in the provision of land and housing. Many governments have now completely stopped providing any housing for their citizens. It has now become the role of the citizens to provide their own housing but this however does not imply that governments no longer play any role in the issues of land and housing. There are many cases where governments are involved through the provision of land through sale or direct allocation to citizens where the land belongs to government. Uganda is different in that the land belongs to the people of Uganda although government owns its share as well. The people have ultimate power to decide land use. The government in Uganda no longer provides housing to citizens and the bulk of houses constructed by the national housing agency are not subsidised but sold at market prices which makes them very unaffordable to the local man.

Low income earners <sup>2</sup>are therefore, left with the burden of finding land and building their own housing. Since housing is not a cheap undertaking, one would expect that it is undertaken by the rich and middle class alone but this is not the case. Many Ugandans poor or rich are involved in the construction of their housing all over the country. This study sets

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<sup>2</sup> These are not necessarily poor people. They are people whose incomes are low and irregular, whose employment is mostly in the informal sector. They could also be government workers but those who earn lower wages.

out to explore how the low income earners who work in the informal sector acquire their land and housing, the values they attach to it. Interest is taken into where they construct and the dynamics involved in their utilisation of land tenure and housing for development.

Nansana is a small town with an estimated population of 86200 (UBOS 2010). The town is located 12 kilometres north east of Kampala and is mainly occupied by relatively low income earners who are mainly informal sector workers. The area however has the problem of being an informal settlement, and being mired in intense sub-divisions. This is because many low income earners who cannot purchase titled land expensively from housing estates and formal real estate companies turn to Nansana for land. The land in Nansana is owned by the Kingdom of Buganda and therefore, most of the dwellers in this place are occupants on private land. The construction in Nansana is also not properly controlled in that most of the construction is done according to the taste, preference and mostly the income of the land owner and many of the construction is done through self-help incremental construction. Despite all these challenges facing the town, the people have continued constructing in this area hence the need for a study to ascertain reasons or benefits enjoyed by these people and how their condition can be improved.

### **1.3 General Objective**

The general objective of this research is to explore the contribution of land tenure and housing to the social and economic empowerment of the urban poor/low income earners in Nansana Town Council in Wakiso District in Uganda.

#### **1.3.1 Specific Objectives**

- To explore the contribution of land tenure towards social and economic empowerment of the low income earners in Wakiso District
- To explore the contribution of the informal sector and the market towards the provision of tenure and housing to low income earners in Wakiso District
- To explore the challenges and bottlenecks impeding the effective utilization of land tenure and housing to eradicate urban poverty

### **1.3.2 Research Questions**

- How has tenure clarity resulted in social and economic empowerment for the urban poor/low income earners?
- How has the land tenure system helped the low income earners in relation to income earned from housing where it is used as an income generating activity?
- How are market forces shaping how low income earners access tenure and housing in Wakiso District?
- How are financial institutions reacting to different tenure forms in relation to provision of credit for housing?

### **1.4 Significance of the study**

This study is aimed at raising and sharing knowledge about the potential of low income earners to play an active role in the development of the country through provision of housing and also through increasing the number of housing stock in the country and Wakiso district specifically. This comes at the back of the fact that government stopped providing housing for the citizens of Uganda under the economic liberalisation strategy. The government agencies that still provide housing operate on a commercial and competitive basis such that low income earners are excluded from their services. The agencies often target middle class and high income earners hence the poor and other informal sector workers have to fend for themselves and provide their own housing.

Nansana town council in Wakiso district is one such place where low income earners have been able to find land where they can establish themselves and have their own shelter. The study thus shares the knowledge on how this location and the land tenure conditions have empowered low income earners to raise out of their lack of housing and poverty. It also highlights the challenges they are facing that impede their effective utilisation of this land tenure and housing for upward mobility and development or poverty eradication.

Whereas many studies on urban development and planning have more often than not looked at informal settlements as shanty towns and habitats which need upgrading and interventions, this study illuminates the benefits the poor reap from their tenure and how their development can be supported by the various stakeholders to the benefit of the poor themselves.

### **1.5 Structure of Thesis**

The thesis is organised into eight chapters. Chapter one introduces the study and covers background information on Land tenure and housing problem and also includes the objectives and research questions. Chapter two reviews some relevant literature on housing, land tenure, the importance of self help in providing housing for the poor. The chapter also presents the theoretical framework which has adopted the Structuration theory by Anthony Giddens where I discuss the duality of structure and agency. In the same chapter, I present the conceptual framework where I match theory with concepts and the logical flow of my objectives into a diagrammatic illustration.

Chapter three is dedicated to methodology. In this section I discuss concepts related to qualitative methodology which is used by this study. I present the methods used for data collection such as interviews, focus groups and observation. The samples, sampling techniques such as purposive sampling, random and snowball techniques as well as number of respondents are presented here too. The chapter also discusses ethical issues such as validity, reliability and reflexivity. Chapter four is a brief overview of Uganda and a presentation on the study area. The chapter starts with a brief overview of Uganda's economy, development, poverty situation and wellbeing. Urbanisation in Uganda is presented as well as the climatic and environmental condition of the country. I narrow down to Wakiso district and eventually to Nansana Town council which is the study area.

Chapter five, six and seven are a presentation of findings where I discuss the major findings of the study and also give interpretation to the findings through reflective discussion. Each chapter begins with an introduction of issues and ends with concluding remarks. In chapter eight, I wind up the discussion and present the conclusion, summary of major findings, as well as make some policy recommendations and conclude with some suggestions for further research.

### **1.6 Limitations of the study**

The study is qualitative in nature and therefore is based largely on descriptions. There are no quantitative figures and tests hence this study cannot be used to generalise for the entire country.

The study also relied on a small sample of 50 respondents and a relatively small scale in using Nansana as a case study.

## CHAPTER 3: CONCEPTUALISATION AND CONTEXT OF THE STUDY

### 2.1 Theoretical Framework

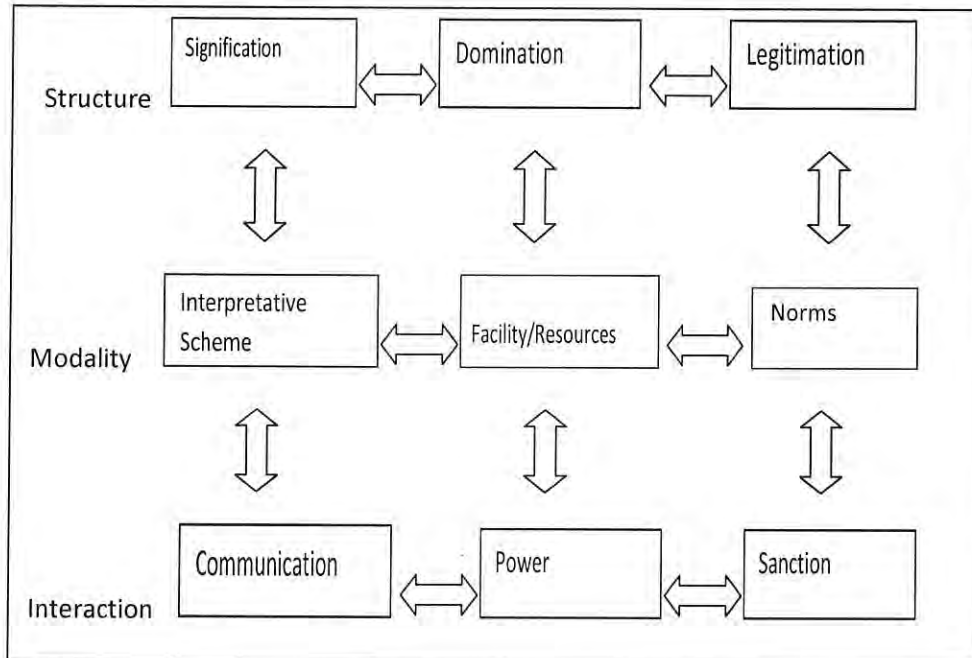
The importance of employing a guiding theory in research cannot be over emphasised, it is invaluable to employ a theory in order to understand the phenomenon under study in various dimensions. Theory is taken to be “a set of explanatory concepts that are useful for explaining a particular phenomenon, situation or activity. These concepts offer certain ways of looking at the world and are essential in defining a research problem. As Silverman (1994) noted, *‘without theory, there is nothing to research’*. Whenever research takes place we are either assessing the validity of a theory (using a deductive approach) or trying to construct a theory (using an inductive approach)” (Kitchin & Tate 2000: 33).

This study will employ the Structuration theory formulated by Anthony Giddens in 1984. The structuration theory emphasises the duality of structure and agency. The use of this theory is because positivistic methods restricted analysis to how things seemed to be, rather than considering how they might be under different social conditions (Cloke et al., 1992). The structuration theory is thus employed due to its consideration of the relationship and interaction between structures and agency. It “recognizes the duality of structure and agency; that structures shape social practices and actions, but that, in turn, such practices and actions can create and recreate social structures” (Gatrell & Elliot 2009, 42). The agents “cannot act without structure, and structure is produced by agents. There is, therefore, a cyclical relationship between human action and social structures whereby the actions of humans play a role in producing and reproducing social structures, while social structures limit, constrain and enable human action” (Giddens, 1984; Rigg 2007, 27).

Therefore, the use of the structuration theory in this study is deliberate and well reflected upon with the intention of enabling this research to see how the structures influence agency who are the individual/community members particularly land/house owners and how agency reiterates to form, enable or resist structures which are the institutions such as banks, ministries of land, land administration boards; and how mediating processes which in this case are the rights, rules, procedures, sanctions and privileges allowed to particular individuals or groups of society, in relation to land tenure and housing can enable or disable empowerment in Uganda and particularly the low income groups in Wakiso district.

Giddens defines social systems as visibly patterned interdependent networks of actions, where change in one part results in change in others (Holmer-Nadesan, 1997). The theory of structuration suggests that human actions simultaneously condition and are conditioned by institutional properties in social contexts. In line with the above, the dimensions of the structuration demonstrated in the figure below are adopted for analytical purposes.

**Figure 1: Dimensions of the structuration theory**



**Adopted from Giddens (1984) - Dimensions of duality of structure**

The three primary modalities are key concepts Giddens defined for understanding mutual interaction: interpretive schemes, resources, and norms. Interpretive schemes are vehicles for the communication of meaning. Resources are allocated by human agents and become the basis for individual power. Once legitimized, they contribute to structures of domination. Norms are rules and conventions that constrain behaviour within acceptable limits and emerge from patterns of recurrent interaction between human agents based on personal notions of what is sanctioned. Mutual interaction via the three modalities between the realm of human action and the institutional realm constitutes the process of structuration (Stein, 1996; Pozzebon & Pinsonneault 2001; Rose & Scheepers 2001).

## **2.2 Empowerment**

In today's development work, the use of common terms and words such as empowerment, poverty eradication, enablement, participation, stakeholders has become common place. Cornwall and Brock (2005) say that many of these familiar terms evoke a comforting mutuality, a warm and reassuring consensus, ringing with the satisfaction of everyone pulling together to pursue a set of common goals for the well-being of all, and that particularly terms such as participation, poverty reduction and empowerment epitomise this feel-good character: they connote warm and nice things, conferring on their users that goodness and rightness. This study chooses to use the term empowerment but not for its feel-good factor which Cornwall and Brock talk of but because of what practical impacts empowerment as a transformational process can have in the lives of the vulnerable in society and low income earners for this study.

The term Empowerment has a long history and has been used differently by different groups, authors and institutions. The meanings of empowerment come from a wide range of sources including feminist scholarship, the Christian right, New Age self-help manuals and business management (Moore 2001). Empowerment retains a prominent place in agencies' policies concerning gender, but often appears in a diluted form, neutralising its original emphasis on building personal and collective power in the struggle for a more just and equitable world (Rowlands 1997). Its recent rise in the World Bank is a story embedded in the harnessing of a range of relational buzzwords by a particular actor network to create bureaucratic and policy space, (Beddington et al 2004) and indeed to 'strike a positive chord with those "progressive" groups on whom the very existence of international aid agencies and programmes increasingly depends'. Ironically, the feminist emphasis on the politics of the personal has been only too readily taken up in the service of individualism (Moore 2001).

Conger and Kanungo (1988: 667), say that to 'empower' means to give power to. Power, however, has several meanings. In a legal sense, power means authority, so that empowerment can mean authorization. Power also may be used to describe capacity. However, power also means energy. Thus, to empower also can mean to energize.

The World Bank (2002:11) defines Empowerment as the expansion of assets and capabilities of poor people to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives. In its broadest sense, empowerment is the expansion of

freedom of choice and action. It means increasing one's authority and control over the resources and decisions that affect one's life.

The "Assets" World Bank refers to are material assets, both physical and financial. Such assets -including land, housing, livestock, savings, and jewellery -enable people to withstand shocks and expand their horizon of choices. The extreme limitation of poor people's physical and financial assets severely constrains their capacity to negotiate fair deals for themselves and increases their vulnerability. "Capabilities", on the other hand, are inherent in people and enable them to use their assets in different ways to increase their wellbeing. Human capabilities include good health, education, and production or other life-enhancing skills. Social capabilities include social belonging, leadership, relations of trust, a sense of identity, values that give meaning to life, and the capacity to organize. Political capability includes the capacity to represent one-self or others, access information, form associations, and participate in the political life of a community or country (World Bank 2002: 11).

Thomas and Velthouse (1990) proposed that the experience of empowerment involved four 'task assessments' (i.e. impact, competence, meaningfulness and choice). They defined 'impact' as the extent to which individuals see their behaviours as producing the desired effects in their work role. 'Competence', refers to individuals feeling able to carry out their work tasks effectively. 'Meaningfulness', concerns 'the value of the task goal or purpose' that is the extent to which individuals feel that their work is personally significant. The final task assessment, 'choice', refers to 'causal responsibility for a person's actions' Conger and Kanungo (1988: 673), or perceived freedom to determine how to carry out work tasks. The basic premise is that the components combine additively to represent feelings or perceptions of empowerment, and hence to promote behaviours that enhance work performance.

On the other hand, the World Bank (2002:17) also proposed four elements of empowerment as Access to information; Inclusion and participation; Local Organizational Capacity; and Accountability. For the World Bank, information is power. Informed citizens are better equipped to take advantage of opportunities, access services, exercise their rights, negotiate effectively, and hold state and non-state actors accountable. Without information that is relevant, timely, and presented in forms that can be understood, it is impossible for poor people to take effective action. Inclusion focuses on the '*who*' question: Who is included. Participation addresses the question of '*how*' they are included and the role they play once included. Inclusion of poor people and other traditionally excluded groups in priority setting

and decision making is critical to ensure that limited public resources build on local knowledge and priorities, and to build commitment to change. Accountability refers to the ability to call public officials, private employers or service providers to account, requiring that they be answerable for their policies, actions and use of funds. Local organizational capacity refers to the ability of people to work together, organize themselves and mobilize resources to solve problems of common interest. Often outside the reach of formal systems, poor people turn to each other for support and strength to solve their everyday problems. Poor people's organizations are often informal, as in the case of a group of women who lend each other money or rice. They may also be formal, with or without legal registration, as in the case of farmers' groups or neighbourhood clubs.

A critical aspect of the empowerment agenda is to reduce inequality by broadening human capabilities through, for example, universal basic education and health care, together with adequate arrangements for social protection (Stern 2002) and improving the distribution of tangible assets (such as land or access to capital). Such an approach brings with it the potential to enhance the poverty-reducing development effectiveness of growth-inducing policies and investments. The converse also applies. When inequality is high, poor people lack capabilities and assets (ranging from literacy to collateral for credit) and thus have difficulty in taking advantage of economic opportunity. This limits a society's potential for growth in general and pro-poor growth in particular, and consequently the effectiveness of development efforts (World Bank 2002).

Empowerment also implies more participatory, bottom-up approaches to working toward development objectives. There is now substantial agreement that such approaches, giving poor people more freedom to make economic decisions, enhance development effectiveness at the local level in terms of design, implementation, and outcomes. Fraser (1989) stresses that equity in the exercise of institutionalized power involves more than increasing the input of individuals into social decision making; it involves the empowerment of individuals through their self-organization and through increasing their self-determination in all areas of activity.

Therefore, working to enhance empowerment is thus a huge challenge for developing countries and their external partners. It is both a moral challenge and an intensely practical one. Reducing the human degradation of powerlessness and releasing the energies of people

to contribute to their societies through empowerment are two sides of the same coin, and represent not only key inputs to development effectiveness but also criteria by which the development effort of the twenty first century will be judged (World Bank 2002).

### **2.3 Low Income Earners**

The African Development Bank (ADB) (2011:1) defines the middle class in relative and absolute terms. In relative terms, the middle class is defined as individuals or households that fall between the 20th and 80th percentile of the consumption distribution or between 0.75 and 1.25 times median per capita income, respectively. Using the absolute approach, the middle class is usually defined as individuals with annual income exceeding \$3,900 in purchasing power parity (PPP) terms or with daily per capita expenditure between \$2 to \$4 and those with daily per capita expenditures between \$6 and \$104.

The middle class is widely acknowledged to be the group that is crucial to Africa's economic and political development. But it is difficult to define exactly who falls into this key group and even harder still to establish how many middle class people there are in Africa. However, it is argued that Africa's middle class is strongest in countries that have robust and growing private sectors, a group where Uganda prominently features.

ADB (2011: 2) uses an absolute definition of per capita daily consumption of \$2-\$20 in 2005 PPP USD to characterize the middle class in Africa. They provide three sub-categories of the middle class. The first sub-category is that of the "floating class" with per capita consumption levels of between \$2-\$4 per-day. Individuals at this level of consumption, which is only slightly above the developing-world poverty line of \$2 per person per day, remain largely vulnerable to slipping back into poverty in the event of some exogenous shocks. This category is crucial because it is a hinge between the poor and lower middle class category. The second sub-category is that of the "lower-middle" class with per capita consumption levels of \$4-\$10 per day. This group lives above the subsistence level and is able to save and consume non essential goods. The third sub-category is the "upper middle class" with per capita consumption levels of \$10-\$20 per day.

According to UBOS (2010: 62) Uganda's average household monthly expenditure rose from UGX 210,750 (USD \$ 91) in 2005/06 to UGX 232,700 (USD \$100) in 2009/10 which

reflects a real increase of 10.4 percent. This also implies that the average daily consumption is above \$2 a day which is above the poverty line and hence fits the majority of the population in the ADB definition of middle class. This study is therefore focussing on those respondents who belong between the floating class and the lower middle class of the ADB definition of middle class.

#### **2.4 Empowerment from below and the Low Income Earners**

The world embraced the concept of sustainable development in recent times but Asimwe and Nyakoojo (2001) argued that achieving sustainable development requires addressing inequality between men and women in the distribution of resources such as land. They further say that lack of ownership of land by women retards development and contributes to poverty. Because land in most families in developing countries belongs to the man, many women do not have security of tenure; women's tenure depends on the male access giver. Thus, providing women with greater land security gives them more incentive to invest and improve the land.

Petit (2001: 18), proposed the provision of substantive freedoms which require "the absence of a power of arbitrary interference on the part of others: the absence of domination". A benevolent dominator who offers his subjects choice on a contingent basis is offering choices that are "favour-dependent," that is, dependent upon his favour. A citizen can adapt to this situation by rationalizing his submission to the dictates of the dominator, but freedom has been reduced. Pettit develops this argument, showing that the concept of freedom elaborated by Sen (1999) calls for individuals to be able to choose according to their preferences in a way that is "favour-independent" as well as "content-independent." ("Content-independence" implies that the removal of those elements of a feasible set that ultimately are not chosen makes a difference for societies that value the freedom of choice itself). At the level of the state, this means that rules and laws should enhance citizens' choices and not serve as instruments of arbitrary domination by one group over another. Any state promoting capabilities for example, would not perpetuate the dependency of the poor on state programs, but rather seek to eliminate such dependency.

In eliminating dependency on state programs by poor people, Hamilton (1999) advocates for democratisation and refers to it as increasing participation in all spheres of social life, not

only in the articulation of needs, but also in their recognition by society and the collective social response. He argues for increased equity in the distribution of power as it relates to the articulation and satisfaction of needs, stressing local involvement and the devolution of power.

The World Bank (2002: 41) adds their voice in a poverty reductionist manner stressing that 'poverty and vulnerability will not be reduced without broad-based growth fuelled by private - sector activity. Economic growth cannot be sustained if poor women and men, who may be 50 percent or more of a country's population, are excluded from optimal engagement in productive activities. Involvement of such large numbers of poor people in more productive livelihoods can only happen when a country's overall domestic investment climate fosters entrepreneurship, job creation, competition, and security of property or benefit rights'.

The challenge with empowering the poor through this line of thinking is the issue of job creation and the kinds of jobs that many people in the developing countries are engaged in. The 17th International Conference of Labour Statisticians (ICLS) defined informal employment as comprising of the total number of informal jobs, whether carried out in formal sector enterprises, informal sector enterprises, or households, during a given reference period. Informal employment identifies persons who are in precarious employment situations irrespective of whether or not the entity for which they work is in the formal or informal sector. Persons in informal employment therefore consist of all those in the informal sector; employees in the formal sector; and persons working in private households who are not entitled to basic benefits such as pension/retirement fund, paid leave, medical benefits, deduction of income tax (PAYE) from wages and whose employment agreement is verbal (UBOS 2010:41).

