

CITIES WITHOUT SLUMS

Sub-Regional Programme for
Eastern and Southern Africa

SITUATION ANALYSIS OF INFORMAL SETTLEMENTS IN KAMPALA



UN-HABITAT

KIVULU (KAGUGUBE) AND KINAWATAKA (MBUYU 1) PARISHES

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EASTERN AND SOUTHERN

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United Nations
Human Settlements Programme



Kampala City Council

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LIST OF ACRONYMS

CDS	City Development Strategy
CSO	Civil Society Organisations
CBO	Community Based Organisation
KCC	Kampala City Council
KUS	Kampala Urban Study
KUSP	Kampala Urban Sanitation Project
LC	Local Council (in Uganda there are Five Levels V, IV, III, II, & I.).
NGO	Non Governmental Organisations
PPA	Participatory Poverty Assessment
PEAP	Poverty Eradication Action Plan
UAAU	Urban Authorities Association of Uganda
UN-Habitat	United Nations Commission for Human Settlements
UNDP	United Nations Development Programme

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EXECUTIVE SUMMARY

Kampala is both the administrative and commercial capital city of Uganda situated on about 24 low hills that are surrounded by wetland valleys, characterized by an imprint of scattered unplanned settlements. This urban form is attributed to the dualism, which arose between the local *Kibuga* and Kampala Township or Municipality. The former was largely unplanned and unsanitary while the latter was fully planned and highly controlled. The emergency of slums in Kampala City has been gradual and sustained over a long period of time. It is attributed to the failure of Kampala Structure Plans to cater for the growth and development of African neighbours. Other factors that have contributed to this growth include: the rapid urban population growth, which has overwhelmed city authorities; land tenure systems which are complicated and multiple, together with poverty and low incomes amongst the urban population.



Kampala city centre. Photo: © Regional centre for mapping of resources for development.

Land tenure has had a significant influence on physical planning and infrastructure development because of private landowners with *mailo* land rights, who have speculated in the land market creating planning problems of haphazard developments that lack basic

infrastructure such as access roads, water and sanitation. In this report land tenure regularisation emerges as a major action area in slum upgrading, because the application of tenures with a rural (*mailo*, customary) and private character, has over the years limited the leverage power of Kampala City Council and the central government to plan, control and enforce orderly urban development. The nature of these tenures is such that they are socio-culturally managed, setting aside the economic and development attributes of land as an asset, whose ownership should be distinct management and development. It is therefore important that policy and legal pronouncements address the complex land use and development dynamics have dogged city residents, including those in slums.

Housing is the second major upgrading issue, because the quality of housing has not been controlled, neither have standards been enforced, due the absence of a statute on building and laxity in the enforcement of building guidelines. This is attributed to political pressure and corruption by Kampala City Council. In addition, services in slum areas such as garbage collection and disposal are also identified as a critical because the quality of service delivery and coverage is poor, hence a public outcry. Kampala City Council acknowledges that the amount of garbage generated has overwhelmed its capacity to collect and dispose, given the enormous cost, leading to formation of heaps of uncollected solid waste, offensive odour, continuous environment pollution and repeated occurrence of sanitation related diseases like cholera and dysentery.

Similarly, roads and road maintenance are also considered an area of action associated with transport costs, congestion and drainage. Roads are not tarmacked, hence are very dusty, yet at times are diversion routes from the highway during traffic congestion hours. Observations made in this report, point to the fact that the standards applied in construction and maintenance of roads are not appropriate. It would be

better to tarmac a road kilometre by kilometre even if it takes 5 years, using the resources currently availed for maintenance annually. Other socio-economic factors such as education, health, electricity, communication, finance and credit are also discussed and positioned in the upgrading agenda. Gender and HIV/AIDS are also crucial cross-cutting issues within the context of persistent systemic socio-cultural barriers that operate to deny women and other socially marginalized groups their full rights of access to and control over resources especially land and housing which are key in slum upgrading.



Un tarmacked road through a slum. Photo: © Kampala city council

Key policies that relate to slum upgrading are set within the national development strategy outlined in the Poverty Eradication Action Plan (PEAP) which avails a commendable opportunity for slum upgrading to hinge on poverty eradication objectives and secure allocation of national resources to such a programme. It is the conclusion of this report that while the review of different relevant policies is on-going, it will be pertinent that such processes or policies are progressive in their response to slum upgrading. On the one hand, however, the legal framework is insufficient to support slum upgrading. The most pertinent laws are out dated and in many cases inapplicable. The concept of slum upgrading is new and the laws are rigid

and non-responsive. It will be inevitable that, when slum upgrading is undertaken within the current legal framework some laws will be broken. It is also noted that the laxity in enforcement and implementation of existing laws, has been the major contributor to creation of slums in Uganda.

The main method of data collection for this report was literature review as per the terms of reference for the assignment. This method proved limiting given the fact that, much of what is in stock was not oriented to the concept of slum upgrading which is relatively new in the case of Uganda and for Kampala City Council in particular. This was supplemented by primary information gathered from the two communities that were taken as case studies in Kinawataka and Kagugube. In both communities, information was obtained through focus group discussions and interviews with landlords, community leaders, and opinion leaders including religious groups, women's groups and the youth. In both communities, CBOs and NGOs undertaking projects in the areas geared towards livelihoods improvement were interviewed. Information was also obtained from key informants who included personalities from the relevant line ministries, International NGOs working in slum areas of Kagugube and Kinawataka and the City Council of Kampala.

Community response in both Kinawataka and Kagugube, the study areas proved to be a limitation. It is often argued that "the message alone is never sufficient, until there is an appropriate messenger", in this case the messenger was Kampala City Council, and the message was slum upgrading. Residents, particularly of Kagugube had a negative attitude to City Council because in the past, upgrading has meant demolitions and evictions hence the reluctance to participate in the data collection process. Residents find more comfort in dealing with the UN body than Kampala City Council. Given this, it will be important that sensitisation is undertaken, to correct the miscon-

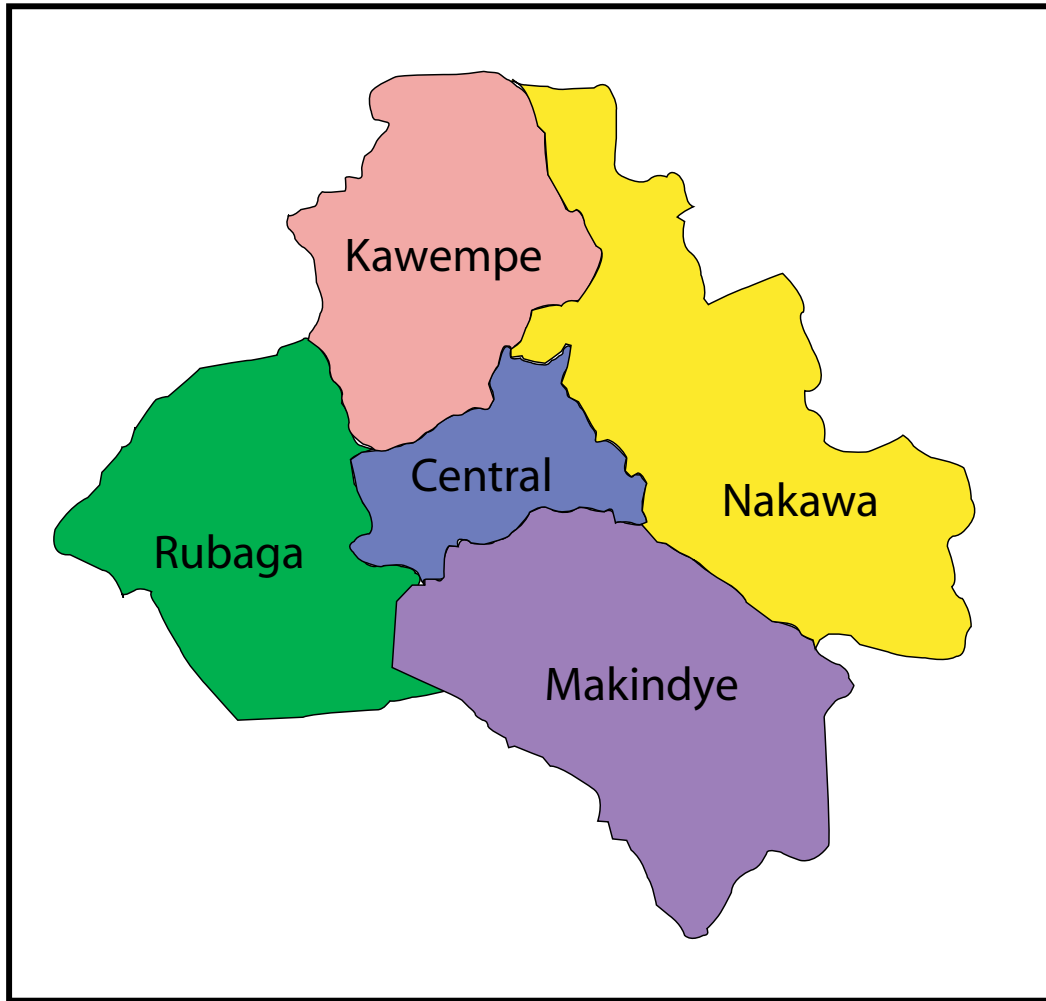
ception that the slum upgrading project is about eviction of slum dwellers and erection of mansions and flats for middle income earners.



A charcoal vendor in the slums Photo: © Kampala city council

Utilising these methods, the preliminary findings of this report were insufficient to serve as a basis for developing a comprehensive strategy and action plan for slum upgrading, thus a socio-economic baseline survey was conducted by Kampala City Council Officials, some of whose findings have been incorporated in this report. It is also important, that when the baseline survey report for systematic demarcation in Kinawataka is completed by the Ministry of Water, Lands and Environment, its findings and recommendations are adopted to supplement this report and the resultant action plans drafted.

Map of Kampala Showing the Divisions of the City



Source: *Kampala, the Capital City of Uganda, 2005*

PART I

BACKGROUND

The UN-Habitat through Kampala City Council (KCC) is launching the “Cities without Slums Sub-regional Programme for Eastern and Southern Africa” (CWS) in Uganda. The goal of this initiative is to assist the City of Kampala to develop its approach for upgrading unplanned settlements and improve living conditions of populations living and working in slum settlements, and contributing to the realization of the global Millennium Development Goal 7 on “Cities without Slums” and target 11 on significantly improving the lives of least 100 million slum dwellers by 2020, as part of the global commitment to environmental sustainability. It also aims to document lessons learned to help replicate this initiative in other cities in Uganda. This study is based on the areas of Kinawataka and Kagugube settlements as case studies to form basis for lessons and strategies to upgrade slums in Kampala and the country at large. These settlement were selected having emerged as some of the poorest communities through the Cities Development Strategies process.



Street vendors in the slums. Photo: © Kampala city council

“The Cities without Slums Sub-Regional Programme for Eastern and Southern Africa” is an initiative that works with governments and other Habitat Agenda partners to improve conditions of people living and working in informal and/or unplanned settlements in selected cities of the Sub-Region. After a mission by UN-HABITAT to Kampala in November 2004, a Cooperation Agreement on the implementation of Cities without Slums Programme was signed between UN-HABITAT and the City Council of Kampala (KCC) in February 2005.

Kampala means a “hill of Impalas” derived from a *luganda* word *impala*, a type of antelope (*Aepyceros melampus*). These animals were common in a place today known as Old Kampala. Kampala is both administrative and commercial capital city, initially with 7-planned hills, the city later expanded to 24 hills that have developed without planning. Today, it is situated on about 24 low hills that are surrounded by wetland valleys. The form and structure of Kampala has been largely determined by the natural pattern of flat-topped hills and wide, shallow valleys on which it has been built.

Kampala is also defined by the north shore of Lake Victoria and the extensive papyrus swamps, which line it. Kampala has been referred to often as “the garden city of Africa” because of its lush, green appearance, which is owed, in turn, to its pleasant climate and generous rainfall. Kampala has five political and administrative divisions of; Central, Nakawa, Kawempe, Rubaga and Makindye. Politically, it is headed by the Mayor (LC 5 chairman) who presides over a council that makes political decisions of the district. The divisions are headed by the LC 3 chairpersons who also preside over an elected council at that level.

1.1 Growth of Kampala

The history of Kampala can be traced back in the 1600s when it was established as the Capital or (Kibuga) of then Buganda Kingdom. It served as a political and administrative capital until 1893, when the British declared Uganda, a protectorate and transferred the capital to Entebbe. Kampala has a dual urban form, which is attributed to the separation of the local *Kibuga* from the township or municipality. The former was largely unplanned and unsanitary while the latter was fully planned and highly controlled¹. The *Kibuga* housed a highly sophisticated urban African community and was growing, with unplanned structures and dwelling units devoid of toilets and water supply water, drainage, sanitation and solid waste management systems.

The dual administration of the city gave rise to contrasting types of urban development, the area around Kabaka's (King's) palace at Mengo led to the gravitation of Africans to that portion of the town where the more fortunate established town residences on privately owned mailo plots and where some individuals built houses on their land for the accommodation of largely people from other parts of Uganda². The expansion eastwards led to the development of the slopes of Kololo Hill in the 1930s and 1940s while Makerere hill was added in 1938 for institutional purposes. In 1952, the 'African quarters' of Naguru and Nakawa were completed, established housing estates for low income earners. Kololo, Nakasero and Mbuya remained exclusive European residential areas until after independence in 1962.



Satellite image of Lake Victoria region. Photo: © 2005 MDA Earth Sat, Google Earth

¹ Rugadya (2003), *Kampala is the Capital City of Uganda*.

² *Ibid*

The legal framework for the orderly growth of Kampala was first laid down in the Uganda Ordinance 1903 which gave powers to the Governor to define the city's boundary and make rules and regulations governing the physical development of the city's area. The first plan for Kampala was drawn up in 1912 with a population of 2,850 residing in an area of about (567 ha) covering Nakasero and Old Kampala hills. The presence of a system of private land ownership in the western part of the city prevented the growth of the city towards the west. Instead, the development of the government areas of Kampala has extended eastwards where crown land is found.

The present day boundaries of Kampala district date back to 1968 when Kawempe Township, Mengo Municipality, Lusanja, Kisaasi, Kiwatule, Nakawa Township, Muyenga, Ggaba and Mulungu areas were added to the district. When the boundary of the district was expanded in 1968, the decision placed the city council in a difficult situation due to having a vast area on which to extend its jurisdiction. As rapid development began to take place in the city centre, it became necessary to provide a statute to control development, thus in 1948, a Town and Country Planning Ordinance was enacted and a professional planner was appointed to direct the growth of Kampala. The Planning Act was passed in 1951 and it aimed at consolidating the provisions for orderly and progressive development of towns.

In 1972, the Town and Country Planning Board developed the 'Kampala Development Plan'⁴, which outlined a number of policies ranging from housing industry, city centre and local centre, water supply and sewerage, transport, land to future planning. This plan operated until 1994, when the new plan covering the period 1994-2000 was made. In the 1972 Structural

Plan, the peri-urban areas of Kampala were considered in order to bring in the deteriorating unplanned peri-urban areas into the planning area, since it was apparently clear that the urban population of Kampala was growing very fast. Since 1979, Kampala has been a dedicated administrative entity becoming a district in 1997 under decentralization.

1.2 The Emergency of Slums in Kampala



Poor infrastructure. Photo: © Kampala city council

The emergency of slums in Kampala City has been gradual and sustained over a long period of time, a combination of factors have contributed to this growth, some of them discussed below:

- **Failure of past Kampala Structure Plans to cater for the development of African neighbourhoods and areas.**

In 1972, the Town and Country Planning Board developed the 'Kampala Development Plan' outlining a number of policies ranging from housing industry, city centre and local centre, water supply and sewerage, transport, land to future planning. To some extent, this plan was followed and implemented in relation to the physical planning and development of Kampala City up to 1994, when the new and

³ Land Tenure and Administration Issues, 2001

⁴ Ibid

current Kampala Structure Plan was prepared, despite its existence it has remained on shelf, the result is unplanned development and lawlessness in all sections of urban areas as evidenced by numerous informal settlements in both low income and high income neighbourhoods⁵. All development plans for Kampala, prior to the 1972 plan did not target the orderly development of slum areas, it was then considered satisfactory to place emphasis in planning the provision of spacious and expensive residential areas mainly for the Europeans, and Asians together with well laid out administrative, commercial and industrial areas, although some African housing estates were provided for, they were quite inadequate in relation to the needs at that time.

It was not simply foreseen that migration into Kampala would cause the city to grow rapidly and result in unplanned response to the demand for low cost housing by the ordinary people.⁶ A case in point is the emergence of slums in high density per-urban areas such as Kamwokya, Makerere Kivulu, and Katwe / Kisenyi that were initially outside the old boundary of Kampala⁷ with no planning control. Therefore, any slum upgrading initiative today must take care not to plan and redevelop an area at the expense of creating another slum in a different location. Consideration such as the residents' ability to embrace and sustain the upgrading initiative are important, failure to implement the structure plans on the other hand is telling on the capacity of Kampala City Council, to undertake planned developments in the city.

■ Land Tenure in Kampala

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 are now currently on private mailo (such as Kagugube) or on former public land which customary tenants have taken over as owners due to the abolition



Rooftops in the slums. © Kampala city council

of statutory leases (such as Kinawataka) in which case Kampala District Land Board is obliged to issue them Freehold titles against their customary claims. 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 who did not appreciate planning, thus the sprouting of poor housing and sanitation in Kampala's informal settlements.

