

**Globalization and the Challenge of Urban
Development in Uganda:**

Implications on Land Use Planning in Kampala

by

Nur Osman Hirabe

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ABSTRACT

This study is concerned with the challenges of urban planning in Kampala, the capital city of Uganda, in the era of economic globalization. The emergence of the global economy, an important facet of globalization, has radically transformed urban landscapes around the world. It has increased urban populations (Zetter and Hamza, 2004), restructured the political economy of cities through decentralization (Frobel, et. al., 1980), created economic opportunities for some while impoverishing others, and changed the nature of urban development policies around the world. These transformations are exerting new forms of economic, political, and environmental pressures on Kampala's city authority. The study finds that while globalization has brought noticeable economic gains in Uganda, it has also created an ineffective decentralized system that compromised the effectiveness of the urban planning system of Kampala, which led to conflict and confusion over decision making responsibilities throughout all levels of governments including ministries and departments. Consequently, Kampala is growing without planning guidance. How has this come about?

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1.0 INTRODUCTION

Following years of civil war, Uganda began to experience political stability in the mid-1980s under the leadership of the current president Yawerri Museveni. Political stability alone, however, was not enough to secure a prosperous and sustainable future for Ugandans. Fast and bold action was needed for the country to recover from the destructions of the civil war. As a result, Ugandan government decided to seek help from external sources to stimulate its economy by way of borrowing money from programs administered by the World Bank and The International Monetary Fund, often referred as structural adjustment programs. When the structural adjustment programs did not improve the economy, the Ugandan government adopted further economic and political reforms that included deregulation, privatization and decentralization in the early 1990, (Uganda Investment Authority, 2004). Since then, Uganda has begun to experience a slow economic recovery. Development assistance funds began to flow in, and thereafter private investment increased gradually. Deported Indians during Idi Amin's reign in the early 1970s began to return, influenced by the governments' decision in 1992 to return the property and assets of the deported former Indian residents. The Ugandan government has vowed to take the steps necessary to make Uganda a business-friendly country. This accelerated the inflow of private investment, which led to an increase in domestic investment as a whole.

Capital cities in the developing world play a key role in a globalizing world, acting as engines of economic growth (Zetter and Hamza, 2004). While accurate data on the spatial distribution of economic activity in Uganda are not available, it is estimated that about 80 percent of the country's industrial and services sectors are located in Kampala and the city generates over 50 percent of Uganda's Gross Domestic Product (Mukawaya, 2004). Kampala boomed as a result, and by the mid-

1990s faced a number of pressing urban development issues – rapid urbanization, population growth, and unsustainable expansion of the city. As Frannie Laurel (2006) points out:

Today, globalization is becoming the driving force behind economic growth and development. With increased investment, both foreign and domestic, successful cities will need to meet new job requirements, and provide security and access to services and urban infrastructure. This will present enormous performance challenges to local governments. Good governance at the city level will be critical in turning the demands and opportunities of globalization to the advantage of all urban dwellers, including the urban poor.

Laurel's observation was well timed indeed and touches upon a number of challenges faced by cities in the wake of globalization. Similarly, Wu and Radbone (2005), note that the flow of different types of capital is significant in the internal restructuring of cities in the developing world. In other words, as investments pour into the capital cities of the developing countries, migrant workers, professionals and others follow the perceived economic opportunities. New types of spaces are created. Old and neglected buildings are demolished or revitalized. Empty lands in and around cities are developed and occupied, sometimes without planning permission. Elements of this type of transformation have taken place and continue to take place in many parts of the world.

Yet, not all cities are affected by globalization in the same way. The effects depend on various factors, including the level of integration of the local economy into the global economy, the national and local policy context, and the degree of decentralization of power to local governments (Cheru, 2002). Countries with better institutions and regulatory frameworks, such as secure property rights and non-corrupt governments, tend to benefit from globalization policies than those that do not.

As a form of economic development policy, globalization has been advocated by international financial agencies, such as the World Bank and the International Monetary Fund, as the most promising way to achieve economic growth (Zetter and Hamza, 2004, p.10). By relaxing trade restrictions and privatizing government-owned firms and enterprises, and by giving more incentives

to businesses, less developed countries can become attractive to investors. This is the basic nature of globalization, a phenomenon that has its supporters and detractors worldwide. It can generally be viewed as the increasing integration of economies around the world, particularly by way of trade and financial flows across the globe. Helmsing (2003, p.68) adds that, “Globalization exemplifies the growing mobility of firms, capital and people”. It induces both the rich and the poor to move, the rich in search of investments and the poor in search of jobs and land to settle.

Moreover, the rapid development of information, communication and transport technology has led to an increased interaction between cities (Sassen, 2001). Competition between cities for Foreign Direct Investments (FDI) has become a characteristic of the new world economy (Beaverstock et al., 2002; Begg, 1999). According to Begg (, 2002, 1999), urban competitiveness depends on the structure of the economy and its sectoral specialization, as well as on contextual conditions (effectiveness of institutions, quality of infrastructure, etc).

Some countries have benefited from the policies of globalization by increasing their share in the FDI (UNDP, p. 31, 2005). In others, globalization has brought negative side effects to the cities. In their seminal book, *Market Economy and Urban Change in the Developing World*, Zetter and Hamza (2004) point out that liberal economic reforms and market enablement policies have propelled the process of rapid urbanization in the developing countries. Similarly Van Der Ploeg and Poelhekke (2008) argue that the speed of urbanization, especially in the developing world, has been one important challenge in the wake of globalization. Fast growing urban populations place enormous demands on land, housing, services, and infrastructure (Rakodi, 1997). The rapid growth in urban populations can be explained by a combination of the pull of urban centers and the push from rural areas. Employment opportunities, cash incomes and the availability of basic services in the urban centers are major pull factors.

Furthermore, the literature on globalization suggests that globalization has “changed urban politics and policy” (Jun & Wright, 1996). The IMF and the World Bank, as agents of globalization, have imposed political reforms as a condition of lending money to the developing countries. Decentralization became an important part of the political reforms adopted by many of the governments in the developing world. Decentralization is a process of transferring legal powers and responsibilities from central governments to lower levels of government. It is an important instrument of globalization, as Sharma (2005, p.8), points out “globalization promotes decentralization by creating incentives for sub-national governments to play a more active role in attracting foreign investments, promoting trade, providing infrastructure and enhancing human capital”. The World Bank’s report *Cities in Transition* supports this line of argument, stating that:

“ a decentralized, democratic, and market-oriented form of enablement will not only provide for economic efficiency and global competitiveness, but will also provide venues for popular influences on government through non-governmental and community organizations” (World Bank, 2000)

Yet, the characteristics of decentralization and how it plays out in any particular country are not fully understood. In most countries in Africa, implementing decentralization has been a major challenge for local governments, since the resources available to them are not often adequate to provide even the most minimal level of services (Sharma, 2008, p.10). Local governments are overburdened with obligations to perform functions and provide services for which they lacked adequate revenue or training. This has created a situation where local governments are unable to manage the spatial development of cities. Leaf’s (2002) assessment on globalization and urban change in China and Vietnam finds that “the growth of market economies and linkages to globalization are impelling administrative devolution, which, in the context of insufficient local level policy responses, leads to the acceleration of informal development at the urban edge”. Part of this problem can be explained by the lack of a sound institutional and legal framework for addressing economic and political

reforms [Cheru, 2002, Rakodi, 1997). A weak institutional and legal framework, coupled with lack of resources, has important consequences for land use planning and urban development in general. Carol Rakodi (1997) effectively summarizes the consequences of lack of resources and weak institutions as the following:

Weak revenue bases, lack of technological and administrative capacity amongst the agencies responsible for urban development, and vulnerability to evasion or exploitation by those with political and economic power prevent provision keeping pace with need. The result is environmental damage, deteriorating living conditions, especially for the urban poor, and lack of the political legitimacy needed to improve revenue collection and regulatory processes.

Since the introduction of the market reform in Uganda in the early 1990s, Kampala has been going through a process of rapid transformation, of which the most visible aspect is urban population growth. According to the Uganda Bureau of Statistics, Kampala's urban population grew from 800,000 thousand in 1992 to 1.4 million in 2002 (Uganda Bureau of Statistics, 2002). Furthermore, globalization has precipitated the restructuring of the political economy of Kampala by way of decentralization. The Local Government Act of 1997 empowers Kampala to manage its own affairs. Urban authorities in Kampala are required by law to regulate and control development. Physical planning is now a decentralized function. Given the fact that Kampala's urban population is growing fast and the national government has decentralized power and responsibility to the local government, what are the implications for the urban planning and development of Kampala?

1.1 PROBLEM STATEMENT AND CONTEXT

As a result of globalization, national governments across the developing world have been increasingly obliged to turn over the management of urban development processes to the local governments (Cheru, 2005; Sharma, 2004; Jun & Wright, 1996). But, the capacity of local governments to undertake effective planning and management is often not a subject of concern to the forces that oblige globalization policies on the developing countries. Kampala is an example of a city that is struggling with the contradiction of globalization. As the capital and most heavily populated city of Uganda, is now one of the fastest-growing urban centers in Africa. The city is linked to both the economies of the hinterland in Uganda and to the wider regional and global economy through trade, investment, technology and culture. The city is in a stage of transition, however, struggling with the challenges of uncontrolled urban expansion and over-population. The overall city environment is undergoing inevitable damage from the rapidity of urbanization, exacerbated by the unplanned nature of much of the residential and commercial developments. Closely linked to the above problems is the confusion of responsibilities within local government that followed decentralization. This confusion has compromised the effectiveness of the legal and administrative functions of municipalities and even ministries and departments. How has this come about? Was this the result of globalization?

Globalization is purported by some to be beneficial to all countries in the world. It has allowed for a greater role for cities in promoting their economies (Healey, 1996). Many cities have adopted a marketing approach to influence investors and to specify their comparative advantage within the global economy. However, global investment opportunities are not equally available to all cities, as investment depends on such factors as the level of integration of the local economy with the global economy, the national and local policy context, and the degree of devolution of power to local

governments (Cheru, 2002). Land use planning and good urban development policy in general are equally important factors that can help attract foreign investment into the urban districts. Wu and Radbone's (2005) urban investment analysis showed that good urban planning and the provision of adequate physical infrastructure were key determinants in Shanghai's FDI success. According to the authors, "There had been a strong commitment from the central and municipal governments to focus on the spatial policies of the city" and they conclude that "the planning arrangements of central and municipal governments are important factors in determining the attraction of FDI within Shanghai city". This is an indication that urban development policy in general and land use planning in particular are important elements of the factors that encourage global companies to invest in a particular location.

Uganda, however, faces bigger challenges than urban planning when it comes to its ability to connect and benefit from global economy. Unlike its neighboring countries Kenya and Tanzania, Uganda is landlocked. Most of the imported goods come through the Tanzanian and Kenyan ports. The country also has a poor infrastructure system that limits its integration into the global economy. The road system has deteriorated in the past decade, resulting barriers for markets, higher transport costs and lower profitability of crops and products, according to a report published by the Bank of Uganda in 2006. Similarly, "the railway network, which once covered about 1,500 km, has been reduced to a bare minimum of about 240 km, and transports mostly export and import goods between Kampala and the Kenyan port of Mombassa". Sea and river transportation composed mostly of ferry boats serving as bridges across rivers, "has also deteriorated, and causing increased delays". Domestic air transport is very limited. A reasonable international airport and air transport service exist only in Entebbe (Bank of Uganda, "State of the Economy", June 2006 Publication).

These barriers will continue to undermine Uganda's prospects of attracting businesses unless serious steps are taken to address the problems of urban planning and to give investors good reasons to locate in Kampala. I believe Kampala is a particularly good case study for this examination for the following reasons. First, Uganda's economic and political reforms have attracted a great deal of praise since President Yoweri Museveni first assumed power in 1986. Regularly cited as one of Africa's few 'donor darlings,' Uganda's liberalization reforms and wide-ranging political reforms have been held responsible for its high economic growth rates and stable governance over the past two decades. In particular, the process by which power has been devolved to five levels of local government has been called 'one of the most far-reaching local government reform programs in the developing world' (Francis & James, 2003, p. 325). Yet, despite the generous attention given to these reforms, their impact on the urban planning and development in Kampala is less known.

1.2 RESEARCH QUESTIONS

The objective is to evaluate the impact of globalization on the urban planning and development of Kampala. The City is both the seat of the government of Uganda and also the main commercial and industrial center of the country. The concentration of the FDI in Kampala has propelled a transformation in the city's size and in its administrative structure. As indicated earlier, Kampala faces a high rate of urbanization. The current situation is described by the Ministry of Works, Housing and Communications as follows:

“There is inadequate capacity to plan and provide basic infrastructure and services to cater for new and expanding urban populations, as rapid urban growth creates increased demand for services, new utilities, and maintenance upkeep and infrastructure renovations”(2004).

