



POLICY BRIEF FOR ADVOCACY

Analysing the Housing Sector Policy Instruments in Uganda

1.0 Introduction

This analysis is part of the Home Equals Campaign to inform activities within the informal settlements in Uganda. The Campaign is a global response of Habitat for Humanity International and its affiliates to the growing need for equitable access to affordable housing. Habitat for Humanity Uganda (HFHU) seeks to increase collaboration with settlers within informal settings, support increased access to essential basic services, and build capacity of local government land committees in land governance and leadership. Working in partnership with Shelter and Settlements Alternatives, HFHU conducted the policy analysis of the Government of Uganda (GOU) policies related to housing to inform strategic advocacy choices and key policy asks.

The GOU has developed an elaborate housing policy and legal framework over the last 30 years to guide decision-making processes to ensure its citizens have better access to decent, adequate and affordable housing. These include: the National Land Use Policy (2007), the National Housing Policy (2016), the National Urban Policy (2017), the National Slum Upgrading Strategy and Action Plan, and the National Human Settlements Policy.

In addition, Uganda enacted several laws including the Constitution of the Republic of Uganda (1995), the Physical Planning Act (2010 as amended), the Registration of Titles Act, Condominium Property Act (2001), the Survey Act, the Building Societies Act Cap 108, National Environment Act, and Public Health Act Cap 281. The Property Rate Act, Forest Act, Landlord and Tenant Act, Building Control Act (2013), National Housing and Construction Act, Occupational Safety Act, among others. The GOU has also committed to regional agreements including the African Charter on Human and People's Rights¹. Clearly, the above litany of frameworks embodies the importance of housing as a critical element of development with far reaching multi-scalar impacts. Housing as a policy issue continues to generate significant interest from various stakeholders calling for the GOU to intensify its approach to housing as a basic right and allocate more resources to Ministries, Departments and Agencies (MDAs) mandated to implement the myriad of housing policy and legal instruments.

2.0 Background to Housing Policy in Uganda

Uganda's housing policy and legal framework is strongly linked to the country's colonial and post-colonial era with highly centralized and hierarchical socio-cultural organization but housing provision left entirely to the individual households. During the colonial era, the colonial administration primarily focused on provision of housing for British administrators, their management and domestic support staff in addition to the colonial government's employees working for public institutions including the police, prisons and the military. Housing provision and the policies thereof, remained a largely private good. At post-independence, migration of indigenous communities to towns triggered the acceleration of urbanization and subsequently, a demand for housing (Kalema & Kayiira, 2008). The introduction of the National Human Settlement Policy in 1979 provided the foundation for

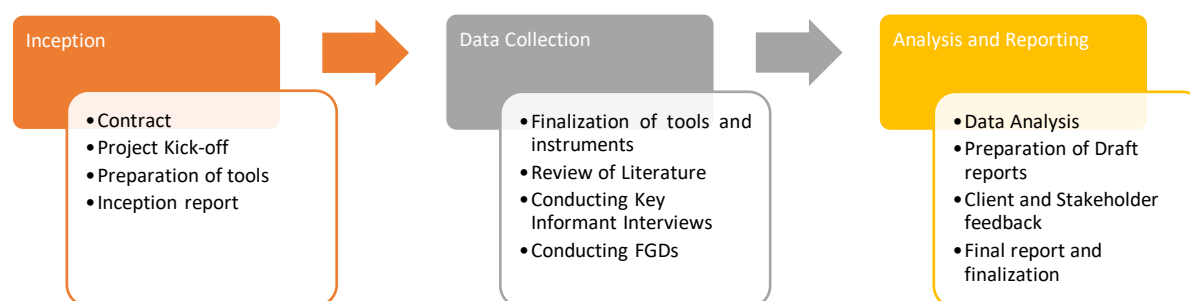
¹ Article 12 provides for freedom of movement and residence, while Article 13 provides for freedom of participation (13, 1) and equal access to public services (13, 2).

site and service upgrading schemes of Namuwongo in Kampala, Olli in Arua, Malukhu in Mbale and Masese Women's Self-help project in Jinja.

The instability that was experienced during the late 1970's and early 1980's significantly contributed to the acceleration of urban informality and the growth of informal settlements especially in Kampala, signalling a growing housing challenge. Subsequently, the Government of Uganda (GOU) intervened with a raft of policy and legal frameworks to address the situation with the introduction of the National Shelter Strategy 1992, (Ministry of Lands, Housing and Urban Development, 2016). The fundamental right to adequate housing was subsequently enshrined in the 1995 Constitution of the Republic of Uganda. However, matters were complicated with the enforcement of the Land Act Cap 227, which effectively weakened the state's control over land and therefore affected its effectiveness in planning for affordable and well-distributed human settlements. Nonetheless, a raft of policies and legislation have been approved by the GoU to help dress the country's housing challenge as an enabler within the market-driven housing eco-system.

2.1 Approach to Policy Analysis

This analysis involved desk reviews and field research. Desk review analysed selected relevant policies related to housing. Field research engaged consultations and interviews with key stakeholders in the housing sector² guided by the three key principles of participation, evidence based, and innovation and safety.