■ Rapid Urbanisation and growth of the Urban Population

The population of Kampala City is growing at annual average rate of 4.1%⁸ this growth is influenced by migration and not just the natural rate of increase. Over 60% of Kampala's population lives in slums. The rate at which the city is developing is higher than the capacity

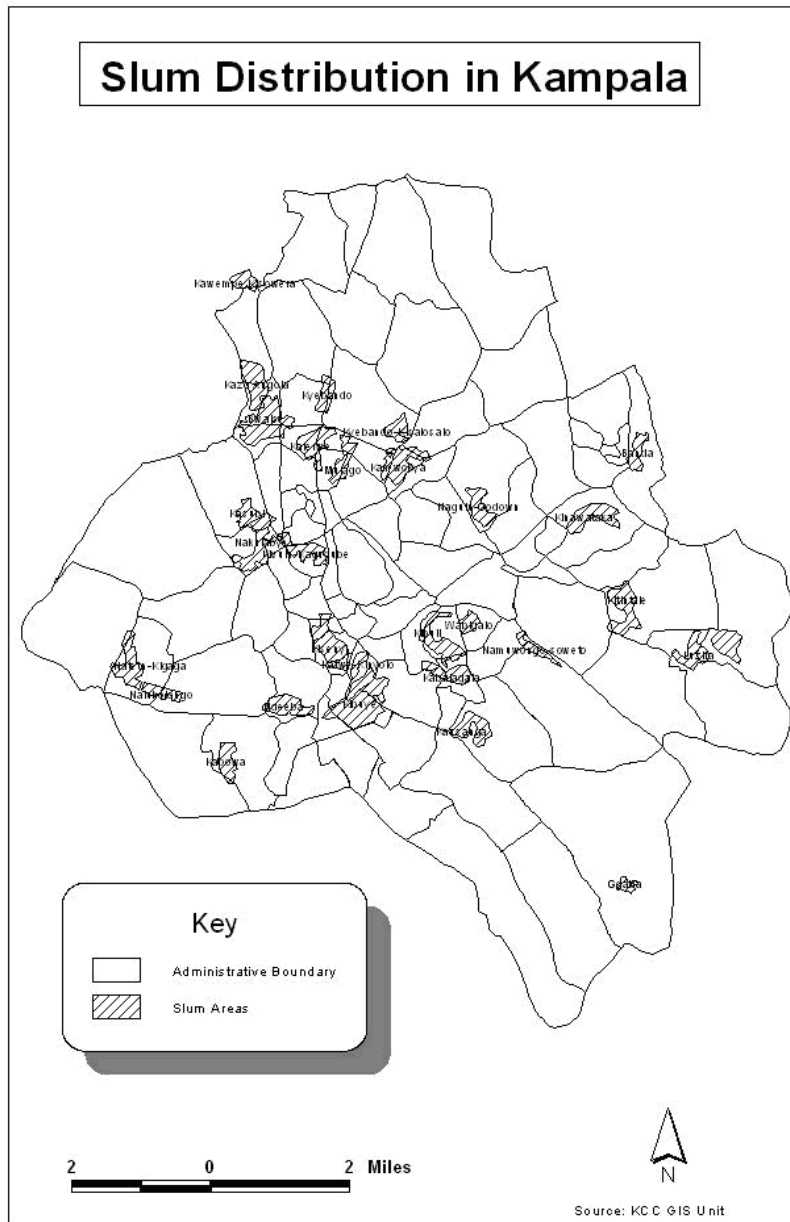
⁵ Land Tenure and Administration

⁶ Kampala Development Plan 1972, Structure Report, page 5

⁷ Prior to the 1972 Development Plan for Kampala City

⁸ Census Report 2002

Map of Kampala Showing the Divisions of the City



Source: Kampala City Council, Planning Department

for Kampala City Council to adequately plan and implement the plans. Consequently, a lot of unplanned developments are coming up with many of them taking place in prohibited areas such as wetlands. Lastly, the capacity to plan and provide the basic services and infrastructure to cater for new and expanding urban populations has given Kampala its present outlook.⁹ Rapid growth has had a big influence on housing conditions, where 54% of the population live in tenements (Muzigo), while 12% live in stores and garages. 65% rent their accommodation, while 71% occupy rooms rather than freestanding houses¹⁰.

■ Poverty and Low Incomes

Despite impressive economic national performance indicators; sustained high GDP growth rate of 7.8%, low inflation, and stable exchange rates etc¹¹, the number of the poor people has not significantly decreased. In fact, in the District suburbs of Kampala district, poverty has increased. 38.9% of the residents in Kampala live in absolute poverty and 5.7% in abject poverty¹². The poor lack supportive social network and infrastructure, safe water, sanitation, roads, with no secure tenure and high rates of unemployment. Slums are the most conspicuous manifestation of urban poverty in Kampala today. It will be important to rationalise the socio-economic effects of slum upgrading, in terms of improving economic efficiency and productivity while concurrently reducing poverty, thus facilitating a more equitable economic growth, since urban poverty is complex and cross-sectional. It will be very important for slum upgrading to have a direct link to the level of poverty in the selected communities of Kinawataka and Kagugube.

■ Physical and Urban Planning



Poor drainage. Photo: © Kampala city council

The responsibility of physical and urban planning was decentralised by the Local Government Act, 1997 which requires 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. Decentralization of the function of physical planning caught the local governments (including Kampala City Council) 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. 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. Failure to enforce laws aimed at ensuring progressive and planned urban land development, poor coordination, corruption, mixing of urban management with politics and the laxity in enforcement mechanisms, largely account for the growth of slums in Kampala city.

⁹ The National Report on the Istanbul Declaration, 2001, pg17

¹⁰ The Uganda National Household Survey, 1999

¹¹ Background to the Budget 2004/2005

¹² Background to the Budget 2004/2005

The physical planning department of Kampala City Council is not adequately funded and lacks capacity to handle the challenge of urban development. It has only 11 physical planners, this puts the Planners to Population ratio at (1:120,000), which is too high compared to the rest of East African Cities like Nairobi and Dar-es-Salaam (1:20,000)¹³. What passes for planning in most local governments is a rudimentary form of land-use zoning usually unrelated to any socio-economic framework, divorced from infrastructural engineering considerations and lacking any implementation mechanisms for meeting its goals. As a result, planning has been largely dismissed as a futile exercise, irrelevant to the practical needs of settlements management this has led to difficulties in service delivery even where funds are available due to the high demolition costs and compensation involved.¹⁴ Majority of the residents of Kinawataka and Kagugube do not appreciate physical planning, they interpret physical planning to mean land grabbing by government and the subsequent demolition of structures¹⁵, a fact that was confirmed during focus group discussions, this thus prompted negative response to community consultation in the inception phase on which this report is based.

1.3 The Challenge of Slums in Kampala

The city council has experienced serious bottlenecks¹⁶ both in planning as well as in the delivery of services because of various factors among which the following are prominent:

- The military government that took over power in 1971 did not recognize the importance of planning, hence took no serious step to implement the 1972 Development Plan. Yet, this plan was meant to serve as a basis for planning of the greater Kampala that had been expanded in 1968.
- The declaration of economic war in 1972 by the military regime seriously affected the revenues of the city. Property owners the majority of whom were Asian and Europeans were forced to leave the country and the properties were entrusted to Departed Asians Properties Custodian Board (DAPCB) a parastatal whose ability to maintain and pay property rates for these properties left a lot to be desired.
- While for almost two decades there was little or no planning and creation of new infrastructure, the population of Kampala city was growing in leaps and bounds. First of all, after declaration of independence in 1962, relaxation of restrictive colonial roles allowed people to migrate to towns. Secondly, the expulsion of Asians and Europeans and the allocation of their businesses to Africans by the military government attracted more Africans from the rural areas in search of these economic benefits.

¹³ Kampala Development Plan, 2005-2008

¹⁴ Land Tenure and Administration, pg. 85

¹⁵ Land Tenure and Administration, pg72

¹⁶ Noted from the Terms of Reference for this Assignment

- The improved security and favourable conditions and liberalization policies made by the movement government led to rapidly increasing economic development in industrial sectors. This resulted in increased rural – urban migration especially to Kampala city the main commercial centre. Many people moved to Kampala in search of employment opportunities.
- The Unprecedented population increase has brought about other attendant problems namely:-
 - Garbage and poor sanitation: More garbage is generated yet Council lacks the capacity to dispose the same.
 - Traffic congestion resulting from increase of vehicle populations
- Strain on the City Council’s meagre resources both financial and human.
- As a result of the above, Kampala is a city characterized by poor sanitation, unplanned and un-serviced settlements, inadequate infrastructure and congestion.

PART II

PRIORITY ISSUES

2. LAND TENURE

Land is a critical element in the livelihoods systems of the urban poor. Land issues are the most complex yet important for any upgrading initiative. The current policies, institutions and processes, including laws and regulations, which govern people's access to land have historically treated land as a social asset and bedrock for existence of life, yet at this point in time the global need to scientifically manage land can no longer be overlooked. Separating the functions of ownership, management and development is overwhelming, so that the process of well-planned urbanization is sufficiently addressed. Land is not only discussed in terms of rights but historically, emotionally and politically. Uganda's history is such that changes in political governance have often resulted in changes in land tenure regimes based on legislative reforms.

Land reforms ushered in by the 1995 Constitution and the Land Act vested land in the Citizens of Uganda who privately own it either as *Mailo*, or Leasehold, or Freehold or Customary tenure¹⁷. Kampala City unlike other areas in Uganda has a multiple land tenure system with all the four systems of land ownership adequately represented. Kampala City Council does not own or have jurisdiction over all the land yet it has the mandate to effect development control in the City. Nearly half of Kampala (45%) is owned by private mailo landowners, 27% of land is held by the Buganda Land Board and is exclusively Kabaka's Land, 15% is held by the Kampala Land Board as a controlling authority of former public land, Uganda Land Commission, which

holds land on behalf of the central government owns 10%, while 3% is freehold either held by institutions such as churches or by individuals¹⁸. Leasing by the Buganda Land Board (BLB) contradicts the planning and development control procedures consequently encouraging illegal construction.



Stakeholder's meeting. Photo: © Kampala city council

There are competing legitimate ownership claims to land across tenures, whereby an individual or different individuals can hold different layered interests on the same piece of land either as plot owners, tenants, lawful or *bonafide* occupants. The different sets of secondary tenure rights or claims in land are set against the primary rights of registered land owners or existing customary owners. Development control and planning has different tenure interest holders to deal with at every stage, this proves cumbersome and time consuming. It will be of utmost importance that the unclear tenure relations are streamlined as a starting point in slum upgrading to ensure an orderly and systematic approach to ascertaining ownership rights and secondary interests (rights) in order to facilitate the upgrading programme in terms of land tenure regularisation. It begins with realising that slum dwellers hold varied forms of layered and multiple rights in land, that create a land use impasse, where regularisation of tenure

¹⁷ Constitution of the Republic of Uganda, 1995 Chapter 237 (1) and (2)

¹⁸ Press Release in the New Vision September 1st 2005, By Simon Muhumuza Senior Public Relations Officer, Kampala City Council

is considered, and will be a major dilemma, when it comes to identification of beneficiaries.

2.1 Policy and Legal Considerations

Policy formulation on land is an on-going process¹⁹, and points out issues that are pertinent to slum upgrading. It is recognised, that:

- Planning for redevelopment is not one of the grounds for compulsory acquisition of land in the 1995 Uganda Constitution and leases to Urban Councils were revoked by the 1995 Constitution.
- Freehold granted before the Land Act Cap 227 and *Mailo* tenure pose some constraints to urban planning and orderly development, to urban planning and development. Hence question is raised whether these should be held in urban areas?

The above issues in the Draft National policy rhyme with the recognition that planning is one of the major problems affecting Kampala City given the individual tenure rights assigned across the city. Redevelopment of slum areas to a large extent requires acquisition of land at colossal sums of money in compensation of individuals' rights over land. The non-inclusion of planning as a condition for compulsory acquisition implies that Kampala City Council has to negotiate with each and every landlord, in case of redevelopment or upgrading, a situation that has left the council powerless in enforcing planning. The revocation of statutory leases implies that Kampala City Council no longer has residual rights in land and this poses

problems in enforcement of land use and planning regulations²⁰.

The Land Act, 1998: significantly reformed land tenure resulting in improvement in access to land and security of tenure. However, the Act presents four tenure systems of *mailo*, customary, freehold and leasehold that are not conducive for orderly urban development, with an automatic implication on the high expense of providing public utilities and services. This leaves Kampala City Council with tremendous challenges for orderly development requiring resources to compensate land owners. There is no preferential or exclusive urban tenure system as the basis of urban development in Kampala. All the tenures are variously practiced under a free land market system, and these formal systems are overlaid by a number of informal occupancy mechanisms. This Act though recent, re-emphasizes the historical incidents of tenure and provides no framework to re-orient to dynamic concepts such as slum upgrading²¹.

The Town and Country Planning Act, 1964 consolidates the provisions for orderly and progressive development of towns. It provides for planning to be carried out in gazetted planning areas. This law is obsolete in several ways and is not compatible with the 1995 constitution because, much as it accords powers to Kampala City Council to plan for areas under its jurisdiction, the 1995 constitution says land belongs to the people. There have been attempts to reconcile this, through a proposed Urban Planning Bill²² to provide a legal framework, for identifying forms of standards and planning that will enhance the quality of life in

¹⁹ By the Ministry of Water, Lands and Environment, Drafting of the National Land Policy, whose Issues Paper was finalized in 2003

²⁰ Draft Issues Paper for the National Land Policy

²¹ Kampala District Development Plan, 2005-08

²² to be tabled by Ministry of Water, Lands and Environment and the Ministry of Local Government

urban areas without presenting the poor with unaffordable requirements.

It will be very important to ensure that policy and legal pronouncements sort out the complex land ownership and land use dynamics that have dogged city residents, including those in slums. Some of the key principles for disentangling land ownership issues are in legislation but are insufficient to address the situation or are not appropriately addressed to the competing interests and land use options.

2.2 Kinawataka

In Kinawataka, adjudication of land commenced in 1900, with the Buganda Agreement, which formally recognised dual rights in land (registered land, alongside the informal customary ownership of land). This dualism has continued to the present, where customary owners, tenants on former public land, and leasehold owners are all living side by side in the same locality. This arises because; land was originally for the natives, under the trusteeship of the *Kabaka* (King of Buganda) and formed part of the 9,000 sq. miles allotted to the Buganda Kingdom in the 1900 Buganda Agreement. Henceforth, descendants of the natives who are now elderly residents and their descendants settled in Kinawataka area long before, the boundaries of Kampala City stretched to absorb the area under a statutory lease.

Over the years, the status of land in Kinawataka, has been transforming with the regimes based on legislative reforms. Currently, the constitutional reforms of 1995 and the Land Act (Cap 227) as amended by the Land (Amendment) Act, 2004, categorise the land in following ways:

- All alienations of land out of statutory leases into leasehold or sublease by Kampala City Council as an urban authority were upheld.

Therefore any land title issued to any resident in Kinawataka before the abolition of statutory leases is a valid title.

- All public customary owners (tenants) regained their rights in land as long as their land was not alienated into leasehold. Such owners apply to Kampala District Land Board for grant of a certificate of customary ownership. If the board is satisfied that the customary claim is true, through a procedure, the grant is made without conditions.
- Where an alienation happened to leasehold, and the customary tenant's interests (developments on land) at the time of alienation were not declared by the person seeking a leasehold or were not compensated or were totally ignored, such a customary tenant acquires a secondary interest of occupancy and by law can be issued a certificate of occupancy (encumbered on the leasehold). This person's security of occupancy is guaranteed by the Constitution.
- There are also portions of freehold land granted to Namirembe Diocese (Church of Uganda), during the 1900 Agreement allotments to missions. At the time of allocation, there were no tenants on such land, current occupiers or residents are licensees, who accessed it, with full knowledge that it belonged to the church and on terms and conditions set by the church. Residents on such land do not have ownership claims or any rights except those created by the church (such as leaseholds secured from the church for either 49 year or 99 years).
- Another category of land in Kinawataka is the railway reserve lands for Uganda Railways Corporation, alongside the railway line. In the upgrading initiatives, those that have settled in this reserve will have an uphill task because such settlements along the railway are prohibited by law.

Although, Kampala District Land Board is charged with the responsibility of ensuring that residents of Kinawataka regularise their tenure, through issue of

certificate of customary ownership and certificates of occupancy. Majority of the residents in Kinawataka are ignorant of their status and rights in land by virtue of the reforms in the Land Act Cap. 227 and the 1995 Constitution that has transformed them into owners of the land on which they have lived customarily over the years.

However, Kinawataka has been selected by the Systematic Demarcation Committee of the Ministry of Water, Lands and Environment, as a pilot area for systematic demarcation of land feature urban tenure dynamics. This is an opportunity and a stepping stone for the Slum Upgrading Programme, because it will tackle the single most important foundation and trigger for all other desired changes that should take place with upgrading. Systematic demarcation will deliver to Kampala City Council, a cadastre map for Kinawataka, on which a physical plan for upgrading will be super-imposed and implemented.

2.3 Kagugube

Kagugube is largely dominated by privately owned *mailo* land with holders having rights equivalent to freehold. These have the overall supreme right of ownership over land and have powers to either subdivide or sell or give away to others. The land owners have been actively involved in sell of tenancy rights (*kibanja*) and subdivision of *mailo* titles into several smaller plots (locally referred to as *plooti*) this has created layers of secondary rights on *mailo* land. Another category are those created by the *mailo* owner or by the *kibanja* holder, by further subdividing into plots (*plooti*) which are a form of lease, whose rights are lesser than those of the *Kibanja*. There are 12 to 16 landlords in the whole of Kagugube parish²³, majority

of the residents are either *Kibanja* holders or *plooti* holders

The Constitution and the Land Act 1998 created permanent occupancy interests on *mailo* land for the *Kibanja* and *plooti* holders, this further worsen the poor relations between the landlords and tenants. It has prompted unprecedented land sales without the consent of the tenants, in order not to lose interests on land without consumerate value. Those with the correct political, legal and social connections, coupled with the ability to evict tenants have massively bought land from the desperate landlords. Tenants only find themselves being evicted and their houses demolished by purchasers who are politically and economically able to enforce an eviction with or without court orders, as a way of destroying evidence of developments on land and avoiding compensation for secondary rights and interests. This has created uncertainty and tenure insecurity for the *Kibanja* and *plooti* holders in Kagugube.

It is thus, the recommendation of residents that, unless the slum upgrading programme initially focuses on disentangling the tenure insecurity and uncertainty, it is no use thinking about slum upgrading in Kagugube. The majority who are *Kibanja* and *plooti* holders are keen on upholding the reforms of the Land Act Cap 227 in order to retain their secondary interests upon which a Certificate of Occupancy can be issued by Kampala District Land Board. This they assert will overcome tenure insecurity and the fear of massive evictions. However, because of the provisions for prompt and fair compensation before dispossession, it may be prudent for Kampala City Council to purchase the land from the 16 private *mailo* land owners identified in the area and re-allocate it by recognising the secondary rights of the residents and upgrading them to primary level on market value basis for the Slum Upgrading programme to succeed.

²³ Number could be confirmed because cadastre is not updated.

3. HOUSING

Housing is one of the major issues often tackled in slum upgrading in relation to housing tenure security, housing types, quality of housing, occupancy and use and the general environment for location of housing. The 2002 census shows that Country wide, only 17% of dwelling units were made of permanent roof, floor and wall materials. About 59% of dwelling units in urban areas were permanent compared 10% in rural areas. The most common type of materials used for construction of the dwelling units are mud and pole for the wall (50%), iron sheets (54%) or thatch (44%) for the roof and rammed earth (77%) for the floor²⁴. Available information from the 2001, National Report on Istanbul +5 indicates that Uganda housing stock stands at 3.8 million housing units with an average person size of 4.0 persons in the Urban and 4.9 in the rural areas.