Furthermore, globalization has precipitated the restructuring of the political economy of Kampala by way of decentralization. Decentralization refers to a shift of power, authority, and resources from the center to local governments. The Local Government Act of 1997 empowers Kampala to manage its own affairs. Urban authorities in Kampala are required by law to regulate and control development. Physical planning is now a decentralized function.

Given the fact Kampala's urban population is growing fast due to globalization, and that the planning function is devolved to Kampala City Authority, what are the implications for the urban planning and development of Kampala? Does Kampala have the resources needed to manage its urban areas? As Rakodi (1997) warns, there is a danger that "decentralization may simply lead to a shift of the burden of responsibility from higher levels of government to lower levels without the provision of appropriate resources and capacity". How has this fared in Kampala? Are both the national and the local governments fully committed to developing a sound urban planning policy for Kampala?

The next set of questions relates to the external and internal forces that shape the status quo of Kampala's development pattern:

1. What factors are influencing Kampala's urban development and land use planning?
2. How is urban planning functioning under the decentralized system of development in Kampala?
3. Has globalization affected urban development and planning in Kampala? If so, how? And what are the implications?

While globalization has been heralded as an important development for cities in the developing world, there are clear gaps in our knowledge of the implications – both positive and negative – that these changes bring to cities like Kampala. By tracing factors influencing urban planning and development in Kampala, this thesis aims to identify the various roles that policy, institutions and

urban authorities have played in understanding the current urban planning and development situation of Kampala. This study discusses the ramifications of introducing a free market economy without effective urban planning controls by municipalities.

1.3 CRITERIA FOR EVALUATION

The World Bank's development report, *Entering the 21st Century* published in 1999, identified globalization and localization (meaning decentralization) as the "two main forces that will be shaping the world in which the development policy will be defined and implemented" (p.31). Since globalization involves the process of building a world market with the aim of integrating national and local economies into the world market, it will therefore require high level of political commitment, good governance and good urban policy. For the developing countries, globalization is believed to be the main engine for economic development and growth. Alassane D. Ouattara, the Deputy Managing Director of the International Monetary Fund for Africa, outlines five policy conditions that developing countries have to meet in order to grow their economies:

- maintaining macroeconomic stability and accelerating structural reform
- ensuring economic security and establishing the right regulatory framework for economic activity
- reforming financial sectors
- achieving good governance
- partnership with civil society

The above conditions represent what is universally accepted as the "economic liberalization". It is a broad term that usually refers to fewer government regulations and restrictions in the economy in exchange for greater participation of private entities. The arguments for economic liberalization include greater efficiency and effectiveness that would translate to a "bigger pie" for everybody. In

developing countries, economic liberalization refers to a further "opening up" of their respective economies to foreign capital and investments.

Assuming that the above policy conditions are a prerequisite for being part of the global economy, the implied criteria can be used to examine the extent to which these trends are shaping urban development in Kampala, and thus how they are affecting the urban planning function. Thus, the criteria for evaluating Kampala's urban development are through the literature of globalization and its associated instrument of decentralization. Indeed, many observers argue that globalization tendencies are the most important sources of overall change in the world, and are thus key contextual factors for evaluating and planning urban futures (e.g., Castells, 1996). Has Uganda restructured its economy by downsizing government responsibilities, reducing or eliminating subsidies (such as subsidies on imported products, oil, gas, bread, sugar and others), and by privatizing government-owned firms and encouraging private investors to invest in Ugandan economy?

Furthermore, to be part of the global economy, national governments are required to devolve power to local governments by way of decentralization. Decentralization refers to a shift of power, authority, and resources from the center to local governments. The Ugandan government devolved powers, functions and responsibilities to local government, which now have the power to make and implement their own development plans. But how these powers are exercised and implemented at the local level is complicated by, for example, overlapping and under funded jurisdictions with new responsibilities and new problems. Has decentralization affected the process of urban planning in Kampala?

The common challenges produced by global economic forces, namely, urbanization and the changing relationship between governments, and urban planning, will be explored in detail. It is set within the established parameters of academic discourse by drawing from the literature on

globalization and its impacts on urban cities. The findings are based on primary data including interview material, documents, and participant observation from various individuals and research studies, which the author undertook during the research in Kampala, the capital city of Uganda in 2005.

In Chapter 2, reviews theories of globalization and its assumptions, as a point of departure and as recognition of the fact that globalization and decentralization tendencies are two of the most important sources of overall change in the world, and are thus key background factors for assessing and planning urban futures. Chapter 3 outlines the factors that influence urban development in Uganda. It begins with a brief account of the process of globalization in Uganda, referring to key changes in the macroeconomic policies, and their impact on the overall economic growth of Kamala. I then review decentralization as an accompanying tool for globalization in terms of its ambition of achieving economic efficiency while promoting local development. Chapter 4 looks into the legal framework of Uganda's urban development. It highlights the legal aspects, land use aspects, decentralization, and land management system. Chapter 5 illustrates the challenges of land development and planning processes in Kampala, showing the gap between policy and practice. It offers general insights into the challenges of urban planning systems under the changing politics, economics and governance of Kampala. This area of discussion is most relevant to African countries, as well as to countries worldwide that are undergoing similar transitional processes. Chapter 6 combines the factors, and makes sense of the core issues affecting urban development in Kampala while offering recommendations.

1.4 LIMITATIONS

The impact of globalization can be looked at from many different perspectives. This thesis is limited to interpreting globalization simply as openness to foreign trade and the flow of capital

across the globe. It will reluctantly ignore here the important issues arising from the devastation caused by globalization to fragile economies, or the direct negative impact on the poor, women, farmers and the environment. It will not pass judgment on the desirability or otherwise of globalization, but will examine some of its particular effects on the developing world, specifically Kampala, Uganda. Finally the thesis examines how Kampala City Council (KCC) is managing the city in the wake of economic globalization.

2.0 THEORETICAL REFERENCE

2.1 GLOBALIZATION

What is meant by globalization? Over time, as researchers have tried to interpret the phenomenon, many definitions, criteria, and theories have developed. According to Jan Aart Scholte (2000, p. 15-17), two of the most broadly used definitions are: globalization as internationalization; and globalization as liberalization. The first view refers to the growth in international exchange and interdependence, and to a global mixing of financial and communication flows, all of which increasingly connects countries, societies, cities, firms, and individuals (Scholte, 2000). With growing flows of trade and capital investment, the possibility exists of moving beyond an international economy where “the primary entities are national economies”, to a ‘stronger’ version – the globalized economy, where “distinct national economies are subsumed and rearticulated into the system by international processes and transactions” (Hirst & Peters, 1996, p. 8, 10).

The second view, globalization as liberalization, describes “a process of removing government-imposed restrictions on movements of goods and capital between countries in order to create an ‘open,’ ‘borderless’ world economy” (Scholte, 2000, p. 16). Here, ‘globalization’ entails an economic and political dimension. Anthony Giddens (1990, p.64) has elaborated on this as “the intensification of worldwide social relations which link distant localities in such a way that local happenings are shaped by events occurring many miles away and vice versa.” Similarly, David Held et al. (1999, p. 26) define globalization as “a process (or set of processes) which embodies a transformation in the spatial organization of social relations and transactions – assessed in terms of their extensity, intensity, velocity, and impact – generating transcontinental or inter-regional flows

and networks of activity.” As such, the process of globalization has reached almost every country in the world and, according to Rapley (2003), “no country can grow its economy without trading with other nations”.

As a theory of economic development, a major assumption of globalization is that a greater level of economic integration is necessary among different regions of the world, since integration has an important impact on economic growth and social indicators. This process of integration is facilitated by new technologies, new economic relationships, and the national and international policies of many interests, including governments, international organizations, business, labor, and civil society (Held et al., 1999). According to Savich and Kantor (2002), globalization has magnified the intercourse between states, localities, and social movements around the world.

From a conceptual point of view, the globalization process could be divided into two parts: the political and the economic aspects. The economic aspects emphasized in globalization are trade, investment, and migration. The globalization of trade entails people having greater access to goods and services than ever before. People worldwide can purchase a huge range of goods and services, from German cars to Colombian coffee, from Chinese clothing to Egyptian cotton, from American music to Indian software. Furthermore, the economic aspect of globalization centers on the free movement of capital, otherwise known as Foreign Direct Investment (FDI), whereby multinational companies invest assets directly in a foreign country, or through Indirect Investment, whereby individuals and institutions purchase and sell the financial assets of other countries.

The economic aspect of globalization can be summarized as:

- The exchange of goods and services across national boundaries, through international trade;
- The establishment and operation of a business in one country that is substantially controlled by residents of another, through Foreign Direct Investments;
- The purchase and sale of financial assets either through portfolio investment or lending and borrowing, which can be referred to as financial integration;

- The offer of labor services in one country by residents of another, through labor migration.

The political aspect of the globalization process, on the other hand, is concerned with the idea that globalization triggers political reforms. In Africa, for example, in the early 1980s and throughout the 1990s, most economies faced severe economic crises, sometimes resulting in extreme poverty and almost total economic collapse. Mounting foreign debt and fiscal pressures led many African countries to borrow money from the International Financial Institutions. These transactions had political conditionality attached, including a form of decentralized system that transferred political and administrative powers from the central governments to lower levels of governments. This tended to weaken state control over the development and resources in favor of decentralization. The political reform also includes adopting a political system that allows greater democratic decision-making and accountability at the lower levels of governments. As Mishra (1998, p.32) argues, the effect of the “neoliberal thrust of globalization is to strengthen market forces and the economy, and the role for the state is envisaged to be within the context of decentralization policies.” In this translation, the political and the economic aspects of globalization “are inextricably linked that one can hardly exist independent of the other,” (Aginam, 2005, p.122). Thus, by the start of the 1990s, African states in general were moving toward liberalization in both economics and politics.

The other political aspect of globalization is the homogenization of policies and institutions around the world, e.g., trade and capital market liberalization (Chakravorty, 2004). Associated policies include the dismantling of state controls and the provision of new opportunities for participation in economic activities (Gunter and Hoven, 2004). This includes the development of institutions that facilitate the sharing of power between different levels of governments – a political reform. According to Gunter and Hoven (2004), such political reform is needed to strengthen

economic performance and to enable an economy to compete in increasingly challenging regional and global markets (Gunter & Hoven, 2004).

Decentralization is the main vehicle that provides a framework for interactions of the central government, the local government, the market, and civil society. Accordingly, decentralization is intended to bring numerous improvements and is considered to contribute to further democratization, more efficient public administration, more effective development, and good governance (World Bank, 2000). Thus, the two aspects of globalization, the economic and the political, work hand in hand.

2.2 DECENTRALIZATION

As indicated above, the World Bank's development report, *Entering the 21st Century*, identified globalization and decentralization as the two dominant forces that will shape how cities define and implement their development strategy. The report suggests that globalization creates a "demand for self determination", including "the replacement of authoritarian or single party rule by multiparty politics, greater autonomy of sub-national units, and the involvement of community groups and non-governmental organizations (NGO) in governance" (p.31). Accordingly, the main vehicle that provides a framework for interactions of the central government, the local government, the market, and civil society is decentralization. The objectives of decentralization, as stated by Smith (1985), are to ensure support for development policies by making them better known at the local level and to produce greater participation in development planning and management.

Rondinelli (1981) defined decentralization as "the transfer of planning, decision making or management functions from the central government and its agencies to field organizations, subordinate units of government, semi-autonomous public corporations, area-wide or regional development organizations, specialized functional authorities or non-governmental organizations".

In this sense, decentralization is a political and administrative process and is directed towards local economic efficiency. It is a way of bringing development programs and decision-making closer to the people. It is also thought to bring numerous improvements and is considered to contribute to further democratization, more efficient public administration, more effective development, and good governance (World Bank, 2000).

Decentralization, Rondinelli noted, could be discerned “by the degree of authority and power, or the scope of functions, which the government of a sovereign state transfers to or shares with other organizations within its jurisdiction”. Rondinelli suggests here that it is up to the national government to provide such powers to local governments, and to define how such powers can be used. In other words, governments can limit or restrict the powers given to the local authority through legislation, or by changing definitions. As such, decentralization is categorized in three broad types: deconcentration, delegation, and devolution. According to Rondinelli, deconcentration is “the handing over of some administrative authority or responsibility to lower levels within central government ministries and agencies”. Others, such as Sharma, (2006) call this process administrative decentralization. An example of this would be the deconcentration of land use planning and policy from the central government to the local government.

Delegation is similar, and involves “the transfer (delegation) of decision-making and management authority for specific functions to organization that are not under the direct control of central government ministries” (Rondinelli 1981, p.32). This refers to the delegation of responsibilities to public corporations, regional development agencies and special function authorities.