The Informal sector covers all business activities, as specified in the International Standard Industrial Classification (ISIC Rev IV). These businesses are normally characterized by: absence of final accounts, having less than 5 employees, no fixed location, in most cases not registered and sometimes such businesses are operational for only 6 months or less (UBOS 2010:143). Given the dynamics of this category of people, their incomes are often irregular and unpredictable. The informal sector workers are the largest part of the Ugandan labour force. The informal sector in fact comprises more than 60 percent of Uganda's economy (UBOS 2010).

Cornwall and Brock (2005) therefore, propose a world where everyone gets a chance to take part in making the decisions that affect their lives, where no one goes hungry or is discriminated against, and where opportunities exist for all to thrive: the governable and controllable World in which policies offer a neat route-map for implementation.

This study doesn't intend to discuss all the issues that surround the debate on empowerment but rather how land tenure empowers low income groups and ultimately increases freedoms which reduce poverty. The next section is dedicated to issues of land tenure.

### **2.5 Land Tenure and Low Income Earners**

In most cities of the developing world, up to one half of the urban population live in inadequate, insecure housing conditions within informal settlements (UN-Habitat 2003, 7). With at least 1 billion people currently living in urban slums, a number predicted to rise to 1.5 billion by 2015, and up to 2 billion by 2030, access to land and housing by the urban poor in cities of the south presents one of the most serious challenges facing national governments and global development community today (Payne and Majale 2004, 113).

In most countries, the public sector no longer contributes to the provision of serviced land or housing for low-income groups except in Northern Europe and in former communist countries, the public sector still provides a great deal of housing but generally public sector involvement is in decline. In some European countries, social housing institutions are taking over responsibility from the State but generally it is the private sector that provides most of the housing supply (UN-Habitat 2003). Furthermore, the private sector targets its land and housing development activities at high-income and middle-income groups with regular employment and access to formal credit (Durand-Lasserve 2006). As a result, the urban poor and large segments of low- and moderate-income groups have no choice but to rely on informal land and housing markets for access to land and shelter, thus fostering the expansion of irregular settlements in cities. Informal land and housing delivery systems remain the only realistic alternative for meeting the needs of low-income households as witnessed by the increasing proportion of rental accommodation thus found in the low-income settlements that surround most cities of developing countries. As a consequence, the housing by the urban

poor escapes government rules and regulations (UN-Habitat 2003) and is therefore regarded as informal settlements.

Given the large numbers of low-income urban residents, the overwhelming majority of urban land and housing transactions in Eastern Africa are now informal in nature and taking place on marginal, often hazardous public or private urban land that is deprived of basic services or amenities (UN-Habitat 2010). Between 40 to 60 per cent of people in unplanned settlements in Eastern Africa lack adequate water and sanitation. Their access to water is only through street vendors. They pay more for poorer quality water than those residents with home connections to the municipal water network (UN-Habitat 2010:140).

In Uganda, more than 60 percent of the population lives in informal settlements. The UN-Habitat even stated that slums in Kampala are not only for the poor but for the rich too in what they termed as "*Rich Man's Slums*" (UN-Habitat 2007). This is because a recent survey by UBOS revealed that 76 percent of households live in owner-occupied dwellings while 18 percent rented the houses they resided in, 74.8% owned land. However, the situation in Kampala was different because only 30 percent of households reported that they owned a house, 70 percent in Kampala were rented 22.2 were owner occupier while 7.7 lived free (UBOS 2010: 108).

The quality of housing in Uganda is relatively good. UBOS (2010: 112) reports that despite rural-urban variations, the survey showed that more urban households (84%) than rural (51%) had dwellings with walls made out of bricks. 62 percent of households resided in dwellings roofed with iron sheets with 84 percent in the urban and 57 percent in the rural areas.

Despite the high ownership level of land and housing, Ugandan do not enjoy mortgage financing because their property is not incorporated in mainstream financing by banks and financial institutions. This is because the most important requirement for borrowing is a land title yet over 80% of Uganda's land is untitled (MFPED 2008). Out of the 93,146 titles registered between 1980 and 2002, 7,247 or 8 percent were mortgaged. The number of registered land is none the less on the increase (MISR 2002).

MLHUD reports that of the certificates of land titles issued in 2008/09 75,000 were Mailo; 4500 were leasehold; 3000 freehold. In 2009/10 there were 12,000 mailo, 5000 leasehold and, 8000 freehold title registered which points to an increasing trend (GOU 2010). The

reason for the low registration of property is attributed to the high costs involved, lack of information, the bureaucracy at the land registry and the private nature of tenure. The USAID (2010) and World Bank (2009) report that there are 13 steps to registering property which take 227 days to complete and cost several million Uganda Shillings (UGX).

### **2.5.1 Are they Formal or Informal Settlements?**

Several authors have had confusion and disagreements on the distinction between formal and informal settlements in many developing countries. UN-Habitat (2003: 4) argues that ownership embraces a continuum of ownership rights from new settlements founded on invaded land through to full legal title in formally built housing. While it often makes sense to distinguish between the formal and the informal and it is easy to distinguish between the extreme cases, large numbers of households in poor cities fall into categories that fall uneasily between the two. This is illustrated by the problems that most census authorities have in classifying informal housing. For example, official data provided by countries suggest that that only 1.7 per cent of urban households in South Africa live in squatter settlements, 0.5 per cent of those in Brazil and only 0.2 per cent in Mexico, when anyone who knows those countries will recognize that these are major understatements. Still worse, the census authorities in Egypt, Kenya and the Republic of Korea do not record figures for the numbers of households living in squatter settlements at all. If official figures fail to record that perhaps 60 per cent of Nairobi's population live in 'squatter' or informal settlements, there is little value in using the official figures to distinguish between formal and informal housing.

Apart from the practical problems of using unreliable data on squatter settlements, there is the key philosophical issue of whether formality of title should be considered rather than perceptions of tenure. If most low-income families consider themselves to be homeowners well before they are given a title deed, using measures of informal housing, based on legal title is surely insufficient. Despite arguments that property titles are the solution to formalize illegal settlements and improve the human settlements conditions of the urban poor (de Soto 2000), some writers in the housing field dispute this argument (Durand-Lasserve et al, 2002, Payne 1989).

A further complication in distinguishing between formal and informal ownership is that most settlements in developing countries were once, or continue to be, illegal in one way or

another. Even elite housing sometimes breaks the rules and there are numerous examples of formal estates, even those built by the state itself, having been built on illegally acquired land (Gilbert 1989). At the lower end of the economic scale, much self-help housing lacks legal title but is built on land that has been purchased. The purchase is illegal in the sense that there is no formal title, servicing is deficient, the development lacks the permission of the planning authorities and no building licences have been issued for the construction.

In many West African cities Tipple (1987) as is in much of East African cities Sebina-Zziwa *et al* (2002), housing is often illegal in the sense that it lacks legal title but the owner often has the permission to construct a home on tribal land. This in the end implies that “the legal and structural differences that exist between formal and informal [settlements] and renting often make little difference to people’s lives” (UN-Habitat 2003: xix).

With the status of formality or informality making little sense to the urban poor in their quest for shelter, there are many ways through which these low income earners acquire their land, it could be by invasion of public or private empty land (de Soto 2000), taking advantage of government programs (UN-Habitat 2003), settling on traditional lands (Tipple 1987) and in many cases formal and informal purchases (World Bank 2002; Sebina-Zziwa *et al* 2002). The UN-Habitat (2003:17) says that the craving for ownership is embedded within every man but the difference in ownership between countries and within countries largely depends on government policy and partly on the nature of the land markets. In places where land and property is expensive, it puts ownership beyond the ability of many families and the incidence of ownership generally falls. The level of homeownership therefore, seems to be more related to variations in state policy than to the operation of market forces. But according to Gilbert (1989) what is certain is that where land is cheap or freely available, rates of ownership will continue to rise. But, where access to land becomes more difficult for the poor, and especially during a period of economic recession, the rate of renting and sharing is bound to rise. This paper focuses on those low income earners in informal settlements who have bought their land and either use it to live or rent as land and/or house.

### **2.5.2 Is Self-Help Housing for the Poor?**

At the peak of the economic liberalisation process and structural adjustments, it turns out that the fastest growing sub sectors in Uganda apparently are energy and housing (Mayanja and Mayengo 2007). However, the largest bulk of housing in Uganda is by self-help by the

private sector, the proportion of housing provided by government is small and continues to dwindle. Self-help housing has been widespread, with many countries experiencing such expressions to levels of 30 to 70 per cent of their housing stock (Pugh 2001).

Some authors have tried to exemplify this reality of ownership in Uganda for instance (Snyder 2000) highlights the fact that women have greater access to capital as they have become increasingly involved in income generating projects; small businesses, and in some instances even large businesses. With new capital, they have sought to access one of the most valuable commodities in Uganda: land. Sebina-Zziwa *et al* (2002) expound this saying that other than inheritance and co-ownership of property with their spouses, women are obtaining land through purchase and go further arguing that even rural women [just like urban] have also used the market to purchase and regain their land rights.

Turner (1972) saw self-help housing as when low/moderate-income households construct their own units over 5 to 15 years. Usually, low/moderate-income home ownership starts with the acquisition of land through one of a variety of means including squatting or the purchase of a lot in an informal sub-division (Ferguson 1996). Particularly when some threat of expulsion exists, households build a small, makeshift, temporary dwelling to vouchsafe the property. Family or friends live in the dwelling, gradually adding space and increasing quality. When the lot is small, households usually add another storey, ideally on a flat cement roof, if the lot is sizeable, they expand outwards. But as the community becomes established, residents band together to pressurize government for basic services, in the meantime, households usually obtain some of these services through clandestine connections to electricity and water lines.

For Turner (1976), self-help incremental housing was superior to centralised public housing in terms of affordability, • flexibility, and the essentially human creativity in seeking value in life. Of course, incremental improvement is contingent upon long-term employment and economic growth: without these supporting conditions, self-help housing would remain meagre and, sometimes, substandard. It also requires basic services and tenure or occupancy rights. This study is however, concerned with self-help construction on and ownership of land which has been bought either from real estate dealers or from private individuals and not the sites and services and serviced plots that (Turner 1976; Doebele 1987; Payne 1996; Pugh2001; Ferguson 1996; and UN-Habitat 2003) talk of. This study is coined in a private sector led vein with government stepping in as an enabler. The interest is more about how the

private sector struggle to provide the much needed shelter for themselves and how this ultimately empowers the low income groups in Uganda taking the case of Wakiso district and Nansana Town council as the study area. The next section briefly conceptualises mechanisms through which this self-help housing is funded in the Ugandan context with a few other cases from around the world.

### **2.5.3 How do the Low Income Earners Fund their Land and Housing?**

Pugh (2001) relents how the economically productive contribution of housing and urban development has been largely ignored by orthodoxies in development economics, development geography and development sociology. The result is that policy-makers then mostly respond to housing for social advocacy and political legitimacy. Instead, in reality, self-help housing represents implicit saving from the value of work effort, and the creation of wealth which is often built on some of the higher value real estate in rapidly growing cities. Regularising tenure and improving self-help environments tends to bring some socially excluded into the mainstreams of social and economic functioning and it transfers wealth down the distribution of income in limited, but important ways.

From the perspective of the private sector World Bank (2002) proposed that, a stable macro-economic environment is crucial. It can ensure a stable yield curve in housing as it promotes initiatives that contribute significantly to poverty reduction and it improves the homeowners' credit rating thereby increasing access to loan products.

According to Ferguson (1999), mortgage lending particularly when credits are transformed into tradable securities uses standard documentation and underwriting criteria. But low/moderate-income households have difficulty providing such loan inputs and meeting these rules. Instead of a salary - which is easily verified through an employer - low/moderate-income families often derive a substantial portion of their income from self-employment. Mortgage lenders have difficulty verifying self-employed income and developing an accurate estimate of self-employed income from analysis of tax returns.

Ferguson (1996: 189) reveals that low income households finance the incremental upgrading of home and community from many sources. These include individual and group savings, windfalls, fabrication of their own building materials, sweat equity, small loans from neighbourhood money lenders, barter arrangements and communal self-help, and remittances from family living abroad.

Mitlin (2007) describes the importance of savings in enabling the consolidation of housing with Sheuya's case in two low-income settlements in Tanzania. She discusses how savings catalyze the development of most of the housing units selected for study in this case; renters and would-be owner-occupiers help to finance construction, with advance rent payments to owners once settlements become more established. However, the author emphasizes that human capital and land are essential components of the successful transformation process.

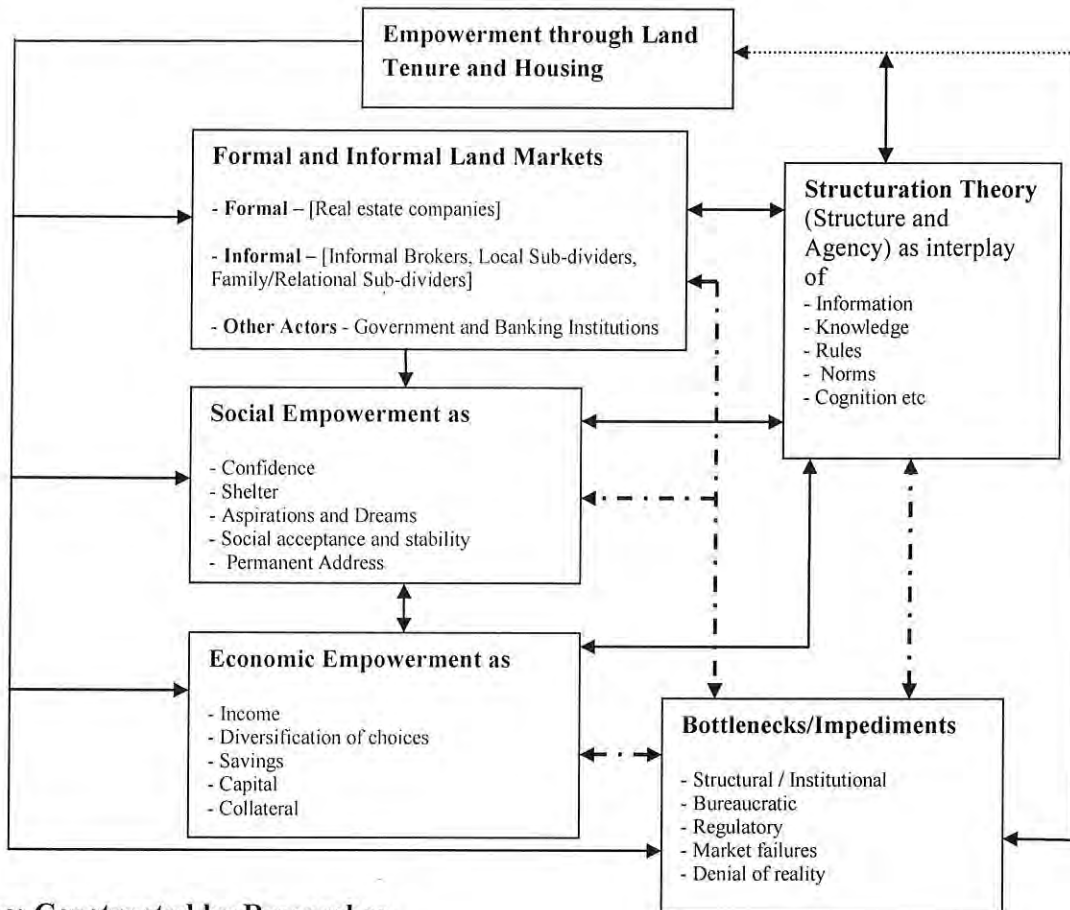
Ferguson (1999) shows that people living in slums and informal settlements have made considerable efforts to access credit in the absence of formal, private sector lending. They have established their own social lending arrangements, formed cooperatives and federated, daily savings associations, and utilized credit made available through a growing micro-finance sector. Mitlin (2007) also highlights the benefits of savings programmes with evidence from South Africa and Namibia, with some residents choosing not to take up loans that they may be entitled to but, rather, preferring to finance improvements through savings.

The effect of political turmoil and economic instability of the 1971-1986 era in Uganda has led to indiscipline and lack of enforcement of the building standards and regulation and an accumulation of housing backlog all over the country with a backlog in 2005 of 80,000 houses at the cost of \$2.4 billion and a projected 2015 backlog of 300,000 houses to cost \$9 billion. Available existing liabilities for housing would cover only 13% of the value of housing backlog in the capital Kampala (UN-Habitat 2006). This statement by the UN-Habitat implies that government cannot provide adequate housing by itself hence the need for private sector involvement. The two main mortgage finance providers, (DFCU and HFCU) held a combined total of a paltry 2,000 mortgages worth only USD 43 million by 2005. These concentrate primarily on the demand side of financing (completion of construction and the financing of the completion of houses- in both cases lenders usually require 30% down payment in money or equivalent value). Ninety percent of the financial institutions are commercial banks with short term money. Out of 5 million households nationwide, only approximately 2,000 are financed by mortgages. Mortgages typically require that households hold full legal title to their property which many low income households seldom possess (ibid).

## 2.6. Conceptual Framework of the Study

A conceptual model is a diagrammatic version of a theory which demonstrates processes, concepts and relationships. Kitchin and Tate (2000:33) stress that sketching ideas helps to place ideas in context and give expression to abstract and complex thoughts.

**Figure 2: A conceptual framework for understanding how Land tenure and Housing leads to Empowerment of the Low Income Earners in Nansana, Wakiso District.**



Source: Constructed by Researcher

The diagrammatic illustration above is intended to link theory and literature with the findings and results of the research and to show the interconnections and links between the different sections of this research with the entire study. It illustrates how markets influence social and economic empowerment, while all these variables are affected by various sorts of impediments and shows how social systems resulting in empowerment are enabled or constrained by the structuration theory.

## **CHAPTER 3: RESEARCH METHODOLOGY**

### **3.0 Research Methodology**

Methodology is a “coherent set of rules and procedures which can be used to investigate a phenomenon or situation (within the framework dictated by epistemological ideas relating to how knowledge is derived or arrived at and ontological ideas)” (Kitchin & Tate 2000: 6). Much as there are no set rules for the methods to use, different methods have particular strengths and collect different forms of empirical material. The most appropriate method for any research will therefore depend on the question you want to ask and the sort of information you want to generate, (Clifford and Valentine 2003). This means that considerable attention needs to be paid to tailoring combinations of research methods which are appropriate to specific research topics, (Crang and Cook 2007).

### **3.1 Qualitative Research and Why Qualitative?**

This study is explicitly based on a qualitative research approach. Qualitative methods are those methods that would allow researchers to explore the meanings, emotions, intentions, and values that make up our taken for granted life worlds (Ley 1974; Seamon, 1979 in Clifford & Valentine 2003: 4). More recently, feminist and poststructuralist approaches have criticised the ‘grand theories’ of positivism and Marxism and their failure to recognise people’s multiple subjectivities. Instead, the emphasis is on refining qualitative methods to allow the voice of informants to be heard in ways which are non-exploitative or oppressive, (Moss 2002) and to focus on the politics of knowledge production, particularly in terms of the positionality of the researcher and the way ‘other’ people and places are represented. The basic purpose in using this approach is to understand parts of the world more or less as they are experienced and understood in the everyday lives of people who ‘live them out’ (Crang and Cook 2007).

### **3.2 Research Design**

All research in geography whatever its philosophical stance- involves thinking about the relationships among methods, techniques, analysis and interpretations. This important role is played by research design (Clifford & Valentine, 2003). With the intention of understanding intensively the subject of land tenure as a poverty eradication tool, an intensive research design involving a case study approach and in-depth examination and interpretation of the mechanisms and interplays between agency and structures to produce the current state of

affairs in the study area is employed. This involves the types of data to be used, the methods of data collection and analysis.

### 3.3 Samples

The respondents used in the study are drawn and determined by the population size and the boundary of study. In defining the population of study Kitchin and Tate (2000: 53) say it is “the total of all possible people who display the characteristics we are interested in”. The size of a population is determined by the size of the group that we wish to make generalisations about. This involves taking a decision to involve ‘expert’ and ‘lay’ views, ‘those who know’ or ‘those who are affected’ or both but whatever the choice, the selection should greatly be guided by the study objective Philip Woodhouse in Thomas and Mohan (2007: 162). For instance for this study, the respondents involved community members, mostly land owners and owners of houses; officials from various agencies concerned with land, housing and poverty eradication issues attached with tenure and housing such as Loan officers in commercial banks, government and traditional land administrators.

**Table 1: Number of Respondents in the study**

<b>Respondent</b>	<b>No of respondents</b>
<b>Land Administrators</b>	
MoLHUD	1
Local Council Leaders	2
Buganda Land Board	1
<b>NGO Dealing in Land Rights</b>	
Uganda Land Alliance	1
<b>Real estate dealers and Brokers</b>	
Jomayi	1
Fredco	1
Informal Brokers	2
<b>Banks and Microfinance</b>	
CRDB	1
Housing Finance bank	1
<b>House and Land owners</b>	
Land and house with title	3
Land and house without title	26
Land Only	10
<b>Total</b>	<b>50</b>

Source: Fieldwork 2010.

### **3.4 Sampling Techniques**

#### **3.4.1 Purposive Sampling**

This is a method where different sub-groups are sampled more or less heavily depending on their importance to the purpose of the research or to certain theoretical distinctions which the investigator is testing. The other is the use of key informants ‘those who know’ who are not necessarily representative of a population in any sense but are chosen simply for their knowledge or distinctive view-point (Woodhouse 2007). The major advantage of this method is that it offers the researcher the views of those whom the study pertinently desires critical and in-depth information from.