Typical slum houses in pilot area. Photo: © Kampala city council

The two obvious problems that face people occupying informal housing in Kampala are tenure security and the provision of services. It is reported that 54% of Kampala's population stay in tenements (*Muzigo*), while 12% live in stores and garages. 65% rent their

accommodation, while 71% occupy rooms rather than freestanding houses²⁵. This shows low housing standards and housing conditions because the quality of housing has not been controlled in Kampala, neither have standards been enforced. This is mainly because of the absence of a statute on building and laxity in the enforcement of building guidelines by Kampala City Council. The laxity is mainly due to political pressure and tendencies of negligence arising from bribery or corruption in the enforcement establishments or mechanisms²⁶. The upgrading initiative will have to design in-built safe-guards to avoid the effects of politics and corruption.

3.1 Housing Policy

Since the 1970's and 1980's, several policies have been pursued in the housing sector in Uganda. In 1979, Government outlined a National Human Settlement Policy²⁷ to improve access to infrastructure and services and upgrading schemes for spontaneous settlements, and to provide sufficient residential land and plots in urban areas. The implementation of this policy was manifested through two projects: Namuwongo Upgrading and Low Cost Housing Pilot Project in Kampala and Masese Self-help Women's project in Jinja.

In 1992, the National Shelter Strategy (NSS) was adopted as a means of formulating viable shelter strategies which are conducive to full mobilization of local resources and to strengthen policy making and housing programming capacities of key actors in housing delivery at all levels of administration. NSS

²⁵ Kampala Development Plan, 2005-2008

²⁶ From Focus Groups Discussion in both Communities, this was established, although respondents were reluctant to specifically pinpoint individuals who promoted such tendencies, but insisted it was a major hindrance to compliance and a source of inappropriate housing construction.

²⁷ Eddie Nsamba-Gayiiya, 2000

²⁴ UBOS, 2002, Census Report, page 15

adopted the “enabling approach” as its major policy under which Government operated to identify and remove bottlenecks that hamper housing development, by encouraging private sector participation in housing development. However, due to changes in national development ideology and other policies, NSS policy objectives were rendered irrelevant.

In 2005, a National Housing policy was drafted based on the ideologies and principles of the national shelter strategy. The goal of the draft National Housing policy is a “well integrated sustainable human settlements, where all have adequate shelter with secure tenure, enjoy a healthy and safe environment with basic infrastructure services”. It responding to a number of challenges²⁸, that are relevant to slum upgrading in the Cities without Slums Programme such as; the recognition that in urban areas, over 60% of residents stay in slums, characterized by poor sanitation, high disease incidence and frequent epidemics; the private nature of housing; the enforcement of minimum standards and prevention of negative externalities associated with overcrowding and poor sanitation and; the improvement of living conditions of the urban poor is of potential benefits to urban market for investment in properties and an effective land sector reform.

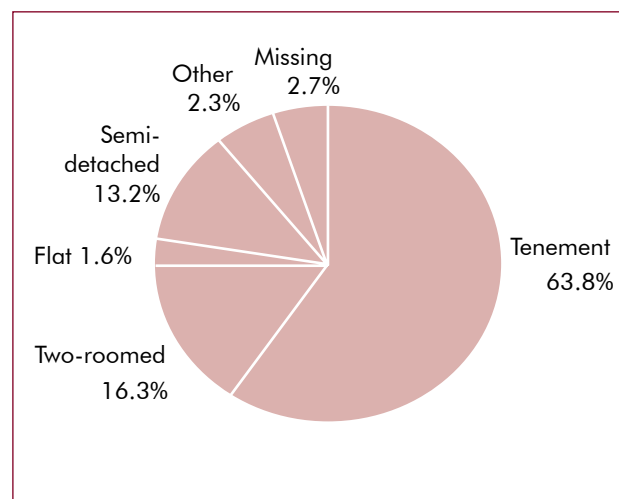
The policy principles are a departure from earlier policies and have a holistic view to housing that had not been previously expressed. It will be important to ensure that this policy is adopted and moves from “a draft policy” to “a policy” so that its proposals and principles can be implemented since they fully embrace the concept of slum upgrading. Subsequent to its adoption, legislation, regulation and guidelines for housing will have to be amended or passed to incorporate the changes it will have introduced. The

policy also recognises the role of private sector in the provision of housing on a commercial basis²⁹

3.2 Kagugube

In Kagugube there are 2700 houses out of which 43.3% are permanent as opposed to the 17.2% temporary structures³⁰ built using mud and wattle.

Types of Dwelling Unit



Source: Survey by KCC in pilot areas

Tenements (*mizigo*) are dominant housing units, constructed either as one room stand alones accounting for 63.8% or as hind extensions of commercial buildings or collectively in a chain format (locally referred to as a train) accounting for 16.3% with an occupancy of 5 to 7 adult persons and the average size of ‘10 feet by 10 feet’ per room, rented at the sum of Uganda

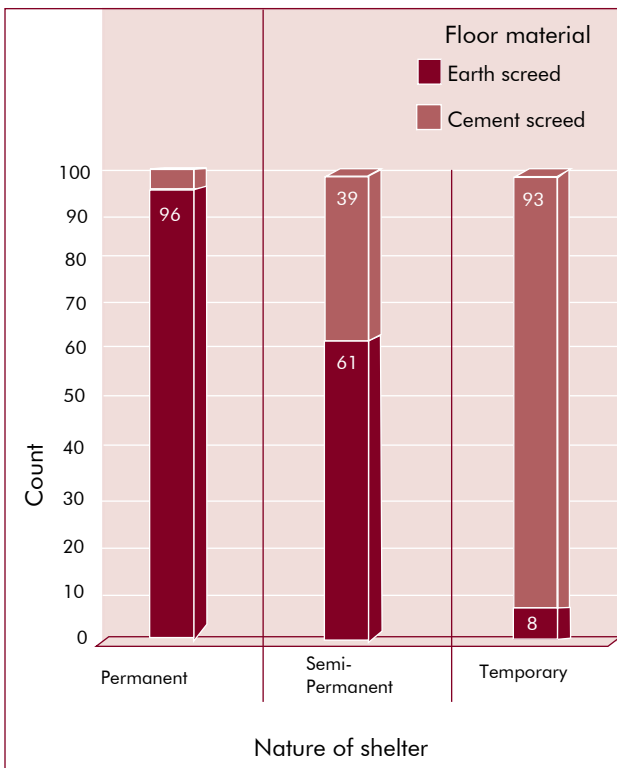
28 Draft National Housing Policy, 2004

29 There is a vibrant private sector in housing construction which operates on commercial principles by constructing houses for sale. Some of these institutions include National Housing and Construction Corporation and AKRIGHT projects.

30 Interview with Local Council 1 Chairman for Kagugube

shillings 10,000/= to 50,000/= (equivalent to US\$6-US\$30) per month. Tenements (mizigo) meet the housing needs of low income earners. Rental incomes from the tenements to landlords will be vital in the design of the upgrading programme.

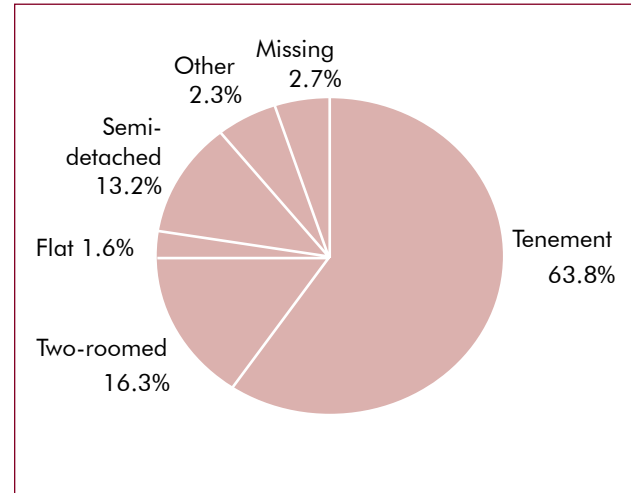
Figure showing in the nature of shelter in Kagugube



Source: Survey by KCC in pilot areas

Housing constructed using permanent materials and iron sheet roofs accounts for more than 96% and burnt bricks are used in construction for 61% of all housing units. Houses with cemented floors are 69%.

Figure showing types of Housing units in Kagugube
Types of Units



Source: Survey by KCC in pilot areas

The most common tenure of housing is tenancy standing at 56%. Others are the owner-occupiers at 41%³¹. These statistics imply that a good number of the people residing in the area do not have direct control over the land and housing because they merely rent housing units. Land in Kagugube is privately owned under mailo land tenure where houses are either constructed by landlords or by tenants who have occupancy rights (kibanja owners) using their own savings, rather than approaching banking institutions or housing finance. However on a small scale, some kibanja owners do approach micro-finance institutions for loans to facilitate housing construction. In the last 5 years, housing has been improving at a remarkable speed. If the necessary social services were availed, chances of self-upgrading exist in this area.

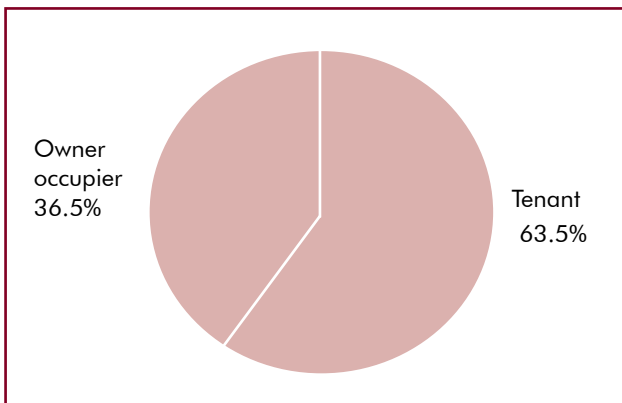
31 Results of Household Survey by Kampala City Council, 2005

When asked what they would like to improve in their housing conditions, the residents of Kagugube suggested improvements in services provided, including electricity, street lighting, sanitary facilities, drainage and access roads. This is markedly different from the priorities expressed by residents of Kinawataka. This is because of difference in perception of intentions upgrading, where some residents are skeptical or suspicious that the council is going to grab their land or ban the slums. Attempts to frustrate data collection in this inception phase were evident (either politically or through mobilization), especially during validation meetings.

3.2 Kinawataka

The issues to address on housing in the pilot areas are the nature of housing, size, number of occupants/users, materials used for construction as they relate to durability and quality, tenure and desired improvements in housing conditions. In Kinawataka, 77% of housing is permanent in nature, constructed using sand, cement and iron roofs. Most of the housing structures have cemented floors standing at 80% coverage.

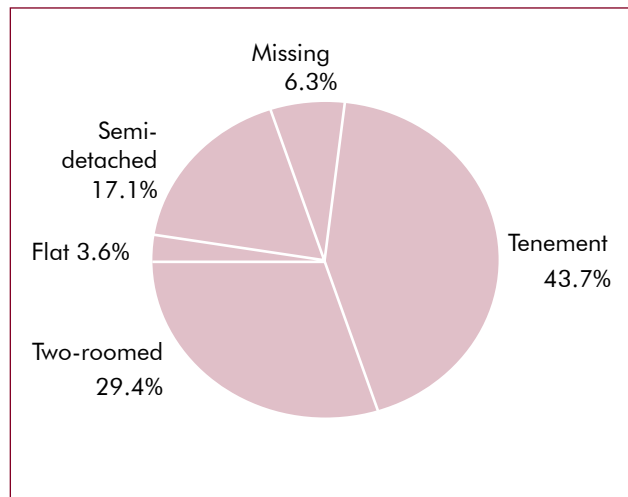
Teure of Unit



Source: Survey by KCC in pilot areas

The most common tenure of housing unit is tenancy standing at 63.5%, while owner-occupier accounts for 36.6%³². Findings from the KCC GIS Unit Room B 109 10/28/200513:47 indicate that a sizable number of the dwellings have been in the area for more than 10 years. In order to improve housing, the pilot community of Kinawataka prefers initially structural improvement of housing units, moving hand in hand with increased plot sizes that ensure improved access. This is because currently there are a number of housing units without appropriate access roads due to the smallness of land on which a particular unit is constructed. Improvements in drainage, electricity and human waste management mechanism are also mentioned as priorities in ensuring appropriate and adequate housing.

Type of Dwelling Unit



Source: Survey by KCC in pilot areas

There are three main types of houses: commercial buildings which house shops or some form of commercial activity, they are mainly situated along the roadsides and some are fairly well constructed in order

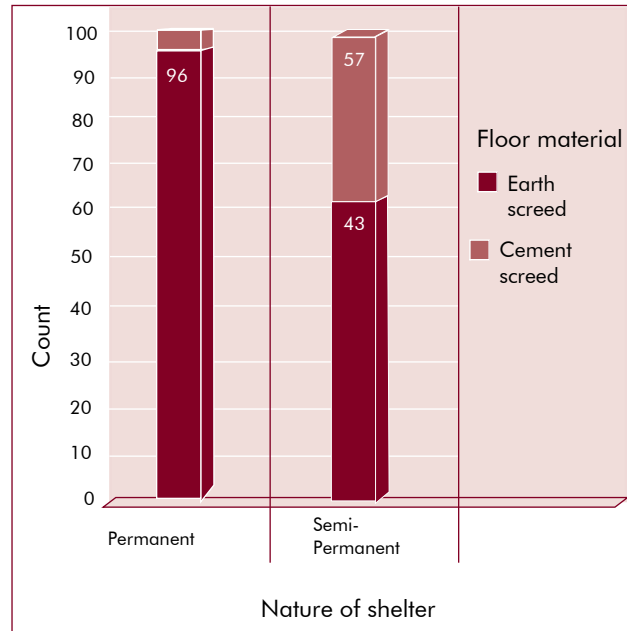
32 Results of Household Survey by Kampala City Council, 2005

to give customers, an impressive outlook for purposes of maximizing sales. The second category is tenements (*mizigo*) accounting for 43.7%, constructed either as one room stand alones or as hind extensions of commercial buildings or collectively in a chain format (locally referred to as a *train*) accounting for 29.4%. The third category of houses, are the well-built executive residential bungalows and mansions for landlords (either holding land in leasehold tenure or as customary owners) accounting for 17.1%, are located at northern boundary of the slum area.

In Kinawataka, secure housing is only guaranteed for house owners or land owners, the majority of the population that depend on tenements (*mizigo*) are insecure until such a time when rent is paid or income for rent is assured. Initially, all residents built temporary structures because Kampala City Council would not allow residents (because Kinwattaka was public land held by Kampala City Council) to build using any form of permanent materials. This is because development in such areas implied higher compensation costs in event of redevelopment.

The tenements (*mizigo*) are considered a major source of income, despite their quality and form, the residents consider the rent costs for *mizigo* affordable at 10,000/= to 50,000/= (US\$6 to US\$30) per month. Rental income (to landlords and house owners) is considered to be a key part of the economy (in terms of raising funds for education costs for children) to the extent that, if the upgrading programme does not set aside demolition or outright banning of tenements and commercial buildings without consideration of the income implications, it is bound to fail.³³

Nature of Housing in Kinawatakas



Source: Survey by KCC in pilot areas

The low quality of housing is also a reflection of low incomes and the utilisation of own savings to undertake construction, since majority are unable to access housing finance or credit to invest in housing improvement. This is because the conditions and collateral required for loans by commercial banking institutions are not achievable, for example the requirement for a land title. There must be financing for housing development, and standards for beneficiaries, or else the intended beneficiaries will sell off, so that those who can afford take over as beneficiaries of the upgrading initiative.

33 Focus Group Discussions with Landlords and Community Leaders

4. GARBAGE COLLECTION AND DISPOSAL



Uncollected garbage. Photo: © Kampala city country

Garbage collection is currently one of the most critical services, whose quality and coverage has caused serious public outcry in slum areas. Kampala City Council acknowledges that the amount of garbage generated overwhelms the capacity of the council to collect and dispose it given the fact that cost of garbage collection is enormous³⁴. It is thus common to see heaps of uncollected solid waste in most parts of the city which resulted in offensive odour, continuous environment pollution and repeated occurrence of sanitation related diseases like cholera and dysentery.³⁵ The increasing refuse generation trend is attributed to the rapid population growth, unprocessed food stuffs, people's feeding habits and lack or limited recycling and waste reduction strategies and initiatives even on a private basis. In 1991, only 13% of the garbage generated was being collected, currently 39% is collected and transported to land fill site, this coverage is still inad-

equately, recent studies indicate that a modest coverage of 70% would be acceptable in the short term.³⁶

4.1 Solid Waste Management Strategy

Kampala City Council designed a 'Strategy to improve Solid Waste Management' in 1999, which was revised in 2002 based on a pilot project in Makindye Division that showed successful privatization of garbage collection, where people were willing to pay for the garbage collection in the rich neighbourhoods. During the Pilot, refuse collection coverage increased from 10% to 80% in the division, while the unit cost of collection reduce from Uganda shillings 11,300/m³ to 4,500/m³ (US\$8/m³ to US\$3/m³). Until 1999, the council was solely responsible for solid waste management under the City Engineer and Surveyor's department, this responsibility was transferred to the Public Health Department, as refuse collection was associated with epidemics such as cholera that had become rampant³⁷.



Garbage collection. Photo: © Kampala city country

34 From Key informant Interviews, with different officials from Kampala City Council, during the data collection process for this inception report, in June 2005.