Devolution, as argued by Smith, (1985:p.11) focuses on the decentralization of political authority to local or regional governments. It means the transfer of governance responsibility for

specified functions to sub-national levels, either publicly or privately owned that are largely outside the direct control of the central government. It also implies the transfer of authority for decision-making to local governments, which are given autonomy over decision-making (Rondinelli, 1987). In this aspect, local governments are not subject to direct control from the central government in devolved systems.

Thus, decentralization refers to a shift of power, authority, and resources from the center to local governments. But this does not necessarily mean lack of central government involvement in the management of resources. Increasing evidence suggests that there are conflicts over the extent of control and the management of the local resources. Central governments have significant control over the management and resources of available to local governments. As observed by Fantu Cheru, (2002) in African countries this stems from larger problems associated with globalization and decentralization. He notes that: “the persistence of inappropriate macroeconomic policies at the national level and the control by central government of national development policy has paid little attention to critical responsibilities of local government institutions, such as those for the operation and maintenance of infrastructure, and the establishment of incentive or the enabling of a legal environment in which private economic actors can operate”.

Cheru is drawing attention to two important issues: the first is the lack of a macroeconomic policy that benefits the local economic development of a region; and the second is the lack of appropriate legislation or powers for the local government to manage and provide basic social and physical infrastructure services. He notes that “Despite the growing economic importance of cities in national development, the policy and institutional framework for managing urban growth in many African countries remains weak or inhospitable” (Cheru, 2002).

Cheru's analysis shows a deep concern over the ability of local governments to fully assume all of the duties and responsibilities that have been delegated to them. He notes that local governments in Africa "lack powers required for effective political and economic decision making, particularly in such critical areas as investment in urban infrastructure, service delivery, revenue generation, and promoting urban economic development" (Cheru, p.11). The reality is that local governments in Africa neither have the financial resources, nor the necessary statutory authority, staff, structure, systems to undertake these responsibilities (Golola, 2001).

As such, national governments are in a strong position to restrict local governments from the necessary statutory authority or powers to undertake these responsibilities. Furthermore, as many countries make the transition to a market economy, a clear-cut definition and distinction of responsibilities and competencies is lacking. Local government responsibilities and competencies are continually modified by sector-related laws and state budget acts which generally are not coordinated either with each other or with the interests of local sector representative bodies (Cheru, 2002). A partial explanation of this sort of problem relates to how decentralization is defined, conceived and implemented. It is an ambitious concept that tries to achieve numerous goals at the same time: better administration, economic efficiency, participation and poverty reduction, for instance.

Decentralization is therefore a process, and not a project with clearly defined starting and ending dates. It takes many shapes and forms and the manner in which it unfolds reflects to a significant degree the unique characteristic of each country in which it is practiced. It is a political as well as a technical process. At the political level, it involves leadership, participation, inclusion, representation, decision-making, and power relations between and within central and local government levels.

On the technical plane, it involves administration, planning, budgeting, financial and human resources management, monitoring and evaluation, supervision, mentoring and all functions and activities that are usually the responsibility of technical staff. The political and technical elements must be clearly understood in order to distinguish between the desirable and the possible, and to appreciate the continuous tension between devolution and control in most decentralization processes. The conflicts associated with decentralization and its multiple ambition of achieving numerous goals may call into question whether decentralization helps or hinders the ability of local government to plan and manage the local development priorities of their community. Next I will examine weather out if Uganda's decentralization policy is helping or hindering the ability of Kampala's urban authority to plan and manage its urban development programs.

3.0 FACTORS INFLUENCING URBAN PLANNING IN KAMPALA

3.1 GLOBALIZING UGANDA

The liberalization policy conditions outlined by Alassane D. Ouattara, the Deputy Managing Director of the International Monetary Fund for Africa, refer to the strategies applied to increase economic growth by increasing foreign investments, reducing government spending, and privatizing government-owned enterprises. It starts with the premise that, for development to take place, privatization, deregulation, downsizing of government and reducing the role of government in the affairs of the economy, health, education and infrastructure must be guaranteed. It is believed that liberalization policies lead to international integration of production, trade, and investments, and the movement of people. The key manifestation of globalization in the economic sector is exemplified by trade (Rakodi, 1997).

Taking the prescribed advice to heart, many African governments have started to undertake ambitious economic reform and liberalization policies, including deregulation and privatization, in order to attract investments and private capital. Throughout the continent, government intervention in economic activity is on the decline. The process of restructuring and privatizing state enterprises has been underway for some time in most countries, though with varying speed and degrees of success. And finally, fiscal reform is gaining ground (Quattara, 1997).

Furthermore, in order to attract much needed investments, African countries have taken firm steps towards decreasing their tax systems, reducing exemptions, and enhancing administrative

efficiency (Economic Commission for Africa (2004). From 2000 – 2005, many African countries have seen a positive economic growth. According to the World Economic and Social Survey (2005), African economies experienced a rising GDP per capita; with at least 22 countries reaching a GDP growth rate of 6 percent or higher. This growth is largely attributed to the reform and liberalization policies that African countries had adopted recently (ibid).

Uganda is one of those countries that adopted the economic liberalization policies in the early 1990s. The government accepted recommendations from the International Monetary Fund and announced reductions in monetary supply and a sharp devaluation of the official exchange rate (UIA, 2004). The government also introduced the “open general licensing system” for private sector imports (Uganda Investment Authority, 2004). It promised to tighten both budgetary and monetary policies so as to control inflation and to achieve macroeconomic stability (UIA, 2004).

Furthermore, the government of Uganda steadily pursued a policy of attracting foreign investment to the country. Thereafter, in 2000, the government adopted the “Big Push” strategy, intended to make Uganda the most competitive destination for FDI in Africa. It is also supposed to improve the country’s investment climate by reducing bureaucracy, streamlining the legal framework, fighting corruption, and stabilizing the economy (UIA, 2004). The strategy focused on ensuring that the legislative environment matches the requirements for global economic integration as part of the overall socioeconomic reform process, and responds to the needs of both the private sector and the civil society, according to Uganda Investment Authority report in 2004. This required legal reforms in such areas as public sector financing, public procurement, securities, copyright, patent, telecommunications, banking, media, and others [UIA, 2004). Similarly, a judicial reform process was instigated, aimed at enhancing the efficiency of the court system and reducing legal transaction costs for citizens and businesses alike by upgrading the court system, strengthening its

autonomy, training judges and lawyers, establishing an integrated information system network, and ensuring transparency (Reinikka and Svensson , 2001).

The Uganda government recognized that sustained growth and reduction in poverty required earning the confidence of both Ugandans and the outside world in its legal and institutional systems. Strong investment initiatives could help to bring this about, so the government set investment promotion as a top priority. Thus, the Uganda Investment Authority (UIA) was created, backed by substantial donor support, to become “the institutional hub of investment promotion and facilitation.” Licensing procedures for new businesses were simplified and these measures were supported by a strong political commitment to economic liberalization and macroeconomic stability, the latter being the result of prudent fiscal management (UIA, 2004).

These actions restored investor confidence in Uganda, creating an improvement in the Institutional Investor confidence rating from 5.2 in 1986 to 22.9 in 2000 (UIA, 2004). Collier, (2001, P.86), estimated that, ‘by 1997, 17 percent of the private wealth held abroad had been expatriated.’ As the confidence in Uganda improved, investments increased from 8 percent of the GDP in 1998 to 21 percent in 2003 (see Table #1). The \$230 million foreign direct investment (FDI) destined for Uganda in 1998 was concentrated in export-oriented agri-business (flowers, vanilla, fish processing) and in services, mainly in urban areas (media, mobile telephones, supermarkets, restaurants). While foreign aid played a key role in Uganda’s reform and growth process, “the bulk of the country’s recovery has come from a close partnership between the government and private sectors” (Collier et al 2001).

Table 1 : FDI Inflows to Uganda (1989-2001)

Year	FDI (US\$ millions)
1989-1994 (avg.)	23
1994	88
1995	121
1996	121
1997	175
1998	210
1999	222
2000	254
2001	228

Source: World Investment Report 2001, UNCTAD, Bank of Uganda

As a result, Uganda's GDP increased from \$3.6 to \$6.7 billion between 1986 and 2003. In 2001, the economy grew by 4.7 %, up from 4% in 2000, but still lower than the 8.2 % growth rate of 1999. Its inflation rate dropped from 240% to 5.9 % in 2003 (World Markets, 2002). Furthermore, its market-based policies have helped create an enabling environment for investors. With current initiatives being geared towards addressing residual concerns in the area of infrastructure and regional stability, Uganda is poised to become an important destination for many of the large investments from local, regional, and foreign sources (World Markets, 2002). Recently, in the 2009 World Investment Report by the United Nations Conference on Trade and Development (UNCTD) showed that Uganda's FDI grew tremendously from \$733million to \$787 million between 2006 and 2008 (World Investment Report, 2009). These international links have a marked affect on overall urbanization trends in Uganda, as described in the following section.

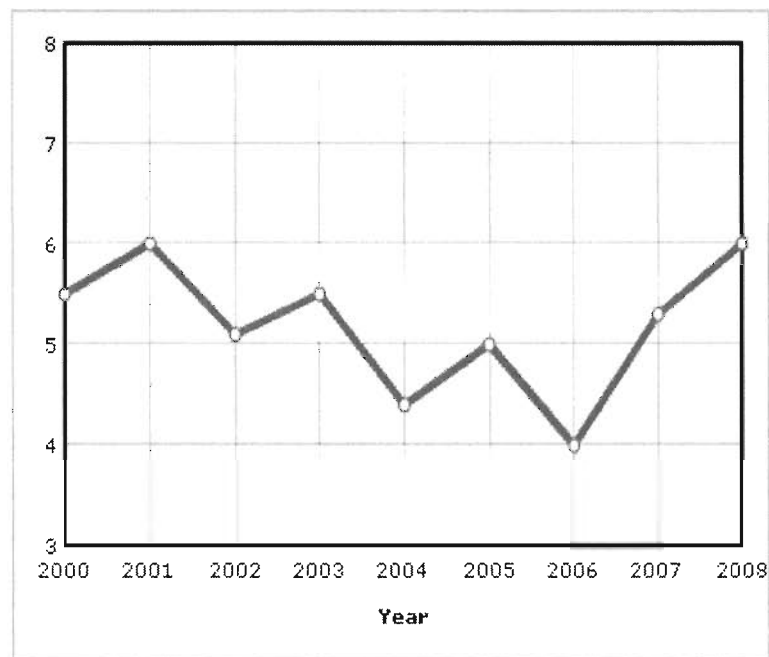
However, the downside of the globalization policy in Uganda is that the government has paid little attention to the local investors. According to Christopher Sembuya, a local real estate and construction business owner, the policies of privatization and inviting more investors have killed

local industries, since the investors came in before the local industries had matured. He says that the Government should have continued supporting the local investors. He firmly believes that:

“The new trend in the last 20 years is that all projects are owned by foreigners who have also taken over all government contracts. Ugandans are not gaining. This is a weakness on part of the Government.”(Personal Communication, May 17, 2005)

Sembuya’s comment lends support to Cheru’s (2002) earlier observation regarding the national government’s tendency to adopt liberalization programs without taking into consideration the needs of the local and regional economies.