A focused and critical analysis of the selected policies related to housing was undertaken. These policies included the *National Human Settlements Policy*, the *National Land Use Policy (2007)*, the *Uganda National Housing Policy (2016)*, and the *National Urban Policy (2017)*.

The Physical Planning Act (2010 as amended), the Landlord and Tenants Act (2022), the National Slum Upgrading Strategy and Action Plan (2008), the MLHUD Strategic Plan (2020/21-2024/25), Uganda Vision 2040, the National Physical Planning Guidelines and Standards (2011), and the Habitat III National Report were reviewed as additional documents of interest.

² Consultations with key stakeholders included Focused Group Discussions (FGDs) with settlers within the informal settlements in the Zones of Nsooba East (Kawempe Division); Kisenyi 111 (Central Division); and Bbiina Upper, Luzira Central, Agati and Mambo Bado (Nakawa Division). Other key experts convened through a validation workshop to share the research.

3.0 Key Housing Policy Provisions

The policy review focussed on the intentions of each specific policy, the actions that the policy intended to undertake and the role of the key stakeholders including government and civil society organisations. Review of additional documents of interest such as legislative frameworks established the linkages to the housing sector.

3.1 Intentions of the policies: The overall intention of the policies is to guide government actions in the promotion of housing in Uganda. Clear goals and principles³ underlie the policies with identified key issues. Some of the principles are specific to the people living within informal settlements/slums. The Land Use Policy for instance provides a framework for optimal and sustainable utilization of land while the Uganda National Housing Policy intends to promote security of tenure through affordable housing schemes for the benefit of people staying in slums.

3.2 Deriving of actions for the policies: Strategic actions desirable for the empowerment of the housing sector are stipulated within the policies⁴. Within informal settlements, slum upgrading is largely intended to provide essential services including basic water and sanitation facilities, and security of tenure.⁵ Policy changes within informal settlements have transitioned from demolition and evictions (1970s) and recognition, improvement and upgrading (1980) to integration, social inclusion and upgrading (1990+)⁶. These changes underscore the immense potential of the people within slums and their contribution to the economic growth of the urban centres in which such slums are located. In Kisenyi for example, the growth of the milling industry is related to the available labour from the area slum working as loaders, street vendors and traffic assistants.

3.3 The role played by the government: The role of government in ensuring the implementation of the policies for adequate and low cost housing is emphasised within the policies. This was the basic of the Namuwongo Upgrading and Low Cost Housing Project in Kampala and the Masese Self-Help Women's Project in Jinja. The National Housing Policy positions government as an enabler including coordination for stakeholders and private sector. Some policies provide specifically for government's role in guiding support for the vulnerable and marginalised.⁷

3.4 Linkage to other legislative frameworks and instruments: Policy provisions linked to other instruments that support the development and implementation within the sector. Instruments such as the Physical Planning Act (2010 as amended), the Landlord and

³ These principles include the right to adequate housing, provision of conducive operational environment by government, individual responsibility to housing, adoption of partnerships and the promotion of densification for housing in urban areas.

⁴ The Uganda National Housing Policy, 2016 for instance provides for the upgrading of slums so that occupants have security of tenure to ensure that affordable housing schemes are undertaken for their benefit.

⁵ The National Slum Upgrading Strategy and Action Plan for Uganda, 2008

⁶ Acioly Claudio, 2007: The Rationale of Informal Settlements Regularisation Projects. From Settlements Upgrading to Integration Approach.

⁷ The National Land Use Policy, Section 1.5.5

Tenants Act (2022) and the National Physical Planning Guidelines and Standards (2011) linked to policies.

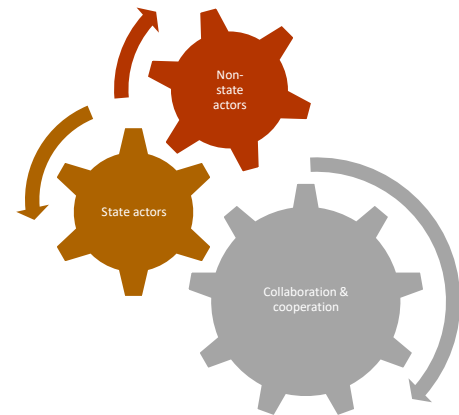
3.5 Participation of Civil Society Organisations: The policies recognise the important contribution of the civil society actors in continuous engagement for policy processes and innovations, advocacy formulation and implementation, accountability and monitoring, and mobilisation.⁸In addition to the participation of civil society, the Physical Planning Act (2010 as amended)⁹ recognises the role of experts and consultants to support physical development of plans.

4.0 Implementation of Housing policy

The review revealed that implementation of the housing policy and related instruments has been minimal, sluggish or even disjointed. Although stakeholder participation and government coordination is evident, there is limited evidence to indicate that the provisions of the National Housing Policy, the National Slum Upgrading Strategy and Action Plan or the National Land Use Policy is taking place in any of the informal settlements such as Kinawataka, Kisenyi, Namuwongo or Kamwokya. Where attempt has been made, it has encountered political and social polarisation thus impeding implementation¹⁰.