35 community's willingness to pay for solid waste disposal, Mohammed pg 9

36 Kampala City Council, 2002 Strategy for improving the Management of Solid waste

37 Kampala City Council, 2002 Strategy for improving the Management of Solid waste

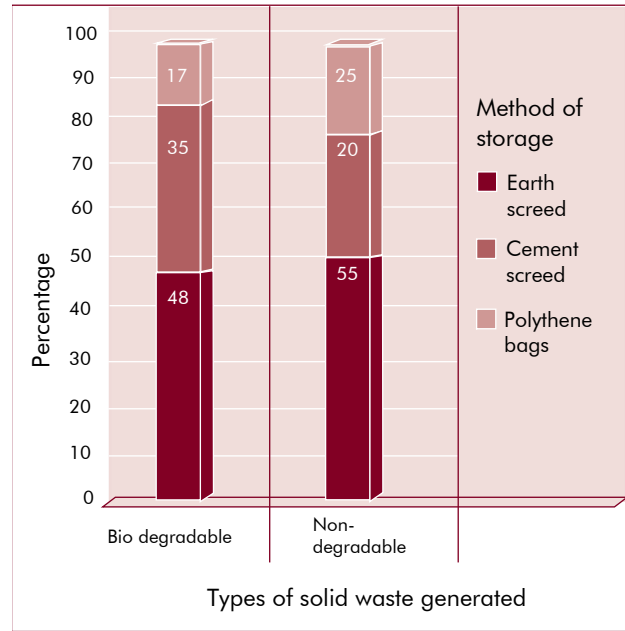
Currently, the strategy is structured along two basic components, solid waste collection and transportation which is the responsibility of the divisions in Kampala and solid waste disposal that is the responsibility of the council headquarters. The current policy on garbage collection as articulated is a gradual privatisation of collection and transportation where by private firms collect garbage or refuse directly from the beneficiaries at a fee. There are currently about 10 private collectors that provide a door-to-door solid waste collection service at a fee ranging from between Uganda shillings 20,000-30,000 (US\$ 12-20) per month for a bi-weekly service. These account for about 10% of all refuse delivered to the land fill site (4% of all the refuse generated)³⁸.

In the short term, the council subsidizes the low income areas (including slums, given the fact that the response to this in slum areas has been poor because people are used to skips and free solid waste services). Charging of a fee will enable the council to provide an efficient service with desirable coverage. Management of the land fill is contracted out as plans for privatisation of the disposal service are being worked out. The strategy also acknowledges levels of waste stream generation often dealt with using on site disposal systems such as incinerators and the absence of waste reduction and recycling strategies except those advanced by private sector and civil society organizations.

4.2 Kagugube

Privatized garbage collection is already operational in Kagugube, although residents don't want to pay for garbage collection, thus in the start, Kampala City Council had continued to avail subsidized or free services. However, moves have been made to sensitize residents on the change of policy, though this has been

marred by political intrigue, since politician find this a fertile ground for soliciting support by de-campaigning such a programme ³⁹.

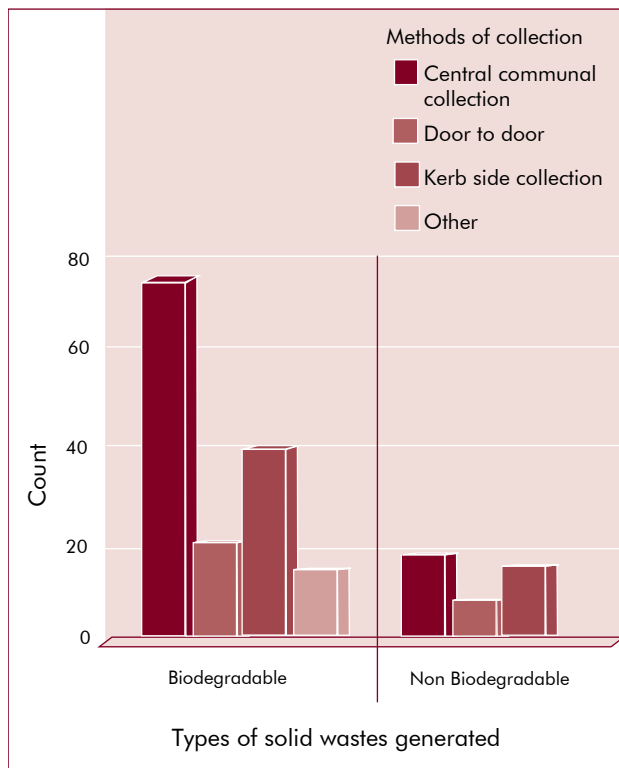


Source: Survey by KCC in pilot areas

38 Ibid, page 4

39 Interview with Chairman LC1 Kagugube

Figure showing methods of garbage collection at household level in Kagugube



Source: Survey by KCC in pilot areas

78% of garbage generated in Kagugube is bio-degradable. The method of storage at household level is basically polythene bags (kavera) and this is later disposed at a central collection place. Access to the collection points is averagely 100-500metres from the household a distance taken to be reasonable for every one to access the facility. Other methods of disposal identified were; open dumping, burning and composting⁴⁰. Residents of Kagugube face a number of problems associated with garbage collection, major among them being the distance from the household to

the site of disposal or truck and the delay in collection which results in decomposition, thus giving of bad odour and a sense of pollution.

It is the opinion of residents that the parish committee recruits personnel at parish level to manage garbage collection, particularly the youth, this would not only be efficient, but would also serve as a source of income.

4.3 Kinawataka

For all garbage generated in Kinawataka parish, 65% is biodegradable waste implying the need for timely collection, before decompositions or degeneration into substances that may become health hazards. There are instances where re-use of some of the non-biodegradable wastes has occurred especially by women groups. However, there is a general delay emptying the skips which creates aesthetic problems (unsightly and bad odor) which forces others to use open dumping as a means of disposal which becomes an environmental hazard especially given the means of storage used (improvised containers, Polythene bags and old dust bins)⁴¹

Initially, Kampala City Council, availed garbage skips in designated areas, emptied on a routine basis, though often with delays, until the current wave of privatized garbage collection. Though not fully commenced in Kinawataka as yet, the garbage skips have been removed and in their place a lorry truck has been provided, this traverses the main access road across the community collecting garbage. The truck has no specific time table, but often plies the route once a week with provision for only one route, this implies that people living at a distance from the main access road are not catered for and should the truck fill up

40 Survey by Kampala City Council officials in the pilot sites, 2005

41 Survey by Kampala City Council officials in the pilot sites, 2005

before garbage for the whole area is collected, then it remains behind.

As a consequence uncollected garbage is dumped along the road or in residences of the community leaders as a sign of frustration. Alternatively garbage is packed in polythene bags and dumped next to the railway line where an excavation pit is serving as dumping site. It is the view of residents that privatized collection is possible if consensus is built on schedule of the truck and collection points for the system to serve its purpose.

Kinawataka Women's Initiative suggested investing in recycling machines to transform the garbage collected into manure⁴² this suggestion though set aside by the community during the validation meetings is an innovative way of managing garbage and improves environmental health, it can also be a source of income.

⁴² If funding can be availed to them

5. ROADS AND ROAD MAINTENANCE



Slum road. Photo: © Kampala city country

Roads and road maintenance emerged as one of the crucial issues to consider during upgrading in the pilot areas. Road maintenance is associated with transport costs, congestion and drainage. Kampala City Council is responsible for opening up, rehabilitation and maintenance of roads within the city and its suburbs. This responsibility is carried out under the 'Kampala Urban Transport Improvement Programme' funded by World Bank where Kampala City Council widens roads and tarmacs roads to relieve the traffic from the main highways as one exits from the city centre. This is one opportunity where slum areas and roads within slums could benefit.

Drainage is often poor and limited to major roads and pathways, the resulting floods make deterioration rates very high and cause a rise in road maintenance costs. The existing drainage structures are often constructed,

during the process of road construction, but the maintenance is poor, hence they are regularly blocked.

5.1 Kinawataka

In Kinawataka there is only one side drain along the main access road without tributary drains on feeder roads joining it, therefore, whenever it rains, it silts and floods. When silt is removed, it is heaped on the road-side, and when it rains again, it immediately washes back into the drainage. Residents of Kinawataka suggest that the maintenance and management of road drainage be devolved to parish level, like in Kisenyi where such a decision was taken and the effort is working well.

In the past, the youth in Kinawataka, mobilized themselves to undertake unblocking road drainages and ensuring their maintenance as a way of securing employment, if Kampala City Council could avail funds budgeted for this purpose at division level. However, their plans were frustrated, by poor response from officials, and the initiative collapsed.

The roads in Kinawataka are murrum and dusty, yet its serves as a diversion route for the main highway (Kampala-Jinja), for relief of congestion during traffic jams. Residents feel that the standards applied in construction and maintenance of their roads, are not appropriate, because they are narrow, dusty and constructed with a thin layer of murrum, which erodes easily. They argue that Kampala City Council hires the services of sub-standard contractors for the annual re-gravelling, who do not deliver value for money. As a solution it was suggested that instead of spending on maintenance of a long stretch of murrum road, it would be better to tarmac a road kilometre by kilometre.

tre even if it takes 5 years, using the resources currently availed for maintenance annually.

5.2 Kagugube

In Kagugube drainage was built by Concern World-Wide an NGO which collaborated with a local community based organisation MAKDEO, resulting in a drastic reduction of flooding. Occasionally, the Local Councils mobilize the community to clean the drains by removing the silt. This has given rise to fairly good drainage in the area, though the problem is still with the residents who are always hesitant towards communal unblocking of the drains.

With regard to transport, a good number of residents use public transport in form of taxis, boda-boda cyclists (has recently doubled). Others resort to walking over long distances (often to and from the city) to reach workplaces and return home, hence there is intense pedestrian activity on all major roads. However, a number of problems are associated with these modes of transport ranging from accidents, bad roads, high fares and taxis being too few to provide adequate service (see diagram for Kagugube below)⁴³.

There is no open space planning in both pilot areas of Kinawataka and Kagugube. Existing play grounds are created by children by converting unused spaces which belong to other persons as their recreation grounds.

⁴³ Survey by Kampala City Council officials in the pilot sites, 2005

PART III

SOCIO-ECONOMIC CONDITIONS

6. FINANCE, CREDIT AND SAVINGS

6.1 Credit Services

Micro-finance institutions do not target the urban poor in Uganda, because the policy is designed to work for the rural poor and salaried middle class workers who access services against their salary payments or assets as co-lateral. Besides, the protracted bureaucratic procedures of most finance institutions often present insuperable obstacles to the urban poor.⁴⁴ Several innovative methods of saving and credit have emerged such as family members, rotating credit societies and savings clubs that are significantly successful in slum areas. This is due to the fact that they are based on social ties and social capital, hence bridge the gap between incomes and require little or no paperwork. Their major role is to lend money on a revolving fund mechanism, mainly to boost small scale businesses, and in some instances enable people build houses, pay school fees and meet other basic survival needs.

In Kinawataka, group savings and credit are offered by women's NGO's such as Kinawataka Women's Initiative and other CBO's such as Tugezeko Women's Group. These lend their members limited sums of money (50,000/= to 150,000/= equivalent to US\$29-US\$86) to enable them start income generating projects, and pay school fees for their children on revolving fund basis. To supplement such efforts,

Mbuya 1 Cooperative Savings and Credit Society, commenced operations in 2004 to extend loans to its members to complete unfinished housing structures within Kinawataka, at affordable lending rates, though its capital base is small and does not necessarily meet the demand in the community.

In Kagugube, NGO's offering credit services are city centre-based such as Uganda Women's Finance Trust, FINCA, FAULU Uganda, Pride Uganda, and the Diocese of Namirembe. The services offered are not necessarily tailored to slum residents and thus are not friendly. For example, repayments are on a weekly basis, and in order to qualify for credit, one must have evidence of personal savings amounting to 150,000/= (approximately US\$ 80) in a savings account, with a banking institution. In addition, loans are repayable within four months. It is therefore not surprising that the neediest among the urban poor, with no jobs, no security and no collateral, are organizing ways of providing themselves with credit, by taking on the responsibility for making loans and settling repayments and interest rates themselves, rather than depend on credit services from the external.⁴⁵

6.2 Income and Savings

The level of personal saving in Uganda is still low. Savings as a percentage of GDP has not had significant growth; for example in 1993/94 saving constituted 2.5% of GDP, in 1989/1999 there was a slight increment to 4.1%. Such low volumes of savings are not adequate for investment in slum upgrading considering other competing alternatives.⁴⁶ Besides individual income and savings is the most dominant method for slum improvement over a long duration of time. During the Kampala City Council Survey⁴⁷

44 Fewer than 2 per cent of poor people have access to financial services (credit or savings) from sources other than money lenders. (Panos, 1997)

45 <http://www.panos.org.uk/books/books.htm>

46 <http://www.panos.org.uk/books/books.htm>

47 By the Planning Department, 2005

income levels of the residents in Kinawataka and Kagugube parishes were explored to establish whether the community can afford to pay for social services in case they are provided. Findings indicate that, in Kagugube only 28% of the residents work and earn and in Kinawataka only 30.8%. This indicates that majority of the people do not work or earn a define income all the time. However it is possible that some people may not have understood the meaning of work and earning, assuming that it refers to formal employment. Besides, a large number did not give any response on this issue.

On the whole, there are few employment opportunities for residents in both pilot communities of Kinawataka and Kagugube. Findings also show that those who get the opportunity to work and earn, do so by dealing in petty trade such as car washing, food vending, hawking, brewing local potent gins (waragi) and selling second hand cloths in Kagugube. In Kinawataka, they mainly deal in bodaboda riding, fruit vending, fish packing, tailoring, water vending and brewing. Others work as night watchmen (security guards) and casual labourers on construction sites where they are paid less than a dollar par day (1500/= Uganda shillings). This indicates that the population has low income.

The most common method of mobilising savings in both Kinawataka and Kagugube is “gifting circles” locally know as “nigiina”. In such schemes, groups of men and women gift each other (mainly chattels and cash) on a revolving basis based on social relations developed in the group. Each member of the group at his or her discretion decides the amount of money or the value of the gift to be given to a particular individual on a revolving basis. All gifts from members are openly displayed, while an opportunity is also offered for family members, friends and in-laws to contribute to the gifting process. Nigiina is conducted at a party organised for the purpose of gifting and socializing. This method is currently very popular within the com-

munities as a way of mobilising savings, although there is no guarantee that one will receive as much as he or she offered to others in gifts. There have been instances where such groups have collapsed before every member is gifted leading to lose of opportunity to be gifted.

6.3 Housing Finance

Uganda has only two formal housing finance institutions; Housing Finance Company of Uganda (HFCU) and the Development Finance Company of Uganda (DFCU), which extend credit to construction or purchase of housing units located in urban gazetted areas. Housing Finance in Uganda is dogged by three issues that are of relevance to slum upgrading:

- Limited capital to serve the increasing demand for housing development in urban areas, which has forced both institutions (HFCU and DFCU) to tread carefully with strong backup of trading in treasury bills from the central bank as means of keeping afloat and competing favourably with other Commercial Banks.⁴⁸
- Absence of specialised services for slum (dwellers) improvement: both HFCU and DFCU are city centre-based and do not offered any specialised service for housing development targeting slum dwellers. Hence accessing their services implies having all requirements such as land titles or other collaterals to guarantee loans or credit services, which residents of both Kinawataka and Kagugube lack.
- High interest rates: With only these two there is a narrow financial base and a glaring shortage in formal housing finance, the alternative is to access finance at high lending interest rates ranging from 15%-30%, which is not conducive for slum residents or low income earners.

48 Final draft of the National Housing Policy, pg 11

7. SOCIAL SERVICES

The availability of social services in an area affects the quality of life and the socio-economic characteristics. The major social services include; access to water, education, health services, electricity, sanitation and human excreta management. In the sections below the status of these service in Kampala as whole and in the pilot areas of Kagugube and Kinawataka are detailed, in order to appreciate the situation that needs to be handled by the slum upgrading initiative.

(a) Water

Water related Problems in Kinawataka

According to the 2002 Census, about 88% of Kampala's population has access to water. However, a study in 1999 (Sanitation Quality gap), revealed that most of the wells/ springs are being contaminated and put safe water coverage at about 55%⁴⁹. Availability of water in slum areas is being improved by the Kampala Urban Sanitation Project (KUSP), under which water is extended from the National Water and Sewerage Corporation (NWSC) piped water mains to designated water points, stand pipes or tapes. The supply is relatively regular, though shortages do occur. A 20 litre jerri-can is sold at Uganda Shillings 50/= (equivalent to US\$ 0.02). Water bills are paid per consumption levels on a monthly basis directly to (NWSC) on a cash basis.

In both Kinawataka and Kagugube, at least 60% of the households have access to public standpipes, while 40% depend on ground water sources⁵⁰. However, it is the affordability of both piped water and ground water

which is considered to be high by residents. This in Kinawataka is worsened by the disparity between water bills (presented by NWSC) and the actual income from sale of water. Besides, there is a feeling that the water points were politically allocated in the homes of local council officials, as a way of creating income for their households.

Water related Problems in Kagugube

In Kagugube, water supply is guaranteed, with some households affording their own stand pipes or internal connection. Those who cannot afford are supplied by a network of evenly distributed communal community water points or taps in the area (See graph above for details). The alternative of springs and wells is particularly important during the periods of shortage or irregular supply. However, the threats of pollution or contamination of the ground sources and distance make them an expensive alternative. There is general wish to have water availed free of charge at the communal taps or community stand pipes in both communities.

49 Kampala Structure Development Plan, 2004

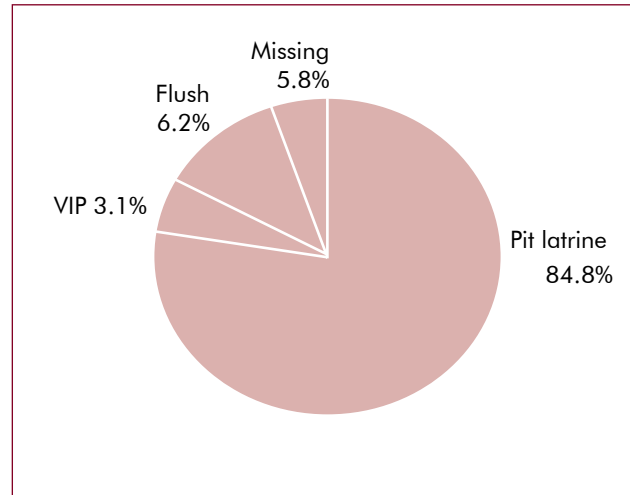
50 Survey by Kampala City Council officials in the pilot sites, 2005

(b) Sanitation and Human Excreta Management

It is acknowledged that sanitation and human waste disposal are poor in Kampala. Under the ‘Kampala Urban Sanitation Project’⁵¹ sanitation and human waste disposal in slum areas is being improved by basically constructing toilets and ensuring that springs water is protected and the springs are working. Some of the slum areas that have benefited include, Kisenyi, Kamwokya, Kagugube, and Bukesa. Kampala City Council is also urging residents to consider the use of ecological sanitation dehydrating / urine diverting dry toilets (under the ECOSAN project) currently on pilot in Kamwokya I-Kifumbura slums and Kyanja Parish in Nakawa division.

In Kagugube, the most common method of human waste disposal is pit latrines accounting for 84.8%, though 5.8% of respondents did not mention any specific method of disposal. According to the pie-chart (below), the biggest percentage of the population (90.1%) use pit latrines, followed by flush toilet of (6.2%). Ventilation Improved Pit-latrines is the least used with only (3.1%). 50% of the households that share toilet facilities with over 5 persons for each specific toilet compared with Kinawataka 40% who share with over 5 persons. This indicates shortage of the toilet facilities compared to the users, though 78% in Kagugube and 96% in Kinawataka are constructed using permanent materials⁵² (burnt bricks, cement and iron roof).