Figure 1: GDP Growth (2000- 2008)

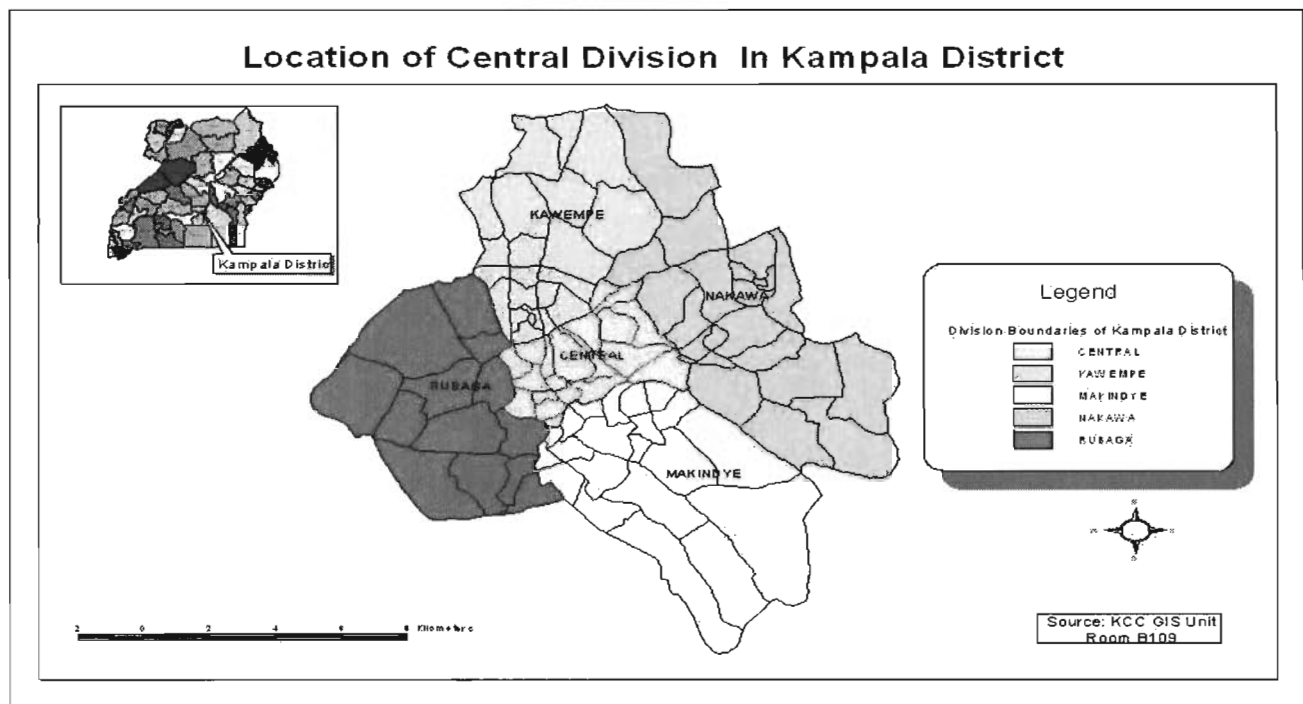


Source: World Investment Report, 2009

3.2 URBAN CONTEXT - KAMPALA

Owing to Uganda's economic liberalization, Kampala has become an attractive site for investment, both local and foreign. Kampala is the only urban district in Uganda. It is both the seat of the government and the main commercial center of the country. As a district, Kampala City has five autonomous administrative municipalities, known as Divisions: Central Division, Kawempe Division, Nakawa Division, Makindiye Division, and Rubaga Division (See Figure 1).

Figure 2: Greater Kampala



According to the 2002 Housing and Population Census results, Kampala has an urban population growth rate of 3.8 per cent per annum. The following are the typical characteristics:

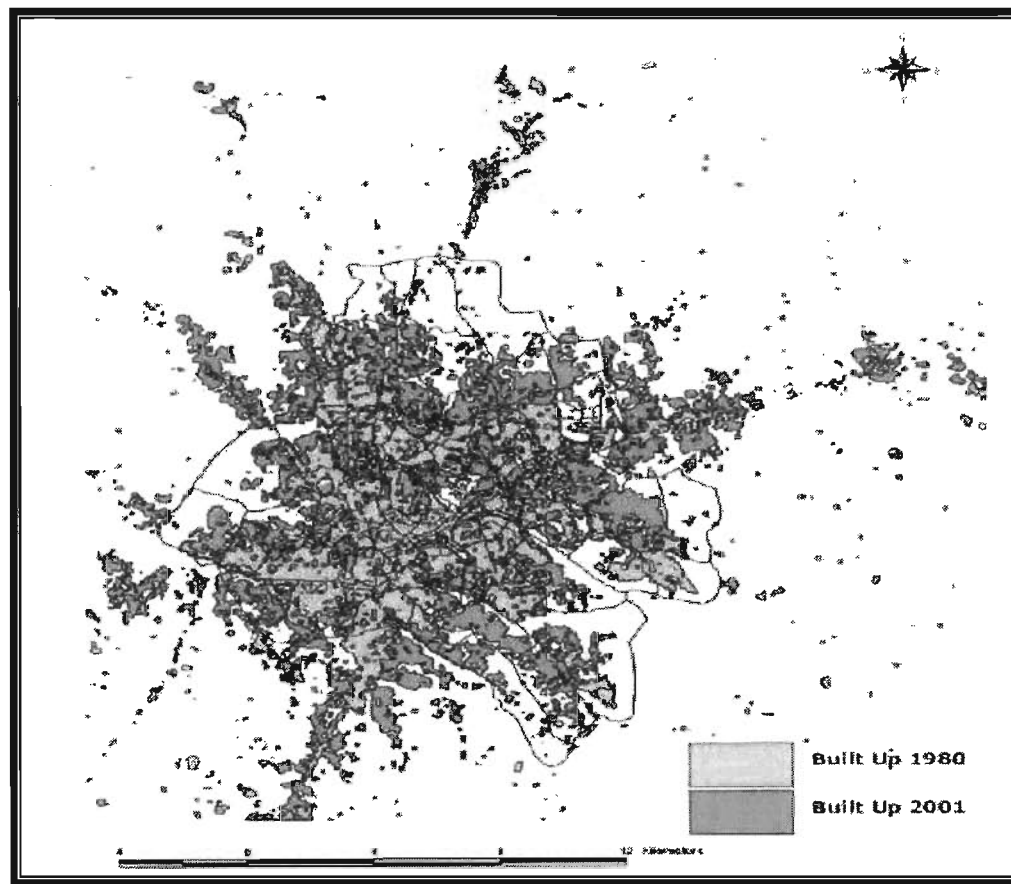
Settlement and Physical Form of Kampala

• Total City Area	201 km ²
• Planned	20%
• Unplanned	80%
• Slum area	21%
• Slum Population	39%
• Land Tenure	
• 75% mailo, owned by individuals	
• 15% leasehold, rented for a period of time	
• 7% Kabaka's land, can be leased by Kabaka (King's Land)	
• 3% Freehold, perpetually owned especially by institutions	
• Land Use and Utilization	
• <i>Use</i>	<i>% of total</i>
• Agriculture	56.1
• Residential	23.2
• Wetlands	3.6
• Institutional	5.2
• Water	2.1
• Industrial	1.3
• Mixed (residential, commercial, & industrial)	2.7
• Utility	1.3
• Open space parks	1.3

The above statistics were derived from 1993 Aerial photographs for Kampala.

Each of these land use is mixed with other land uses, thus making it difficult to rely on the accuracy of the above statistics. The urban agricultural areas are dominant in all parts outside of the central Kampala. Similarly, the industrial area is found in the southern part of the city while commercial area is found in the center core of city. The residential area is located in the western and south eastern part of the city where the elevation is relative higher than other part of the city. Between the residential and commercial area, a belt of informal and mixed land use emerge in Kampala. Figure 2 shows Kampala's spatial development patterns, 1980 – 2001.

Figure 3: Kampala Spatial Development Pattern 1980 - 2001



Furthermore, Kampala has two sets of urban population – the daytime and the nighttime population. The nighttime population is estimated at 1.2 million, and the daytime population at about 2.3 million people, which is about 66% of national urban population (Census 2002). Furthermore, about 80% of the country's industrial services are located in Kampala. The city generates a large percentage of Uganda's Gross Domestic Products (GDP). Naturally, this makes it the favored location of the local and foreign direct investments. Consequently, over the last decade, Kampala has attracted both local and foreign investment and opened up countless economic opportunities for its citizens. In Kampala City, financial services, insurance, telecommunications, transportation and real

estate are the fastest growing sectors in the economy, increasing their share of urban GDP from 9% to 14% (1992-2002)¹. According to research completed by the Ugandan Export Promotion Board in 2005, the service sector created close to 26,000.00 jobs from 1991 – 2005.

Table 2: Urban Population Demographic of Kampala

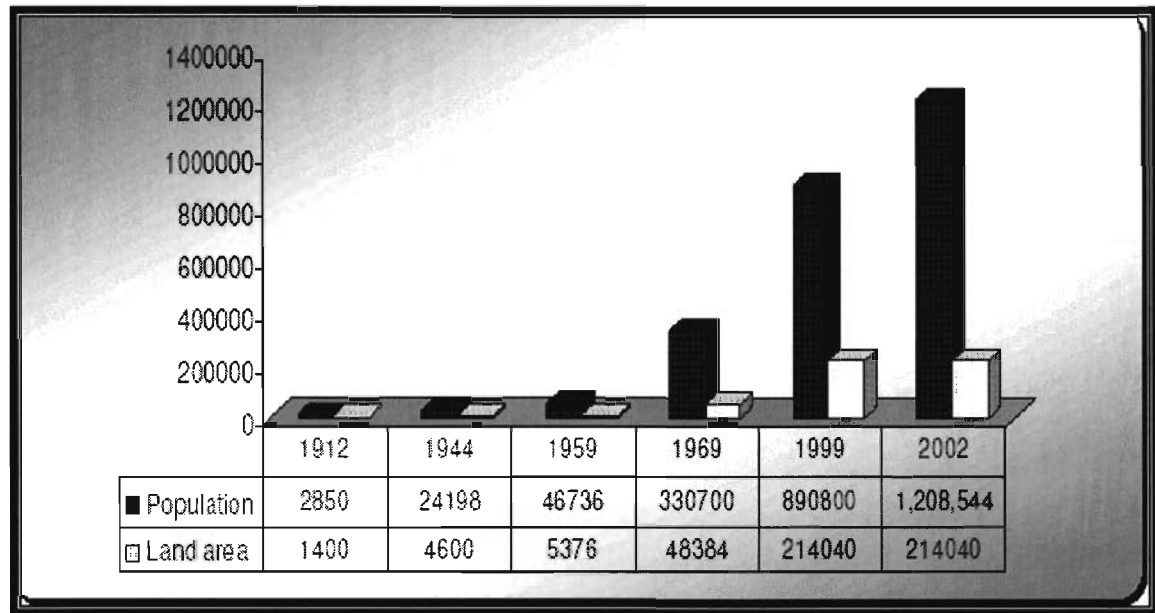
Kampala	Indicator	%
Resident Population	1,208,544 (2002 census)	
Daytime population	Estimated at 2,000,000	
Average annual growth rate	4.1%	
Age distribution	Children below 5 years	17.4%
	Below 15 years	40.3%
	15-64 years	58.5%
	Above 64 years	1.2%
Sex Distribution	Females	51.3%
	Males	48.7%
Sex Ratio		9.5%
	Women 5 – 49 years	26.7%
	Adolescence (10 – 19 years)	23.6%
	Youth (10 – 34 years)	46%

The physical form of Kampala has also changed in the last 15 years. Commercial and office space has been added to accommodate the branch offices of multinational and domestic companies and financing institutions (see Figure 3). For example, the entry of Citibank, one of America's largest financial institutions, into Uganda, is an indication of Kampala's ability to interconnect with global financial markets. Its presence in Uganda reinforces Citibank's faith and confidence in the

¹ Ministry of Finance Publication (2003)

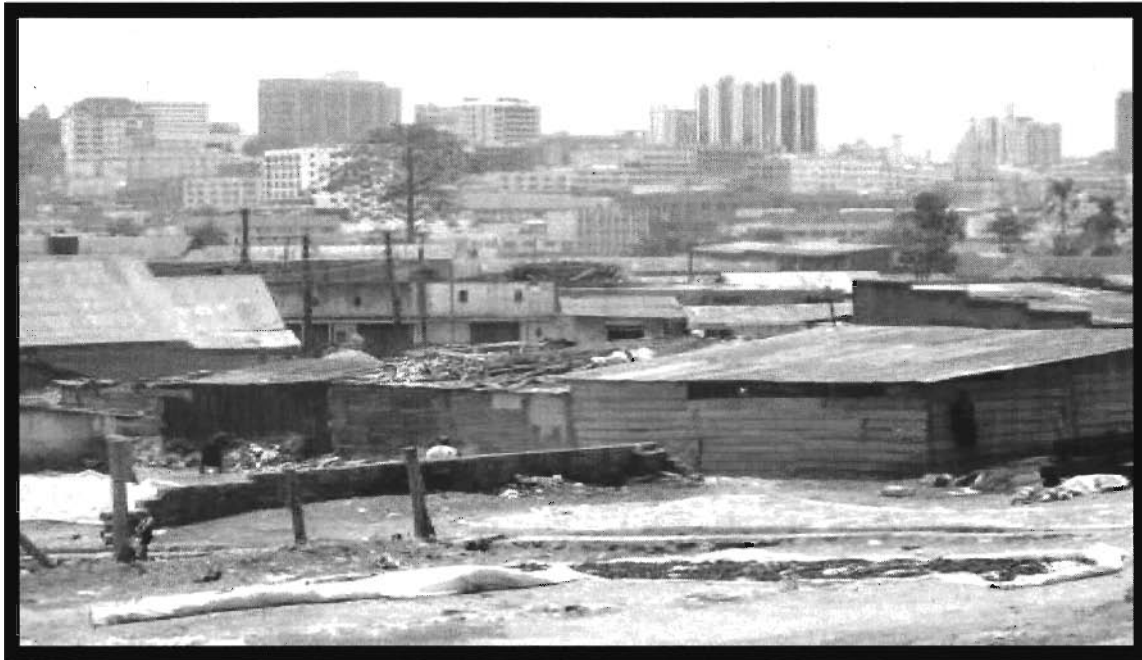
market reforms that the Government of Uganda has embarked upon and in Uganda's prospects as an emerging market player.