This method is used on Bank Loan Officers, Land administrators (including Central and Local Government Officers and Buganda Land Board), Real Estate Dealers, NGOs dealing in land rights (Uganda Land Alliance), Local (council) community leaders, Land/house owners.

Bank Loan Officers are selected because they are the ones who decide how credit worthy a client is and what type of collateral is acceptable to the banking institution they work with and subsequently how much is available in loans for a particular type of collateral.

Land administrators who in this case are the customary land administrators and the central government ministry of land administrators are important for this study for their administrative role in managing land and the various rights tenure offers to different holders.

The Real Estate Dealers are chosen because they are engaged in the sale and purchase of land under the various tenure forms and are in good position to tell and discuss market reaction and the value of the different tenure forms to their clients.

The NGOs (such as Uganda Land Alliance) are also incorporated in this study because of their role in influencing policy through advocacy and lobbying for fair land rights to the poor in the country which puts them in a position where their efforts need to be incorporated as an indicator of the alternative development that they think would be helpful and is much needed for eradicating urban poor using land and housing development.

The local council community leaders are chosen because they are the ones who sign on all land transaction and are in good position to provide a record of who the land owners are and also are most likely in the know of where land on sale is within their area of jurisdiction.

### **3.4.2 Random Sampling**

The land/house owners owing to the details provided in the land register from the local council leaders and/or land administrators were sampled randomly. Land/House owners are included in the study because they are the decision makers on whether or not to use their land/house and tenure status as collateral for funding from financial institutions and more importantly are the ones who make the decision on where and what type of tenure they own their land/house under and consumers of such rights. On the other hand, the tenants and renters were also included in the study because it was important to have their view on why they chose tenancy other than ownership and the challenges and prospects that come with tenancy in relation with individual empowerment.

### **3.4.3 Snowball Sampling**

The snow ball method according to Kitchin and Tate (2000) is a non-random method based on the number of initial contacts who are asked for names and addresses of any other people who might fulfil the sampling requirements. The snowball method is critical in studies such as this one that relate to portions of community enjoying particular status of tenure against those under other forms. In the case of this study, the snowball method is of great importance because those people who for instance are holding land under a particular tenure know others under the same form of tenure or those who have benefited financially because of their tenure clarity in terms of acquisition of loans for home improvements. In that case one land/house owner directed/referred me to another person for more information thus justifying the need and usage of this method.

### **3.5 Sources of Data**

Mikkelsen (2005), notes that data in its simplest form means information. Data can originate from many sources and take many forms. In development studies interviews and documents are key sources. Data can for example take the form of numbers from unsystematic or stochastic presentation of material to very structured, easily read tables. Data can also be text from conversation, interviews, newspapers, magazines, radio programmes; images from children's drawings, maps, photographs, posters. Sounds from spontaneous singing and sounds to musical scripts and sound rituals: and context in the form of other sensory data such as temperature, smells, observations, and a variety of contextual impressions which influence the investigator's sentiments and feelings are also data (Bauer & Gaskell 2002). "Data is seldom readily present in the 'form' that is suited for further analysis and

interpretation; in most cases we must 'construct' data: That is, categorise observations, re-categorise, make summaries of interviews, of pictures, of medical files, of notes from organisations' board meetings, of everyday life scenes" (Mikkelsen 2005: 159). Therefore, this study relied on primary data from interviews, observations, and focus group discussions, and on secondary data which in its nature consists of information that has already been collected for another purpose but which is available for others to use (Clifford & Valentine 2003). This was collected from text book such as, Crang and Cook (2007), Kitchin and Tate (2000), Clifford and Valentine (2003), Mikkelsen (2005); journals (printed and online), maps from GIS software such as Arc GIS; reports like the World Bank's World Development Report 2000/1, Uganda Census Report for 2001; and other available printed material found relevant such as pamphlets and brochures.

### **3.6 Methods of Primary Data Collection**

As Crang and Cook (2007) note, apparently 'separate' methods can end up blurring into one another in research practice. This is because according to them, "they have both been involved in interviews with individuals that have ended up being group interviews because other people were unexpectedly present and joined in with the conversation" (Crang and Cook 2007: 61). This calls for the need to employ a combination of these qualitative methods in tandem with one another.

#### **3.6.1 Key Informant Interview**

An interview according to Crang and Cook (2007) is a means of gleaning information from conversations within and between various research communities. Interviews can range from highly structured akin to questionnaire survey in which the researcher asks predetermined questions in a specific order through semi-structured interviews where the researcher and participants set some parameters to a discussion to the relatively unstructured akin to friendly conversation with no predetermined focus. For Kitchin and Tate (2000) interviews allow a more thorough examination of experiences, feelings, or opinions that closed interviews and questionnaires could never hope to capture.

Interviews can be treated as ways in which the 'detached scientific observer' can 'collect' relatively 'unbiased data' from her/his interview 'subjects' or as ways in which the researcher and researched together construct intersubjective understandings (Crang and Cook 2007: 60).

This study employs two forms of interviews namely; the semi structured interview and the open ended interview or the interview guide. The reason for choosing the semi-structured interviews is because as Kitchin and Tate (2000) state, this form enables the interviewer and the respondent to have some level of control of the research process. The questions are also standardised and semi-structured (some open and some closed) in order to keep the interview in focus while at the same time offering the respondent the liberty to express themselves more clearly. In this study, aspects such as gender, age, size of land, number of housing units are tapped and used in a structured format to determine who has been empowered and how empowerment has been achieved. These interviews with key informants such as Bank loan officers, executives from the NGO, Land administrators, Real Estate Dealers, were tape recorded and notes also taken.

### **3.6.2 Focus Group Interviews and Discussion**

A group discussion generally consists of a set of three to ten individuals discussing a particular topic under the guidance of a moderator who promotes interaction and directs the conversation (Kitchin and Tate 2000). A group discussion can sometimes be a useful alternative or supplement to one-to-one interviews. Focus group work is valuable to ethnographic and related qualitative research because it illustrates and explores the intersubjective dynamics of thoughts, speech and understanding (Crang and Cook 2007).

As Hollander (2004: 608) has argued, such groups 'can sometimes actively facilitate the discussion of otherwise "taboo" topics because the less inhibited members of the group "break the ice" for shyer participants or one person's revelation of "discrediting" information encourages others to disclose'. If all goes well, she continues, 'Not only do co-participants help each other to overcome embarrassment but they can also provide mutual support in expressing feelings which are common to their group but which they might consider deviant from mainstream culture (or the assumed culture of the researcher)' (Crang & Cook 2007: 92). However, some of the limitations of this method are that so much depends on the participants involved and the group dynamics that develop. Wellings et al (2000), for example, point out that some participants may just as likely find these groups inhibiting or intimidating while (Crang and Cook 2007) noted that it is difficult to conduct a focus group interview as it could easily turn into a group interview and/or just a conversation. This could be the case where the participants in the groups know each other well or even do not. This method was used to solicit the views of real estate dealers, renters and land/house holders.

### **3.6.3 Non-participant Observation**

Observation relies on the observer's ability to interpret what is happening and why. Observation then 'entails the systematic noting and recording of events, behaviours, and artefacts in a social setting' (Marshall and Rossman, 1995: 95 in Kitchin & Tate 2000). Observation data can relate to observing conversations, and overt behaviours. In particular, observation focuses upon people's behaviour in an attempt to learn about the meanings behind and attached to actions. Observation then assumes that people's behaviour is purposeful and expressive of deeper values and beliefs (Clifford & Valentine 2003). In straight or non-participant observation, the method used in this study, the researcher is a visible and detached observer of a situation. This may involve the use of a check list of items or traits or variable to observe and it is upon these items, traits or variables that interpretations can be made. These items were carefully recorded in a note-book and later referred to and/or even visualised using photography. Therefore, the checklist was used especially for double checking the items of interest.

### **3.7 Data Analysis**

Qualitative data analysis is largely an inductive, open ended process that is not easily captured by a mechanical process of assembly-line steps (Lofland and Lofland, 1995). Dey(1993) in Kitchin and Tate (2000) says qualitative data analysis consists of the description of data, the classification of data, and seeing how concepts interconnect. These processes do not occur in chronological order when analysis is being done but instead are iterative or in other words can be done concurrently. The description of data involves the ways in which data can be portrayed to the audience so as to be understandable and easily interpreted. This could be in form of tables, graphs, charts and more commonly in inductive studies as word sentences and statements. The analysis in this study also involved the interpretation of the data and this involved searching for similarities and differences within the data and grouping the data into similar segments in order to find causal relationships in the data and why they occurred as they did. One way of interpreting data was transcribing and annotation (Kitchin & Tate 2000; Thomas & Mohan 2007); this process involved searching for dependent and independent variables from the data and coding them on a script or note book and then describing the data got out of the transcription.

Transcription using a computer especially for recorded interview data required transcription software and in this case the recorded interviews were transcribed and coded using

HyperTranscribe and HyperResearch Software respectively. This process involved entering the data into the software and listening to bits of the interview while recording or noting everything that was heard from the play back recording. When using this method, it was important to note everything heard including the surrounding noises and interruptions or laughter and lapses between question and answer as these were helpful when analysing and describing the data later on (Crang and Cook 2007). However, ancillary quantitative data are presented as tables, or graphs for instance sex, age, education, income, and these are constructed using Microsoft excel programme.

### **3.8 Ethical Issues**

It is important to behave ethically when conducting any research work because as Kitchin and Tate (2000: 35) put it, “every project undertaken has associated ethical issues.” This is particularly the case when people are involved directly but also when secondary sources are used. Research ethics are concerned with the extent to which the researcher is ethically and morally responsible to his/her participants, the research sponsors, the general public and his/her own belief”. Iain Hay in (Clifford and Valentine 2003) contends “that ethical research in geography is characterised by practitioners who behave with integrity and who act in ways that are just, beneficent and respectful.”

Moral behaviour in the conduct of this research mainly hinged on not compromising my own ethics and beliefs as a researcher, being accountable to my research subjects for example through not abusing their cultural norms or showing bias towards their financial situation; ensuring that my recommendations did not put my respondents under eminent danger from sections of society nor government especially when dealing with sensitive issues such as land which arouse emotions if handled inappropriately or even in the worst scenario leading to eviction, so for this case, consent from respondents was sought, and attempts were made as much as possible to conceal or treat with confidentiality the identities of the respondents; and also ensuring that the results and recommendations of this research are communicated in a language comprehensible to the stakeholders including the research subjects, the sponsors, educational institutions and interested government agencies and other development practitioners such as banks and non government organisations (NGOs).

#### **3.8.1 Sensitivity**

The issue of land tenure as already stated is a very sensitive one among all stakeholders; government, cultural institutions administering land issues, local communities - who may be

squatters or insecure of their fate due to unclear tenure. This calls for caution when studying such issues and one way to do it was to ensure that the research findings did not compromise the aspirations of one group over the other or if they did, were geared in good faith towards the betterment of the situation other than endangering and breeding bad blood between the stakeholders. Therefore, as Dowling (2002: 25) puts it, "the conduct of good, sensitive, and ethical research depends in large part on the ways you deal with your unique relationships with research participants at a particular time in particular places."

### **3.8.2 Positionality**

Interactions between two or more individuals always occur in a societal context. Societal norms, expectations of individuals, and structures of power influence the nature of interactions. We may use a variety of methods to understand society, but those methods cannot be separated from the structures of society.

There are problems associated with personal involvement. The first is the difficulty in detaching yourself from the subject matter. Obviously, in some approaches this is not a problem. However, there is a danger that you may be biased in your view point and in the selection of criteria or issues to study. You may fail to notice pertinent questions or issues because of the inability to step back from a situation and fully assess the circumstances (Kitchin and Tate 2000: 29).

Therefore, the manner in which the researcher positions themselves determines the nature of results and interpretations made from the study, but for this study, empathy was shown towards the respondents in order to represent more of their situation other than the researcher's own knowledge and biases.

### **3.8.3 Reflexivity**

Reflexivity is defined by Kim England in Dowling (2002) as a process of constant, self-conscious scrutiny of the self as researcher and of the research process. In other words, being reflexive means analysing your own situation as if it were something you were studying.

The two major issues where reflexivity is a prerequisite are power and subjectivity. Power relations could be reciprocal where both the researcher and the subject have equal or relative power to influence the findings and information generated in the research process; asymmetrical where the researcher has less power or position of influence compared with the research subject; and exploitative in cases where the researcher has overwhelming power and

influence over the research subjects. This all could be in terms of knowledge, finance and experience and they may influence how we position ourselves in the research process and the interpretations we make as well and the representations we make.

In other words, the way we position ourselves determines whose view point we take, is it about what we want to hear or what exactly the respondents said. In this case it is difficult to be objective in social research since data is constructed and often the generation of that data is interactive hence making it less likely that objectivity can be achieved under this kind of studies. Instead the knowledge and data created is often intersubjective as it involves the inputs of the researcher, the participants in the research and the geographical setting as well as time within which the research is conducted (Dowling 2002; Crang and Cook, 2007).

In this study, I take advantage of my knowledge of the study area and also keep my academic knowledge at arm's length as a way of presenting the view point of the respondents and not my own view as the researcher. Through the research process, care is taken to ensure that the researcher is not seen as an outsider but an insider who understands the local situation and whose intention is to express the local people's views.

#### **3.8.4 Validity and Reliability**

Validity concerns the soundness, legitimacy and relevance of a research theory and its investigation, (Kitchin & Tate 2000: 34). For an idea or theory to be tested or become an accepted proposition, its theoretical and practical aspects must fulfil basic validity requirements (Russ and Schenkman, 1980). As Silverman (1994) in Kitchin and Tate (2000: 34) argues, validity is important in qualitative research when he states that "qualitative research has to be more than 'telling convincing stories'. It has to be rigorous in nature so that its conclusions can be accepted more definitively." Types of validity relating to theory concern the integrity of the theoretical constructs and ideas that support and provide the foundations for empirical research. Types of validity relating to practice concern the soundness of the research strategies used in the empirical investigation and the integrity of the conclusions that are drawn from a study (Bronfenbrenner 1979; Coolican 1990; Howard *et al.* 1973; Johnston 1986; Kitchin and Tate 2000; Turk 1990). Validity in general, can be classified into validity that relates to theoretical or practical issues. Giddens' structuration is adopted as a guiding theory to ensure that the study is firmly linking theory and practice. The context chosen is within the theoretical and methodological frame of the study and when the

findings are representative of the real life situation and acceptable and interpretable by other scholars and stakeholders.

Reliability is “the repeatability or consistency of a finding” (Kitchin and Tate 2000:34). Reliability has mostly been applied to deductive studies which seek to create consistency and replicability or be reproducible of findings if other similar studies are undertaken. However for inductive studies such as this one, this is seldom the case as (Crang and Cook 2007) demonstrate that information in qualitative studies is constructed by both the researcher and the research subjects and that people emphasise particular behaviour and responses depending on the spur of the moment. This implies that the intersubjectivity of qualitative research does not give much room for consistency and repeatability of the findings as it would in deductive studies. Therefore, much as the findings of this study may not be replicated if a similar study is undertaken, they are reliable as a result of an interactive and iterative research and careful data analysis process by the researcher.

### **3.9 Practical Feasibility and Challenges in the Field**

There are always bound to be challenges in any field research and this one is no exception. Many of the challenges related to selecting samples or respondents as much of Wakiso is held under mixed tenure to the extent that one person can hold land under different forms of tenure for instance, it could be under customary tenure while at the same time one could hold title over it but of course looks very messy but from my personal experience, I have seen this. Therefore, selecting persons that hold land under a particular tenure was done through the reliance on data from the Buganda Land Board and the ministry of lands cadastral maps, and upon that, study area was selected. The study also zeroed on Nansana because it is mainly preoccupied with mailo land tenure and yet the people are secure being on the King’s land but also because it is a growing town dominated by low income earners who are the interest of this study.

The other challenge related to the sensitivity of the subject under study. As already stated land issue has every citizen of Uganda under tension so there were tendencies of some groups or individuals declining to participate fully in the research either due to mistrust or to expected consequences but these were ameliorated through using gatekeepers such as insider contacts, and Local council leaders and in many instances building useful rapport and trust between the researcher and participants was very helpful in getting things started.

There were occasions where I would knock at someone's gate and some would open and tell me that they were not willing to participate in the study while others would simply tell me to come back at night and talk to the father who is the household head something which was too difficult for me as I could not interfere with people's peace at night. Others simply refused to open their gates. The only way I went about this was to persevere and keep trying and knocking on as many gates and doors as I could until I would meet someone willing to offer an interview.

## **CHAPTER 4: STUDY AREA AND BRIEF OVERVIEW OF UGANDA**

### **4.1 Location of Uganda**

Uganda is a land locked country in East Africa, bordered by Kenya in the East, Tanzania in the South, Rwanda in the South West, Democratic Republic of Congo in the West and the Sudan in the North. The size of Uganda is 241,551km<sup>2</sup>. Out of the total approximate area of 241,551 km<sup>2</sup>, only 38,000 km<sup>2</sup> is occupied by open water the rest being Land (NFA, 2003). Altitude ranges from 620 (Albertine Nile) to 5,111 meters (Mt.Rwenzori peak). The elevation, soil types and the predominantly wet and warm climate impart a huge agricultural potential to the country (UBOS, 2008).

Uganda is predominantly an agricultural country but lately, the agricultural share of GDP has progressively reduced in favour of services. Agriculture nonetheless remains a large contributor to GDP, contributing 21 per cent or approximately UGX 6,000 billion (US \$3.16 billion) of total GDP in 2006/7. Agriculture is also a main contributor to total employment, and the sector's contribution to employment has increased over the last 4 years, from 66 per cent in 2002/03 to 73 per cent in 2005/06 (UBOS, 2008). The reduction of agriculture's contribution to GDP is associated with the rapid urbanisation among other factors such as education and rural-urban migration in the country. At the current urban growth rate of 5.7, the total urban population is now about 3.9 million people (MFPED 2008).

### **4.2 Overview of Urbanisation in Uganda**

To date, more than 50 per cent of Uganda's urban population lives in informal unplanned settlements UNDP (2007) on land owned by other people or the government. The total number of households in Uganda has increased from 5.2 million in 2005/06 to 6.2 million in 2009/10. The percentage of households residing in urban areas has also increased from 17 percent in 2005/06 to 19 percent in 2009/10 (UBOS 2010). The trend shows an increasing percentage of households resident in urban areas over time. According to UBOS (2010) the average household size in Uganda has been estimated at 5.0 which indicates that the average household size is bigger in rural than in urban areas.

### **4.3 Population and Demography**

Uganda's population growth rate is very high at 3.2 percent per annum, being third in the world only after the Niger and Yemen (People and Planet 2009). This rate is higher than the Sub-Saharan Africa (SSA) average of 2.4 per cent. According to the UN projections,

Uganda's population is expected to reach 103.2 million people in 2050, assuming fertility rate declines considerably to 2.9 between 2045 and 2050 (UNDP, 2007).

According to UBOS (2010) Uganda's population has been increasing over the last ten years. In 1990, it was estimated at 21.4 million, it rose to 25.3 Million in 2002/03; to 27.2 in 2005/06. The UNHS (2009/10) estimates the population at about 30.7 million. Forty nine percent of the population was male while 51 percent was female.

#### **4.4 The Informal Sector, Work and Employment**

UBOS (2010) put the working population in Uganda at 11 million which was an increase from 9.3 million persons was in 2005/06. This indicates a 4.2 annual growth rate of the working population.

The informal sector in Uganda is one of the major employers as UBOS 2010 indicated that 67 percent of the working persons in the non- agricultural sector were in informal employment. The Informal sector in Uganda has the following two components: Employees working in establishments that employ less than five employees; and Employers, own-account workers and persons helping unpaid in their household business who are not registered for either income tax or value added tax ( UBOS 2010: 40).

However, there is still a problem of unemployment. According to UBOS (2010), Uganda's unemployment rate was 4.2 percent in 2009/2010, compared to 1.9 percent observed in 2005/2006. Unemployment remains predominantly an urban problem as the unemployment rate in urban areas is more than three times that of their rural counterparts; the unemployment rate is highest in Kampala the capital city at 11%.

#### **4.5 Poverty and Wellbeing**

The 2009/10 UBOS survey data, estimated that 24.5 percent of Ugandans are poor, corresponding to nearly 7.5 million persons in 1.2 million households. Results suggest that the majority of the poor are in rural areas, about 7.1 million out of the 7.5 million poor Ugandans. The percentage of the people living in absolute poverty declined by 6.6 percentage, corresponding to a reduction of 0.93 million persons in absolute terms (UBOS 2010: 76). Whereas Uganda seems to have met the MGD 1 of halving income poverty target earlier than 2015, UBOS warns that worsening distribution of income, inequality of income and high population growth if not addressed might reverse the trends (UBOS 2010: 92).

Uganda's HDI ranking has increased from 0.385 in 1985 to 0.505 in 2005, giving the country a position of 154 out of 177 countries and a medium level of human development. In spite of the tremendous progress the country has made since 1986 Uganda has not yet been able to move out of the 40 Least Development Countries (LDCs) in the world (UNDP 2007).