Sewage disposal in Kagugube



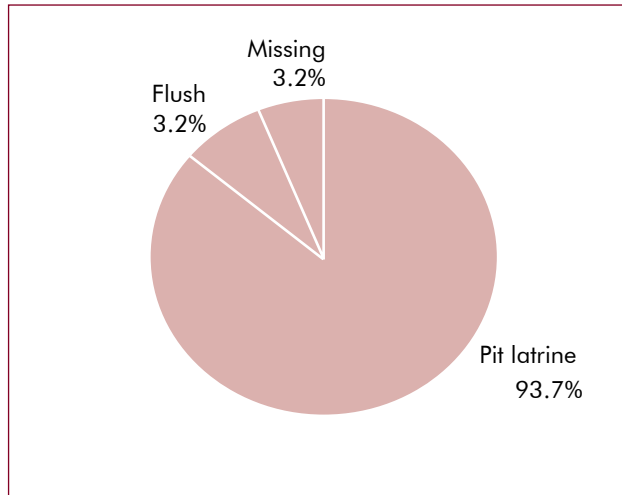
In Kinawataka, 93.7% have pit latrines while 3.2% do not have, these have resorted to practices such as open spaces and polythene bags (flying toilets) disposed off at night along the railway line. The main sewage system is under construction though not yet functional⁵³. A number of individuals have built their own septic tanks to serve their housing units (especially bungalows). Community toilets are often constructed by the City Council or Non-governmental organizations, where by a user has to pay for the service at Uganda shillings 50/= (equivalent to US\$ 0.02) per visit per individual which has proven to be expensive for the residents.

51 funded by the French government, the Central government and Kampala City Council

52 Survey by Kampala City Council officials in the pilot sites, 2005

53 Survey by Kampala City Council officials in the pilot sites, 2005

Sewage disposal in Kinawataka



Source: Survey by KCC in pilot areas

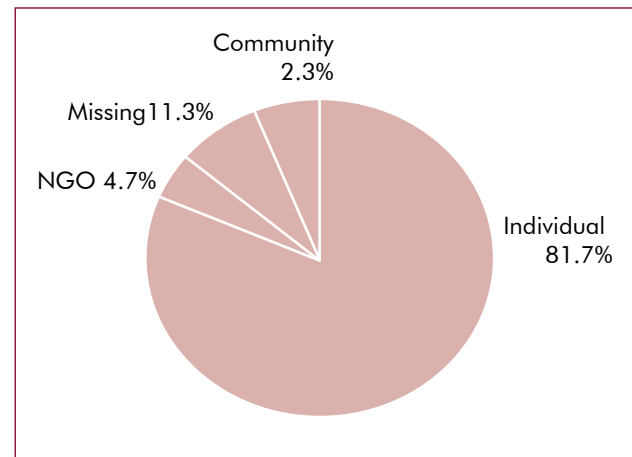
Pit latrines are either privately owned or publicly constructed for the community. The challenge to expand human waste disposal facilities is complicated by the high levels of demand given the average household size of 6 persons, yet the ground space (land) on which to construct such facilities is limited by the small plot sizes that are not standardized. This implies short distances from the housing units to such facilities, which in itself is considered a danger to human health and a threat to ground water sources. Secondly, even for public toilets landlords, tenants and Kibanja⁵⁴ owners are not willing to surrender parts of their land for toilet construction without compensation.

54 Refer to land tenure to understand the various classifications of interests in land and the rights on them that are prevailing in Kinawataka.

(c) *Health Facilities*

The overall government policy in health is the attainment of good health standards to enhance productivity, through prevention and control of disease, rather than treatment of diseases, hence a shift from Curative Health Services which mainly involve providing treatment and catering for reproductive health needs, to Preventive Health Services. Health facilities in both pilot areas of Kinawataka and Kagugube are largely owned on a private basis by individuals with over 81.7%⁵⁵ operated as private clinics without full-time medical personnel, or drug shops without qualified pharmacists resulting in wide spread self medication. Public clinics or hospitals are at a distance and are mainly utilised when referrals arise.

Ownership of Education Institutions in Kagugube



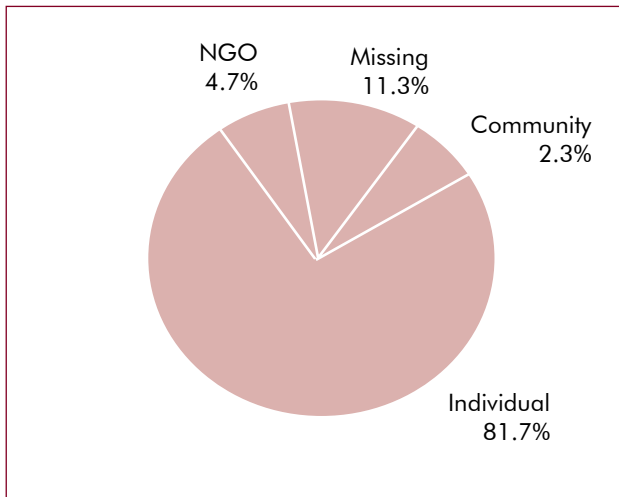
Source: Survey by KCC in pilot areas

55 Survey by Kampala City Council officials in the pilot sites, 2005

Kagugube is adjacent to the Makerere University hospital, from where medical students often on community out-reach programmes, occasionally undertake work in the community and immunize children. Referrals are made to the national referral hospital in Mulago. Kampala City Council runs several clinics in different parts of Kampala at free cost or on cost-sharing basis whose services are affordable even to slum dwellers, although they may be located away from the slum areas. Naguru and Kiswa Clinics (approximately 10-15km from Kinawataka) are an example though the out patients department in Naguru attends to antenatal patients only⁵⁶.

Community based organisations in Kagugube such as Action for Slum Health and Development (ASHD) have out-reached programmes offering counselling services for persons living with HIV/AIDS. The Seventh Day Adventist Church for example has a Sick Bay offering services on a commercial basis although residents complain that these are expensive.

Ownership of Health Institution in Kinawataka



Source: Survey by KCC in pilot areas

There is a clinical out-reach programme for persons living with HIV/AIDS by the Mbuya Catholic Parish Church that avails anti-retroviral treatment free of charge to the residents of Kinawataka. With plans to extend the service to cover other ailments. Kinawataka has also benefited from the Ministry of Health's programme on home-based management of malaria that avails mosquito nets for prevention and the malaria home-pack kit for treatment of malaria at home, especially for children.

(d) Education

The education facilities at all levels are privately owned accounting for over 70%. A few government facilities are far and outside the pilot area. Primary school enrollment for Kampala has doubled over the last years because of Universal Primary Education⁵⁷. The increase in enrollment has availed almost every child in the pilot areas of Kagugube and Kinawataka with an opportunity to acquire basic education from Primary 1 to Primary 7, including those from slum areas. However, the concern now is on quality and performance, which is proving to be better in privately owned schools than government aided schools.

This is evidenced by the fact that only a handful of students are able to progress from advanced level to either tertiary or university education. The percentage that makes it to higher institutions of learning is less than 10%⁵⁸ of those who enroll for secondary education and the ratio of teacher: pupil is 1:180⁵⁹ which is relatively high.

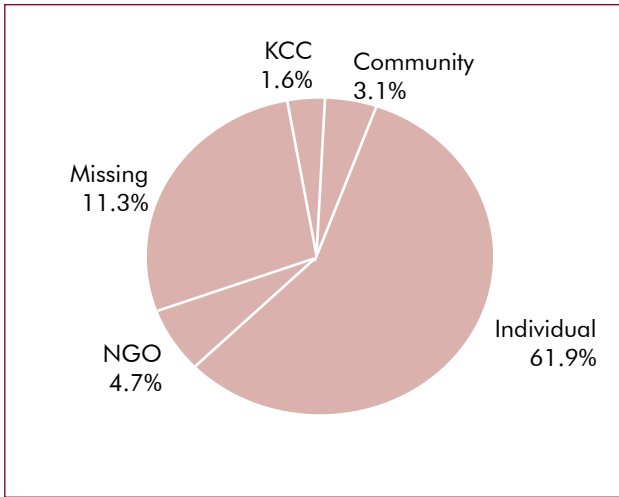
⁵⁶ During Focus Group Discussions with Community leaders

⁵⁷ Kampala Development Plan, 2005-2008

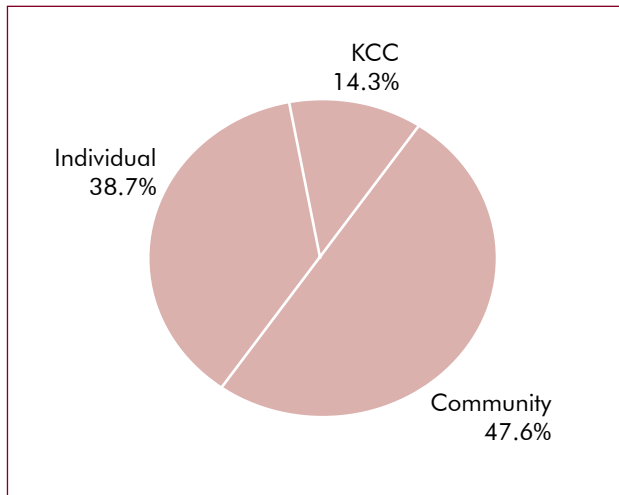
⁵⁸ According to the Secretary for Education LC1

⁵⁹ Key Informant Interview with Secretary for Education

Ownership in Kagugube



Ownership in Kinawataka



Source: Survey by KCC in pilot areas

In Kagugube and Kinawataka (see graphs above), majority of the schools (primary and secondary) are privately owned by individuals and in other instances by NGO’s that facilitate the community by paying fees for a few disabled or disadvantaged children such as orphans. In Kinawataka, there are two Universal Primary Education (UPE) primary schools (army and Catholic Church) and one secondary school.

(e) Electricity and other Energy

There are five major categories of energy sources in Uganda used by households for lighting and cooking; firewood, charcoal, paraffin, gas and electricity. Amongst these, charcoal is the most common source, followed by paraffin and electricity as shown in the diagram below on energy sources in Kagugube⁶⁰. Gas is not an option of energy use for slum residents.

In terms of lighting, a fair number of residents (both in Kinawataka and Kagugube) can’t afford electricity because, it is very expensive per unit cost, even for the average middle income earner, the cost involved in connection fees are also high. Majority of the residents though use wax candles or tabooda (paraffin candle manufactured in a metal tin, with a cloth wicket for burning) as means of lighting at night. It is common to find houses without electricity during the day lighting up at night by tapping from neighbours or other households⁶¹ or where a connection to the house exists, then it is used in a rationing manner, where by during the day the fuse is removed to minimize on the cost of

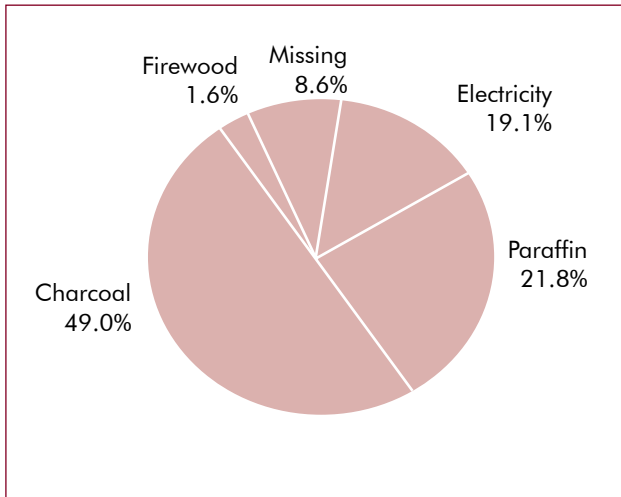
⁶⁰ Survey by Kampala City Council officials in the pilot sites, 2005

⁶¹ This fact emerged from focus group discussions, although it was disputed during validation meetings with the community because they argued, it would portray them as thieves.

electricity and returned at night when electrical lighting is mostly needed.

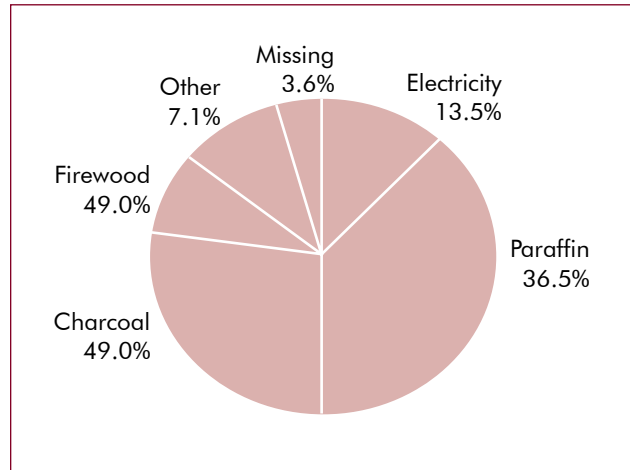
This has made electricity a reserve of landlords, Kibanja owners and a few house owners who can afford to pay for it. Electricity is therefore mainly used for lighting, refrigeration and ironing on a smaller scale. As a coping mechanism the use of “Kamyuufu” or trained electricians with ability to tamper with the metering and consumption detection instruments, to reduce the amount of electricity actually paid for even though the consumption is higher, is common (see diagram below for Kagugube).

Most Used Energy in Kagugube



Source: Survey by KCC in pilot areas

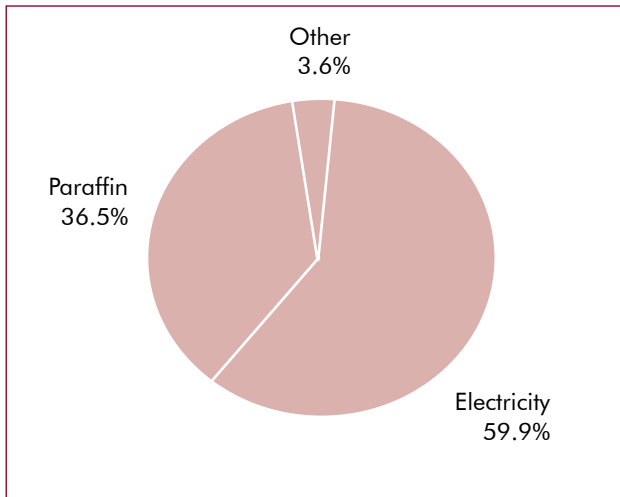
Most Used Energy in Kinawataka



Source: Survey by KCC in pilot areas

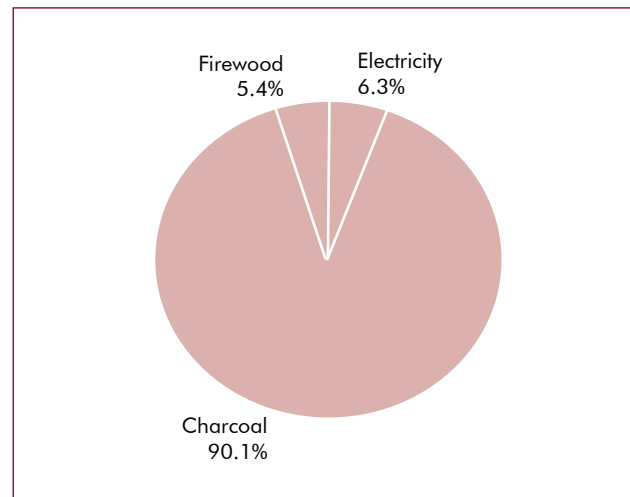
Energy for cooking and lighting is differentiate and consumed in different amounts amongst the different residents in pilot areas. For cooking, firewood and charcoal are most commonly used sources of energy. Paraffin (Kerosene) and electricity are used on a limited scale see diagram below for Kagugube.

Energy for Lighting in Kinawataka



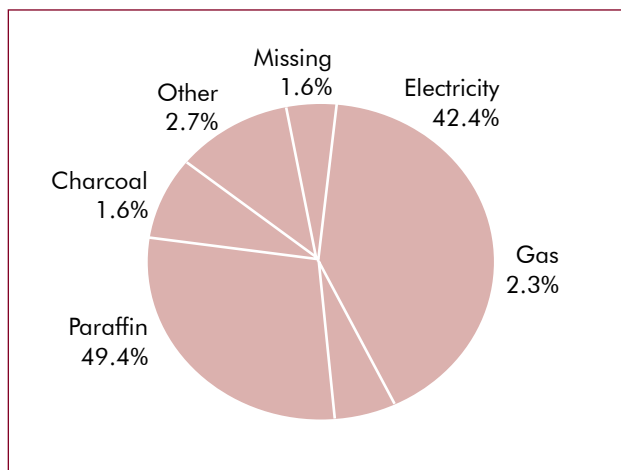
Source: Survey by KCC in pilot areas

Energy for Cooking in Kinawataka



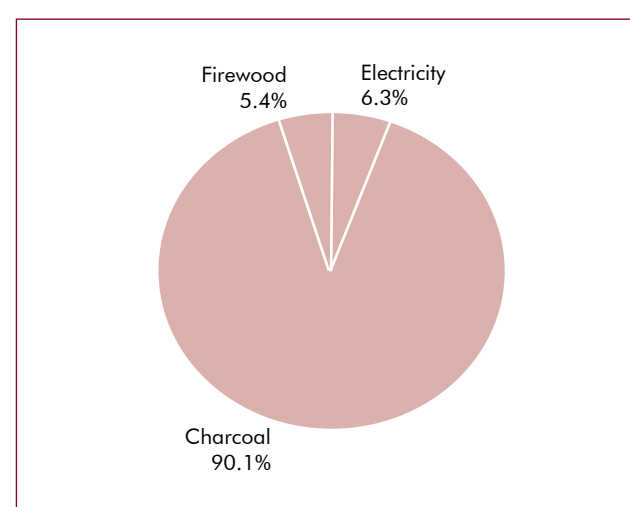
Source: Survey by KCC in pilot areas

Energy for Lighting in Kagugube



Source: Survey by KCC in pilot areas

Energy for Cooking in Kagugube



Source: Survey by KCC in pilot areas

(f) Telecommunication

The telecommunications sector in Uganda has been liberalized resulting in the private telecommunications companies as major operators. The telephone density has doubled from 0.25% in 1997 to 0.5% in 2001⁶². A good number of residents in both Kinawataka and Kagugube have mobile calling and receiving services, text messages and image transmission, though few are keen or familiar with costing of the services. Land-line telephones are used as income generating activities and a few people have them along the roads, others are located within households. Public pay phones are used for commercial purposes. However, there are no internet services in the area. There are other operators who provide value-added services e.g. email internet, paging, private data lines, and terminal equipment.