Figure 4: Increase in Land Area and Population in Kampala



Similarly, the privatization of the Uganda Commercial Bank in 2002, and its consequent merger with other international banks, contributed to the continual strengthening of the country's banking sector. Banks and foreign exchange bureaus are available at the airport, and in all towns in Uganda. Visitors may bring in as much foreign currency as they wish. Credit cards are accepted in the main hotels, though not in outlying areas. Visa is the most commonly accepted credit card. Some of the other banks include Barclays Bank, Standard Chartered Bank, Stanbic Bank., Nile Bank, Crane Bank, Allied Bank Ltd., Orient Bank, Trans Africa Bank, Cairo International Bank and the National Bank of Commerce. The government created the Uganda Securities Exchange (USE), which started trading in January 1998 with the East African Development Bank (EADB) bond.

Figure 5: View of Downtown Kampala, April 2005



Furthermore, in 1993, the government licensed a South African multinational company, Caltel, to provide mobile services. Since then, the Information and Communications Technology (ICT) sector has been recognized as one of the fastest growing sectors, especially in the areas of mobile telephone, broadcasting, e-finance, global connectivity, and online trade². This reflects the increased use of ICT due to the sizable growth in e-business transactions among Ugandans, and between Ugandan companies and overseas companies. Local telemarketing, through SMS and FM radios, is playing a big role in economic development. Efforts by the government towards e-governance, e-education, the rural transformation policy, financing frameworks, and distance learning (global and local) are indicators of the good performance in the sector. The way in which this transformation of

² Uganda Investment Authority (2001). ICT Sector In Uganda. <http://www.ugandainvest.com/downloads.php?id=1&uhpl=ict>

Kampala came about reveals a world-wide urban trend towards internationalization, making cities more connected to the global economy.

Table 3: Economic Functions of Kampala

CRITERIA	INDICATOR	KAMPALA
Telecommunications	- telephone lines	Yes
	- mobile phones	Yes
	- high-speed Internet	Yes
	- media	Yes
Finance	- stock exchange	Yes
	- international corporations	Yes
	- international banks	Yes
	- foreign investments	Yes
Economy	- trade openness	Yes
	- GDP growth	Yes
	- employment	Yes
Corporate Services	- advertising	Yes
	- insurance	Yes
	- accounting	Yes
	- legal	Yes
	- management	Yes
	- connectivity	Yes
Demography	- population size	Yes
	- division of labor	Yes/No
	- immigrants	Yes
Transportation	- airline traffic	Yes
	- harbor	No
	- highways	Yes
	- regional connectivity	Yes
Cultural / Social	- world events	Yes
	- livable cities	Yes
	- tourism	Yes
	- poverty	Yes
Governance / Management	- capital city	Yes
	- local governments	Yes
	- local authority / power	Yes
Regional Setting	- spatial location / land use	Yes
	- core periphery interaction	Yes
	- metropolitan setting	Yes

From this perspective, the development of cities has brought about a new environment for urban development where private sector has become a vital component in the urban economy of Uganda. The increased presence of private and other non-state organizations in the urban economy is a testimony to government's commitment to the economic liberalization policies. For example, Uganda's labour market has been estimated at 10 million, out of which the private formal sector absorbs 600,000 while the public sector employs 170,000; and 5 million are in the informal private sector. The rest are underemployed or unemployed (Private Sector Foundation Uganda, 2005). Majority of the formal private sector jobs are located within Kampala area.

While the economic successes enjoyed by Uganda support the country's status as a fairly globalizing country, Kampala's urban economy and infrastructure and service delivery has not kept pace with its relative economic boom. One of the main reasons is that urban economy in Kampala is weak and fragmented. According to Rakodi (1997), the economy of African urban areas has been described as follows:

“the fragmentation of their private sector and a very ‘extroverted’ modern sector with limited linkages with the local economy; an informal sector that plays a key role in the local economy, but that primarily caters to its own needs and demands (food, housing, transport); an underdeveloped small and medium enterprise sector, which is poorly positioned to provide inputs to agriculture or fishing, or intervene in downstream activities (transformation, commercialization or transport of agricultural and fishing products); limited offering of urban services to agriculture characterize relations between towns and their hinterland (Rakodi, 1997).

Like many other African cities, Kampala thrives on the booming informal economy, which is largely undocumented and ignored in the city planning and management. Furthermore, Uganda's rate of economic growth has been largely driven by a concentrated enclave of exports, especially coffee, fish, tea, limited manufacturing and fruit processing plants. These sectors have few linkages with the informal economy that defines the average Ugandan. There are no strong economic links between urban centers, especially the real estate sector, and other economic sectors such as the steel,

banking, insurance, brick-making and cement industries, as well as the power and piped water sectors. These links are essential in creating new jobs and providing the badly-needed economic stimulus.

The local government, on their part, is being faced with the challenges of providing services to the urban dwellers. Unplanned buildings or structures keep appearing everywhere, including building structures in wetlands, road reserves, and community institutions. The situation has become so dreadful that many observers allege that city officials are turning a blind eye to the unapproved and uncoordinated developments. Sometimes, city officials provide planning permissions when development should be prohibited. According to one KCC official:

The power to change and alter land use has been grossly abused by officials who deliberately approve structures to be built over, or close to, sewerage lines, road reserves, wetlands, high voltage power lines, recreation grounds and traffic islands meant for road safety (Richard Kabuuka, Personal Communication, May 14, 2005).

He also noted that many of the “ugly looking and badly erected structures” in the heart of the city are a result of poor enforcement of housing regulations, laxity on the part of policy makers and compromised city officials.

“All those badly erected buildings you see in Kampala have approved plans. This means that they have a hand of the chief town planner, chief town engineer, architects and surveyors. All these offices need to be streamlined if we are to have sanity in the city, (ibid)”

In addition to the above broad challenges, Kampala is faced with its own unique challenges, namely unemployment. The Ministry of Public Service puts the national unemployment rate at 6.2% while that of the youth is at 22.3%. In Kampala, the youth unemployment rate is reported to be above 32.2%, while for the university graduates the unemployment rate is 36%. These statistics show that unemployment remains one of the most serious challenges facing the Uganda. The high

rate of unemployment is due to a number of factors, but mainly because the economy is geared towards servicing the export sector. It is also due to the high rates of urbanization.

3.3 URBANIZATION

A principal impact of globalization on the cities in the developing countries has been rapid urbanization. As Zetter and Hamaza (2004) noted, this mega-urbanization movement in cities of the developing countries results from the policies of economic globalization. However, globalization is not the only factor that drives urbanization. Other drivers include the natural increase that comes from a high fertility rate, decline in mortality, internal migration and external migration.

Urbanization here refers to a process in which an increasing proportion of the population lives in cities and the suburbs of cities. Leaf (2005) refers to this phenomenon as the ‘urban transition’, and he explains it as “the spatial expression of demographic transition.” According to Leaf, urban transition results from “a fundamental shift in economic structure away from the primary production (i.e., agriculture) to higher, value-added forms of production historically associated in urban life.” Therefore, in many developing countries, globalization represents a fundamental shift in the economy and the capital cities are the locations where most of the economic growth is taking place.

Similarly, Harsch (2001) observed that the outcome of globalization in cities of the developing world is the acceleration of urban population growth and the increase in spontaneous settlements, leading to increased informal development. However, it would be wrong to attribute the current trends in urbanization in Kampala solely to the relatively recent globalization process. Mukwaya (2004) points out that urbanization in Uganda started in the late nineteenth century, when the European footprint in the country defined Uganda’s spatial and urban development pattern. With the building of the Kenya/Uganda Railway and the establishment of administrative centers in various parts of the country, the foundation of urbanization emerged (ibid).

The State of Ugandan Population Report in 2007 points out several drivers of urbanization in Kampala³:

- Migration from rural to urban areas;
- Political and civil unrest in rural areas;
- Economic growth and political stability of Kampala;
- Economic restructuring policies which are pursued from Kampala.

The latter point is an important factor in Kampala's urbanization. Most of the policies resulting from the globalization of Uganda have benefited Kampala and its surrounding area. As a primary city, Kampala has become a magnet to those who want to do business and those who want to find jobs because it is the major industrial and commercial center of the country. But the city authority has not developed a plan, an urban policy, to organize residential and work accommodations for the influx of people.

Consequently, the migrants from rural areas are able to establish homes and businesses without concern for planning controls or regulations. The uncertainty of land tenure and the absence of a master plan that contains basic zoning maps with land development regulations have made it easier for migrants to build on vacant land within and on the outskirts of Kampala. Indeed, in the absence of laws and regulations, the only way to develop land and build houses is to do it informally. Of course such outcome cannot entirely be blamed on globalization as the responsibility of implementation lies within the national and the local government. But, lack of recourses and decision making powers account a major part for the failure of City leaders and planners to develop a strategy for dealing with issues of urbanization, or an overall development policy for Kampala. Furthermore, they have not thought out how to manage the city in the wake of the transition to a

³ The State of Uganda Population Report (2007).

market economy, how to deal with its economic, social and physical consequences, how to build the professional and representative capacities of sub-national authorities, or how to cope with rapid urbanization. As such, urbanization is straining the capacity of cities to provide basic amenities, degrading the quality of life, and impoverishing the environment⁴.

The rapidly growing urban population is a world-wide trend among developing nations. According to the World Population Report of the UN Population Fund (UNFPA), “In 2008, for the first time in history, more than half of the world’s population, 3.3 billion people, will be living in urban areas.” The world’s urban population is expected to swell to almost 5 billion by 2030. The UN further predicts that “most urban growth will take place in developing countries. Africa’s urban population is expected to more than double between 2000 and 2030, from 294 million to 742 million”.

Table 4: Urban Populations in Uganda and Kampala

Index	1969	1980	1991	2002
Number of Towns	58	96	150	74
Urban Population	634,952	938,287	1,889,622	2,921,981
Proportion Urban (%)	6.6	7.4	11.3	12.2
Urban Growth Rate (%)	8.17	3.93	6.35	3.37
% in Kampala City	53.9	47.9	41.0	42.7
% in 20 largest Towns	87.4	80.4	74.4	76.6

Source: Uganda Bureau of Statistics 2002, p. 10.

As indicated earlier, Kampala hosts two types of population: a nighttime and a daytime population. The former tends to be small because most people who work in the cities and towns live

outside the boundaries of these towns. The daytime population, which is almost twice the nighttime population, is never captured in official statistics (KCC, 2005). This has caused a conflict between the national government and the KCC authority when the former is providing funding for infrastructure requirements. The relative size of the urban population in Kampala has been on the rise for the last several decades, and statistics indicate that urban population growth has occurred throughout the last four decades (Table 3). This recent growth, as well as the political stability, has led to the expansion of existing urban centers (especially in Kampala) and the sprouting up of hundreds of small trading centers in the countryside, particularly along highways and major road networks.

Figure 5: A busy commercial road, near Taxi Park, Kampala



⁴ Cities in Globalizing World: Global Report in Human Settlements
<http://www.unhabitat.org/downloads/docs/GRHS.2001.4.pdf>

3.4 CHALLENGES OF URBANIZATION IN KAMPALA

An important feature of the urbanization in Uganda is the growth of Kampala as a primary city, with its daytime population now estimated at 2.3 million. It is also an indication of economic growth, showing how much production in Uganda has shifted away from agriculture to service and light industrial activities. However, the high urbanization rate has created the mushrooming of new unplanned and un-serviced centers. Also, there is inadequate capacity to plan and provide basic infrastructure and services to cater for new and expanding urban populations, as rapid urban growth creates increased demand for services, new utilities, and maintenance upkeep and infrastructure renovations. In addition to the above broad challenges, Kampala is faced with its own unique challenges, namely:

- Housing shortages;
- Proliferation of informal settlements;
- Environmental degradation;
- Lack of basic infrastructure provision.

3.4.1 Housing Conditions

A great need exists for decent, affordable housing in Uganda. The day population of Kampala is over 1.2 to 1.4 million, and it continues to grow. Over the past 30 years, slum areas have continued to emerge due to a lack of organized housing development. Section 6.3 of the February 2000 Kampala Residential Market Survey of the National Housing and Construction Corporation (NHCC), states that:

There is an annual housing need of 9,578 units required to meet the new households formed. Besides, there is an estimated backlog of over 52,097 units in Kampala. The rate of supply in formal market is estimated at 5,000 units per annum only leaving an unsatisfied need, which is increasing annually.