#### **4.6 Climate and Vegetation**

Uganda is located in an area where seven of Africa's distinct bio-geographic regions or phytocoria converge. Given Uganda's location in a zone between the ecological communities that are characteristic of the drier East African Savannas and the more moist West African rain forests, combined with high altitude ranges, the country has a high level of biological diversity (NEMA 2008). This means that the country is of a highly variable climate, and therefore has a variety of ecosystems (ranging from extensive savannahs and wetlands to forests), which will necessarily support a wide range of flora and fauna. EA, GEF AND UNEP (2007) broadly categorise Uganda's climate as broadly sub divided into three categories - Highland climate, Savannah climate and Semi-arid climate.

According to FAO: AQUASTAT (2005): UN-Water (2006) Uganda has an extensive lake system which covers an area of 38,500 km<sup>2</sup>. These lakes include, Lake Victoria and Lake Kyoga, the Rift Valley Lakes (Edward, George and Albert) as well as up to 160 smaller lakes spread across the country.

Uganda also boasts of wetlands which are widespread and complex. About 13 per cent of the country, or approximately 29 000 km<sup>2</sup>, is covered by wetlands (swamps), of which about one-third is permanently flooded. In the south and west of the country, they form an extensive low gradient drainage system in steep V-shaped valley bottoms with a permanent wetland core and relatively narrow seasonal wetland edges. In the north, they mainly consist of broad flood plains. In the east, they exist as a network of small, vegetated valley bottoms in a slightly undulating landscape (NEMA 2008: 94).

#### **4.7 Relief and Rainfall**

Uganda's climate is bimodal with two rainy seasons: March-June and October/November-December/January. The rainfall level ranges from 400 to 2200 mm per year (EA, GEF AND UNEP 2007). Generally, these two seasons have been relatively stable and predictable, to the benefit of agriculture.

The country experiences moderate temperatures throughout the year. The mean daily temperature is 28<sup>0</sup>C. Extreme temperatures as low as 4<sup>0</sup>C are experienced in the south and below 0<sup>0</sup>C are experienced on the mountain ranges of mountain Rwenzori and Elgon (EA, GEF, UNEP 2007). The highest temperatures (over 30<sup>0</sup>C) are experienced in the north and northeast (EA, GEF AND UNEP 2007).

#### **4.8 Political administration in Wakiso**

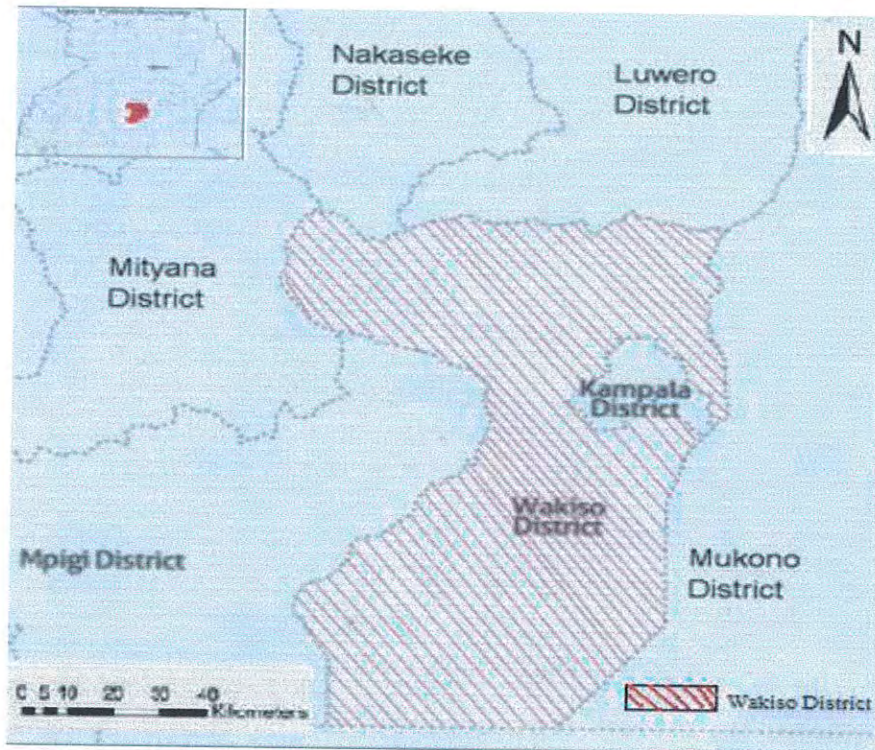
The responsibility of physical and urban planning was decentralised under the Local Government Act, 1997 which requires local urban authorities to regulate and control population activities in respect of housing construction and settlement; manage parks and open places; etc. in conformity with the Local Governments Act, 1997, the Town and Country Planning Act, 1964, and the Property Rates Decree 1977 (which is currently being reviewed for amendment) among others. The administration of urban centres was decentralised and is the responsibility of District Local Governments under the Ministry of Local Government. Under the Local Government Act 2002 all district headquarters are urban areas by law because they are located in town councils which urban areas (MFPED 2007).

The formation of new districts due to decentralisation and devolution of authority and services has resulted in the creation of new urban areas, even where they might not have been classified as such. Currently, towns or urban areas of varying sizes each ranging from 500 to 2 million people occupy approximately 0.1 per cent of Uganda's land (MWE 2007).

Uganda as of 2011 has 112 administrative districts, with 1 capital city in Kampala; 22 Municipal Councils, 174 Town councils. Of all these, Wakiso district has 1 municipality as Entebbe Municipal Council, and 3 Town councils as Nansana Town Council; Wakiso Town Council; and Kiira Town Council (MoLG 2010).

Wakiso as a district encircles Kampala for the most part, and is bordered by Mityana and Mpigi districts in the west; Mukono district to the east; Luwero, Nakaseke, and Kayunga districts to the North; and the South is predominantly Lake Victoria around Entebbe municipal council.

**Figure 3: Location of Wakiso District.**



**Source: Modified from Uganda Watch (2011).**

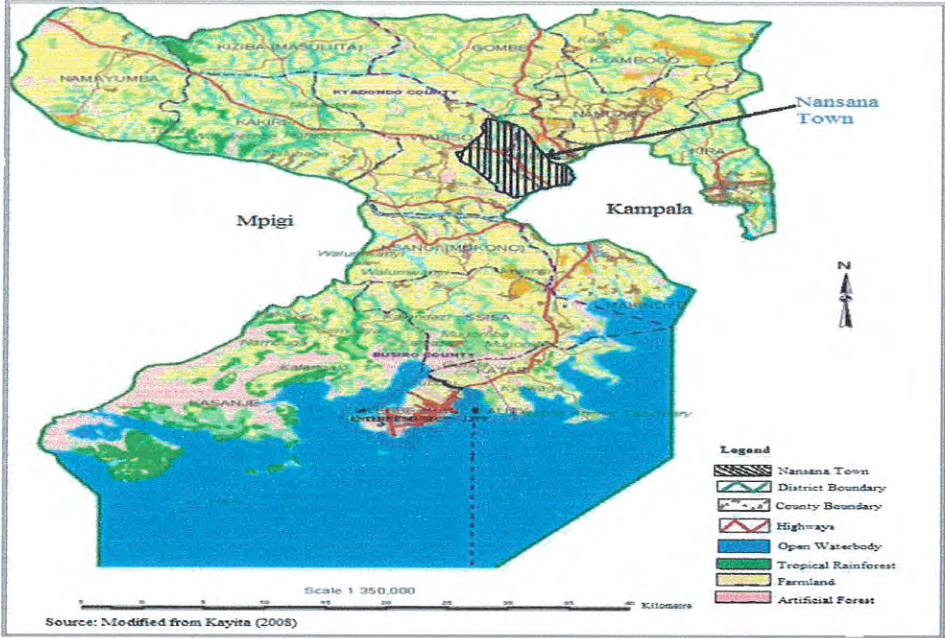
#### **4.9 Nansana Town Council**

Nansana is located on the main highway between Kampala and Hoima. The town is located approximately 12 kilometres (7.5 mi), by road, northwest of Kampala. The coordinates of the town are: 00 22 12N, 32 31 30E (Latitude: 0.3700; Longitude: 32.5250).

Nansana Town Council is also sub divided into sub administrative units called Wards. They include Kazo ward parish, Nabweru North, Nabweru South, Nansana East I and II, Nansana West I and II, and a few others which are still contested on where they belong whether to Wakiso or Nansana Town Council and they include, Kyebando, Gganda and Bujuko.

In 2002, the estimated population of the town was 62044 in 2008 it grew to 79,100 but estimates in 2010 put the population at 86200 which indicates an increase in the population of the area (UBOS 2010).

**Figure 4: Location of Nansana Town in Wakiso District.**



**Figure 5: A look at parts Nansana from a Distance**



**Source: Photo by Asimwe George.**

## **CHAPTER 5: THE CONTRIBUTION OF INFORMAL LAND AND HOUSING MARKETS TO EMPOWERMENT OF LOW INCOME EARNERS**

### **5.1 The Land Markets in Nansana Town Council**

Ferguson (1999) indicated that the largest bulk of housing in developing countries is provided by the informal sector. Governments in developing countries are increasingly reducing the provision of housing to their citizens. This has shifted the mantle to the market forces and their structures.

In Uganda, the liberalisation of the economy meant that government had to change its role from provider of housing to being enabler of structures and markets to provide the much needed shelter to the citizens of Uganda. Among the strategies employed to achieve this was the commercialisation of the land and housing sectors through enablement of markets to work, the release of housing finance and banking, and relaxation of building regulations and standards. The challenge for Uganda then just like most developing countries was the fact that the formal sector is small and incapable of providing all these services equitably to all citizens hence the development and reliance on the informal sector. As already noted in the brief overview of Uganda in chapter 4, the informal economy now dominates the Ugandan market, in fact, it comprises more than 60% of the entire economy (NEMA 2008). This case is not different for land and housing.

In trying to explore the provider of land and housing to the low income earners in Wakiso district, an attempt was made to find out the major actors in the provision of land and housing and the result turned out to be the informal market forces. The major providers of land were real estate companies and informal land brokers in the district but there were too many for the interest of the study so I decided to narrow them down into Formal real estate dealers and Informal Land Brokers and Sub-dividers. Among the real estate dealers, I again narrowed down to large and small dealers as a way of investigating which of these serves the low income earners more suitably. Table 1 shows the categorisation of real estate and land dealers studied.

**Table 2: Dynamics of the land markets and the actors in Nansana**

<b>Company</b>	<b>Name</b>	<b>Size (Number of employees)</b>	<b>Number interviewed</b>	<b>Location</b>
Formal Real Estate Dealers	Jomayi Property Consultants Ltd	Large (>200)	1	Formal Offices in the city
	Fredco International Ltd	Small (2)	1	Small office near land sold
Informal	Informal brokers	Small (1)	2	All in this category own no office premises
	Sub-dividers	Small (1)	2	
	Family and Relational sub-dividers	Small (1)	1	
<b>Total</b>			<b>7</b>	

**Source: Fieldwork 2010.**

## **5.2 Formal Real Estate Companies**

The study interviewed 2 formal real estate companies, one large and the other small. Both companies sale land to low income earners but there are marked differences in the way they operate.

### **5.2.1 Jomayi Property Consultants Limited**

The large company, Jomayi is probably the largest real estate dealer in the country apparently when it comes to selling land. This real estate company serves both the rich and the poor as they can afford. Jomayi purchases land in bulk mostly in square miles from private land owners; surveys the land; sub-divides, and acquires titles for all their land hence they deal in titled private mailo land only. The company goes further and provides infrastructure on the estates inform of roads, and other public amenities such as spaces for schools, health centres, public spaces and leisure parks, at least for now, there is vacant land reserved for these

activities in most of the estates, but roads, water and electricity are mostly available although connections of electricity and water to individual plots of land have to be made by the land owners after purchasing the land.

The large real estate dealer owns formal office premises and many other regional offices in the city and around the country and even inside the estates. The company employs more than 200 employees hence its large size. Jomayi as a company finances its projects in land from private means. They also advertise their trade in all media houses in the country and even run a major and several small websites and links so information about the company, the available land for sale and the prices are all available to potential buyers but the only problem with job as regards low income earners is that their plots are relatively far from the town centres and occasionally quite expensive for low income earners.

### **5.2.2 The small formal real estate company- Fredco International Company Limited**

This study went to Nansana and out of the many real estate companies there decided to go with and conduct interviews with Fredco International Company Limited. The company owes its name Fredco to the company owner whose name is Fred.

Fredco was chosen mostly because of the innovative way it operates. Besides being a very small company that would normally be categorised as informal at first site, Fredco own their office premises, are formally registered company. They run strategically located posters; banners, and signposts of themselves which makes anyone think they are a big company. This company is manned by 2 employees who are also proprietors. One of company owners holds a diploma in surveying and the other doesn't. Their office is located near to where land is being sold.

The company deals in titled land but does not purchase huge chunks of land from private land lords/owners the way Jomayi and other large dealers do, they instead capitalise on their knowledge of the local area, and connections to private land owners and their closeness to the buyers as their biggest sales tool. Because private land owners know them and trust them in business terms, they are entrusted with the responsibility of finding buyers and showing them the location and available plots for sale and communicating the prices of land with the buyers. Upon agreeing to purchase land, they connect the buyer and the seller and earn their profit on a commission basis when the purchase is made and deal is done. Sometimes, they also broker deals for other real estate companies whose offices are located far away from the location of the land being sold but their business principle remains largely the same. One of

the workers of Fredco even commented on the benefits of operating as a small company saying;

*“I am contented in being small and flexible I make my money without any hustles of having to buy land and then struggle to get title for it before selling it off. The business I do puts me in the middle of everything and allows me to eat from every side [Buyer and Saler]. We intend to expand this company but we will not change the way we work because it pays better and is less demanding in terms of capital”*

### **5.2.3 Informal Land Dealers and Brokers**

This was the commonest group and they are fluid as they perform this task simultaneously with other tasks such as running retail shops. This group comprised of the informal brokers and dealers, local sub-dividers and what I have termed Family and Relational sub-dividers.

Some of the characteristics of this group are that they sale small pieces of land with or without title but mostly without formal titles on land. They have direct contact with community members, in fact, they are also part of the community within which they sale land, they earn their money as commission or even as profit if the sale is of their own land. These informal dealers make the prices of the land depending on the development level and potential of the location, as well as, the size of the land and in some cases how informed or ignorant the buyer is.

Informal brokers in Nansana do not operate in offices although some do operate in offices-many of them are found riding special hire cars and *boda-boda*<sup>3</sup>. Others operate small retail businesses such as hardware stores selling mostly construction materials, such as cement, nails, roofing sheets, paint etc. They access their potential customers through snow balling and networking among themselves as brokers and through people who have sold or bought land from them and/or who have friends or family members who also want to buy land in the area. The broker takes a commission of the sold land as a way of thanking them for the job well done.

When the purchase is made, the purchase is witnessed by Local Council executive members and neighbours if there are any and the land purchase agreement acts as proof of ownership on non titled land. These land purchase agreements are formally recognised and can even be

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<sup>3</sup> Boda-boda is a common term given to commuter motorcycles and bicycles in Uganda

used as evidence of ownership in the courts or law and as collateral for loans in some banks (this I explore in detail later).

#### **5.2.4 Sub-dividers and Family/Relational Sub-dividers**

This is a special category of land dealers; their deals are not purely commercial and more often than not result out of necessity. They take form when an owner of a relatively large piece of land facing financial problems or challenges decides to sale off part of the land in order to solve the problem or to undertake other developments or the remaining piece of land such as constructing their own house or even to start their own business. One respondent who was disgusted with these sub-dividers lamented saying; *“Are they not the ones who sale their land to buy boda-bodas and to marry other women only to end up living in swamps?”*

This is the kind of scenario I am talking about in this case. But there are times when the sale is made for genuine reasons other than selfish motives as one respondent who had sold explained;

*“I had to sale part of that piece of land because after I bought it, I got laid off at work and did not have a job anymore and somehow I needed to keep pushing my family so I sold and remained with this one and started a trading business with the money I got, now I am self employed.”*

There is also the relational-family sub-divider. This is mostly a family member especially a head of household who owns a large piece of land and decides to sub-divide and give some of it to his family, relatives or friends. This could be for inheritance or as a way of helping the older children to establish themselves into adults. This practice is very cultural in almost all parts of Uganda. Parents are expected to pass on their land or property to their children or even relatives and friends when they die or even when they want to while still alive.

The dynamics of inheritance and distribution of property are complex and beyond the scope of this study but one thing about this act of inheritance is that it could easily be blamed for excessive sub-divisions in Nansana. This is because many parents are forced into sub-dividing land among their children when they grow into adults. In cases where the land is small, the portions divided among the children become even smaller to the extent that it becomes even impossible to construct a meaningful and sizeable house. In many cases where the land is small, the wiser children often sale off to their siblings or even just leave the land

there to stay as family land but where they decide to construct, the result is shown in the photo below;

**Figure 6: Sub-divisions and outcomes of inheritance of small plots of land**



*Note: These 3 structures in the photos are all on the same piece of land, they belong to 3 brothers who inherited their father's land and decided to construct their houses on their plots. Source: Photos by Asimwe George*

However, inheritance is not the only cause of these intense sub-divisions, there are many cases where people who own small pieces of land decide to sub-divide and sale part for almost the same reasons given for other sub-dividers and the result is the same as what we see on the photos above.

### **5.3 Discussion of the contribution of the Markets to Land Tenure and Housing**

The foregoing findings reveal the existence of two parallel and competing markets in the form of formal and informal actors. The formal sector involves not only the large and well established companies such as Jomayi which can afford to buy land in bulk, service it, survey and acquire titles for it before selling it to the last person albeit with formal planning and recognition by state completed. There are also some small and very competitive companies whose capital is low as to acquire and sale land at the scale of Jomayi but who

have the creativity and flexibility to connect the buyer to the seller without any of the parties feeling cheated. These formal companies regardless of their size have one thing in common in that they only sale titled mailo for Jomayi and mailo or leasehold for the smaller companies. This gives the buyers security of tenure and many other benefits such as arbitrary ownership and possession of Uganda's most cherished commodity: Land. With title and well serviced plots, the owners of land live in organised environments and can easily access services such as electricity connections and water within a short period of time, even banks and other financial institutions find it easy to lend money to such owners.

Despite the attractiveness and all the advantages associated with the formal market dealers, their services and products still evade the low income earners. When a low income earner is able to purchase the land in Jomayi, the costs of maintaining such a plot such as construction of house are very high. Access to those plots is also difficult because the estates are far from the main road and thus difficult for the low income earners without a private car, and using private transport is also still expensive hence making this option less attractive to the poor.

The informal sector on the other hand also provides housing and land but what type? The kind of land sold in this informal market is mainly without title and the only proof of ownership is the land purchase agreement. The size of the land is not standardised thus allowing for immense sub-divisions but the only limit to the size of the land one can own is their purchasing power in terms of money. Here in the informal market, everyone is welcome and all sorts of buyers are accommodated ranging from the very rich to the poor. One of the respondents even commented on the conflicting co-existence of the rich and the poor saying;

*“When he began constructing his house, the neighbour who owns the kalina [storied building] behind said that this man was constructing a toilet in his backyard because his toilet is even bigger than that ka house but that small house is one of the most beautiful houses on this village and the boy who owns it is now rich.”*

**Figure 7: Low income housing co-existing with High and middle income earners' housing**



*Note: An example of a low income earner's house on a highly sub-divided piece of land: Notice, the storied buildings behind indicating mixture of people of all classes and income and also notice the sub-divided plots demarcated by tree stumps and barbed wire in the foreground. Photo by Asimwe George*

For the poor, it is quite obvious why they choose to purchase small portions of non titled land and the reasons are affordability, and the need for shelter as soon as possible hence small pieces of land bought cheaply although when compared with the larger plots on price - per square metre basis are very expensive. The poor find it easy to construct with the little money that remains after the purchase is made, it is in fact adequate enough to set off a construction project usually small rooms developed incrementally. In the case that money is available to begin construction, they usually begin with a room or two, and even these are constructed in phases over time, others set up large foundations for bungalows which they also construct in phases but much slower than those who go for fewer rooms at a time. However, some of the poor do not have the money to start off construction immediately after purchase so they purchase the land and give it sometime before they can begin construction projects.

There are other categories that purchase the land with the sole intention of keeping their money in tangible forms and immovable assets such as land. These speculators wait for sometime usually 3 to 4 years or even less depending on how quickly the area is developing and the rate at which prices of land raise and then sale when they feel they would make an adequate profit out of the sale. In the words of one speculator, he boasted, *"You see that plot, it is 50 by 50 feet just like all the others but 2 years from now, it will be three times more expensive than it was 2 months ago when I sold to all these guys constructing here."* He said this while referring to a plot left in the middle of a small estate whose plots he had just finished sub-dividing and selling. When those who bought began constructing, he speculated that the value of the land would appreciate tremendously and usually they (speculators) are right because the value of these plots actually rises as finished structures or ongoing constructions surround vacant undeveloped adjacent plots. The other reasons for the rise in the value of land are the security of tenure ensuing over time, the provision of services and infrastructure such as roads, electricity and water, and the increase in the local neighbourhood population. The owners of land interviewed were not ready to reveal how much they bought their land but the new comers indicated that they had bought at higher prices than those who settled there before them.