The liberalization of the sector has resulted in a large number of private radios licensed (18 in total) with the highest concentration in Kampala and 6 television stations are in operation. Each household (in both Kinawataka and Kagugube) has access to radio especially small handsets that access FM stations. Almost $\frac{1}{2}$ of all households in Kinawataka and $\frac{3}{4}$ of all households in Kagugube have access either to television⁶³. Postal services are dominated by Uganda Posts Ltd, a government parastatal, with other small private operators.

⁶² *Istanbul +5 year Report, 2001*

⁶³ *Chairman LC1, Kagugube*

8. GENDER AND HIV/AIDS

VIEWS OF KINAWATAKA WOMEN'S INITIATIVE ON SLUM UPGRADING:

ACCOMPLISHMENTS AND CHALLENGES

Kinawataka has been left out of development completely. If they (Kampala City Council) tarmac the roads, the slum will disappear. As a priority, the roads must be tarmacked, because they are very dusty. As a women's group, we mobilised the community and collected 20 million Uganda shillings (equivalent to US\$11,450), lay a murrum surface on Robert Mugabe Road (an access road within Kinawataka), we are in the process of further mobilising funds from households. We contacted Kampala City Council to supplement our collections. As a group together with the Parish Development Committee, the Local Council 1 and the community at large, we sit every fortnight to discuss this project.

As a women's group, we mobilised ourselves, and collected some money and built a public toilet in the trading centre near the market, although currently, it needs rehabilitation. We do general cleaning once in a while, where we mainly collect polythene papers, dip them in jik (a disinfectant) and make ropes which we later sell out. If Council contracts us as a women's group using the funds at the parish to clean the community, it will be an opening for employment. When you mobilise women to do such activities, at the end of the day they expect you to give them something for appreciation, which we do not have. We have sensitised women on how to manage water waste and solid waste so as to improve on hygiene in the area. It is generally hard to promote cleanliness in this community because we lack equipment like gloves, soap, rakes etc. as much as we are willing to do it. Above all, we are the ones who look after the home, if this is not done, it is impossible to keep our area clean.

We don't offer savings and credit services, giving entandikwa (start up capital) is very difficult, the conditions and requirements of the bank are so difficult for us to meet, but we educate the women on various activities like making cakes, ropes and even wine making among others. You (the upgrading programme) provide us with initial capital to set up self help projects, so that we mobilise ourselves into groups of five people, to rear chicken and sell eggs, trade in things like charcoal, tomatoes and fish. Some of us brew liqueur (waragi) and malwa (local brew) to enable use earn some money for home upkeep.

Gender Considerations

Women and the youth in Uganda are faced with culturally rooted disadvantages, which hinder their effective participation in national development. The Government of Uganda has adopted various enabling policies (such as gender mainstreaming and formulation of gender policy) geared specifically towards promoting women's empowerment and active role in the development of their families and communities. These policies operate, within the context of persistent systemic socio-cultural barriers that operate to deny women and other socially marginalized groups their full rights of access to and control over resources especially land and housing which are key in slum upgrading. The Constitution enshrines the rights of women in Article 33. Article 33(6) nullifies all laws, cultures, customs or traditions that impede the dignity, welfare, or interest of women, or which undermine the status of women. Nonetheless, discriminatory treatment against women abounds, despite the existence of such proactive laws and policies.

In Kampala, women and youth are of significant numerical strength.⁶⁴ Of the 1.2 million people in Kampala, 51.2% (620,000) are females and 49.8% (588,000) are males (male to female sex ratio is 95:100). 30% of the city's population stays in female-headed households and 30% of the city's population depends on women for livelihood. This percentage could be greater given the fact that women contribute substantially or wholly (financially) to male-headed households. Kinawataka has a total population of 8,727 people of whom 4,750 are male and 3,977 are female. 46% of Kampala's population is youth (10 – 34 years).

The youth have demonstrated their ability by engaging in activities that improve the general welfare of their communities. In Kinawataka for example, the youth organised themselves into a registered community based organisation, undertaking de-silting of drainage and drainage pipes, as well as road maintenance. The Parish Development Committee was very supportive of this development and recommended that, Kampala City Council at the Division devolves the maintenance of Kinawataka access road to this group whose costs were affordable and had reliable services. In principle, the Division accepted, but never implemented the noble idea. Having no work or activity to rally around, the youth group collapsed. This example illustrates the ability of youth to get organised and involved in slum upgrading processes if their skills (which are mainly manual) are recognised and harnessed. Better still, one has to begin with realigning them to the slum upgrading programme and imparting skills that will enable them to effectively participate.

Gender roles in society determine the roles of men and women in slum upgrading. Women are the main providers of labour for ensuring cleanliness, cooking, washing and other domestic chores in the household. As mothers, women are in charge of children's health, household's nutrition and general welfare. In the process of fulfilling these roles, women define their strategic position as regards slum upgrading, by demonstrating their capacity to trigger change within the slum settlements as mothers, caretakers, housekeepers and income earners. In both communities of Kinawataka and Kagugube, women have benefited from the numerous capacity building programmes ranging from health, income generation, nutrition and hygiene. Majority are confident that they have sufficient skill to improve social-economic welfare of their surrounding,

⁶⁴ As per the 2000 Census report and the Kampala District Development Plan, 2004/2007

but however lack the financial inputs to kick start them off.

In Kinawataka, particular skills were applied to waste solid management with outcomes such as ropes for income generation as detailed in the narration above. One key area of need for women is a credit and savings scheme to input capital for their programmes. If the upgrading initiative does not address the issues of opportunities for income, then it will not have catered for their special interests. In, the story above, Kinawataka Women’s Initiative⁶⁵ (Community Based Organisation) illustrates the roles of women in slum upgrading by demonstrating skills, knowledge and ability that can trigger change in slums through;

- Mobilization within groups and the community
- Undertaking hygiene and sanitation,
- Counseling and care for the sick,
- Income generation for household
- Nutrition and health care.

It was stressed that the youth need to be involved in the upgrading programme in a manner that enhances their skills through employment opportunities, undertaking the provision of labour where appropriate and undertaking skills training, where gaps exist. On the other hand women’s groups were emphatic on the need to enlarge income generation opportunities in the upgrading scheme, and availing opportunities for utilization of their labour, mobilization skills and other

traditional roles related to home keeping, nutrition and health.

HIV/AIDS

In Uganda, women and girls succumb to AIDS related illness and death in larger numbers than men and boys. Factors that contribute to the high rates of HIV/AIDS among African women are wide-ranging and include: informal enforcement of cultural practices that require women to submit to the sexual advances of husbands notwithstanding the HIV status of the husband; domestic violence; and, physical and sexual violence against women and girls. The problem is made worse by the presence of a draft national HIV/AIDS policy that has no backing legislation prohibiting discriminatory treatment of those infected with HIV/AIDS.

The overall government health policy is the attainment of good health standards to enhance productivity. The strategic focus is the prevention and control of disease, rather than treatment of diseases, thus a shift from Curative Health Services which mainly involve providing treatment and catering for reproductive health needs, to Preventive Health Services. The scourge of HIV/ AIDS continues to impact negatively on productivity, the urban prevalence of 7 – 13% is considered higher than that of rural settings. An estimated 132,000 people in Kampala are infected with HIV/AIDS. The current and expected impacts of this epidemic are widespread and devastating. Aside from these demographic impacts, HIV/AIDS is also exerting a devastating economic impact on Kampala City.

65 In Focus Group Discussions

The slum upgrading programme will have to consider the effects of the scourge in terms of labour costs, productivity and household expenditure on health services. In Kinawataka, one of the pilot areas, the toll is already being felt. It was asserted⁶⁶ that the spread of HIV/AIDS has been accelerated by over consumption of alcohol in the area, which residents feel needs to be regulated through a bye-law by the council. In response to the scourge, a clinical out-reach programme for persons living with HIV/AIDS by the Mbuya Catholic Parish Church, avails anti-retroviral treatment free of charge to residents, this is the only intervention at the moment.

In Kagugube, out-reach programmes offering counselling services to persons living with HIV/AIDS are offered by Action for Slum Health and Development (ASHD) a community based organisation. Occasionally Makerere University hospital located in the vicinity undertakes work in the community, immunizing children and providing counselling services to persons living with HIV/AIDS. This area needs further exploration on how the slum upgrading initiative should handle it, because it impacts on livelihood.

⁶⁶ During Focus Group Discussions with Community leaders

PART IV

POLICY AND LEGAL ENVIRONMENT

9. GLOBAL POLICY FRAMEWORK

The Millennium Declaration, which sets the agenda for peace, security and development for the United Nations in the 21st century, General Comment No. 4 of the Committee on Economic Social and Cultural Rights (1991), emphasizes the 'right to live in security, dignity and peace' as the central principle of the "Right to Adequate Housing". Adequate housing includes legal security of tenure, the availability of public goods & services, the availability of environmental goods & services, including water and land, affordability (including access to finance), habitability, accessibility, viable location and cultural appropriateness.

The Millennium Development Goals (MDG's) reflect many of the social and other development goals which address the essential dimensions of poverty and their effects on people's lives by attacking issues related to poverty reduction, health, gender equality, education and environmental sustainability. One of the three targets of Goal 7 "Ensure Environmental Sustainability", target 11 states that: "by 2020 to have achieved a significant improvement in the lives of at least 100 million slum dwellers." This calls for co-ordinated policies and actions relating to slum upgrading, environment, infrastructure development, service deliveries and poverty reduction generally.⁶⁷

In Goal 2 "Eradicate Extreme Poverty and Hunger", the first target is; "Halve, between 1990 and 2015,

the proportion of people whose income is less than 1\$ a day" through:

- Major improvements in urban health care and schools, water and sanitation, and in urban measures to improve maternal and child health.
- More effective community-level responses to HIV/AIDS that focus not only on prevention but also on supporting those who are infected and those who have lost family members.
- More effective measures to reduce urban poverty, with an understanding of how much the scale and depth of urban poverty is understated by the dollar-a-day poverty line currently used to monitor MDG target 1.⁶⁸

Most residents of urban slums live without any form of secure tenure, under constant threat of eviction, which obviates their ability to access credit and constrains their motivation to improve their homes and neighbourhoods. The challenge therefore is to develop new innovative tenure types, which are affordable to the urban poor. Slum areas that are not titled challenge existing land registration and cadastral approaches. The land industry needs to think beyond conventional titling approaches as these will not be able to deliver fast enough or at a suitable scale because they are not affordable to slum dwellers. The legal system of property rights and security of tenure are critical to sustainable approaches of slum upgrading. The transformation of a land administration system is a large undertaking. It normally involves a number of separate agencies, it relates to power and patronage. It requires extensive civil society debate at national and

⁶⁷ See, for instance, United Nations (2004), *World Urbanization Prospects: The 2003 Revision*, United Nations Population Division, Department of Economic and Social Affairs, ST/ESA/SER.A/237, New York.

⁶⁸ The role of local organizations in meeting the MDG's is discussed in more detail in Satterthwaite, David (2005), "Meeting the MDG's in urban areas; the forgotten role of local organizations", *Journal of International Affairs* Vol. 58, No 2, spring

local levels, it is cross-sectoral and considered key to poverty alleviation.

Uganda's performance against the MDG's, is measured within the realm of the Poverty Eradication Action Plan (PEAP), which is Uganda's PRSP framework, which projects that poverty should fall to 28% by 2013 and to 26% by 2015 for all Ugandans⁶⁹. 20% of Kampala's population is below the national poverty line, with a gini-coefficient (income distribution) of 0.45. 52.1% of the population is economically active, while 47.9% of the population is not economically active⁷⁰. The poverty rates in Kampala have been steadily declining in correspondence to the national poverty figures. On MDG 6, Uganda has had significant success on halting the spread of HIV/AIDS and Malaria, with chances that the trends can be reversed if resources continue to be available. In Kampala City the prevalence rate is at a low of 8.1%, the infant mortality rate is slightly lower than the national rate at 83.0 compared to 97.0.⁷¹

On MDG 7, target 10, about ensuring sustainable access to drinking water, UNDP calculates that this implies increasing the overall country water coverage to 62%. Household surveys by Directorate of Water Development and the National Census results confirm a shift from 25.8% in 1992 to 60.9% nationally in 2002. Within this the rural coverage stands at 55.7% and the urban stands at 93.2%. The achievement of this target is on course in urban areas and has to bridge gap for the rural to achieve the national target of 62%. In Kampala City, the current water coverage stands at 52.69% of piped water and 0.56% for boreholes, this performance is close to achieving the MDG target rate, it is expected to improve with the implementation of

the Kampala Urban Water Supply Programme that is covering most of the slum areas.⁷²

On target 11, about improving the lives of slum dwellers, the PEAP asserts that improvements in the land market will result in improved security of tenure for slum dwellers. In this perspective the PEAP does not adequately tackle slum upgrading, but however avails a commendable opportunity for the programme to hinge on poverty eradication objectives. Kampala City Council faces a stiff challenge in achieving target 11 on improving the lives of slum dwellers, because it requires substantive resources to disentangle the land tenure question.

The Global Campaign for Secure Tenure (GCST) is an advocacy instrument of the United Nations designed to promote the rights of the urban poor to participate in processes of settlement upgrading and urban development. The GCST recognizes the need to have a specific rights-based focus, particularly on the principle of gender equality and the recognition of women's rights to land, housing and property as human rights, recognising the central role of the urban poor, especially women, in the success of the GCST. The Campaign identifies the provision of secure tenure as essential for a sustainable shelter strategy, and as a vital element in the promotion of housing rights. The campaign is also considered as the most important tool together with the Global Campaign on Urban Governance to achieve MDG 7 on slums. The Campaign addresses two distinct, but related, issues:

- The first is the extension of formality and secure title to already existing urban settlements.

69 PEAP, 2004, Page 221-222

70 Kampala City Council, District Three Year Development plan, 2005/06-2007/208

71 Ibid

72 Ibid

- The second relates to the need for improved provision and availability of urban land that is well located and affordable.

In Uganda, the preparatory phase of this campaign is in progress and situation analysis report has been prepared, after which regional consultation meetings will be conducted, followed by a national stakeholder workshop. In relation to slum upgrading for Kampala, the situation analysis report recommends slum profiling through a survey to establish a basic databank to guide the planning process for the urban secure tenure campaign in Kampala and in other urban centres⁷³.

The Global Campaign on Urban Governance is defined as the sum of the many ways individuals and institutions, public and private, plan and manage the common affairs of the city or town. It is an accounting process through which conflicting or diverse interest may be accommodated and cooperative action can be taken. It includes formal institutions as well as informal arrangements and social capital of citizens⁷⁴. In Uganda, policy and legalisation encourages and promotes decentralisation, which devolves powers and functions to lower units of administration, despite this it noted that few poor communities have been able to use initiatives such as decentralisation to improve their living conditions and their livelihoods, hence the crucial nature of urban governance for poverty eradication.

This campaign is a product of an emerging consensus that the quality of urban governance has a major impact on poverty reduction efforts. Many local authorities, control issues related to the access, cost and regulation of land-use, housing, infrastructure and basic services and are responsible for local economic development, including the informal sector. Studies in Uganda⁷⁵ have established that the urban poor especially slum dwellers rarely have the opportunity to participate in city and municipal governance except at the time of elections. Often times, they are pre-occupied with the struggle to survive, with no time or energy to devote in participation processes. Crucial strategies therefore, such as urban master plans continue to be developed without their consultation and input, they suffer from dependency arising out of viewing government services as favours. This has in turn affected revenue collection and created undue conflicts over political space and limited resources in urban areas.

73 Interview with Eddie Nsamba-Gayiyi, Consultant Secure Tenure Campaign

74 PEAP Revision Paper on housing Sub-sector

75 Conducted by the International Development School of Public Policy, University of Birmingham on Citizen Participation and Local accountability, 2002

10. NATIONAL POLICY AND LEGISLATION

(a) The Uganda Constitution 1995

Within the framework of the Constitution, the importance of a decent living environment is recognised, in objective X, the state is obliged to take all necessary steps to involve people in the formulation and implementation of development programmes and plans. Under the social and economic objectives, the state is obliged in objective XIV to ensure that fundamental rights of all Ugandans are fulfilled. In particular, developmental efforts directed at ensuring the *“maximum social and cultural well-being of the people and; the enjoyment of rights and opportunities of access to education, health services, clean and safe water, work, decent shelter, adequate clothing, food security and pension and retirement benefits”*, which are key aspects of slum upgrading.

The Constitution of Uganda embraces, the aspects and elements of slum upgrading, and in essence avails opportunity for the *“Cities without Slums Programme”* for Kampala City Council, to comfortably anchor in national development programmes in the following articles. Article 26: defines the right of a *person to own property* either individually or in association with others. This establishes the basis for ownership of property for slum dwellers, which is re-emphasized in article 237 in relation to ownership of land under the four tenure systems of mailo, freehold, leasehold and customary tenure. It also provides for compensation in case of deprivation of ownership rights in land. Article 30: reaffirms that all persons have a right to *education*, which is one of the basic services required for social and economic empowerment of slum dwellers. Article 39: emphasis that every Ugandan has a right to a *clean and healthy environment*.

Article 32, emphasizes affirmative action in favour of marginalized groups on the basis of age, gender, disability or any other reason created by history, tradition or custom, for the purposes of redressing imbalances which exist against them. Slum dwellers are socially and economically marginalized by virtue of the economic systems being pursued and by location. This article avails room for them to be addressed as a specifically marginalized social class. Article 36: states that minorities have a right to participate in decision making processes and their views and interests shall be taken into account in the making of national plans and programmes. This reinforces the need for governance in slum dwellings, to enhance participation and inclusion in government programmes of reform and development.

Overall, the Constitution of Uganda embraces several aspects and elements of slum upgrading, and in essence avails opportunity for the slum programme to comfortably anchor in national development programmes. However, it has one major weakness. Planning is no longer a pre-condition for compulsory acquisition of land according to the 1995 Constitution. This has greatly affected the implementation of planned developments, since the majority of land belongs to people who do not appreciate planning, and who cannot be disposed with fair adequate and prompt compensation by the urban authorities who wish to enforce planned development.