On the other hand, statistics from the Department of Housing indicate a backlog of 0.5 million houses in Uganda, of which 20% are in urban areas. Kampala alone has a backlog of 50,000 new housing units and 25,000 units for replacements. The projection is that between now and 2015, an additional 1.7 million units will be required and of these, 70% will be in urban areas. In Kampala alone, an additional 600,000 housing units will be required over the next 10 years, according to the Department of housing. These figures indicate the magnitude of the resources that are required. The estimated need in Kampala alone, over the next ten years, will likely require a total investment of US\$ 4.0 billion (ibid).

The housing conditions are generally poor, as depicted by the official statistics (Uganda Housing Survey, 2003). Iron roofed sheet houses comprise 63% of the houses, while detached houses make up 35%. Houses constructed of mud and poles comprise 46% of the units, while brick houses make up 51%. Earth floors are the predominant form (at 73%), while cemented floors comprise just 24% of the dwellings.⁵

With the current housing deficit reported to be between 500,000 and 1,000,000, and the population growth rate at 3.4% per year, an urgent need exists for a pragmatic and effective national housing policy to resolve the existing housing crisis. The human settlements sector in general and the housing sector in particular, are faced with a myriad of problems and challenges, which calls for strong guidance. The developed housing sector has an enormous role to play in the economy in

⁵ The Uganda National Household Survey 2002/2003

providing both forward and backward linkages. Housing is also used as a measure of the standard of living in any given community, society, or country.

3.4.2 Informal Settlements

Furthermore, the high urbanization rate has led to overcrowding, proliferation of informal settlements, and poor sanitation in Kampala, as well as the mushrooming of unplanned and un-serviced trading centers/growth centers along the main road networks. In Kampala, residents live in an area designed for less than half its present population, and the pressure on infrastructure, services, and resources is causing widespread poverty. The high urbanization rate is also causing a mushrooming of new unplanned and un-serviced commercial centers. Most of the new urban areas depend on the use of pit-latrines for sanitation. The increased use of pit-latrines, in turn, has led to a contamination of underground water making it unsafe for domestic use. The Housing and Population Census Report states that 50% to 70% of the population in Kampala City lives in informal settlements/slums. These dwellers suffer from a lack of access to good and adequate housing, and infrastructure facilities and services. This is mainly due to the lack of proper legislation to direct and regulate construction, mainly in urban areas such as Kampala. Kampala lacks both a housing policy and urbanization policy, which can be used to regulate and accelerate housing units being set up in the low income areas.

Figure 7: New Informal Commercial Street in Intenda, Kampala, 2005



3.4.3 Poverty

The Uganda National Household Survey 2002/03 indicates that the percentage of people living in poverty stands at 38%, corresponding to 8.9 million Ugandans. This marks a significant increase in poverty both in percentage and absolute terms since 1999/2000, when 34% of the populations, approximately 7.2 million Ugandans, were living in poverty. Between 1999/00 and 2002/03, the incidence of poverty increased more in rural areas than in urban areas. In terms of absolute numbers of people living in poverty, rural areas experienced an increase from 7.0 million in 1999/00 to 8.5

million in 2002/03 for the rural areas, whilst the corresponding figures for urban areas are from 0.3 million to 0.4 million. Although rural areas remain markedly poorer than urban areas and saw lower growth in mean living standards, the proportionate rise in poverty is actually higher in urban areas.

Table 5. Statistical Overview of Urban Uganda.

Condition	Incidence
Urban population	3,486,000
Urban as % of total population	14.5% *
Lack of improved sanitation	83.6%
Lack of sufficient living area	19.2 %
Lack of durability of housing	26.4%
Lack of improved water or improved sanitation	88.2%
Lack of improved water, improved sanitation, or sufficient living area	90.5%
Lack of improved water, improved sanitation, sufficient living area, or durability of housing	93%

* The Housing and Population Census 2002

Rapid urbanization, high levels of unemployment and the concentrated poverty within urban areas have led to the new phenomenon – urbanization of poverty. The high population growth rates have had negative impacts on projected per capita income growth, and the overall national economic growth. Due to the high population growth rate, real GDP per capita growth has remained below the 5% level suggested in the Uganda National Household Survey. As mentioned above, land use planning and urban development policy in general are tools that can help bring about the orderly developments of a city, as they drive present and future decisions for infrastructure, determine transportation systems, and help attract foreign investments into the urban districts.

4.0 LEGAL FRAMEWORK OF URBAN PLANNING IN UGANDA

4.1 DECENTRALIZATION

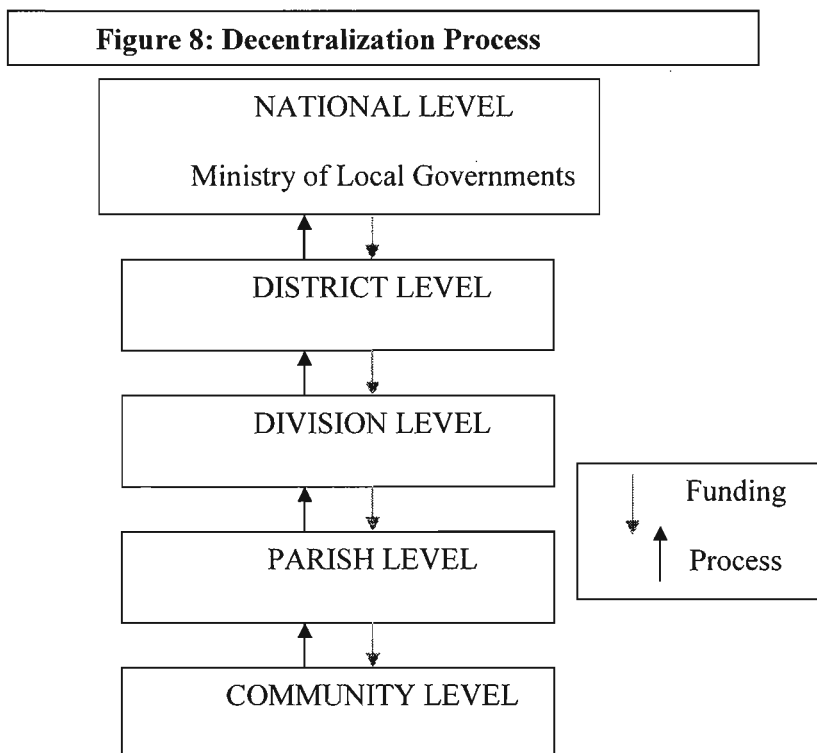
As indicated above, decentralization is part of the liberalization package that the government of Uganda had adopted in order to reform the public management system, which had a high degree of centralization and a limited decision-making power allocated to local governments. In 1997, the government adopted a systematic public administrative reform process to design a system of governance that ensures the efficient allocation of public resources. According to the Ministry of Local Government Act 1997, the following powers have been devolved to the local governments:

- Make and implement development plans;
- approve and execute their own budgets;
- raise and use resources according to their priorities;
- appoint statutory committees, boards and commissions;
- make ordinances and bylaws that are consistent with Constitutions and existing laws;
- hire and fire personnel.

Thus, the decentralization process practiced in Uganda is based on the devolution of powers, functions and responsibilities to local governments. The transfer of these powers is intended to improve service delivery. It is also intended to promote good governance by placing emphasis on transparency and accountability in public sector management (Onyach-oola, 2004). The degree of power transferred to local governments, and the resources available to them, however, make a difference in terms of their capacity to implement their development priorities.

Uganda's decentralization is not only limited to the devolution of powers from national to local governments but is also intended to expand democracy by promoting inclusive, representative and gender-sensitive decision-making(Onyach-oola, 2004). It puts more emphasis on participatory planning between central and local levels. For example, Section 36 of the Local Governments Act gives local governments planning powers within their areas of jurisdiction. The Ministry of Local Government (MoLG) is the lead government department responsible for spearheading decentralization in Uganda. Its mandate extends to promoting decentralization, proposing and drafting updates to the legal and policy frameworks whenever necessary, and coordination of sector policies. The ministry is charged with support and capacity building including supervision and inspection of local governments. Figure 7 shows the process of decentralization in Uganda. It is participatory strategy that promote sound local governments and to enhance sustainable social and economic development at the local level (MoLG, 2001). The MoLG is supposed to coordinate and allocate funding much of the local government activities.

Furthermore, in urban areas the local government consists of city, municipal or town councils



(division), according to size. Divisions constitute lower local governments and are supplemented by the administrative units of ward and village councils in hierarchical formation .Kampala is considered to be a district according to the Decentralization Act of 1997. The local government civil service in each district, headed by a Chief administrative Office (CAO), is joined together with an elected political authority, the district council, led by its Chairman (LC5), also elected by popular vote at the district level.

The district consists of five political administrative divisions, namely: Central, Kawempe, Makindye, Nakawa and Rubaga (see Figure 1). The city as a district is headed by a mayor (LC 5 Chairperson), who presides over a council that makes policy decisions and enacts bylaws. The Town Clerk is the Chief Executive officer of Kampala City Council and is charged with implementing the policies enacted by the LC 5 Council. He is also responsible for the day-to-day management of the District. Five Assistant Town Clerks head the divisions and report to the mayor (LC 5 Chairperson), and to the district Town Clerk.

At the division level, a chairperson (LC 3) heads the division council members. Below the LC 3 level, there is an LC 2 (parish) and LC 1 (village) council, each headed by a chairperson. Divisions are semi-autonomous statutory bodies. In addition, according to the Local Government Act of 1997, all city divisions are deemed to be municipalities, but they do not operate like municipalities. The municipalities should also have the capacity to meet their cost of delivering services, have administrative offices and have a plan for land usage. No divisions of Kampala meet all these requirements, except for having administrative offices. Division Councils with a statutory mandate run and deliver specific services separately from the functions of LC 1, 2 or 3. Division Councils are seen to be closer to the people and are more familiar with the circumstances and needs of the areas under their jurisdiction.

Under this newly decentralized system, how is the urban planning of Kampala functioning?

The Administration of urban planning and development in Kampala is organized at three levels: national, district, and division. At the national level, the Ministry of Local Government, the Ministry of Water, Lands and Environment (MWLE) and the Ministry of Works, Housing and Communication (MWHC) are the three authorities dealing with urban planning, mainly in the form of policy planning, technical issues and allocation of funding to the local governments. Currently, the Ministry of Local Government is responsible for overseeing the administration of the city council. The ministry is also responsible for policy issues affecting the city. Together, these bodies perform advisory and co-ordination roles, as well as technical assistance, upon request, to the District Planning Authority (DPA). According Local Government Act 1997, the District Council is the Planning Authority of the District.

Other ministries and agencies, such as the Ministry of Finance, the Ministry of Foreign Affairs and the Uganda Investment Authority (UIA), are also directly involved. The UIA is an important player in the process of urban planning and development in Kampala, for example. It has its own department of land acquisition and development services. It provides services to foreign investors that want to locate in Kampala and in Uganda. The agency secures land use and planning permission/approvals from the national level. The UIA can therefore act completely independently of the city and its municipalities, so that development of city land can proceed without even the knowledge of the city.

At the district level, Kampala City Council (KCC) is mandated by the local government Act 1997, to provide numerous services including land use planning, development services and engineering. To ensure that the development in the city is organized and does not exert stress on the existing functioning infrastructures, the planning and land management department takes care of the

overall planning of the city. It works hand in hand with the city engineering department because their respective activities are inter-related. The department works closely with the other divisions and provides an advisory role. Furthermore, the planning department ensures that parish plans and division plans are consistent with the district plans. The Local Government Act empowers Kampala to formulate, approve, and execute the district budget, which it is required to link to available revenue and the three-year rolling development plan (GoU, 1997, p. 58, S. 78).

But, Kampala has severe cash flow problems due to inadequate locally collected revenue. Income is generated from licenses, graduated (poll) tax, property tax, market dues, department tax (for example from the forestry department) and fines. The law provides that revenue collection is the responsibility of the Division Council, not the KCC. Once collected, revenues are to be transferred to the district and then are to be shared on a 50/50 basis between the city council and the division. This arrangement is problematic, however, for several reasons: a) Section 80 of the Local Government Act states that “Division Councils shall have autonomy over their financial and planning matters in relations to the District Councils, but their plan shall be incorporated in the District Plan”.

The problem with this is that District plans do not exist; and if they exist, the plans are not consulted with the division councils; b) the Divisions complain that they never receive their rightful share of monies back from the District (KCC). The District complains that the Divisions are not properly collecting taxes in their jurisdictions. The District that they have authority over the Division Councils with regards to the tax collection. The District developed a new strategy to collect graduated tax from those businesses in the city that were suspected of evading the tax in order to address the problem of revenue collection. The District required the Divisions to follow the new tax collection procedure. But the chairman of the Central Division refused to co-operate, and called the

mayor to inform him that such actions would not be followed in his division. This precipitated accusations of corruption and fraud at both levels.