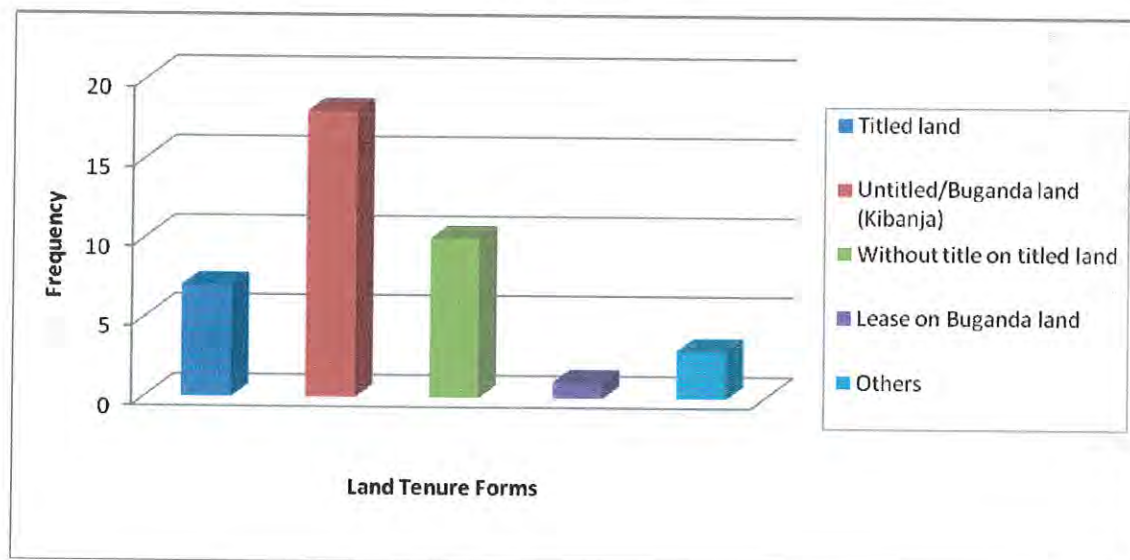
#### **5.4 Land Tenure in Nansana**

Several writers have defined land tenure in very different way but all have one thing in common; the rights to use. This study has taken the GTZ (1998) and Payne (2001) definition of tenure; for GTZ, land tenure is the relationship between people and land that is embodied in land rights and restrictions while Payne defines land tenure as the mode by which land is held or owned, or the set of relationships among people concerning land or its product. In Uganda according to the Constitution of 1995, there are four major forms of tenure already discussed in the preceding chapters and they are Mailo land, Freehold, Leasehold and Customary land tenure.

In Wakiso district and Nansana Town council which is the study area of this paper, these forms of tenure exist and abound although in differing proportions and have been responded to differently. The following section sets out to explore tenure in Nansana. The findings of this section pertain to Nansana and although they may be applicable to other areas in Wakiso

district and the country indeed, this paper explored them in the context of Nansana so some forms of tenure are missing because they do not exist in Nansana.

**Figure 8: Various forms of land tenure in Nansana**



**Source: Fieldwork 2010.**

The study interviewed a total of 39 respondents who owned land and house. The findings show that majority of the people interviewed did not possess title on their land and while those with titles seem reasonably many at 7, these were categorised as such to include those with private mailo titles and leaseholds or freehold tenure, the majority, 18 of respondents who are categorised as without titles are those who are settled on Crown land which belongs to the Kingdom of Buganda under the trusteeship of the Kabaka<sup>4</sup>.

#### **5.4.1 Private Mailo Land tenure**

Private Mailo land is where the owner of the land has permanent and perpetual rights over their land. The holder of this land is free to use it as they please and can easily sale, subdivide or even pass it on as inheritance or gift to friends and relatives. This form of tenure is common in Nansana for one reason; the crown land which belongs to the Kabaka is also private mailo land. Otherwise, very few people have been rumoured to hold mailo titles on land in Nansana but the largest part of the land in this study area is private mailo belonging to the Kabaka and not to private individuals.

<sup>4</sup> Kabaka is the local title given to the King of the Buganda Kingdom. The mention of the term Kabaka in Uganda simply implies a King.

At the individual level, those who hold private mailo land titles are the lucky few and are largely high income earners so the study will not discuss them except where low income earners cross paths with them. This could be in cases where some people have bought land from such landlords and want to acquire titles for their portions of the land or how they interact with these private landlords, and also how they relate with them in cases where such landlords are absentee landlords. Absentee land lords in the Ugandan context are those owners of private Mailo land or any form of private land (lease or freehold) who do not reside on the land nor care for it and most likely reside in the city or abroad while their land lies redundant or has occupants whom the landlord doesn't recognise. These landlords are also serious sub-dividers of land despite selling their land to high and middle income earners since titled land is expensive. On the other hand, crown private mailo land is as complex as it is interesting to study. When in Nansana, you hear terms such as bona-fide occupants, squatters, Kabaka's tenants, batuuze<sup>5</sup>, basenze<sup>6</sup>, recognised tenants/occupants by Bulange and leaseholders.

#### **5.4.2 Lawful and Bona-fide Occupant/Tenant**

According to the 1995 constitution of Uganda, a bona-fide occupant/ tenant is a person or group of persons who were residing on a private mailo land long before the constitution of 1995 and the Land act of 1998 came to being in Uganda. The Uganda Law Commission (2006:61) taking from the constitution, define a Bona-fide occupant as;

*“a person who has stayed on and used the land, or improved the land for not less than twelve years without being disturbed or asked to leave by the owner. It also applies to a person who has been settled on the land by Government or its agent. A Lawful occupant on the other hand is a person who before the coming into force of the constitution had stayed on and used the land with the permission of the owner or a person staying on the land, which he or she has bought or a customary tenant staying on the land without having been compensated by the owner.”*

This category of tenants/occupants has special attributes and rights; they cannot be evicted without consulting them nor can their land be sold without giving them due compensation and before consulting them on the decision to sale, the first priority is given to them to buy

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<sup>5</sup> Batuuze is the term given to cultural occupiers of the land. These are a group of people who has resided on Kabaka's land long before the land even belonged to Kabaka in law and hence hold customary rights over the land. They are inhabitants and some are those who have stayed for a period longer than 20 years.

<sup>6</sup> Basenze is a term for migrants, new comers. This vaguely refers to those who occupied the land after the passing of the new constitution in 1995 and/or those who are basically new to an area. So a person who has stayed long at a place is referred to as a Mutuuze (singular of Batuuze) while a new comer is a Musenze (singular of Basenze).

themselves out or if they cannot buy their whole rights, land can be sold to another person after consulting the occupants and due compensation based on prevailing market value of land has to be offered.

However, the bona-fide occupants were supposed to pay attribute or land tax to the landlord on an annual basis and this was previously a piece offering and depended on how much the occupants own and was willing to offer the landlord but the 1995 constitution and 1998 Land act put a sum to this annual nominal ground rent at a rate which is determined by the District Land Board and/or the Minister. The Land amendment act of 2010 in Article 237 of the constitution and section 31 and subsection (3d) of the Land Act states that “Where the board has not determined the annual nominal ground rent payable by a tenant by occupancy within six months after the commencement of the Land (amendment) Act 2010, the rent may be determined by the Minister. Sub section (3e) states that the rent payable under this section shall be paid within one year after the minister has approved the rent payable under subsection (3) or determined rent payable under subsection (3d)” (MoLHUD 2010).

Failure to pay this amount of money to the landlord implies a violation of the occupancy contract and one has to pay arrears and could not defend themselves if they were being evicted on grounds of breach of contract and gross misconduct by the landlord. But the landlords were not happy with the sum that government legislated as supposed to be paid by tenants thus many landlords Kabaka inclusive have not been collecting this tax. This study doesn't not extend as far as discussing these complications in the law and relations between landlords-tenants-and the government of Uganda as is an ongoing and highly politicised issue.

The bona-fide occupants are very few and involve the Batuuze, those who hold land as their customary/ancestral land, and those who bought the land before 1995 when the new constitution came into force. There are many occupants for instance, out of the 39 respondents interviewed, 36 were occupants. The inhabitants are relatively few in Nansana as in fact in this study were only 3 of the 39 respondents interviewed. The majority of the people residing in Nansana as of now are new and came to that place later than 1998. The inhabitants are those who have lived in this area all their life and before the 1995 constitution while the migrants are those who have only lived in this area after 1998.

### 5.4.3 Squatters

This is a term which is a bit blurred in definition in the Ugandan context as it involves unlawful tenants on government and private land as well as occupants who have invaded land or even those who have bought their land provided they are not recognised by the landlord. The time one has spent on the land may not matter much for these kinds of people/occupants or tenants, what matters and distinguishes them is the fact that they are not formally recognised by the owners of the land as lawful or bona-fide occupants.

There are many such cases of people in Uganda and Nansana and their major problem is that despite buying their land, either from cultural occupants or private landlords, they don't get recognised. There are cases where landlords have sold land to people and then denied them their right of occupancy later as with one case in this study where the landlord (who is an inhabitant on Kabaka's land) in 2006 sold part of her plot of land to a young couple, the plot is 50 by 50 square feet. After a year into the couple's occupancy, the landlord sold the same plot of land to another person. What saved the couple from eviction (although it didn't remove the tenure insecurity) was the fact that they had began ferrying construction materials on the land and they were acknowledged by the Local Council leaders and neighbours and at that time the foundation of their house had already been laid. Despite all this the landlord continues to deny their legality of her plot of land and the conflict is ongoing with the other party who bought the same land also still claiming rights over that land.

In other circumstances, land is purchased on private mailo land between lawful and bona-fide occupants selling whole or part of their land to newer occupants. The newer occupants in this case would have to go to the private mailo land owner (usually the possessor of the title for the land) to introduce themselves. But when they arrange to meet the landlord/title holder, they are denied and declared as unrecognised as one of the respondents in such a situation stated:

*"I bought this land from Mukasa my neighbour and went to introduce myself to Henry the landlord and see if I could secure the title for my plot. When I arrived at Henry's place, he assured me that he did not know or recognise Mukasa and myself and yet he is friends with Mukasa. That made us run around chasing Henry for the next two years begging him to recognise us and when he finally did, he asked me to buy a title from him at a cost which was even higher than the price I had bought the plot from Mukasa. These landlords are all cheats, I no longer believe them."*

The plight of such people is never known as they live in fear of eviction day by day although in many cases it has not happened in Nansana as none of my respondents mentioned ever getting evicted despite the threat existing. For much of Nansana the threat maybe less because the largest chunk of the land belongs to the institution of the Kabaka and the Kingdom of Buganda and hence occupants are less threatened with eviction. Table 2 may have indicated that there were 7 respondents with title and 18 without title but out of the total of 39 land and home owners interviewed in the study, 10 of the potential title holders who were not occupants on Kabaka's land had failed to acquire title from their private landlords because they were too expensive for them to afford. This is because the process of purchasing titled land involves many steps, one can buy land with title but choose to be a tenant/occupant on that later and buy title later either slowly or immediately from the landlord or one could buy land and title at the same time. The 4 occupants on Kabaka's land were instead getting the threats and trouble mostly from their unreliable landlords whom they had bought the plots from, one illustration is the young couple discussed earlier.

### **5.5 Improving Tenure status for Low Income Earners**

The institution of Buganda Kingdom under the Kabaka through the Buganda Land Board (BLB) in 2009 began a recognition program for all the occupants on Buganda/Kabaka's land. This could be termed as the Buganda version of regularisation of tenure. According to the Land Relations Officer of BLB the program was aimed at registering all the occupants on Buganda land. They intended to register 10,000 occupants per year. By the time this research was conducted in July-September 2010, the program had successfully registered 5,500 occupants. This number is a little more than half of the required target but it was a good indicator of the relevance of the program. The major reason for the programme to the kingdom is to ensure that all the occupants on Kabaka's land are registered so as to enable the kingdom to levy annual property rents from the occupants. Despite the limited threat of eviction for the occupants from their land for non registration, there are several reasons why people are registering their land with Buganda Land Board. According to the Land Relations Officer at Buganda Land Board, some of the reasons why people are registering their land are summarised below:

**Figure 9: Reasons for registering land with Buganda Land Board**

- Increasing Security on their land
- Adding value for collateral security for loans
- Acknowledgement of occupancy by Kabaka, the land owner
- Increases the value of land
- Helps to authenticate land ownership/occupancy
- Helps to minimize conflict on land
- No standard sub-division - any size and/or shape of land can be registered

**Source: Fieldwork 2010.**

There are many people constructing and many more who reside on this land in fact to illustrate the magnitude, one Local Council leader of a zone in Nansana West stated roughly that his zone receives at least 5 – 8 new families a week. He used families to imply that these probably come with more than a couple but perhaps children and dependants. He said, “*The government has more than 8,000 voters here and we have to make sure they are protected and their tenure is secure.*” Thus the Kingdom of Buganda would not be so cruel as to deny all these people a chance to be secure and to protect their property through enforcing their tenure security hence the land registration program is doing just that.

#### **5.5.1 How is registration done on Buganda Land?**

There is only one formal way registration of Buganda land is done and it is all through the Buganda Land Board. The applicant is required to complete a series of bureaucratic steps before they can acquire their registration certificate. The figure below lists 11 of the major requirements for registering land with the Buganda Land Board:

**Figure 10: Requirements for Registering Land with Buganda Land Board**

1. Occupancy of land
2. Proof of occupancy- (Purchase agreement, inheritance letter)
3. Letter of recommendation from Mutongole - and L C
4. Postal address and Telephone contact of occupant
5. Photos of the land
6. Passport photos of occupant
7. Diagrammatical direction to the land (Sketch map)
8. Form of acknowledgement from adjacent neighbours
9. Filled in registration form
10. Proof of payment of UGX 200,000/= (USD \$87)
11. Draftsman's approval

**Source: Fieldwork 2010.**

The above are but the major requirements that an applicant must possess when going to register their land with the Buganda Land Board: There could be other smaller requirements but these are built to illustrate the daunting task that applicants go through to have their land registered. While proving actual occupancy requires nothing other than having the land purchase letter/agreement, some tasks such as getting the Local Council recommendation letter and another from the Mutongole<sup>7</sup> also require payments which are not stated but differ on a case by case basis but they are never less than 5,000 UGX (\$2.2<sup>8</sup>). The price which is required of applicants is also high at UGX 200,000 (\$87). The draftsman is an official inspector from Buganda Land Board who must physically visit the location of the land and assess all the necessary documents before giving his/her approval and this may take time and delay the process. The local Council leaders and Mutongole are also difficult to assess as they work at different jobs and only perform these tasks on a voluntary basis. This research could not ascertain if the Mutongole is paid or not but surety was made of those Local Council leaders who are government workers, they were not paid until as recently as late 2010 when

<sup>7</sup> Mutongole is the appointed agent of the Kabaka at the village or Sub county level who executes the tasks of the Kingdom such as verification of land ownership and watching over Buganda Kingdom property and interests.

<sup>8</sup> The conversion rate of the USD \$ to UGX was \$1 to UGX 2300/= as at July 2010.

government decided to start paying them. The unavailability of these officials whenever needed also seemed to delay the process further.

The officials at the Buganda Land Board were certain that the amount of time taken to issue a certificate of occupancy if an applicant has all the necessary requirements takes somewhere between 2 days in the fastest circumstances but it could go on for even longer for months or even years. This is because the program has different schemes of payment, applicants can pay the full amount of \$87 on spot or they could pay in instalments since they are mostly low income earners who would not have \$87 (UGX 200,000/=) easily at a moment in time. Those who pay in instalments seem to have their papers processed and pending for longer periods than those who pay the full amount in cash.

The amount of money paid for this exercise may not be too high by international standards at just USD \$87 but at the standards of Uganda with all the irregularities and uncertainties of low income earners, this amount is quite higher. Through the research process I was made to understand and sympathise with the Buganda Land Board concerning the charge fees. This is because the fee paid is used to provide a number of documents and materials to the occupants and all these come at a price and are manufactured outside the premises of Buganda Land Board. The money paid is used to open application files, processing the files through a series of double checking and double filing systems in the board premises, the provision of the Occupancy certificate and the sign post locally known as *Akapande* which is erected anywhere on the owners plot. The *Kapande* contains on it the Name of occupant, their location and plot number and a few other details demanded by the applicants if needed. This is illustrated in the figure below:

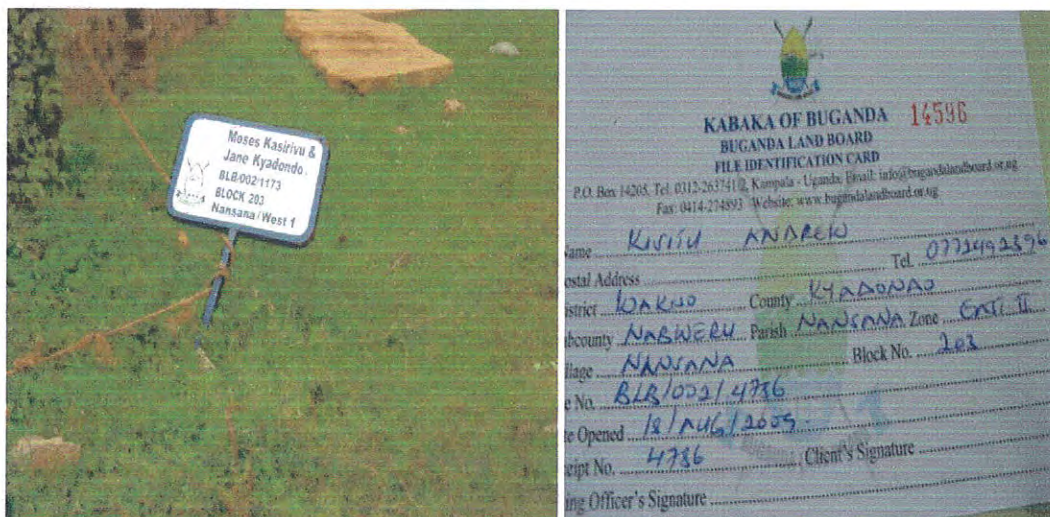
**Figure 11: The sign post used as proof of registration of Land with Buganda Land Board.**



**Note: These are illustrations of the blue and white Signpost given by the Buganda Land Board as Proof of Registration and authentication of occupancy and ownership of the land. Photos by: Asiimwe George 2010.**

Below is another illustration of what the Signpost contains when seen up close and the Registration Certificate.

**Figure 12: Some of the Items given by Buganda Land Board after completion of registration.**



**Note: The first photo shows what is contained in the signpost (this one even includes duo ownership of land by a couple) while the second photo is an example of the certificate one gets after successfully registering their land. Photos by: Asiimwe George 2010.**

### 5.5.2 Leasehold on Kabaka's Land

There is also another option in improving the occupancy status up and above attaining registration of occupancy. Applicants can register for a leasehold altogether if they wanted to there is that provision as well. Leasehold is

*“the owning of an interest in land based on an agreement with the owner of the land allowing another person to take possession and use the land to the exclusion of anyone else for a specified or limited period of time, usually five years, forty nine years or ninety nine years, on payment of money or giving service. When one dies, the successor takes over the lease”* (Uganda Law Commission 2006: 60).

Buganda Land Board permits the issuance of leaseholds to successful applicants but this option remains expensive to low income earners and is even more time consuming as it involves Buganda Kingdom applying for a lease which is issued by the Ministry of Lands at the Central Land registry, a process which takes 6 months in the least and even longer most of the time. To illustrate how farfetched this process is, there was only 1 out of my 39 respondents who held a lease and by any categorisation was not among the low income category, he was a professional who owned and run a storied condominium on a commercial basis. The leasehold differs from the ordinary land registration in many various ways and the figure below illustrates this:

**Figure 13: Requirements for upgrading to Leasehold tenure**

1. Lowest lease contract - 5 Years
2. Highest lease contract - 75 Years - Renewable
3. Minimum acceptable plot size for title 40 X 50 feet
4. Premium Deposit- UGX 1,000,000
5. Surveying UGX 950,000
6. Cost of inspecting plot (Depends on Inspector's rate)
7. Premium Value (Size of land X Capital Value X 10%) - [Capital Value of Nansana is UGX 80,000,000]
8. Ground rent of 10% annually of premium value

**Source: Fieldwork 2010.**

Other than the first three requirements, the other steps all require money or involve payment of money in some way. Take for example, if someone an occupant of land in Nansana wanted to apply for a lease, they would have to complete all the steps of getting an occupancy certificate first and then have to pay for the above process which also involves numerous computations of values such as Premium value and payments to the Land Board and even the Ministry and that is not to mention the inspectors, and surveyors and local councils officials. These are way too many payments and take an awful long time hence low income earners don't find leasehold attractive.

### **5.5.3 Resistance against the Buganda Registration Program**

The above program seemed to have registered success and to have improved tenure clarity of low income earners. However, that was just on the good side, there are factions of society who dispelled it and rejected the program and continue to refuse registration. They base their resentment on the constitutional provision which says that a lawful or bona-fide occupant can only be evicted for non payment of ground rent (MoLHUD 2010). The respondents indicated that they were willing to pay the ground rent if the Buganda authorities wanted to. One of the respondents responded to paying ground rent during the Focus Group Discussion saying;

*“We have never refused to pay ground rent to Kabaka, the problem is that they have never asked us to pay and we don't even know how much they want since they are always fighting with government over that.”*

Other occupants reported that the land was their customary right and they had lived there all their lives, they had burial grounds and their ancestors lived there and had never been evicted nor threatened with eviction and with that did not see any necessity of registering land which already belonged to them. One inhabitant even authoritatively made a remark saying;

*“You also be serious, how can you talk about eviction from my land, who would evict me, look at that corner, that is my father's grave and two other relatives, those people were buried there more than 20 years ago when I was young. I am not going anywhere, I belong here.”*

These kinds of responses kept coming whenever inhabitants were interviewed and this demonstrates how secure they felt despite not having title.