(b) The Poverty Eradication Action Plan (PEAP)

This is Uganda’s national planning and development framework, which aims at reducing the proportion of the population living below the poverty line to below 10% by the year 2017. The Action Plan influences resource allocation and mobilization, and aims to transform Uganda into a middle-income country. In pillar one on economic management, the PEAP aims

to boost growth from 6.5% to 7% over the medium term by undertaking measures such as improvement in transport infrastructure and utility services which is one of the key aspects of slum upgrading. This commitment secures allocation of national resources to this purpose, though slums are not a priority action area under this.

In pillar two, on production, competitiveness and incomes, the PEAP makes commitment to implement major improvements in transport infrastructure mainly roads and partially railway, to support the operational structures for medium, small scale and micro enterprises (MSME's) that provide employment for about 40% of the urban population in Uganda. Employment is key to livelihood's options of slum dwellers in Kampala, in particular the youth and women.

In pillar four, on good governance, PEAP notes the improvement in public accountability, and the improvements in getting funds to their destination. Decentralization has promoted sound local governance at local levels and improved the capacities of local governments. Kampala City Council is one of the decentralised units of local government and as the partner and implementing agency for the Cities without Slums programme in Uganda, the existence of capacity within the council is of added value to the programme and the realisation of the intentions of this pillar.

In pillar five, on human development, PEAP notes that most sectors concerned with human development are slowly recovering from the decline in social services experienced during the 1970s and the 1980s. There is commitment:

- to implement the Health Sector Strategic Plan that prioritizes hygiene and sanitation and disease control, and continued effort to reduce the prevalence of HIV/AIDS;
- to support sector investment plans for rural and

urban water supply;

- to massively invest in primary education through Universal Primary Education;
- to social protection and strengthen gender analysis in sectoral ministries.

This pillar tackles the different aspects of human development that directly impact on the living environment of slum dwellers. It emulates the principles of equality and equity in development, the challenges however is resource allocation⁷⁶.

PRSP / PEAP IV is progressive and responsive to slum upgrading and it directly reflects the Millennium Development Goals (MDGs), on which slum upgrading. It tackles the different aspects of human development that directly impact on the living environment of slum dwellers. This commitment by the government of Uganda emulates the principles of equality and equity in development.

(c) Sectoral Policies

Several policies exist, scattered in different sectors responding to the various situations in slum areas e.g. housing, land, water, health etc. Majority, are either in draft or are recently passed, thus the concept of slum upgrading does not seem to be new. Major emphasis is the participation of the private sector. They are also used as an avenue for securing public investment in the specific sectors.

One particular policy is of relevance to this review, the decentralisation policy. Uganda's decentralization policy is based on devolution of powers, functions and responsibilities to popularly elected local government.

⁷⁶ PEAP, 2004

Within this decentralised management, Kampala City Council has powers:

- to make and implement development plans based on locally determined priorities to make, approve and execute their own budgets, to raise and utilize resources according to their own priorities after making legally mandated disbursements;
- to appoint statutory Committees Boards and Commissions;
- to make ordinances and bye-laws which are consistent with the constitution and other existing laws ordinances and bye-laws;
- to hire and fire personnel, to manage their own payroll and separate personnel systems and;
- to implement a broad range of decentralized services previously handled by the centre.

This extensive devolution of power is intended to improve service delivery by shifting responsibility for policy implementation to the beneficiaries themselves. It is also argued that it:

- promotes good governance by placing emphasis on transparency and accountability in the management of public affairs;
- develops, broaden and deepen political and administrative competence at local level;
- Facilitates democratisation by promoting inclusive, representative, gender sensitive decisionmaking; and to alleviate poverty through collaborative efforts between central and local governments' development partners, NGOs, CBOs, the private sector and other stakeholders.

Decentralisation therefore, allows for several actors and players to take part, in programmes and processes such as slum upgrading. The Local Governments Act 1997 (section 36, 37, 38, 78 and 87) mandates urban authorities, to deliver basic services at all levels of local government through a democratic, political

and gender sensitive administrative set-up. In essence, Kampala City Council has to deliver services to slum areas, including upgrading initiatives.

Local Governments (Rating) Decree, 1979 governs rating and empowers urban authorities to levy rates on all properties (with a few exceptions) within their boundaries. Since 1997, District Local Councils have been permitted by the Local Governments Act to impose, under the provisions of the Local Government Rating Decree, rates on properties that are within their areas of jurisdiction. However, to date not a single district has levied these taxes⁷⁷, because the old law is lacking in specificity and the capacity of local governments in this area is insufficient.

(d) Kampala Development Plans

To control development and have orderly growth, several urban plans have been drawn for Kampala over the years. The first modern plan was in 1912. In 1930 another plan was prepared stressing the zoning policy where residential, commercial and industrial areas. This was followed by another plan in 1951, known as an Outline Scheme. These plans were successful and often met their objectives but were rapidly overtaken by the changing situations as Kampala experienced steady growth from the 1950s onwards.

The 1972 plan tried to focus on population growth and prepared detailed plans for the expanding city. This plan specifically designed strategies for dealing with the high density peri-urban areas (slums) that had developed without planning control, due to demand for affordable housing. In this regard proposals were made to avail housing and other public utilities to such areas through government and private sector engagement and city authority supervision. While this Plan is

⁷⁷ Draft Issues Paper for the National Land Policy, 2005

now outdated in a number of respects, it offers a valuable overview of the urban situation, which ought to have been followed up by extensive detailed planning that did not happen.

In 1994, the Kampala Urban Study and Structure Plan, with its associated written provisions was formulated to respond to the need to address and provide a physical, socio-economic and financial framework for the direction and management of urban growth for Kampala for the period 1994-2004. Significantly, this plan called for:

- Mixed land use in Kampala in an orderly fashion, putting away the colonial legacy of segregation, but with primary preferences in certain areas;
- Development of division structure plans and parish structure plans to implement the overall Kampala Plan and avoid the scenario of the 1972 plan that remained on paper because of the incomplete detailed plans.

This plan proposed an urban pattern that responds to the socio-economic and political situation at that time and a written code governing the administration and enforcement of the Plan. As far as slum upgrading is concerned, this Plan observed that Kampala has continuously expanded absorbing parts of the then Mpigi District and the current Wakiso District. Currently, Kampala City development is guided by the three year Development Plan for 2004/05-2006/07, which among other things addresses the need to provide affordable low cost housing to its inhabitants. It clearly, states the intention to embark on slum intervention programmes by acquiring land for provision of infrastructure in the slums and re-development of the slums within the vicinity of Central Business District in order

for the settlements to conform to spelt out planning standards and guidelines.

(e) Adequacy of the National Policy and Legislation

The existing policy framework is relevant for positioning slum upgrading in the development process of Uganda as the Cities with Slums programmes proposes. It also clear, that slum upgrading will contribute to the livelihoods of slum dwellers in relation to the key aspects or issues tackled in the national development framework in its various PEAP pillars especially on human development. The concept of slum upgrading is not new in the policy environment, where almost all the policies are either recently adopted or in draft process. However, it is somewhat different when, it comes to legislation.

The legal framework is inadequate for streamlining slum upgrading in the country. The most pertinent laws are out-dated and in many cases inapplicable. Many of them enacted in the 1960s are likely not to apply to slum upgrading, which is a new concept, due to the fact that the laws are rigid and non-responsive. Because of this, when slum upgrading is undertaken within the current framework, some laws will be broken. It is also evident, that the majority of the laws at national level are reactive to situations pertaining on the ground instead of being pro-active and anticipating the future in respects of slum up-grading issues. The Statutes books do not look encouraging, and the practice is far from the standards and obligations established. Slum upgrading needs laws that are flexible.

It has to be noted that the creation of slums, has partly been a result of laxity of implementation and inadequacy in enforcement of existing laws. Obsolete laws, specifically the Public Health Act (1964) and the Town and Country Planning Act (1964), should be reviewed and improved to match the present day Planning and Urban Management needs. The Land Act cap. 227, makes matters worse by not setting land ceilings, at least for urban areas and setting stringent conditions for compulsory acquisition of land under the principle of eminent domain. Yet, compulsory acquisition is necessary in slum upgrading. This only leaves the option of negotiation with the land owners, which is time consuming and expensive.

Within the policy framework, the following aspects still need consideration:

- The role of the private sector is emphasized within the broad national development strategy and the sectoral policies. The implication of this is that any designed upgrading strategy must consider the role of the private sector seriously;
- All policies are geared towards achieving poverty reduction and contributing to the Millennium Development Goals (MDG). If slum upgrading is to be undertaken in Uganda, vigorous analysis of its relationship with poverty eradication and the achievement of MDG goals will have to be undertaken showing clear and factual estimates of targets and outcomes;
- The sectoral policies and the action plans developed to implement the above policies are used much more as an avenue for securing public investment in the specific sectors. Slum Upgrading strategy will have to be ground in the existing frameworks, illustrating clear linkages and complementarities as means of justification as well as securing a commitment for public resources to input in such an initiative;
- It is also evident that institutional capacity, gaps and legal bottlenecks combined with resource constraint are a factor in non-implementation of policy and law.

PART V

INSTITUTIONAL ACTORS AND WAY FORWARD

11. ACTORS AND THEIR ROLES

There are multi-sectoral stakeholders to slum upgrading at central government level, City council level and within the beneficiary communities. For any project to succeed there is need to involve the community so as to create a sense of belonging and sustainability, therefore emphasis should be placed on the involvement of the slum dwellers themselves.



Project team. Photo: © RCMRD

(a) Central Government

The role of government is that of enabler, co-coordinator and regulator of all the stakeholders by providing the right legal, fiscal and regulatory framework required to mobilize the energies and resources while playing a facilitating role.

- Government also has the role of removing policy, institutional, legal and regulatory obstacles that hamper efficient slum upgrading initiatives by streamlining legislation.

- Government has to guide development, research and the deployment of the public sector resources to planning, provision of infrastructure and human resource development.
- Encourage and support initiatives by other actors geared at improvement of slums (e.g. land banking or consolidation and sites and service schemes).
- Central government finances the budgets of the various ministries and looks at the outcome of the projects financed at the end of the year to ensure that finances have been put to best use i.e. monitoring the activities.

Government Ministries that are of relevance to slum upgrading are the *Ministry of Local Government*. Government strengthens urban authorities by improving their capabilities to employ and retain trained personnel to efficiently manage their resources and infrastructure, and as such enforce planning schemes and ensures provision all the essential infrastructure is available under a decentralisation. The *Ministry of Water Lands & Environment* is the technical arm of government in charge of land affairs, it is responsible for land acquisition including subdivision and titling of land in the slum settlements for new low cost housing and resettlement. It also undertakes registration of land and securing of land titles. The key department of Physical Planning, which is a major feature of slum upgrading, is within the fold of this ministry.

The *Ministry of Housing, Transport & Communication* is in charge of housing transport and communication, all of which are key components of slum upgrading. The centrality of its portfolio to slum upgrading and the experience it has acquired in the various housing upgrading schemes, either internally initiated and those it has participated in has created a wealth of information and experience on technical aspects of housing, communication and transport options. In the past, this Ministry has undertaken upgrading initiatives in slum areas, with support from DANIDA, United Nations

Development Programme, United Nations Centre for Human Settlements, Shelter Afrique, the Government of Uganda and its technical staff to implement upgrading projects in *Namuwongo* in Kampala, *Masese* in Jinja, *Malukhu* in Mbale, and *Oli* in Arua.

(b) Kampala City Council (KCC)



Training session at KCC. Photo: © RCMRD

Kampala City Council is the urban authority, charged with control of developments in and around the city. Often times, policy makers at the Central Government have, not appreciated the dualism experienced by Kampala as both district and Capital City. Most of the programmes and policies designed do not consider this dual status. As a Capital City, Kampala is unique, complex and with special problems, infrastructure requirements and service provision. For example in allocation of grants, the Central Government applies the population formula. This however, negates the fact that there is a bigger day population to cater for, which gives a poor denominator to determine grants and service provision requirements.⁷⁸ The most important role for the city is the provision of leadership, which

is key to the successful implementation of the slum upgrading project and responsive urban governance.

Kampala City Council has been part of the on-going slum upgrading initiatives either under *Ministry of Transport, Housing and Communication*, or in collaboration with other actors, therefore has amassed sufficient experience to guide such a process. Other important roles for Kampala City Council include:

- Urban and Physical planning for the city as a whole and specifically for the areas to be upgraded in the programme;
- Ensuring provision of infrastructure, social services, health and education facilities as demanded by residents of Kampala and the specific upgrading on an affordable and low cost basis;
- Open, accountable and effective local leadership that brings people together into the on going development;
- Providing a conducive environment for civic engagement and popular participation in decision making;
- Empowerment and capacity building of the local people in special skills i.e. participatory informal housing provision, poverty reduction and income generating programmes.

(c) Non-Governmental Organisations and Community Based Organisation

In Uganda, civil society organisations have been very instrumental in helping the poor and other socially vulnerable groups (i.e. women and the children) exercise their social, economic and political rights through advocacy, providing legal aid and lobbying the government for legislative change. They are uniquely situated to develop activities and to provide assistance to the Ugandan government in its development efforts. They

⁷⁸ Kampala Development Plan 2005-08

target the vulnerable groups (women, children, widows, disabled etc.) within society. KCC in collaboration with NGOs and CSOs have carried out a number of activities to help the communities to access services and also building/strengthening their capacities and competencies in dealing with a growing scale of urban problems. Notable among them is provision of credit to fight poverty, child growth promotion, HIV/AIDS etc.

Table showing CBOs and NGOs in Kinawataka

Name of Organization	Status	Areas of focus
Mbuya I Parish Cooperative Saving & Credit Society	Cooperative Society	<ul style="list-style-type: none"> ■ Limited Credit for housing Completion ■ Training on HIV/AIDS
Global Challenges Uganda	CBO	<ul style="list-style-type: none"> ■ Credit and Savings
Kinawataka Women's Initiative	CBO	<ul style="list-style-type: none"> ■ Mobilize women in income generating projects ■ Involved in waste reduction and recycling mobilizations of the community to undertake social welfare programmes, such as building toilets, hygiene and cleaning.
Kinawataka Women's Group	CBO	
Basoka Kwavula		<ul style="list-style-type: none"> ■ Loans for income generation

There are number of CBO'S and NGO'S in the Kinawataka and Kagugube, carrying out different activities as away of improving the living conditions of the people in the area. Findings from the survey conducted by KCC Officials indicate that people 71.4% do not benefit directly from these organizations because they are limited by resources and coverage. However those who benefit aver that the following services are provided:

- mobilizations of the community to undertake social welfare programmes, such as building toilets, managing solid and water waste, hygiene and cleaning;
- Providing psychological counselling to the HIV/AIDS persons;
- Setting up income generating activities;
- Sensitization of the Community, Adult Education, Community Health Awareness etc;
- Payment of school fees for orphans and disadvantaged children;
- Provision of credit services and saving schemes

Table showing CBOs and NGOs in Kagugube

Name of Organization	Status	Area of focus
Action for Slum Health & Development (ASHD)	NGO	<ul style="list-style-type: none"> ■ Water , Sanitation, Health ■ Counseling for PLWHA
Makerere Kivulu Development Organization (MAKIDEO)	CBO	<ul style="list-style-type: none"> ■ Sanitation Poverty Eradication ■ Maintenance of drainage
Bag Community Organization	CBO	<ul style="list-style-type: none"> ■ Kagugube Parish and Surrounding Areas
Akoraweka Saving & Development Scheme	CBO	<ul style="list-style-type: none"> ■ (Zone) Kitamanyangamba
Fire base Youth Development Organization	CBO	<ul style="list-style-type: none"> ■ Makerere Parish
Ffena Women Group	CBO	<ul style="list-style-type: none"> ■ Industrial Area Zone
Kagugube Women Development Associated	CBO	<ul style="list-style-type: none"> ■ Kagugube Parish Kagugube Zone
Kwagalana Women's Group		
Kitamanyangamba Zone Kagugube Parish	CBO	<ul style="list-style-type: none"> ■ Kitamanyangamba Zone, Kagugube Parish

(d) Private Sector

Kampala City Council liberalized service delivery by means of privatizing, contracting out, outsourcing, and divesting non-core services, facilities and /or assets. Out of this approach, Kampala City Council has awarded tenders to private companies and individuals to collect garbage from various parts of the city to the dumping sites, revenue collection, (rates and ground rent, trading licenses, market dues and rent, street packing, vehicle parks etc) civil and mechanical works. This environment has encouraged the private sector to play an increasing role in the provision of services and retained a supervisory role to access services delivery and increase employment opportunities for urban population.

12. WAY FORWARD

12.1 Governance Issues

(a) Communication

It is imperative that the initiative involves the beneficiaries either through establishing links with Kampala City Council or strengthening the existing ones, especially for the flow of information about the project. From the key informant interviews, it was reported that every slum area in Kampala has a City Council agent who reports to the Principal Town Clerk in the various divisions who in turn reports to the Town Clerk. This often is a fertile avenue for carrying information to and from the communities. This process is supplemented by an area councillor. There are development steering committees at the parish level, which are reportedly not active but can be activated for monitoring and supervision. The danger in all these structures is the failure of information to infiltrate and reach the intended beneficiaries.

(b) Participation

It will be important to ensure community participation. The local councils or leadership should be involved right from the planning stage. Early participation gives community a high degree of direct control over implementation decisions, but in most cases, the communities are only brought in during the implementation stage. Communities should also contribute some money towards their development as this will create a sense of ownership and belonging. Besides, the

utilities provided will be used in the best way therefore ensuring sustainability of the project results.

(c) Preparation for Change

In preparing for this programme, sensitization is necessary to prepare the community for change. Prior mobilization of the beneficiaries to understand the initiative and the benefits of upgrading will make the community aware and enhance transparency in the process.

(d) Political Interference

Politics often interferes with initiatives. If upgrading is to be carried out, it should not be close to election time and must be carefully designed such that, unfounded threats do not jeopardize the project. For example loss of land is often politicized. Persons who have large plots of land fear that they are about to lose them on the basis of standard plots. In this project Kampala City Council will need to safeguard against interference from politicians in issues related to development control. For example;

“In 1992, there was an upgrading initiative to be carried out in Kawaala, Kasubi Parish, Rubaga Division. World Bank funded the project. Plots were demarcated. People with some gardens had already been compensated for their crops but there was a resident who refused to be compensated for his crops and he actually instigated rebellion against the project saying that no one had asked them to come and upgrade their area, there was fear that residents would lose their houses, hence the project was sabotaged. The election period was getting closer, the project was politicized and it eventually collapsed. A lot of money was wasted and it was never recovered. All the planning had been done; even a project manager was already on ground. But

*the strong resistance put up by one man who refused compensation led to its demise, funny enough he was elected to be an LC because of his opposition to the project. To date, the perception of residents is that Kampala City Council had come to steal their land*⁷⁹.