Furthermore, the District urban planning department is less involved in the land use policy making, or what in other countries is called an official community plan (OCP). Their responsibility is limited to what is provided in the Town Planning Acts of 1964 and the resources available to them. Central government's funding allocations to Kampala takes place under the Local Government Development Project (LGDP). Most of the LGDP investments are spent on primary health and education facilities, sanitation and road provision (Francis, P and James, R., 2003). Housing investment has basically been treated as an area of individual investment with financing made available from the private sector (ibid).

According to the Ministry of Local Government, the budget urban planning is supposed to proceed in an integrated bottom-up manner, whereby each village produces a Community Action Plan (CAP). The CAPs are driven by needs identified at the community level. Parish councils incorporate the wish list of the CAP into the parish budget, which in turn is incorporated into division budget plans. The district is then supposed to produce an integrated budget plan based on the division and parish budgets. Finally, the proposal must be ratified by the District Council.

For the village or community, however, land use and local development plans are not a priority. The system hardly operates in accordance with the provisions of the Local Government Act.

First, the priorities from LC1 and LC2 often fail to reach the district level, and even when they do,

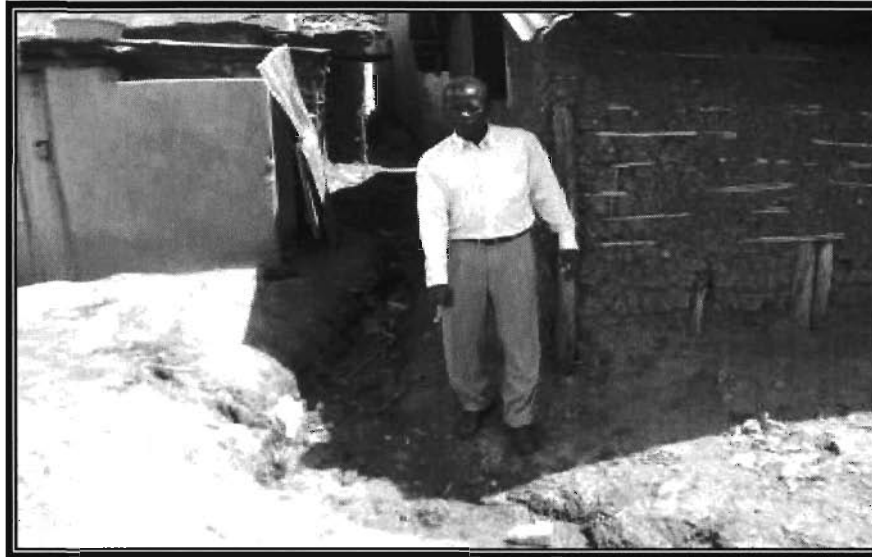


Figure 9: A Parish Leader Identifying Drainage and Sanitation Problem,

they are rarely incorporated into sub-county plans. For example, Figure 7 shows a parish leader identifying a local priority (drainage) for his community, which he has been trying unsuccessfully to incorporate into the development plan for three years. The division planner has failed to respond to repeated requests for action. The LC1 and LC2 (village and parish respectively) levels do not actually formulate land use plans in their localities, because they lack the technical and technological capabilities to do so. Further, no planning personnel (such as LC1 planner or LC2 planner) are assigned to these localities. Third, given the limited capacity and experience of parish or village councilor's and committee members, plans of any quality or realism are rarely produced.

At the division level, the situation is not very different from the parish and village levels. If the parishes and villages are not able to formulate their own land use plans, then by extension the division level is not able to formulate a land use plan for the division. The only difference between divisions and the lower levels is that at the division level, there is a resident division planner whose job is to coordinate and integrate the parish/village development plans into the larger division land

use development plans. The only time a land use plan is produced at the division level is when a large scale project is taking place (slum upgrading project, supermarket, shopping centre, etc) in that locality. These are concept plans, or lot layouts, showing the location of the proposed developments. And most of these plans are developed by private consultants or other government ministries.

Who, then, is supposed to formulate the overall urban development policy and land use plan for Kampala? As indicated above, MWLE and MWHC are the two national levels that are charged with the formulation of a broad vision of the land use plan for Kampala district. As it turns out, however, these national level ministries did not develop urban policy plan for Kampala district. The only development plan or structure plan for Kampala was formulated in 1994, by a consulting firm from Canada. The document is called the Kampala Structure Plan (KSP), and it identifies existing uses of land, population growth, and environmentally sensitive areas including lakes, channels and creeks. The report presents a summary of the analysis leading up to the proposed Kampala Structural Plan. Referring to the future structure of Kampala, the proposed Kampala Structure Plan (1994) proposes the protection and enhancement of urban agricultural and forestry activities within and adjacent to the city. The proposed Kampala District Plan also calls for environmental protection measures that accommodate permanent agricultural activities. This document, however, is not legally binding and is not recognized in the Local Government Act of 1997. Furthermore, the KSP does not give a policy framework for the District Council to address issues such as housing, transportation, parks, economic development and natural and social environment. Thus, to date, Kampala as the largest urban district does not have an enforceable urban policy that serves as a foundation for all policies, regulations and decisions involving land use and development of the district.

Furthermore, when asked about the lack of urban policy plan for Kampala, the district town planner is quick to point out that it was the responsibility of the national level to provide an urban plan that guides how Kampala should develop. When the same question was put to the assistant minister of local government, who is also the department head for Decentralized Development Planning, he pointed out that it was the responsibility of Kampala's urban planning department to formulate land use plans for the district. He added:

The Ministry of Local Government provides funding to Kampala for the preparation and execution of integrated urban land use planning for the district, but they [Kampala] have failed to perform their duties (Mr. Emorut , Personal Communication, May 17, 2005)

Thus, each level of government holds the other responsible and blames the other for a failure to act. The result is that no administrative body has taken ownership of land development for Kampala. The national government, however, is not entirely to blame for the problems of Kampala's land use planning. According to Charles Kojo, a representative from the National Planning Authority⁶, the problem originated in the failure of the city leaders and the planners to effectively make their case to the government when decision-making powers were delegated to them in 1997. He said:

The government at that time was willing to provide the necessary resources that would allow them to carry on their delegated responsibilities, but no one came forward. Ultimately, this has weakened the relationship between the national government and the district council regarding the development of urban policy for Kampala. (Personal Communication, May 09, 2005)

Despite a strong commitment to decentralization, it seems that physical and urban planning departments have not been given due attention in Uganda's decentralization process. The only power that Kampala has for the physical planning of the city is premised on the Town and Country

⁶ The NPA is a government agency that is mandated to effectively guide and act as a think-tank for national development programmes, as well as optimal allocation of national scarce resources for ensuring sustainable poverty reduction, development and socio-economic transformation.

Planning Act of 1964. This Act is obsolete, and therefore unable to address the emerging pressure and demands of urbanization.

In summary, the problems of decentralized urban planning in Kampala are the following:

- Limited capacity at local government level to execute physical planning functions, which were devolved to them;
- Lack of urban policy and updated spatial data on Kampala;
- Lack of coordination between national, district and lower levels of government in the development of an urban policy framework that addresses issues such as housing, transportation, parks, economic development and natural and social environment.

4.2 TOWN AND COUNTRY PLANNING ACT

There are several institutions or Government departments with varying responsibilities for land management in Uganda. The responsibilities overlap and often put these bodies in conflict with each other. Furthermore, policies related to land use are scattered in various pieces of legislation.

However, the Town and Country Planning Act 1964 (TCP) is the principal statute governing physical planning in Uganda. The Act establishes a Town and Country Planning Board whose duty is to ensure planning and approval of development plans.

The Town and Country Planning Act provides a legal framework for urban planning, defining and describing the various levels of government, their functions and how they relate to each other. Being based on previous physical plans developed some 60 years ago, the Act does not take into account the dynamics of today's urban development process in Kampala. It also conflicts with the

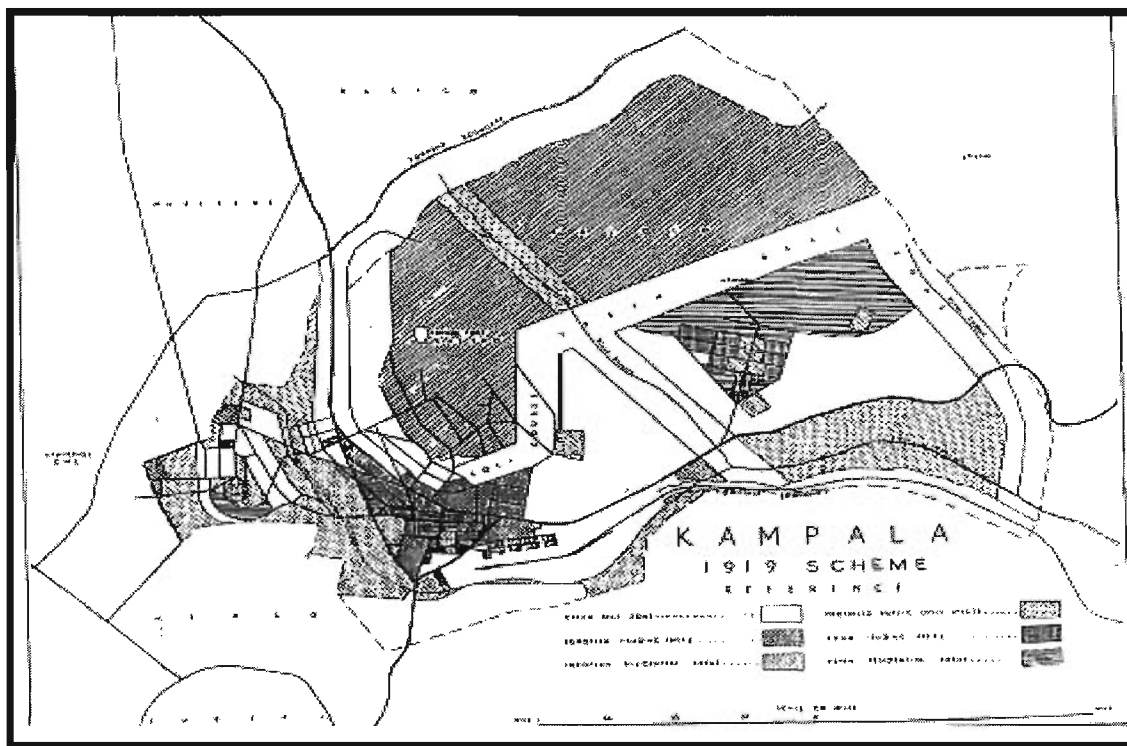


Figure 10: Planning Scheme for Kampala(1919)

Local Government Act (1997), which contains serious implications for city functioning and also contains overlaps in the provision of services.

The first planning scheme of Kampala was drawn up in 1919 (Figure 8), with a population of 2,850 covering an area of about 567 ha including Nakasero and Old Kampala Hills, which was later expanded to include Makerere, Wandegaya, and Mulago. In 1930, a new physical plan for the city (see Figure 9) was completed as a result of the growing population and the emergence of the new 'African Quarters' of Naguru and Nakawa. Kololo, Nakasero, and Mbuya remained exclusively as European residential areas until independence in 1962.