With the exception of the National Slum Upgrading Strategy and Action Plan with a developed required implementation financing, the rest of the policies lack financing. The absence of the financing¹¹ component implies that key provisions of the policies cannot be achieved. Access to equitable basic services including housing is unattainable within informal settlements such as Kamwokya without a service-driven approach by the relevant MDA.

Consultations with key actors in the housing sector indicated that there remain significant deficits amongst the key actors engaged in housing policy and legislation advocacy and activism. The key stakeholders at times present multiple interests, capacities, mandates as well as varying levels of legitimacy which in itself slows implementation. Kasooli Housing Project in Tororo and the Kyakabooga Housing Resettlement scheme in Hoima exemplify the serious challenges faced by state agencies with regard to synchronization of activities for mutual benefit in the housing sector. Standards are described as highly prohibitive by the intended users, plan approvals are costly and time-



⁸ The National Land Use Policy Section 1.6

⁹ The Physical Planning Act (2010 as amended) repealed the Town and County Planning Act of 1964.

¹⁰ Government attempt in partnership with National Housing Constructions Company to upgrade Kasokoso informal settlement into a modern low-cost housing area was strongly resisted.

¹¹ The Habitat III National Report that evaluated and reviewed GOU's commitments to resolutions agreed at the Habitat II Agenda of 1996.

consuming, and internal institutional bureaucracies at places where services ought to be received.

Other barriers affecting housing policy implementation include; lack of secure land tenure, financing challenges, high and fluctuating building material costs and the highly unregulated land and property market. Informal settlements for instance face financing challenges related to inadequate savings to finance housing construction or purchase, high costs of loans due to inadequate collateral, and limited knowledge about formal finance access processes. The convergence of these barriers makes it almost impossible for poor urban households to access decent affordable and adequate housing. Subsequently, Uganda's urban areas have become fertile grounds for the expansion of informal settlements.

5.0 Policy Implications and Recommendations

The findings of the review indicate areas that provide a platform for prioritizing policy action towards improving the effectiveness of Uganda's current housing policy framework. Until recently, Uganda's housing policy and legal framework was at best, an incoherent collective of instruments with scattered mandates across the country's MDAs. However, the approval of the NHP (2016), the review of the Planning Standards and Guidelines (2011) and the review of Slum Upgrading Strategy and Action Plan (2008) are opportunities for consolidating and integrating existing policies and instruments towards empowering citizens to access adequate affordable housing as a basic human right. These implications and recommendations form the basis for policy asks from the review.

5.1 Basic essential services availability is a key component within informal settlements:

This ask recognises the need to have adequate essential clean water and safe sanitation facilities as a targeted intervention within informal settlements. An estimated 60% of Uganda's urban population or 6,840,000 people reside within slums¹². Ensuring essential basic services is in line with strategy 3.6.3 (Urban Infrastructure and Basic Services) of the National Slum Upgrading Strategy and Action Plan. The strategy is based on the recognition that rapid urbanisation has not marched the level of basic service provision posing planning and environmental problems. Government and urban authorities are called upon to support initiatives that promote accessibility to basic services.

5.2 Inclusion and participation of residents within informal settlements: the residents form a critical element of the urban labour force and improvements within these settlements cannot be realised without the full participation of the residents. Accordingly, strategy 3.6.6¹³ considers settlers within formal settlements as partners in the development process. Other strategies such as stakeholder/actor participation and coordination (3.6.8) emphasise the need to recognise different actor roles and engage them.

5.3 Empowering the capacity of local land committee: capacity building for local government land committees in matters of land governance and leadership will enhance

¹² Uganda Bureau of Statistics, UBOS 2021 and UN-Habitat

¹³ The National Slum Upgrading Strategy and Action Plan, 2008

understanding of policies in the short-term and tenure security for the long term. The policy provisions for the engagement of local structures does not outline the qualifications and competences required. This may account for the delays experienced by those seeking various housing related services. Besides advocating for increased funding of such structures, stakeholder partnership is required to support capacity building.

5.4 Allocation of resources for implementation of the policy for equitable housing:

Population growth rates, urbanising trends and rural-urban movements indicate the increasing need for affordable housing. The emerging urban pressure for housing is displaced to the informal settlements. HFHU asks the policy makers specifically the Ministry of Lands, Housing and Urban Development and the Infrastructure Committee of Parliament to lobby for increased funding to the directorate of housing and housing finance players. All policies related to housing underscore the right to adequate housing as a key principle upon which the policies are anchored.

6.0 Conclusion

The review provided vital insights into Uganda's current housing policy and legal framework through a critical analysis of the relevant tools supplemented by the perspectives of key actors in the housing sector. As the findings suggest, Uganda has a relatively good foundation and well-elaborated vision to address the housing challenge. The framework provides a firm footing upon which the efforts of key stakeholders can be effectively mobilised to meet the unmet housing needs of the country's growing population. For the country to effectively reap the rewards of this vision, it is urgent that the recommendations adopted and action taken in mobilising all sector actors to identify synergies, coordinate action, share information, and work collaboratively towards addressing the key factors affecting policy implementation.