It was suggested in Kinawataka that if the project is $\frac{3}{4}$ community based, it leaves politics out and comes to the people.⁸⁰

(e) Stakeholder Involvement

There will be need to strengthen the co-ordination between the different stakeholders as far as the development of the upgrading initiative is concerned. For example:

*Kampala City Council is currently working in Kisenyi 1, 11, & 111, with Slum Dwellers International but the program is at a preliminary stage. City Council basically provides services like toilet construction that helps the local population to try and start up their initiatives to improve on their living conditions. KCC has bought some land where it has established a resource centre and also constructed toilets. The culture of saving has been encouraged so that communities can get loans to construct better houses. However the programme has dragged a little because the Ministry of Housing thought it was its responsibility to deal directly with the slum dwellers instead of using a systematic approach that involves Kampala Central Division.*⁸¹

There should be proper target analysis and needs assessment that should guide in the decisions to be taken and special care given to vulnerable and marginalised groups in the communities.

79 Interview with Kirumiira Muhammed, Chief Health Inspector, Kampala City Council

80 Interview with Local Council leaders Kinawataka

81 Interview with Kyamanywa, Chief Town Planner Kampala City Council

(f) Corruption

Communities have expressed fear that corruption is going to affect the programme. Uganda is ranked among the most corrupt nations and poorly governed countries. Kampala City Council which is to be the implementing agency is ranked as a corrupt institution⁸². The experience of community members is that they have witnessed corruption in allocation of land, approval of building plans that do not comply to standards, approvals of construction on road reserves and bribe-taking by city council officials. This has resulted in scepticism about programme implementation and the need to in-built mechanisms for the programme to control the effects of corruption.

For example the system of approving plans is so slow, that it is an opportunity for persons to indulge in extortion and bribery. KCC approval committees meet once in a month and sometimes the meetings are irregular due to resource constraints in terms of allowances to pay the council, yet at the developers cannot wait, this has forced some people to start development their plots before inspection, hence the need to bribe inspectors so that they continue with developments unabated. In Kinawataka residents asserted that:

*‘Kampala City Council is 100% responsible for the creation of Kinawataka slum, corruption is so high! that developments in the area are not supervised. They are only concerned with bribes as long as they are give them something, one can go ahead and put up a structure even without a toilet. The Council should get out of the picture and let the real community get involved in their development. If the project is left entirely to KCC it will not work as corruption will hinder its success’*⁸³.

82 IGG’s Corporation Survey rankings

83 Validation Meetings with Community in Kinawataka

12.2 Priority Programme Areas

During the focus group discussions, the communities were requested to rank their priorities for slum upgrading, and following results were arrived at through consensus:

(a) In Kinawataka

- Land tenure (dealing with ownership): Land is the major sensitive issue as far as slum upgrading is concerned in Kampala. Majority of slum dwellers wish to see the project start with the land issue; how land is going to be owned, demarcated and accessed. Tenure regularization is the major issue to be addressed. Residents are of the view that if land tenure is not tackled, then the upgrading is meaningless. From their experience, this is an issue that is never straightforward.
- Construction of Standard Roads: Roads are the only means of transport in slum areas that affects almost every kind of business. The dwellers decided to put it as a second priority since demarcation goes hand in hand with determination of road paths. Residents are interested in tarmacked roads rather than merely graded roads especially in Kinawataka where the road is used as a by-pass of Jinja road during traffic congestion hours).
- Garbage Collection: Good sanitation and hygiene are prerequisites to good health but unfortunately these will not be realized in slum areas unless the issue of solid waste management is looked into. The residents are proposing gazettement of disposal points where the skips are placed and emptied regularly. Alternatively, with privatization a specific schedule on when to collect the solid waste should be formulated and followed. However, the issue of paying for the service should be revised because many cannot afford paying for the garbage.

- Improving housing (without losing income from *mizigo* and commercial buildings): The residents are eager to know about housing plans because 80% were advocating for the plan that favours tenements (*mizigo*) since it's their major source of income.
- Provision of Health facilities (Community Health Centres) were an issue stressed by almost every one in the FGDs. Good health is desirable even in slums where poor sanitation and hygiene culminate into diseases. It was the appeal of residents that City Council or the Central government put up centres since private clinics exploit the residents.
- Improving education facilities

(b) In Kagugube (elaboration as above)

- Land tenure: purchasing from mailo landlords and availing residents with ownership rights. (The majority of residents in Kagugube are advocating for land to be bought by the City Council or Central government since the current owners are very few and their relationship with tenants is poor)
- Provision of health facilities (Community health centre)
- Improving housing (without losing income from *mizigo* and commercial buildings)
- Improving education facilities
- Construction of Roads

(c) Key Informant Interviews

From the key informant interviews, it was established that the following priorities must be addressed for upgrading to succeed:

- A further understanding of the status of slums in Kampala through profiling or survey aimed at not only establishing the emergence of slums, the

status of residents, but also building consensus on how upgrading should be conducted, to the satisfaction of beneficiaries and in a sustainable manner. This should involve a component of community sensitisation to deal with the negative attitude of the community who associate upgrading with evictions and demolitions.

- Commitment from the central government in the area of funding (at the time of budgeting, there is need to focus on the sources of funding in partnership with other stakeholders especially NGOs who have operated in these areas so as to share experience).
- Need to review legislation that has become obsolete; especially land ownership, planning and public health, as well as enforcement mechanisms.
- Building capacity for project implementation
- Collaboration between the beneficiaries, technical people from KCC and the project implementers.

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ACTION PLANS

Priority Issues	Challenges	Opportunities	Actions/activities
<p>Land tenure: The need to scientifically manage land separating the functions of ownership, management and development is overwhelming, in order to achieve well-planned urbanization</p> <ul style="list-style-type: none"> ■ Kampala City has a multiple land tenure system where the Council does not own or have jurisdiction over all the land yet it has the mandate to effect development control ■ competing legitimate ownership claims to land across tenures, where by individuals hold different interests on the same piece of land ■ owners suspicion that the council is out to grab their land through a slum upgrading initiative 	<ul style="list-style-type: none"> ■ Revocation of Statutory leases by 1995 Constitution hence the council has no residual rights in land to effectively enforce land use and planning regulation ■ High cost of compensation of private land owners for service delivery or re-development since there is not preferential or exclusive urban tenure system ■ Multiple land tenures are not conducive to urban development (High costs of service provision) ■ Obsolete planning and development laws, politicized legal tenure regime. ■ Suspicion on the objectives of the slum upgrading initiative as focusing on land grabbing 	<ul style="list-style-type: none"> ■ The Town and Country Planning Act, 1964, and the Property Rates Decree 1977 (are currently being reviewed for amendment) to result into Proposed Urban Planning Bill ■ MoWLE is currently drafting a national land policy to consider the separation of the functions of ownership, management and development of land. ■ Selection of Kinawataka as a pilot area for systematic demarcation of land in urban area ■ Current reform in the Land Act Cap 227 provide a framework for working on multiple rights in land 	<ul style="list-style-type: none"> ■ Disentangling unclear tenure relations by ascertaining ownership rights and secondary interests (rights) through land tenure regularisation. ■ In Kinawataka, disentangling dual rights regimes on land: <ol style="list-style-type: none"> a. through issue of certificates of customary ownership by Kampala District Land Board in b. working hand in hand with MoWLE on systematic demarcation to acquire a cadastre upon which redevelopment will be planned and to achieve (a) above ■ In Kagugube, focus on tenure insecurity and evictions by purchasing land from the private mailo owners and re-distribute to secondary rights holders by issue of certificates of Occupancy by Kampala District Land Board ■ Sensitisation of the community on its land rights and the objectives of the upgrading initiatives as far as land and urban planning is concerned

Priority Issues	Challenges	Opportunities	Actions/activities
<p>Housing:</p> <ul style="list-style-type: none"> ■ Low housing standards and housing conditions because the quality of housing has not been controlled neither have standards been enforced. ■ Housing conditions are poor because services such as roads, water, electricity, street lighting and drainage are poor in all settlements. ■ In Kinawataka, there is evidence of aged housing structures 	<ul style="list-style-type: none"> ■ Absence of a statute on building and laxity in the enforcement of building guidelines by Kampala City Council. ■ Political pressure and tendencies of negligence arising from bribery or corruption in the enforcement establishments or mechanisms ■ Moving the housing policy from “a draft policy” to “a policy” so that it proposals and principles can be implemented ■ Housing finance is not available for slum dwellers ■ Housing is constructed and controlled by a few landlords, who often double as land owners 	<ul style="list-style-type: none"> ■ Draft National Housing Policy with a holistic view to housing ■ The private sector is active in providing housing on a commercial basis e.g. NHCC, AKRIGHT etc. ■ Land policy is going to separate the concept of ownership of land and properties on land and their development. ■ In Kagugube, there is evidence of self-upgrading in housing structures through improved quality and adherence to building guidelines. 	<ul style="list-style-type: none"> ■ Apply housing standards with consideration for rental income generation that is crucial for slum dwellers (standardized tenements) ■ In Kagugube, availing the necessary social services especially drainage and road, garbage and human waste disposal in slum areas ■ In Kinawataka, structural improvement of housing units ands increased enforced of large plot sizes simultaneously.

Priority Issues	Challenges	Opportunities	Actions/activities
<p>Garbage Collection and Disposal: Quality and Coverage has caused serious public outcry:</p> <ul style="list-style-type: none"> ■ huge amounts of garbage generated are not collected and disposed off, resulting offensive odour, continuous environment pollution and public health concerns on cholera and dysentery ■ Cost of collection and disposal is enormous ■ Lack or limited recycling and waste reduction strategies and initiatives even on a private or community basis 	<ul style="list-style-type: none"> ■ Gradual privatisation of collection and transportation by private firms and a sustained subsidy for low income areas such as slums ■ Inadequate service from private collectors, absence of schedules and agreed collection points in the communities ■ Residents are ignorant about the wastage management strategy and the need for privatisation of garbage collection ■ The community is not involved and does not feel responsible for garbage collection and disposal 	<ul style="list-style-type: none"> ■ Strategy to improve Solid Waste Management ■ Successful piloting of privatized garbage collection, where people were willing to pay for the garbage collection ■ Privatized garbage collection is already operational in Kagugube slum 	<ul style="list-style-type: none"> ■ Sensitization of residents of slum areas on the strategy for privatized garbage collection ■ Kampala City Council sustains delivery of subsidized services for garbage collection in slum areas. ■ Build consensus on schedule privatized collection and collection points for the system to serve its purpose in slum areas ■ Recruit personnel at parish level to manage garbage collection the community particularly youth (this is efficient and source if income) ■ Encourage private actors and civil society organisations to promote recycling and waste reduction strategies in the community

Priority Issues	Challenges	Opportunities	Actions/activities
<p>Roads and Road Maintenance:</p> <ul style="list-style-type: none"> ■ Dusty and un-tarmacked roads with drainage affected by silting hence flooding because of Poor standards applied in construction and maintenance of road and drainage ■ ‘Kampala Urban Transport Improvement Programme’ funded by World Bank where Kampala City Council widens roads and tarmacs roads to relieve the traffic from the main highways as one exits from the city centre is yet to benefit slum areas. 	<ul style="list-style-type: none"> ■ Availing funds from the division for community / parish level maintenance of road drainage. ■ Regular mobilisation of the community through LC, NGOs and CBOs to undertake community de-silting of blocked drainage ■ Availability of funds for tarmacking roads because it is expensive 	<ul style="list-style-type: none"> ■ ‘Kampala Urban Transport Improvement Programme’ ■ Maintenance and management of road drainage was devolved to parish level in Kisenyi, it has worked ■ Successful use of CSOs e.g. Concern Worldwide and MAKEDO in Kagugube to construct and maintain road drainage. 	<ul style="list-style-type: none"> ■ Maintenance and management of road drainage be devolved to parish level ■ Quality control and supervision in road construction and maintenance activities ■ Tarmacking roads, even if it means 1KM per year for 5 years.
<p>Gender: Women face culturally rooted and persistent systemic socio-cultural barriers that limit access to and control over resources.</p> <ul style="list-style-type: none"> ■ Women and youth have proved their contribution to development and built capacity in health, income generation, nutrition and hygiene though lack financial inputs 	<ul style="list-style-type: none"> ■ Women and youth are of significant numerical strength in Kampala (51.2% (620,000) are females, while 46% of Kampala’s population is youth (10 – 34 years). ■ 30% of the city’s population depends on women for livelihood. ■ Realigning the youth and women to the slum upgrading programme and imparting skills that will enable them to effectively participate 	<ul style="list-style-type: none"> ■ Gender mainstreaming and formulation of gender policy ■ Constitution enshrines the rights of women in Article 33 ■ Women and Youth have shown ability to organise themselves and engage in development by triggering change within slum settlements ■ Presence of UACP at District involving the communities and community initiatives 	<ul style="list-style-type: none"> ■ the issues of opportunities for income generation within the project; in a manner that enhances their skills through employment opportunities, undertaking the provision of labour where appropriate and undertaking skills training, where gaps exist. ■ need to enlarge income generation opportunities in the upgrading scheme, and availing opportunities for utilization of their labour, mobilization skills and other traditional roles related to home keeping, nutrition and health. ■ Strengthen community HIV/AIDS efforts

Priority Issues	Challenges	Opportunities	Actions/activities
<p>HIV/AIDS: continues to impact negatively on productivity, Aside from these demographic impacts, HIV/AIDS has a devastating economic impact in terms of labour costs, productivity and household expenditure on health services</p>	<ul style="list-style-type: none"> ■ Lack of backing legislation prohibiting discriminatory treatment of those infected with HIV/AIDS ■ The urban prevalence of 7 – 13% is considered high. an estimated 132,000 people in Kampala are infected with HIV/AIDS. 	<ul style="list-style-type: none"> ■ presence of a draft national HIV/AIDS policy ■ Government’s Multi-sectoral, multi-tier approach to the socio-economic impacts of HIV/AIDS. 	<ul style="list-style-type: none"> ■ This area needs further exploration on how the slum upgrading initiative should handle it. ■ Consider; clinical out-reach programme for persons living with HIV/AIDS and offering counselling services; avails anti-retroviral treatment free of charge
Institutional Capacity Building:			
<ul style="list-style-type: none"> ■ Building the Capacity of Kampala City Council to implement the project ■ Ensuring appropriate Coordination and Collaboration 		<ul style="list-style-type: none"> ■ Currently formed Steering Committee 	<ul style="list-style-type: none"> ■ Exchange Visits with other Cities undertaking upgrading or learning trips <i>(more additions from workshops)</i>
<ul style="list-style-type: none"> ■ Defining Stakeholder Involvement and the roles of NGOs, CBOs, Private sector since these have been instrumental in promoting social, economic and political rights 	<p>Currently, survey result show that 71.4% of the population in Kagugube does not benefit directly from NGOS and CBOs work because of limited resources and coverage</p>	<ul style="list-style-type: none"> ■ KCC in collaboration with NGOs and CSOs have carried out a number of activities to help the communities to access services ■ Current environment encourages private sector to play an increasing role in the provision of services 	<p>Proper target analysis and needs assessment</p>

Priority Issues	Challenges	Opportunities	Actions/activities
<ul style="list-style-type: none"> ■ Establishing standards and guidelines for beneficiary Community Participation right from the planning stage 	<p>Harnessing community contribution and sense of ownership to the project so that it is sustainable.</p>		<ul style="list-style-type: none"> ■ Prior mobilization of the beneficiaries to understand the benefits of upgrading enhance transparency in the process ■ Community sensitisation to deal with the negative attitude of the community who associate upgrading with evictions and demolitions.
<p>Urban Development</p> <ul style="list-style-type: none"> ■ Development of Urban Development Policy ■ Development of metropolitan Planning Authority 	<ul style="list-style-type: none"> ■ Fear of weaker Local Authorities of being engulfed by stronger local governments ■ Difficulty of Collaboration and coordination of local government ■ Bureaucracy of government institutions ■ Political will at national level ■ Harnessing sectors and local level may be difficult disparities challenge 	<ul style="list-style-type: none"> ■ Present of urban development sector in Central Government Ministry of Local Government and Ministry of Housing ■ Present f National Planning Authority ■ Presence of national land use policy 	<ul style="list-style-type: none"> ■ Situation analysis ■ Mobilisation stakeholders
<p>Project Governance</p> <ul style="list-style-type: none"> ■ Corruption and political interference: may affect the programme 		<p>development steering committees at the parish level</p>	<p>In-built mechanisms for the programme to control the effects of corruption.</p>
<ul style="list-style-type: none"> ■ Fundraising for the project. 	<p>Commitment from the central government focus on the sources of funding</p>	<p>in partnership with other stakeholders especially NGOs who have operated in these areas so as to share experience</p>	<p><i>(Additions from workshops)</i></p>

Priority Issues	Challenges	Opportunities	Actions/activities
Slum profiling	<ul style="list-style-type: none"> ■ Suspicion of communities while collecting data ■ Politising of slum upgrading 	<ul style="list-style-type: none"> ■ Global slum upgrading programmes ■ Availability of secondly data collection and Availability of relevant technology(GIS) 	<ul style="list-style-type: none"> ■ Community entry ■ Collection data ■ Analysis data ■ Preparing future action plans

The Cities Without Slums (CWS) Sub-Regional Programme for Eastern and Southern Africa was initiated in the year 2000, in response to the situation of increasing poverty in the region. The programme seeks to assist Member States in the sub-region to realize the Millennium Declaration Goal 7 Target 11 of 'Cities Without Slums,' by strengthening institutional arrangements, building partnerships and supporting the improvement of conditions of people living and working in slums.

In Kenya, the Government is collaborating with UN-HABITAT in a Kenya Slum Upgrading Programme that covers urban areas in Kenya, starting with selected slums within Nairobi, Mombasa, Kisumu and Mavoko Municipal Councils.

In Kisumu, the first phase of this initiative was to prepare the Kisumu Situation Analysis, which is an in-depth analysis of the present and past conditions of informal settlements in Kisumu town. The report is the culmination of several months of consultations with key stakeholders, including the public and private sectors, NGOs, grassroots and International Development Partners.

The purpose of the Kisumu Situation Analysis is to serve as a discussion piece for diverse stakeholders to arrive at a consensus about the conditions of slums and the conditions governing slum upgrading, and for them to identify a way forward by developing a concrete Action Plan for a citywide slum upgrading programme. In regard to this, the study proposes an integrated approach to slum upgrading, singling out issues of security of land tenure, improvement of basic infrastructure, housing improvement, access to health and social services and improving management of the environment to ensure enhanced quality of life and reduction in poverty levels.

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