However, some of them were registered with the Buganda Land Board and one of them said;

*“We are Kabaka’s people and if he has a program, it must be supported by compliance since no one ‘looks Kabaka in the mouth’”* [Loosely translated as no one objects to the King’s wishes].

Others who rejected registration answered saying the Kabaka would not risk destabilising his own subjects by evicting them, the land he owns belongs to him and his subjects and it would be a misguided thing to do since the people are what Buganda is, Buganda is the people and Kabaka is only their spiritual and cultural leader.

There was another view which came from those who knew about the current law sections 35 and 92 of the principal land Act of 1998 which forbids eviction or sale of occupant (s)’ land or owner(s)’ without giving them the first priority to buy their interest. The law forbids any landlord from selling the land without consulting and dully compensating lawful and bona-fide occupants and vice versa for tenants, they are supposed to sell back the interest to the holder of the title if they wanted to sale land which belonged to a landlord who owned the title otherwise the transaction is illegal and the offender is liable to prosecution by law. The law even goes further to state that anyone who evicts or participates in the eviction of a lawful or bona-fide occupant from a registered land commits a criminal offence. This section of the Land Amendment Act of 2010 gives both the occupant and landlord a certain level of security and clarity and outlaws illegal evictions. This according to the findings of this research is in the interest of many low income earners especially such as those in Nansana who are largely on Crown or Kabaka’s land and a few others who are tenants on private landlords’ land.

## **5.6 The Government**

The government owns small proportion of land in Nansana especially the wetlands such as the Lubigi wetland which are entrusted to government as the custodian in the Uganda constitution of 1995. This does not mean that the state is not an actor in the land market; it is a very active player in the market since it is the role of the state to define the rules the markets operate by and make regulations that enable or constrain the markets and the actors. These rules could be inform of land laws, policies, subsidies to the various actors, the

provision of services such as roads, water and electricity as well as health and sanitation services within communities.

The government also intervenes in the land and housing market of course not as a provider of land and/or housing but as the planning authority through the Local Governments and the setting of building standards as well as the encouragement of private sector investment through the creation of a conducive environment for investment.

The government also protects private investments through provision of security to property and the people in Nansana through the police and other defence forces. Therefore the role of government has changed from provider to enabler but it has not reduced in importance, the only difference is that it no longer intervenes in housing directly but through making conditions for investment conducive hence the enabler.

### **5.7 Financial Institutions**

Financial institutions take the shape and form of banks and/or micro finance institutions in this area. Since Nansana is a place not known to have many titles, the numbers of banks that work with or in other words lend to housing in that area are very few. One notable bank funding housing in this area is Centenary Rural Development Bank (CRDB) and a host of Micro-finance institutions such as Finca, Brac, Pride Microfinance, and many others. This study conducted key informant interviews with CRDB and Housing Finance Bank in Uganda (HFBU). But many of the microfinance institutions could not give clear answers pertaining to how they fund housing so they got excluded from the study since they were more interested in funding business development than housing despite using land agreements as collateral for either case. CRDB which is a microfinance bank that specialises in funding low income earners had a cutting edge over all the other banks and financial institutions so it was relied upon more than the other banks.

The banks play an active role in the land market because they use titles and agreements on land to fund the activities of low income earners whether for housing or business development. The activities that thus take place in Nansana are also of keen interest to the banking sector and the way the banking sector operates also enables or hinders the funding that low income earners can get for instance in an interview with Housing Finance bank, the state bank which offers housing finance services, it emerged that the low income earners are

not catered for because the bank only accepts titled land (mailo, lease or freehold) as collateral which majority of the low income earners in Nansana lack. The bank also only operates within a 6 -8 kilometre radius of an urban area as the limit for its funding. The amount of money offered is too high and the loans are also too expensive for these low income earners to repay comfortably hence the bank does not cater for them.

On the other hand, CRDB does work with low income earners through several brands such as Home Improvement Loans, Loans to install water harvesting tanks and rails, and Home Equity Loans. This indicates that the banking industry is also an actor in the land and housing sector and therefore cannot go unmentioned in a study on land tenure and housing such as this one.

In conclusion, this chapter has explored how the land market operates and who the actors are and their roles and how they serve the low income earners. The chapter has demonstrated that the Formal and Informal land markets operate side by side and competitively in Nansana and that also non market players such as land owners and Buganda government although are playing their role to ensure that land investment is fostered and tenure security and clarity are improved. The manner in which subdivisions occur and how they affect the physical outlook of Nansana is highlighted. The roles of government as an enabler and/or constraint for markets to operate has also been discussed and the various banks offering services and what kind of services to low income earners have also been explored. Therefore, it is a combination of these factors and all the actors in the market that have made Nansana the emerging residence and home for the low income earners that it is today.

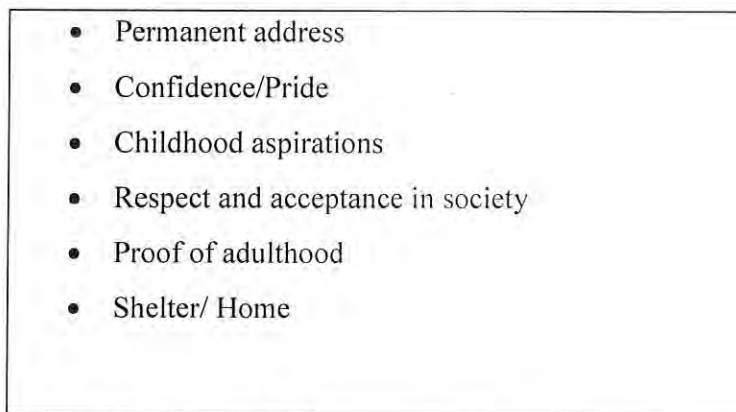
## **CHAPTER 6: EMPOWERMENT OF LOW INCOME EARNERS THROUGH LAND TENURE AND HOUSING IN NANSANA TOWN COUNCIL**

The World Bank (2002:11) defines Empowerment as “the expansion of assets and capabilities of poor people to participate in negotiate with, influence, control, and holding to account institutions that affect their lives”. In its broadest sense, empowerment is the expansion of freedom of choice and action. This chapter will highlight and discuss how low income earners have had their options, capabilities and power increased through the provision and acquisition of land, property rights and housing and if or how this has enabled the eradication of poverty, improving the social status and economic bargaining power of the poor. The study investigates the social and economic aspects of empowerment.

### **6.1 Social empowerment**

This section is dedicated to those aspects which have increased the powerfulness of low income earners without necessarily increasing their incomes. These are issues related to power relations and how the low income earners fit within their community, their cultural and personal aspirations and how the availability of these through land tenure and housing has raised their capabilities. There were some particular variables which were attached and studied to constitute elements of social empowerment and these are summarised in the Figure below;

**Figure 14: Social Benefits of Land and Housing to Low Income Earners**

- 
- Permanent address
  - Confidence/Pride
  - Childhood aspirations
  - Respect and acceptance in society
  - Proof of adulthood
  - Shelter/ Home

**Source: Fieldwork 2010.**

The respondents were asked to mention and discuss the social benefits they have gained from owning land or house. The respondents were free to give multiple responses and the major benefits are outlined in Figure 14 above. The reason behind all these responses was to

ascertain which of the variables were more important and had been more realised through tenure and housing for these low income groups.

#### **6.1.1 Permanent Address**

While this cannot indicate the absolute importance of the variable in the lives of these low income earners, the fact that it got mentioned many times indicates that they consider having a home of their own, a permanent address, a place which can be referred to as their own is nevertheless important and worthy of owning land and/or house for. This is because in Uganda just like in many places around the world, home ownership is closely related and linked with being fully established and settled in adult life. It provides the owner with an address of where they live, where they belong and how they position themselves in society. It is even good for children (for families with children) to have a place they call a home of their own. This is clearly an indicator of the importance of having a permanent address hence this could not be any much less for low income earners as it is for any other class of people.

#### **6.1.2 Confidence and pride**

Powerlessness has been identified as an indicator of disempowerment and also one of the major contributors to poverty and in many cases lack of confidence has even exacerbated the livelihood conditions of poor people and their ability to raise out of poverty (World Bank 2002). Land is Uganda's most precious item according to (Asiimwe and Nkayoonjo, 2001: Sebiina-Zziwa *et al*, 2002) and having a house in an urban area is the icing on the cake. The low income earners too value this a lot, in fact they mentioned it often as the major reason why they choose to buy land and what they have achieved from owning the land and housing in this urban area. Ownership of land according to the respondents is a way of realising potential in oneself and realising that one can move from not owning anything to a tangible asset in land and house. This raises their confidence to even attempt to do other things for instance as this study has shown and will continue to show, low income earners always aim even higher with the acquisition of land. Table 3 will demonstrate that of all the respondents who were interviewed only three had built their houses wholly in one construction phase, all the others had constructed their houses incrementally and through self-help or with some small loans. Other evidence is available in the literature from Tanzania (Kombe 1995: Nguluma 2003), South Africa (Mitlin 2007), the Caribbean (Ferguson 1999) and South America (de Soto, 2000: Turner 1976).

**Table 3: How houses are constructed in Nansana**

	Incremental (Several Phases)	Completed house (One Phase)
	36	3
<b>Total</b>		<b>39</b>

N= 39 N- Number of respondents who owned land and house(s).

**Source: Fieldwork 2010.**

The confidence to begin constructing derives from the ownership of the first tangible asset in land. There seems to be an urge for low income earners to construct regardless of how long it takes. This according to the findings and evidence presented is surely a tool of empowerment as it increases the power and willingness of low income earners to participate in their personal development as well as national development in their own small way.

### **6.1.3 Fulfilment of Childhood Aspirations and Dreams**

People grow up with aspirations and dreams of whom or what they want to be when they grow up and everyone has different aspirations of their own. Some dreams come true, others don't but the point is that everyone has dreams and aspirations; low income earners have dreams too. Aspirations to own a good and beautiful house should be commonplace; this can be envisioned in the words of one of my respondents who said;

*"Since I was a child, I always wanted to have a good house and to set up a modal home. During my childhood, our neighbours across the hill had a very pretty house and they were very close friends of our family, we used to take turns at visiting each other's homes. Whenever we visited their home, we were welcomed and cared for well and their home was tidy and very well organised but when our turn to host came, we always felt intimidated to host these people since our home was not as tidy or organised as theirs. So when I got a family of my own, I decided that I would give my children a home they would be proud of and not be intimidated to bring their friends to and this is the house you see now."*

These kinds of stories were very common whenever respondents were asked as to why they thought it empowered them to realise their childhood and life aspirations through housing. Another interesting response came from a young man presumably in his early thirties who said;

*“Who doesn’t want to live in the best house in the village, when you walk through Muyenga or Kololo [some of the affluent neighbourhoods in Kampala] don’t you ever feel like owning one of those mansions. This is my Muyenga, I constructed my house like the ones I saw in Muyenga but of course it is not as big but it’s designed the same way.”*

**Figure 15: Housing built to resemble those in High income neighbourhoods**



*Note: The photo above illustrates how people can transfer their aspirations and modals of the houses they have always dreamed of living in to any neighbourhood regardless of their class. This was the house designed to resemble the mansions in Muyenga that I discussed above. Photo by, Asiimwe George*

#### **6.1.4 Need for a Home/Shelter**

There were also responses that were not related to ambitious needs and benefits but emanating out of necessity. One such reason was the provision of a roof over one’s head. Many low income earners said that the biggest benefit they had gotten out of ownership of land and house was the acquisition of a ‘roof over their heads’, a shelter, a place which is their home. This point is closely related to the benefit of having a permanent address but the difference is in the reasons they gave for it. Many said that since government could not

provide them housing and shelter they had to fend for themselves and find a solution and one such solution was settling in Nansana and providing their own shelter and housing.

#### **6.1.5 Proof of Adulthood**

This was a point mostly raised by younger men. It is a benefit embedded in the cultural beliefs of many tribes in Uganda. Many tribal groups in Uganda associate ownership of land and construction of house as a sign of adulthood. Many young men who wanted to establish themselves in many cultures in Uganda had to do it through building a house of their own and living by themselves either on family land as part of the extended family or buying land and constructing elsewhere far from family. In the contemporary Uganda, these cultural beliefs still hold strong and weigh heavily on young people's shoulders, therefore, being able to construct a house in the rural areas is good but even better when it is constructed in the urban areas and many young people considered themselves adults because they had been able to successfully construct a home of their own and move out of their parent's and from renting.

#### **6.1.6 Respect and Acceptance in Society**

The respondents associated land/house ownership to empowerment because of the respect, recognition and acceptance they were accorded in society. The Nansana area is mostly a residential area and tenants are usually found in Boys-quarters (a common term given to housing reserved for older boys in the family). Many people and families with or without children or whose children are few and young enough to fit in the main house always construct these quarters just behind the main house and that's where many renters find solace in many of the residential places in Uganda (this is not to disregard tenements). So in Nansana, home ownership is attached certain values to as the real home owners are considered more as members of the community than their counterparts who are renters. This is because while tenants may be expected to move to other places and/or even construct homes of their own, owners are expected to stay in the community as part of it and to play a more developmental role such as contributing to road maintenance, constituting Local Council leadership and contributing to social cohesion and security within the neighbourhood. This accordingly gave the respondents stronger power and a large sense of belonging within their community and society at large and hence became the most mentioned social benefit resulting from tenure and housing for the low income groups.

To conclude on social empowerment, it is imperative not see these benefits as separate as their bounds in real life are more blurred than how they have been portrayed in the discussion

above. It is also important to notice that these are not tangible elements but rather psychological, moral and emotional elements which only empower people on the inside and in the social settings within which they live so to attach value to a life of an individual through acceptance, realisation of ambitions and dreams, and offering an opportunity to people to do what they want within the confines of the existing social structures and norms is an act of empowerment that produces more development and self realisation among people; even low income earners.

## **6.2 Economic Empowerment**

The economic aspect of empowerment for this study just like the social aspect discussed above deals in increasing poor people's options and power to realise their full potential. However, the potential is not in psychological form but rather physical such as increasing their incomes, bargaining power and enhancing their savings; basically increasing their economic stability and potential.

The economic benefits of land tenure and housing for the low income groups that this study aimed to study were concerned with how land tenure helps these people to diversify their incomes; how they invest their savings; how they secure their future through land and housing and how land and housing helps them to raise capital for investment and re-investment. Figure below shows some of the benefits respondents mentioned when asked to state and explain how land tenure and housing had benefitted them economically;

**Figure 16: Economic benefits of Land and Housing Tenure to Low Income Earners**

- Diversification of Incomes (saving rent and earning from rental housing)
- Increase in Incomes
- Investing savings
- Capital for business investment (Collateral, Business capital etc)
- Saving for the future (Pensions and Inheritance)

**Source: Fieldwork 2010.**

### **6.2.1 Diversification of Income**

For low income earners, the prospect of earning from multiple sources is one they envision with great hope. With the unpredictability and irregularities of incomes for most people who work in the informal sector, having one source of income especially if it is only a job is risky and as such, many low income earners look to diversify their sources of incomes. But whereas many prefer to establish several different branches of their businesses, or even setting up different lines of trading businesses such as running one business as a trader in agricultural products on one hand and trading in car spare-parts on the other- there are other informal sector workers who would rather invest their monies and diversify their incomes through investing in immovable and tangible assets such as land and housing. The last category is the interest of this study. When interviewed, most of the low income earners said the biggest benefit of tenure and housing has been the diversification of their incomes. This was due mainly through two major ways, saving would-be rent money and earning from renting their housing.

### **6.2.2 Saving would-be rent money**

For the low income earners the fact that with personal and private housing, paying rent is a thing they do not have to incur made them feel emancipated. This is because it is rather costly to be paying rent to someone every month and yet the incomes of these low income earners are very volatile and unpredictable. While they could earn highly in one month, it may be a different story in another month when things do not go as well as expected. Under such circumstances they would worry about where rent was to come from and if their landlords would understand their situation or just evict them for failure to pay. So when they had a chance to build their own homes and stop renting, it meant a big relief and many respondents in fact answered saying;

*“Rent is a thing of the past and all the money I used to pay in rent is being saved for other things such as children’s school fees.”* Someone even said, *“whenever I had not paid rent, I used to get scared even when the landlord came by to greet me, I always thought he had come to ask for his money or to ask me to vacate the house, I could not eat anything good before paying rent but ever since I got this new house, things like rent are history and I eat as I want, I worry no more, no one will ever come back here knocking for rent.”*

This clearly indicates that being able to forfeit rent money and all the worries that come with renting was a big benefit for the low income earners resulting out of owing a house and home of their own.

### **6.2.3 Earning from Rent**

This was a flip of the coin to saving rent money. Many respondents particularly those who owned rental housing mentioned earning big from renting their houses as the biggest benefit they had achieved from tenure security and investment in housing.

Renting in Nansana comes in various ways, in commercial centres it involves setting up houses such as the one in Figure 16 where a number of shops are run whereas in residential places, structures such as those in Figure 17 are set and other forms take the shape of boys' quarters and garages. However, despite the different forms rental housing comes in, it all involves paying monthly rental fees to the landlords and in some cases involves signing formal contracts but the most common agreements are informal and unwritten, they are verbal and vary on a client to client basis. Some renters may pay 3 to 6 months or even years in advance while others pay on a monthly basis. Some tenements are post paid while others are prepaid in that you may either pay for the month(s) you will occupy the house or for the month(s) you have occupied the house.

**Figure 17: Some of the commercial buildings in Nansana**



*Note: The photo above illustrates the kind of rental housing used for commercial purposes in Nansana. This is the dominant type of commercial housing although storied buildings have slowly begun replacing these. Photos by; Asimwe George*

**Figure 18: Some of the residential rental housing in Nansana**



*Note: The photos above show how tenements in Nansana look like and in the first one, another example of incremental building and usage of savings to construct in phases. Notice the shared spaces and wires for drying clothes, also notice how every tenant is separated from another by a dividing wall. Photos by; Asimwe George*

Operating tenements and commercial buildings is a lucrative business in Nansana. Some of the reasons are that rent from tenements is steady, stable and guaranteed unlike working in the informal sector where wages are unpredictable. The owners of tenements can plan ahead of time for how to use the money from rent since it is guaranteed to come at the end of every month. These earnings from renting are also useful inputs into other business activities for instance many landlords indicated that when you construct tenements of at least 5 double rooms, you are sure to earn a minimum of over UGX 800,000 (about \$348) per month if the rooms have power and water nearby but this depends on the quality of the housing and size of the rooms. With that minimum amount assured on a monthly basis, the owner can easily use those savings to begin another phased construction of 10 other tenement rooms and within 2-3 years, they would have twice as much housing stock on him/herself and would double his/her incomes. This was one modal used by the landlords in Nansana and they were very proud to achieve this since many mentioned that it had allowed them the freedom and money to cater for other domestic and scholastic needs of their children without even dipping into their own salaries or wages. One respondent summed it up boastfully saying;

*"I don't even touch what the Mizigo<sup>9</sup> bring. It's for my wife to cater for all the domestic, family needs and scholastic needs including children's tuition on campus, I don't even buy food at home, what I earn as salary is for putting fuel in the car, eating Pork and drinking Bell Beer".*

#### **6.2.4 Investing savings**

There were respondents who indicated that investing in land tenure and housing had helped them to invest their meagre savings. This is because in a country such as Uganda where banking is still relatively young and less utilised by the low income earners, being able to put their savings into good use especially in the form of tangible assets such as land and housing means a lot to the people. One respondent, a government driver said;

*"I used to get some good money and spend it on playing pool, drinking beer and eating pork but after sometime I realised I was headed nowhere with all that stuff so I talked to a friend, that neighbour of mine and he advised me to save up and buy some land and he lobbied the landlord to sale a piece to me and here I am, 5 years later, I have my own house and 5 mizigo [tenements] with 2 more yet to be completed and yet*

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<sup>9</sup> Mizigo (plural) is a Local term given to tenement housing. A single tenement is called Muzigo

*my salary has never been raised but I no longer worry about it because I do that job not for money anymore but because it is what I trained to do, I simply saved that little salary and it got me here.”*

#### **6.2.5 Capital for Business investment and Collateral for loans**

There were some respondents who had benefited from tenure and housing especially land tenure as a way of realising capital for investment. This is especially so in relation to banking and utilisation of land ownership as collateral to access loans and credit from financial institutions.

The banks in Uganda both commercial and investment banks require some form of collateral as a prerequisite for accessing loans from these financial institutions. This study conducted key informant interviews with 2 commercial banks: Housing Finance Bank Uganda (HFBU) and Centenary Rural Development Bank (CRDB) to ascertain their programs for low income earners and how they fund housing for this category of Ugandans. It turns out that Housing Finance Bank a government owned bank which is one of the only two banks formally lending to housing finance along with Development Finance Company in Uganda (DFCU) does not have programs for low income earners. When asked if they had a credit program for the low income earners/urban poor, one of the credit administrators replied saying that to the Bank, the Urban poor were not well known and it wasn't yet possible to determine who these people are and how to incorporate them into the bank's financing programs hence no financial package is available for the urban poor. On the other hand, to the same question with the Credit administrator in Centenary bank, he said they had programs for these low income earners/urban poor since Centenary Rural Development Bank was a microfinance bank which specialises in lending to the poor and all across the class divides.

This explains why few respondents had accessed loans from banking institutions. It is not because the low income earners do not need credit and can make it by themselves but because they cannot access loans due to lack of collateral- titled land in prime urban areas, which is required from banks such as Housing Finance Bank. Therefore, those who had sought loans and had untitled land as collateral had mostly got their loans from Centenary Rural Development Bank. They used their loans to complete their houses whether tenements or residential bungalows. Others reported to have used their collateral to get loans which they put to other uses such as setting up businesses, one respondent said he had used his loan to buy *bodaboda* and a special hire car which he uses to supplement his income. Cases of

people getting loans without title from many except a few banks are not so common since the banks offering loans to low income earners offer small micro loans with high interest and short amortisation periods and to make matters worse, the bank has the final say on how much they lend to an applicant despite how much one may apply for. One respondent said;

*“they always make their calculations and then tell you we will give you UGX 600,000 even when you have applied for as much as UGX 5 million. You have to take that if you must be their client or you may never have to get their loans again. But that money is too little to do anything on a house.”*

Another home owner who once went to get a loan narrated his story saying;

*“They asked me to pay some amount of money and I was supposed to have had some money on my account and to have at least 30 percent of the total construction cost in cash before they could give me the loan. They even were to charge a certain percentage off the loan they were giving so I chose not to take their loan because I felt cheated from the beginning. How can a bank ask you to have money when you are looking for money yourself?”*

These are some of the challenges but never the less, some people who had used their collateral with CRDB said different stories because for them, these small micro loans helped them to construct in phases and to be able to pay back in small amounts within a short period of time and their credit worthiness kept rising as well as the amount they qualified for depending on their track records over time.

Out of the 39 respondents interviewed, only 6 had acquired loans from financial institutions whereas the majority, 33 has not relied of financial support from banks to fund their housing. However, this is not to deny that some could have relied on non formal sources of finance such as money lenders and social networks of kin and friends to fund their housing. A respondent who had benefitted from CRDB in over 12 years said;

*“When I began, they gave me UGX 500,000 which I paid back faithfully, I didn't do much with it because it was too little for what I wanted to do, but over time, I have grown and as we speak, I access loans of as much as UGX 9 million in one go and my loan officer no longer tosses me around, I just give him a phone call and within 3 days, I have my loan and life goes on.”*

The small loans are a good thing for the low income earners because they can access this lump-sum and do meaningful works on their houses, and then repay the loans in equally smaller amounts which don't put a lot of pressure on them.

#### **6.2.6 Securing the future**

The unpredictability of incomes in the informal sector and the fact that pensions are not available for low income earners makes the future look uncertain for this category of people. Investing their money in tangible assets which appreciate overtime seems a good way of ensuring a steady flow of income when they are old and no longer able to engage in productive work. There were some respondents who said they had engaged in housing as a way of guaranteeing income during old age since they were sure they could never get pensions from the works they were engaged in. Many older respondents in their fifties and sixties mentioned saving for the future as a benefit they had reaped from housing regardless of whether it was a rental or a bungalow. This is because a house is a house and can be turned in for rental purposes when need arises. Some respondents who had rental housing mentioned not having much financial constraints as their rental housing assured them enough savings to keep them going even when they were no longer working. An older man said;

*"I lived in Kasuubi for 17 years and constructed there 15 mizigos [tenements] and my residential house but when I got older I decided rent the house too, and moved to live in Nansana where it's quieter but even here I constructed this house with those 2 boys' quarters and I'm not afraid that by getting old, I'm going to suffer because I earn enough income from my houses."*

Another older gentleman said of his friends who were retired from the government civil service saying;

*"When they used to work for the ministry of Education, I asked my friends to leave government houses and construct their own but they refused saying it was their benefit. When they got retired, they had not even constructed anything. I see them running around the public service ministry every week chasing pensions but for me I'm not really desperate to get that pension money because I never expected it in the first place and made sure I invested in my future ahead of time."*

Therefore, investing in land and housing is a good way of ensuring retirement is not a disastrous phenomenon and nor a time of suffering and regret for the low income earners.

In summing up the issue of economic empowerment, it is clear to see that the economic benefits of land tenure and housing are related to increased incomes, diversification of these incomes, increasing savings and savings would be costs on rent for instance. There are also other benefits related to usage of tenure and housing to raise capital for investment and also using ownership of land to generate and increase credit worthiness through collateral. Land tenure and housing can be utilised to secure incomes and a good life in old age even in the face of unpredictable pensions of old age. These aspects and benefits therefore differ from those of social empowerment in that they offer incomes and save costs thereby increasing the bargaining and purchasing power of low income earners and also empower them to eradicate poverty.

## **CHAPTER 7: IMPEDIMENTS TO ACHIEVING EMPOWERMENT THROUGH LAND TENURE AND HOUSING**

The livelihoods and the lives of low income earners are pursued within a regulated system, a system littered with cultural beliefs and religious affiliations and therein also the legal. Some regulations are designed by the government or nations states and others adopted or imposed by supra national institutions such as the United Nations, the World Bank, the International Monetary Fund (IMF) and many other kinds of regulators. In addition to these institutional frameworks, there are also personal beliefs, individual character, behaviours and norms. All these determine how people behave and interact with others, among themselves and with the wider society at large.

This chapter explores the impediments or challenges which deter the effective utilisation of land tenure and housing from bringing about empowerment and poverty reduction for the low income earners with specific reference to findings from Nansana town, in Wakiso district. The impediments are categorised as institutional/ structural, market/economic, social and cultural impediments.

### **7.1 Institutional or Structural impediments**

These are the challenges related to the activities of government and its agencies as well as those determined by supra national institutions. Some may be binding or non binding on nation states but they altogether impede the effective use of land tenure and housing to achieve empowerment and eradicate poverty among the low income earners.

#### **7.1.1 Government and its changed role**

The Ugandan government under the decentralisation policy devolved the power to administer land issues and the management of urban centres and urban development generally to the District local governments under their district land boards and urban planning and development divisions. The district land boards are charged with the responsibility of ensuring that the land rights are protected, mediation of land disputes and the documentation of land ownership at district level. The urban development and planning departments on the other hand are charged with the responsibility to ensure orderly development and effective urban planning in communities and urban centres. According to (UN Habitat 2007b) decentralization of the function of physical planning caught the local governments unprepared as such they have failed to cope with the challenges of rapid urbanisation basically caused by the rapid population growth. The ideal situation should have been that

services are provided and cited according to approved development and the structure plan. Unfortunately these departments of government are poorly funded and under staffed in that they cannot perform their designated tasks if they are operating below their capacity and yet the rate at which urban development is taking place is very high, for Wakiso district alone is 3.7 and the national urbanisation rate is 3.5 per annum (NEMA 2008). This passes as one of the impediments of effective utilisation of tenure and housing to empower low income earners because with all the problems facing the institutional regulators of urban development, settlements have developed haphazardly without proper planning and without controlled supervision. The proper planning is reserved for large storied buildings in the town centres and townships while the residential areas are left to sprawl on their own. This creates a mismatch between planning, management and development and it is the low income earners whose neighbourhoods and settlements end up getting declared illegal and informal despite all the effort they put in to establish these settlements.

#### **7.1.2 Government creating a favourable environment for private investment**

The role of government has changed overtime from the provider of land and housing to being an enabler. This has left the ordinary citizen with the option of purchasing land from the market and through social networks. The problem with the land bought from the market especially the informal market where low income earners buy theirs is that the land is unplanned, informal and therefore, illegal according to the planning regulations of government and local governments. This also demotes settlements occupied by low income earners to mere informal settlements.

Furthermore, the government loosened the building regulations when they began decentralising and liberalising the economy in the early 1990s. The UN Habitat (2007: 10b) highlighted this urban development plight in Kampala saying “the land tenure systems in Kampala are complicated and multiple, with considerable influence on the way the city has grown and how slums have developed. This is because certain types of tenure easily support planned development on land while others work to the detriment of orderly growth. Since the abolition of statutory leases by the 1995 Constitution, Kampala City Council lost its 199 year lease; the land reverted to customary owners. Majority of the slums and informal settlements such as Nansana are now currently on private mailo.

Planning is no longer a condition for compulsory acquisition of land according to the 1995 Constitution. This has greatly affected the implementation of planned developments, since

land belongs to people, thus the sprouting of poor housing and sanitation in informal settlements. For government, this approach to promoting private investment through land is a good sign of private capital investment. However, it presents a huge challenge to planners and urban development specialists in the respective districts and town councils and thereby impedes low income earners from enjoying habitable settlements.

### **7.1.3 Bureaucracy in the Land Offices and Ministry**

This is another big challenge for all Ugandans and/or foreign investors aiming to own titled land in the country and not just low income earners. This is because the titles are issued at the central land registry in the Ministry of Land, Housing and Urban Development. This is a place where no one ever wants to go but just find themselves there out of necessity if they should ever own titled land. The department of lands and specifically the registry is very disorganised and mired in corruption. The country has had scandal after scandal over fake land titles and people presenting titles over land which does not belong to them.

To acquire a title from the Lands Ministry is a very lengthy process for instance according to the Land Relations Officer of the Buganda Land Board, if an applicant is to acquire a lease on Kabaka's land (Buganda land) they have to wait a minimum of 6 months to get the lease but it could take even longer. The process is also very expensive to such an extent that an ordinary low income earner would afford to purchase another lot of land of the same or bigger size as the one they are attempting to register. Another key respondent who is the Spokesperson of the Ministry of Lands said the department is too disorganised to the extent that it is even difficult find where application forms for land registration and titling are located and whether they are for sale or not. He continued to say that some people even had to buy these land registration application forms in the Ministry and yet they are supposed to be issued free of charge.

There were some respondents living on Kabaka's land who said they were more secure living on Kabaka's land than being on private land where landlords ask you to buy your own title at a price higher than the land itself and even after paying that amount, the title may take years to come out of that registry unless you see someone (bribe someone) to push it for you through the system. One respondent even said;

*“Those landlords are merciless and thieves, if you begin negotiating with him over how much to buy the title, he just sells you to a tycoon all at once. At this point, you remain at the mercy of the tycoon and your God.”*

If you failed to buy your own title on private land from a landlord, they could easily sale the land with its title to someone else that would evict and compensate you for so little. Sometimes the eviction is out-right leading to massive losses of investment and this too is an encumbrance to low income earners achieving empowerment through tenure and housing.

### **7.2 Denial of reality- Gap between Policy and Implementation**

There seems to be a mismatch between laws and regulations pertaining to land, urban development and economic development generally. This a purely a political question because when government speaks or documents settlements in Uganda, they say that there are many informal settlements in the country; 60 percent of the country’s settlements are in fact regarded as informal settlements see (UN Habitat 2003, 2007b; NEMA 2008; UBOS 2010). The irony in this is that the only places which are not informal settlements seem to be the land and houses built on land which belongs to the government itself and not anything else that is located in private land and yet government formalised the four forms of tenure as customary, freehold, mailo, and leasehold. How can you not recognise all the other settlements on private land and yet Uganda is a private sector led economy even to the extent of housing. As already illustrated with cases of housing in low income settlements, the houses there are not that poor in quality in fact many of these houses are at par with any world standard. It is unbelievable how the government even disregards titled and well planned plots and settlements designed by professional private real estate agencies such as Jomayi, Arkright, Hosanna and many other real estate firms and yet similar estates by the National Housing and Construction Company (NHCC) are recognised. NHCC estates incidentally do not differ markedly in quality from those provided by private companies except for the infrastructure therein. The only problem and explanation is that they are not located in planned settlements and that services are not available; but the planning on land is not a prerequisite for construction anymore (but is still being done).

Furthermore, it is not even the responsibility of settlers or home builders to provide these services and infrastructures but government. Why then should our settlements take the fall for the inconsistencies and failures of government? Many of the respondents did not believe their settlements were informal, they accepted that they were on Kabaka’s land but that was not

adequate for government declare them informal settlements. And if they were informal, how come government was not doing anything to provide the much needed services such as roads, and drainage channels? One disappointed respondent even said;

*“We are not recognised because there is no serious Minister who lives here but if there was, we would also be praised and incorporated in the system, which is how our government works.”*

The other aspect of denial is how the settlements issue has been politicised. This is shown in the way government talks of these informal settlements as private investments which must be protected and enhanced in economic terms since they are examples of eradication of poverty. They also amplify the relevance of the private sector to national development. But when it comes to urban development perspectives, the very settlements are regarded as informal not slum although this is not to deny the existence of slums in many places in the country. One such area to begin seeing this controversy is to critically analyse the land act of 1998 and the consequent amendments that have taken place. These have been mainly aimed at protecting and securing these private investments for instance the constitutional amendment of 2010 that outlaws eviction on land is aimed at protecting the property of the poor and vulnerable from the strong and wealthy. Ironically, these wealthy people are the ones who follow planning regulations when constructing new structures, the poor whom the law is protecting do not follow planning regulations. Conversely, the National Land Use Policy of 2006 and the Land Policy 2010 which is in draft form and awaiting approval all talk of these settlements as informal and illegal in some kind of way. These are controversial pieces of legislation which put the investments of low income earners at crossroads and impede the will of would be investors in housing to become even more reluctant to engage in the activity.

No wonder the UN Habitat (2007: 12b) stated that *“Slums in Kampala are not only for the poor, but for the rich as well (rich man’s slums) where settlement is unplanned and the areas are un-serviced.”* How can houses such as the one in the Figure below be regarded as informal or slum just because it is located on an unplanned settlement according to the District master plan? How do these master plans work where land is privately owned and protected by law to the benefit of the owners anyway? This Figure is reflective of the bulk of housing in Nansana town but nevertheless they are still regarded as “informal settlements”.

**Figure 19: The kind of houses found in the Informal Settlements of Nansana**



*Note: An example of some of the houses found in the so called “informal settlements”, these are houses and homes thoroughly completed and well serviced with water, electricity and access roads but still regarded as informal. Photos by; Asimwe George*

### **7.3 Economic or Market Related Impediments**

This section looks at those challenges to tenure and housing that are economic or market oriented in nature. The section seeks to explain the challenges in the economy and the market which make it difficult for low income earners to achieve empowerment through ownership of land and/or housing.

#### **7.3.1 Speculation on Land**

This is a condition perpetuated by some real estate companies, private landlords, and informal brokers. This is where an owner of the land or an individual buys land and instead of using it or selling it prefers to keep it until such a time when the value of the land has risen so that they can sale at a higher price. This is a common practice in Nansana where some land owners and informal brokers come early and buy land when it is still relatively cheap. They wait for 3 to 4 years and then sale it off at more than double the price at which it was

originally bought. These speculative tendencies have caused the prices of land to rise in Nansana and also have caused many places to develop inconsistently with many vacant plots between various developments. This situation makes it difficult for even the municipal authorities to provide services such as water and roads on these uneven developments.

The high prices of land put land ownership far from the price range of some. Actually starting construction is difficult especially where one has to be the first to build their house in a place where all the plots have been sold but none of the owners has started construction. People are always waiting to see the first building take off before they can start building their own. One respondent experienced this situation and was eager to discourage it in saying;

*“When I bought here, all those 7 plots had been sold off like 6 months before mine, but those guys didn't want to construct because it involved paving ways and roads and clearing bushes. But as soon as I bought and made the road, they all came running and began pouring their construction materials as if they had been waiting for me to come and make the road before they could begin their own construction. And they never paid me or shared costs with me for the road I constructed.”*

This practice ought to be discouraged as it has disabled many would-be land owners from buying in some places because many places look rural and with little hope of development when in fact the owners are simply speculating over the land.

#### **7.4 Exclusion of Low Income Earners**

*“Mr. Asimwe, do you know who the urban poor are? I know you have something in mind since it is what you are researching but for us here it is the most difficult thing to establish. It is very difficult to tell who the urban poor are and also difficult to incorporate them in our housing finance programs so we are still exploring how to incorporate them”* said one of the Credit Administrator of Housing Finance Bank.

This was the response from the government owned Housing Finance Bank (HFBU) which is the bank responsible for funding housing in the country along with Development Finance Company in Uganda (DFCU) bank. The reason they said this is because HFBU only requires a loan applicant to have a title on their land, to have formal employment in government or a reputable firm (this mostly pertains to large NGOs, International agencies and private companies), or to be an owner of a well run private companies with proof of registration,

taxation and profit margin accounts. Furthermore, the land to be developed must be located in a radius of 8 km<sup>2</sup> from the city centre or municipal centre which implies that the bank supports urban based investments. This also applies to the title applicants must possess; they cannot be of land beyond that radius. The bank further requires applicants to have upfront 30 to 35 percent of the total construction cost of the proposed project in cash before the bank can fund the 70 to 65 percent of the project. Repayment takes as much as 35 percent of gross monthly income of the applicant. It is no surprise that the UN Habitat (2006) stated that private lending in the sub-region (Kenya, Tanzania and Uganda) is confined to the high-income borrowers and is only just recently being extended to middle-income borrowers. Low-income borrowers at present are largely excluded from the formal private sector lending.

The other reason for exclusion of the low income earners is because these loans themselves are big. The minimum amount of money issued in HFBU loans is UGX 5 million (approximately \$ 2200). This 5 million is not a lot of money but it is only the minimum so the amount issued is quite too much for low income earners to repay. The amortisation periods for the loans are also too long as land Loans have a 5 year amortisation period; 7 years for equity release; 10 years on commercial buildings and 20 years on total purchase and residential construction. The amortisation periods can sometimes be tailor made depending on the terms of agreement between the bank and the client. None the less, these terms of doing business are far from the reach of low income earners who require micro loans which can be repaid within a short time hence the current formal mortgage finance doesn't cater for low income earners which also reduces their chances for investing in land and housing.

#### **7.4.1 High Interest Rates on Loans**

The low income earners have traditionally been known to rely on social networks of kin and friends to fund their livelihood activities and housing. Other recent studies World Bank (2002) have highlighted the relevance of informal money lenders and saving groups in raising finance for low income earners and poor people. In Nansana, there are several commercial banks and many micro finance institutions which offer financial services to low income earners. Out of these commercial banks, the study chose Centenary Rural Development Bank (CRDB) because it was mentioned more often by the respondents and the fact that the bank is indeed engaged in funding housing among low income earners. The bank accepts both titled and untitled land as collateral, they even fund non government and informal sector workers

provided the applicant shows proof of a steady source of income. Their interest rates are quite high though at 19 percent but not as high as many other commercial banks. The loans amortization period is short term and tailored based on the terms of reference agreed between the loan officer and the client. The collateral needed in CRDB need not be land alone they also accept chattels which include household items, motor vehicles and motor cycles; stock of goods sold; fixed deposit receipts, bonds and debentures; treasury bills; and certificates of shares.

Despite interest rates being as high as 25 percent for some banks and 19 percent for Centenary bank, housing loans for low income earners in CRDB constitute 20 percent of their loan clients; around 100,000 customers are on housing and land loans according to the Credit administrator. This is a reasonable number considering the circumstances surrounding low income earners such as reluctance to take up loans and preference of investing savings other than repaying loans. The number of people on housing loans 100,000 in centenary a private commercial micro finance bank is far greater than those in Housing Finance bank around 2,000 between 2007 and 2009 and yet Housing Finance is designated by government to provide housing finance services to the citizens of Uganda.

The high interest rates in many banks whether commercial and/or micro finance all discourage low income earners from seeking loans to fund their housing and land deals. This in a way slows down the rate at which these groups of people develop and complete their houses as one respondent mentioned;

*“There is no rush to construct and complete the house. Why should I get a loan and wear it around my neck like a dog chain when I can slowly work on my house while living in it. And you also know how some of these banks have taken people’s property due to failure to pay. I use my own savings on my house I don’t need those loans which are like curses.”*

### **7.5 Cultural and Social impediments**

Nansana is a town largely built on Buganda land in that even the town headquarters hold a lease from Buganda Land Board. This shows that the land in this area is embedded in the culture of the people and the way people behave on it is also partly dictated and reflective of the culture. For instance, there are cases where land is passed on as an inheritance to children by their parents. Whether the children choose to sale it or construct on it is not the problem of

this study, what becomes the problem is the amount of sub-divisions taking place due to inheritance. Many of the children who inherit this land take small portions of the land and either sale or construct on it but when the land is small it also dictates that one constructs a small structure. The problem of sub-divisions is too pronounced in Nansana that it makes the town look like a slum despite this study insisting that Nansana is an informal settlement and not a slum and that it need not be either. A local council leader commented on the level of sub-divisions saying;

*“Here you cannot stop anyone from sub-dividing, they sale anything in any size, they can even sale you land only enough to construct one grave. Our people are poor and desperately in need of housing, so even getting land as small as 20 X 30 feet becomes good enough for them to construct 2 rooms to sleep in as long as they don’t have to pay rent.”*

The other social factors that do not differ a lot from cultural factors are poor people’s ambitions to own something for oneself. It is quite prestigious to own land in Uganda and to the poor it doesn’t always matter how big the land is provided it is recorded in their name and known as theirs, is all that matters. This has also exacerbated sub-divisions and reduced on the quality of the settlements where these low income people live. This is the case because the open spaces are so few, the roads are narrow and non-existent at some point. The buildings don’t follow any construction pattern except in a few places where the residents determine the quality and type of housing permitted there. Municipal authorities cannot deliver services easily in these disorganised settlements and commercial service providers such as water and electricity companies and agencies cannot find a way through for their water and electricity distribution lines respectively all of which hinders the development and ultimately empowerment of these low income earners.

In conclusion, this chapter has discussed the challenges or impediments that prevent low income earners from achieving meaningful empowerment on their land and housing and these impediments were categorised as institutional or structural, economic or market led, and social and cultural impediments. These just like most of the issues discussed throughout this study work hand in hand alongside each other and interplay with all the other factors and many others beyond the scope of this study to either empower or lead disempowerment of low income earners in Nansana.

## **CHAPTER 8: SUMMARY, CONCLUSION AND RECOMMENDATIONS**

### **8.1 Summary of key findings**

The study explored the contribution of land tenure and housing to the social and economic empowerment of the urban poor/low income earners in Nansana Town Council in Wakiso District in Uganda.

The methodology used was qualitative. It relied on key informant interviews, focus group discussions and observations for data collection. The study used purposive sampling, snowballing and random sampling methods to select respondents.

This study employed the structuration theory by Anthony Giddens (1984) which emphasises the duality of structure and agency. In this theory, structures shape social practices and actions, but in turn, such practices and actions can create and recreate social structures. The agents cannot act without structure, and structure is produced by agents. This study has shown how structures such as government through its liberalisation strategy, the promotion of informal sector and private investments are causing agency among the private sector- low income earners particularly to engage in self-help housing. Government now only enables agency through policy and no longer provides housing directly. But it also constrains the agency of low income earners through the numerous rules such as planning, building regulations, bureaucracies and land tenure complications. The low income earners who are also agents resist these structures through the creation of a parallel informal market which is intensely sub-dividing the land. The social systems are recreated through the continued behaviour of low income earners who are continuing to construct housing despite the rules and regulations that constrain them.

The study has shown that the land in Uganda belongs to the people of Uganda and not the state although the state holds its share as well as all protected areas. This implies that the people have utmost control over their land and what they do or don't do with it. The role of government has changed from the provider of housing and land to being an enabler or facilitator of private investment through making conditions favourable to private investment.

The informal sector is the largest sector of the economy; this sector provides more than 60 percent of all employment in the country and produces more than 80 percent of all the housing in the country. The workers in the informal sector do not have regular salaries and do not keep proper documentation of their tax and profits returns.

The land market in Uganda is divided into the formal and the informal. The formal sector deals in titled and sometimes well planned and serviced land. This type of land is quite expensive for low income earners so the informal land markets come in handy as they provide very sub-divided land sold according to the amount of money available to the buyer. Informal brokers and sub-dividers are the dominant players in Nansana and sale land with or without title. The largest chunk of the land is crown land and belongs to the kingdom of Buganda under the Kabaka hence most of the land in Nansana is untitled except a few people and institutions who hold leasehold on it.

The people who are settled on Kabaka's land are not insecure because they don't believe that Kabaka would ever evict his subjects. Some of them particularly the inhabitants have been there since time immemorial and are the ones who sold off to the vast majority of migrants.

The Buganda Land Board is devising a method of recognising the tenants on Kabaka's land through registering them and offering them registration/recognition certificates and marking their plots with sign posts indicating who the owners/occupiers are.

Many of the low income earners build their shelter through self-help and incremental construction because of the difficulty of accessing funding from financial institutions. The high interest rates and the over head costs all discourage them into self-help.

Land tenure has empowered the low income earners through enabling them to own land as well and being able to construct homes of their own. This has brought them social empowerment through enabling them to realise their childhood and lifelong dreams of home ownership. It provides acceptance and recognition in society and the right to play an active role in their new communities. It has raised their confidence and pride and helped many youth and younger adults to transit successfully into adulthood an act that brings a lot of accomplishment culturally for many Ugandans.

The liberalisation of land tenure and housing has empowered low income earners economically through enabling them to put their savings to good use. This is because to the low income earners, their incomes are quite irregular since they work in the informal sector. But when they get lucky and earn enough to invest, it is very rewarding to be able to invest their money in fixed assets such as land and housing.

With a house of their own, they can save the money that would have otherwise gone to renting. They can also rent the extra space to tenants and earn some good money from tenements. Some people are able to construct more tenements using the savings earned from renting their houses. Others have adequate finances to solve their problems and provide for their families' needs such as paying school fees and tuition at the university, medical care and feeding their children. Despite the lack of pensions for many ageing workers, housing ensures them a steady income which offsets the financial worries of old age. They also have the opportunity to bequeath their property to their children.

The low income earners take pride in home ownership because it also gives them the opportunity to have a roof over their heads and a shelter, a place they can call home. In the challenging situation where government no longer provides housing and in which government housing is out of reach for low income earners due to prices. Anyone without a house thus, is more or less condemned to renting which is also expensive and insecure hence home ownership in this case is pure liberation for a low income earner.

The efforts of low income earners are impeded by the denial of their security and status on land by municipal authorities who claim their settlements are informal according to the various district master plans. This research has contested the effectiveness of master planning and structural plans on private land as with the case of Uganda and Nansana particularly where land belongs to the people who have a right to use it for their development. There are, however, some genuine concerns that impede provision of services and acceptance of these settlements. They entail the existence of intense land sub-divisions and many substandard buildings which make provision of services such as roads, drainage channels, electricity and water very difficult if not impossible. The sub-divisions also make the places look like slums despite not necessarily being so.

## **8.2 Conclusion**

The growth of the informal sector has resulted in many people migrating to urban areas to engage in this economy which more or less has free entry and exit. The problem that many low income informal sector workers face is that the government does not provide housing. Therefore, the people have to find a way of providing their own housing through private sector led means. The government agencies providing housing and housing finance such as National Housing and Construction Company (NHCC) and Housing Finance Bank Uganda (HFBU) all target salaried government and formal sector workers but their services remain

largely inaccessible to low income earners. The low income earners then find their own housing solutions through relying on the informal sector and informal land markets to provide their own housing and homes.

The reliance of many low income earners on their wages to build their own houses and homes indicates that there is potential and wealth in the informal sector that ought to be tapped into the main stream economy so as to benefit all citizens. The self-help practices of low income earners are also an indicator of agency and the fact that the private led economy is a realistic tool which can spur national development but none the less requires good and clear supervision to iron out the inefficiencies such as sub-divisions. The commercial banks need to tailor packages for low income earners in order to support this budding land and housing sector.

The formal and informal markets are working towards the provision of housing and land for all sectors of the economy. Many low income earners now rely on the informal land market to provide land and housing. This has encouraged low income earners to also invest in the land and housing so as to reap the social and economic and other benefits such as the political and moral benefits which have not been explored in this study.

The people are aware of their rights and status on land and are either pushing to be incorporated into the wider system by attempting to raise their tenure status through seeking firmer forms of tenure such as leasehold.

### **8.3 Recommendations**

From the findings in this study, there are some recommendations proposed to the problems facing the people of Nansana and they include the following;

- There is a need to incorporate low income earners and their assets into the mainstream funding for housing. This exclusion so far is impeding the empowerment of these low income earners and also the financial institutions in a way. Therefore, Housing Finance Bank (HFBU) should consider the option of defining who the low income earners are and incorporating them into the system so that either party could mutually benefit from each other. This could be through beginning to tolerate land purchase agreements as collateral just the way other banks such as Centenary Bank (CRDB) do and also starting to provide small micro loans to these groups of people.

- There is clearly a need for innovative bottom up planning interventions. This is because Nansana just like Uganda's physical planning is mainly based on master planning and district led physical planning. This ought to change since the land on which the planning is being done is private and it is very costly to have to compensate the residents whenever the master plan is being implemented.
- There needs to be collaborative planning mechanisms between the private land owners, sub-dividers, brokers and local council officials emerging from the grassroots headed upwards. The municipal governments or town councils, civil society organisations and NGOs could facilitate this process through sensitisation and training programmes. This is because when the mantle of planning is passed on to the local people who interface with the neighbourhoods on daily basis and who are the sub-dividers creates the will to prevent these conditions that result in slum like conditions in their settlements. This could be one way of minimising sub-divisions but not through decreeing and declaring settlements as informal after they have been built.
- Whereas the cost of titling land is rather bizarre and expensive for the local person, it may be wise if government looked at the option of partnerships and subsidising land owners. It would also be good to encourage them to register their land and to help Buganda kingdom in their efforts to regularise settlements on Buganda land. The government would benefit doubly if they supported Buganda kingdom initiatives; they would manage to register the people occupying Buganda land, be able to control and manage planning on these settlements. Government would as well earn from Commercial Property Taxes as this is one options that the Uganda Revenue Authority (URA) has began capitalising on to widen the tax base.
- Another proposal from an interview with Uganda Land Alliance (ULA) was a suggestion to provide Leasehold tenure on urban land so that taxation of property maybe facilitated. With a lease, misuse or abuse of land can cause the lease holder to lose their rights over the land. This could help in mitigating the problem of absentee landlords and to control the sub-divisions. It would also enable taxation of idle land while at the same time enabling orderly private and public investments on land.

#### **8.4 Proposals for further research**

- It would be helpful to undertake studies on the relevance of Master Planning and District Managed Planning in a Private Sector led economy and in areas such as Uganda where land belongs to the people and where planning regulations and building standards have been relatively relaxed. This could give new insights into new forms of planning that ought to be initiated.
- Some studies need to be conducted to establish the potential for private public partnerships in Land cadastre exercises and Land management systems. The potential for more involvement of the civil society organisations and NGOs in settlement planning and urban development projects and programmes needs exploration.

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## Appendices

### Appendix 1: Interview Guide for NGOs Working on Land Rights

Dear respondent,

I kindly request you to respond to the questions on this interview guide. The reason for this is because I am conducting an academic research on the contribution of land tenure to the empowerment of the urban poor and housing improvement in Kampala: Uganda.

I am Asiiimwe George a Master student of the Norwegian University of Science and Technology (NTNU) and Addis Ababa University (AAU); and completion of this research will partially contribute to the award of a M.A. Urban Development and Challenges in East Africa.

I assure you that the information you provide on this sheet will be treated as confidential and will only be used for academic purposes and your identity will also not be revealed without your permission.

#### A. Background Information

Name	Sex	Age	Marital status	Educ. Level	Main Occupation
	Male		Married	No education	Govt worker
	Female		Single	Primary school	Private employee
			Separated	Secondary level	Self employed
			Divorced	Tertiary	Unemployed

#### B. On Land and Property Rights

1. How long have you been engaged in the campaign for land rights?

1 year	2 to 5 years	6 to 10 years	11 to 15 years	Over 15

2. Do you believe tenure is a tool for the empowerment of the urban poor? Why is Yes or NO?
3. What are the successes you have recorded in your fight for land rights?
4. How does your work benefit the poor?

5. What are the challenges in your rights fight?
6. What would you love to see done in order to make land tenure beneficial to the poor in the city of Kampala?
7. Who are your major clients? Why?
8. How is your work perceived? (By State, other NGOs, Land administrators, and community members).
  - A. NGOs
  - B. State
  - C. Community Members
  - D. Land administrators
9. What is the reaction of women to your work?
10. What is the response of women to possession of property and land generally?

## Appendix 2: Interview Guide for Bank Credit Administrators

Dear respondent,

I kindly request you to respond to the questions on this interview guide/questionnaire. The reason for this is because I am conducting an academic research on the contribution of land tenure to the empowerment of low income earners (urban poor) and housing improvement in Kampala: Uganda.

I am **Asiimwe George** a Master student of the **Norwegian University of Science and Technology (NTNU)** and **Addis Ababa University (AAU)**; and completion of this research will partially contribute to the award of a **M.A. Urban Development and Challenges in East Africa**.

I assure you that the information you provide on this sheet will be treated as confidential and will only be used for academic purposes and your identity will also not be revealed without your permission.

### A. Background Information

Name	Sex	Age	Marital status	Educ. Level	Main Occupation
	Male		Married	No education	Govt worker
	Female		Single	Primary school	Private employee
			Separated	Secondary level	Self employed
			Divorced	Tertiary	Unemployed

### B. On land tenure, banking, and credit to low income groups.

1. Which tenure arrangement does the bank recognise as collateral/security for loans and why?
2. How has the current land tenure arrangements affected provision of loans to your customers?
3. Has the current tenure system increased people's demand for loans? How?
4. What percentage of your clientele and new loan applicants possess titled land?

1 -10	20 – 40	60 – 80	90 - 100

5. Do you have any ceilings on financing for housing and land held under particular tenure status? If yes, why and what are the implications?
6. What value does the certificate of registration of Kibanja from the Buganda Land Board add on your clients seeking loans with Kibanja on Buganda land?
7. What is your biggest challenge regarding financing which is tied with land tenure?
8. What is the formal interest rate on housing/ land loans in your bank?
9. Is title/ land purchase agreement the only acceptable form of collateral in your institution? If not, which other item/arrangement serves as collateral?
10. Is a single title/ purchase agreement enough guarantee for loan and proof of credit worthiness? Explain for Yes and No answer.
11. What is the response of women to lending and loans?
12. What impact has your institution had on low income groups?
13. How are people responding in terms of seeking loans for housing?
14. What is the minimum and maximum amortization period for your loans for housing, land purchase and home/ house improvements?
15. What is the major aim for going into lending for housing?
16. How does your bank perceive housing/home and possession of land by your clients?
17. What advantages/ benefits do your clients get by seeking loans for housing from you bank?
18. What is the number of clients on loans?
19. What is the number (percentage) of clients on loans for housing and or land purchase?
20. What would you like to have done differently in light of lending for land and housing?

### Appendix 3: Interview Guide for Land Administrators

Dear respondent,

I kindly request you to respond to the questions on this interview guide. The reason for this is because I am conducting an academic research on the contribution of land tenure to the empowerment of the urban poor and housing improvement in Kampala: Uganda.

I am Asiimwe George a Master student of the Norwegian University of Science and Technology (NTNU) and Addis Ababa University (AAU); and completion of this research will partially contribute to the award of a M.A. Urban Development and Challenges in East Africa.

I assure you that the information you provide on this sheet will be treated as confidential and will only be used for academic purposes and your identity will also not be revealed without your permission.

#### A. Background Information

Name	Sex	Age	Marital status	Educ. Level	Main Occupation
	Male		Married	No education	Govt worker
	Female		Single	Primary school	Private employee
			Separated	Secondary level	Self employed
			Divorced	Tertiary	Unemployed

#### B. On Tenure as a tool for Empowerment

1. Does the current land tenure situation help low income groups in Kampala to eradicate poverty?

Yes	No

Please explain for Yes or No answer.

2. Does ownership of land influence the way others perceive you as house/land owner?

Yes	No

3. What advantages/ benefits result from ownership of land/house with secure tenure?
4. Does land tenure security/clarity motivate you/citizens to invest in land? How and why for Yes or No answer respectively?
5. Has land tenure clarity helped you/citizens gain access to saleable land?

Yes	No

6. Has land tenure clarity helped provide security on land? (Explain for Yes or No answer)
7. Does land tenure security/clarity help house owners to make improvements on their houses? How (Why not) if you answered Yes or No respectively?
8. What has the land tenure failed to address concerning land development and housing in Kampala?

**C. On land tenure and housing stock, quality and improvements**

1. How and why is it easy or difficult to make alterations and improvements on land/housing unit as and when one likes?
2. Has the land tenure and housing situation helped to reduce poverty in Kampala? How?
3. Could you blame the proliferation and prevalence of slums in Kampala on unclear land tenure? Why and Why not?
4. Has the current land tenure resulted in the displacement/ movement/ location of the urban poor (low income groups/individuals) to areas with less clear tenure status?
5. Who are currently the dominant actors in the land and housing business?

Government	Real estate firms	Organisations (NGOs, schools etc)	Private individuals

**D. On the Land Management and Administration Program (s)**

1. What is the aim of the new land registry program?
2. What impact has the program had so far and what is the expected impact?
3. How have financial institutions reacted/ responded to your new initiative (land/tenant/occupant registration program)?
4. Do you think the program clarifies tenure for low income sections (groups) of society?
5. Do you think the program offers tenure security? Explain for Yes or No answer.
6. What are your biggest challenges in land administration?
7. How much do clients pay to get registered?
8. What is the annual subscription fee?
9. Is there a difference in subscription between sizes of land and between urban and rural areas?
10. What benefits are there for low income groups in your program?
11. How can one gain ultimate security of tenure on (Kabaka's) land?
12. How long is the process from registration to issuance of certificate of occupancy/ title?
13. What type of document is offered after one has successfully completed registration?
14. What are the structural challenges facing your program and initiatives?
15. Would you like to add anything concerning land tenure and housing quality?

#### Appendix 4: Interview Guide for Real Estate Dealers

Dear respondent,

I kindly request you to respond to the questions on this interview guide. The reason for this is because I am conducting an academic research on the contribution of land tenure to the empowerment of the urban poor and housing improvement in Kampala: Uganda.

I am Asiimwe George a Master student of the Norwegian University of Science and Technology (NTNU) and Addis Ababa University (AAU); and completion of this research will partially contribute to the award of a M.A. Urban Development and Challenges in East Africa.

I assure you that the information you provide on this sheet will be treated as confidential and will only be used for academic purposes and your identity will also not be revealed without your permission.

#### A. Background Information

Name	Sex	Age	Marital status	Educ. Level	Main Occupation
	Male		Married	No education	Govt worker
	Female		Single	Primary school	Private employee
			Separated	Secondary level	Self employed
			Divorced	Tertiary	Unemployed

#### B. On Land Business, Real estate, and land purchase

1. Who are your major clients? (Tick where appropriate)

Government	Companies	Organisations (NGOs, schools etc)	Private individuals

2. How do you get your clients?

3. What is the size of your capital? (Tick where appropriate)

50-100 M	101-150	151-200	201-250	251-300	More than 300 M

M = Million (Uganda Shillings)

4. What are your sources of capital?

Private arrangements	Bank loans	Co-operatives	Government funding/ support

5. How do you access (receive knowledge) about availability of saleable land?

6. Is there a difference in price between titled and non titled land in the same area (location)? Please explain for Yes or No answer and why is it so?

7. Which of the 2 types of land (titled and untitled) is more attractive to the urban poor? Which one is attractive to the rich and or wealthy?

For the urban poor

The Rich and wealthy

Titled land	Untitled

Titled	Untitled

8. Do the poor often offer you land for resale? If yes, why do they do so?

9. What is the response of women to land purchases?

10. Have you noticed an increased involvement of women in transactions and investment in land/ housing? If yes, why do you think such is the trend?

11. How many people does your company employ?

1 to 5	5 to 10	11 to 15	16 to 20	More than 20

12. What are your biggest challenges encountered in your business?

## Appendix 5: Interview Guide for Land/House Owners.

Dear respondent,

I kindly request you to respond to the questions on this interview guide. The reason for this is because I am conducting an academic research on the contribution of land tenure to the empowerment of the urban poor and housing improvement in Kampala: Uganda.

I am Asiimwe George a Master student of the Norwegian University of Science and Technology (NTNU) and Addis Ababa University (AAU); and completion of this research will partially contribute to the award of a M.A. Urban Development and Challenges in East Africa.

I assure you that the information you provide on this sheet will be treated as confidential and will only be used for academic purposes and your identity will also not be revealed without your permission.

### A. Background Information

Name	Sex	Age	Marital status	Educ. Level	Main Occupation
	Male		Married	No education	Govt worker
	Female		Single	Primary school	Private employee
			Separated	Secondary level	Self employed
			Divorced	Tertiary	Unemployed

### B. On land tenure and Land/House Ownership (For Land/House Owners).

1. Are you an inhabitant or migrant where you reside now?

Inhabitant	Migrant

2. Do you own? (Tick where applicable):

Land and House	Land only	House only	Tenant

3. What is the size of your land?

Size of land (Ha)	
< 1	
1-3	
4-6	
7-10	
>10	

4. Under which tenure arrangement do you own your land/house?

Mailo	Freehold	Leasehold	Customary	Renter	Mixed (more than 1 form)

5. How do you use your land?

Home	Rentals/ Tenements	Residence/ apartments	Agriculture	Renting land	Mixed (>1 use)

**C. On Tenure as a tool for Empowerment**

4. Has the current land tenure situation empowered you?

Yes	No

Please explain for Yes or No answer.

5. Has ownership of land influenced the way others perceive you?

Yes	No

6. If yes, how/where does land/house ownership placed you among society?

Address	Prestige/ pride	Connection with rural relatives	Leadership positions	Security

7. Have any benefits/options resulted from the land tenure situation for the urban poor with regard to possession of land and housing? (Explain for Yes or No answer)
8. Has land tenure motivated you to invest in land?
9. Has land tenure clarity helped you gain access to saleable land?
10. Has land tenure helped provide security on land? (Explain for Yes or No answer)
11. Has land tenure helped house owners to make improvements on their houses?  
How (Why not) if you answered Yes or No respectively?
12. What has the land tenure failed to address concerning land and housing in Kampala?
13. Would you like to add anything concerning land tenure and housing quality?

**Thank you Sir/ Madam for your contribution and response to my questionnaire, May the Good Lord Richly Bless You.**

*Thank You!!*