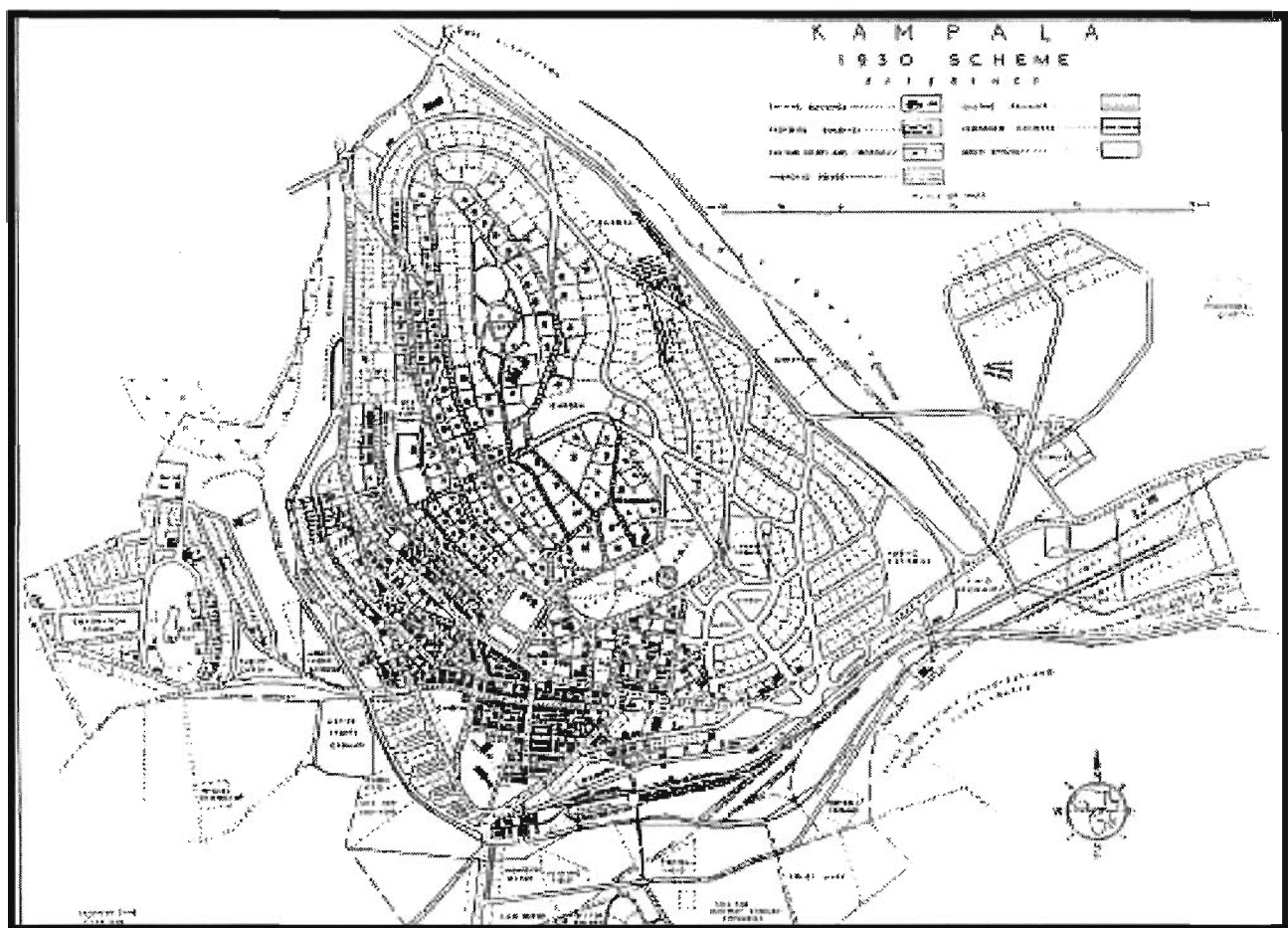


Figure 11: Miam's Plan for Kampala (1930)

Kampala became the capital of Uganda in October 1962, with a population of 50,000 and covering an area of 21 km². During the period that followed, the first formal planning procedures and programs were adopted and in 1964 the Town and Country Planning Act came into effect, remaining legal until the present day. Since then, new legislation and acts have emerged that deal with land use regulations which address urbanization on a multisectoral basis. These policies and programs are aimed at complementing and reinforcing the Town and Country Planning Act of 1964. Chief among the new legislation is the Local Government Act of 1997.

4.3 LOCAL GOVERNMENT ACT of 1997

The most important fact about the Local Government Act of 1997 is that it defines and describes the various levels of governments, their creatures, and how they relate to each other. This law also defines and sets out the roles of the national government and the lower, local governments. For example, it defines the revenues reserved for local government, which local government is to collect which revenue, and how the revenues are to be shared.

According to the Act, urban councils include city, municipality, and town councils. Uganda has 1 City, 13 Municipal Councils, 34 City/Municipal Divisions, and 66 Town Councils. The Act gives powers to the local authorities to manage the development of urban councils, municipalities and the city council, while the national government comes into play in a guiding role. The Act empowers the Minister for Local Government to declare an area as urban when and if it satisfies the following criteria:

- Minimum population size of 25,000 for a town, 100,000 for a municipality, and 500,000 for a city;
- Has a master plan for land use;

- Has its own administrative offices;
- Has available water sources;
- Is able to meet the cost of providing services;

Within the Ministry, the department for Decentralized Development Planning is responsible for:

- Coordinate and harmonize the decentralized development planning system in the country;
- Support local capacity development for national planning;
- Provide support and guidance to the national and local bodies that are responsible for the decentralized planning process;
- Design and implement programs to develop planning capacity in local governments;
- Propose cost effective programs and policies for effective poverty eradication measures;
- Prescribe the manner by which local governments development plans are initiated and prepared;
- Coordinate the review and integration of local government development plans into the national plan;
- Coordinate and guide the alignment and integration of national and local plans and budgets;
- Provide guidance on output-oriented budgeting and result-oriented management for local governments.

While the Act clearly defines the roles of the various government levels, in practice, successful implementation of the new relationships has not materialized. And why not?

The Local Government Act of 1997 delegated most of the authority for land use planning and regulation to local governments. The city council is set up, like all local governments in the country, following the principle of decentralization. With respect to the Kampala City Council (KCC), power and responsibilities were devolved from the central government to the KCC and from there, to division councils. As indicated earlier in the thesis, five division councils exist within the KCC, namely, Kawempe, Nakawa, Makindye, Lubaga, and Central. All these division councils are semi-

autonomous, corporate bodies with elected councils and separate budgets. The chairs of these divisions, similarly to the mayor at the center, are elected under the current arrangement by universal adult suffrage. The chairmen of the divisions consider themselves as fully fledged mayors since the Local Government Act, 1997. Division chairmen and councils began questioning the authority of the KCC and are in constant conflict with KCC, which explains why the KCC is currently in a state of confusion.

The other main source of problems in the city council is the way in which the Local Government Act 1997 provides for the delivery of services. All city divisions are deemed to be municipalities, but they do not operate like municipalities. The municipalities should also have the capacity to meet their cost of delivering services, have administrative offices and have a plan for land usage. No divisions of Kampala meet all these requirements, except for having administrative offices. Furthermore, under the schedules attached to the Act, the services to be provided by the KCC and those to be provided by the divisions are identical and therefore confusing. For example, both the KCC and the divisions are responsible for maintenance of roads, sanitation and drainage and street lighting, but blame each other when these things are not done.

In addition, there is very little collaboration among the district and lower divisions, even though it is legally provided for in the legislative framework. Section 8 of the Local Government Act explicitly states that two or more district councils may, in accordance with article 178 of the Constitution, cooperate in areas of service delivery, especially those that are near to each other. The above legal provision has not been fully exploited. And yet, the advantages that would accrue from collaboration would increase the economies of scale among all.

Finally, the Local Government Act of 1997 has not paid much attention to the process of urban settlements in Uganda. It has given more responsibilities to the lower levels of government without

providing for adequate resources and the technical skills needed to manage urban lands. Similarly, lack of consensus on where the growth of Kampala should take place, coupled with ineffective urban management, has caused Kampala's land use pattern to become chaotic. The inability to provide planning guidance on how Kampala should develop both presently and in the future leads to a lack of coordination and to conflict at both the national and the local levels in May of 2005.

This has precipitated the city to grow without formal planning guidance. Informal developments take place in various forms such as squatting – where vacant government or privately owned land is illegally occupied and used for housing. Other kinds of informal land development include illegal subdivision and construction work that does not comply with the planning regulations. A casual glance at Kampala and its suburbs is a revelation of a city being turned into a big slum. Developers are constructing buildings all over the place, with many lacking the bare minimum of an access road. In many cases, plans are approved without any of the responsible officers visiting the site. A close examination of the land use development process (next chapter) reveals the impact of lack of land use planning in Kampala.

4.4 NATIONAL ENVIRONMENTAL ACT

In 1995, an environmental act was passed to protect the environment and to create an environmental agency called the National Environmental Management Authority (NEMA). The mandate of the NEMA is to ensure that all developments adhere to acceptable environmental standards through environmental impact assessments and mitigation measures.

Kampala is located on the shores of Lake Victoria and the topography consists of flat-topped hills with shallow valleys. A number of streams flow into two main drainage basins. According to the report of the National Environmental Management Authority (2003), almost one sixth of

Kampala District (31 km²) is covered by wetlands ('wetlands' include permanent swamps and water bodies, as well as seasonally flooded areas). These wetlands are, without exception, facing a serious threat of total destruction. Some parts of the city have been zoned and developed in commercial shopping centers and hotels. About three-quarters of the wetland areas are said to be affected significantly by human activity and about 14% are already seriously degraded.

Most of the key environmental components in and around Kampala City are at risk of degradation due to various activities associated with uncontrolled urbanization processes. The development of inappropriate areas, such as open spaces, swamps, and steep hillsides that results from inadequate planning is causing serious environmental problems (i.e., water pollution, disease outbreaks, soil erosion, and vegetation loss). All these problems are occurring despite the existence of NEMA.

4.5 CONDOMINIUM ACT

The Condominium Property Act was enacted in 2001 to facilitate development, ownership, and occupation of flats and sectional properties. The Act is envisaged to encourage development of high density, high-rise housing types to meet the increasing housing needs, especially in urban areas. Legal frameworks such as this act have led to the sale of dwellings, and yielded fruits in the form of increased home ownership in urban areas.

Unfortunately, however, this Act is not linked to a zoning bylaw that outlines the minimum development guidelines, such as site dimensions and area, setbacks, area dedicated for private access road, amenities, etc. Basically, a developer can propose a high-rise development without taking into consideration the character of the neighborhood, environment, access to roads and sanitary/sewer

services. An example of this is the new high-rise developments in Katanga near Mulago Hospital (see Figure 10).

Figure 12: Katanga Slum – Near City Centre. Photo 2005



5.0 IMPLICATIONS ON LAND USE PLANNING

5.1 LAND DEVELOPMENT PROCESS IN KAMPALA

The land development process in Kampala provides an excellent example of how urban planning functions under the decentralized system of development. As indicated earlier in the thesis, the national and the local authorities have demonstrated systematic arbitrariness, inefficiency and lack of transparency in the exercise of those powers. The fact that the regulatory framework of land use and management is internally fragmented and conflict-ridden, along with the lack of coordination and enforcement, has tended to impede the effective management of land development.

The organizational structures for land management differ widely between countries and regions throughout the world, and reflect local cultural and judicial settings. Generally, land development is a very broad term that refers to changing the use of or any structures located on a parcel of land. Land use management encompasses all activities associated with the management of land and natural resources that are required to achieve sustainable development. Good land management is the operational processes of implementing land use policies in comprehensive and sustainable ways. Land use planning and policies will ultimately determine and regulate future land development.

Land use planning and management functions are based on, and facilitated by, appropriate legislation and zoning bylaws and other land use regulatory methods. The land information of an area or a parcel of land should be organized to combine cadastral and topographic data. Whether a developer wants to subdivide, construct a building, convert an old house into suites, or add a new bedroom to a house, the developer will need to comply with all applicable land development regulations for the area.

But many aspects of land development in terms of the planning and approval processes are common everywhere. For example, land development processes in Canadian cities are subject to planning legislation and zoning bylaws which regulate the use of land. Zoning bylaws impose uniform regulations on all properties within a defined zone. Features such as topography and lot shape may be unique to certain properties. As a result, planning legislation recognizes that variances may be required on a property-specific basis whereby the applicant may seek relief from the zoning requirements.

Canadian cities adopt Official Community Plans (OCP) for the purpose of providing a long-term development vision for the community or for a municipality. The British Columbia Local Government Act, section 875, defines an OCP as a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government. In addition to the OCP, secondary Local Area Plans (LAP) or Neighborhood Concept Plans (NCP) for specific locations within a local government jurisdiction define the general land use and development pattern for that location. Zoning bylaws are supposed to implement the objectives of the OCP and the NCP.

In comparison, the body responsible for overseeing the orderly development of all urban and rural areas in Uganda is the Town and Country Planning Board, drawn from different ministries. The Board is supposed to link up with the District Councils and the Planning Authorities at policy level. In theory, this involves co-operation in the preparation of structure plans (broad land-use development framework) for the various urban centers. Each locality or municipality is expected to develop Local Area Plans in order to define the development pattern of that locality. Detailed local area schemes are then developed by the technical committees headed by the respective Town Clerks.

The Committees cannot endorse any planning scheme without the knowledge and the approval of the Board.

In practice, the above sequence rarely takes place. The problem with this arrangement is that the Board has no access to a land use development framework that guides its decisions. Nor is there an updated zoning bylaw in place that implements land use development policy in Kampala. The Town and County Planning of 1964 is the only planning document that identifies the land use zones as they exist today. In addition, the Ministry of Water, Lands and Environment and the Ministry of Works, Housing and Communication are constitutionally vested with the responsibility for the formulation of strategies and policies in regard to housing and land development at all spatial levels. These ministries can change the zones without consulting or coordinating with the district or the divisions. According to a representative from the National Planning Authority, Charles Kojo, these ministries rarely contact each other with regards to the physical planning issues – let alone to collaborate with each other regarding the strategies of urban growth and development of Kampala. To date, they have not brought forward a land use development policy for Kampala. Consequently, there is no national physical development plan, no regional development plans and no district development plans for a comprehensive use of the land resource; hence the numerous land-use conflicts and the increasing deterioration of the environment.

Land use policy has always been inseparable from urban planning and development. It is the main spatial development framework for the country meant to guide and bring about orderly development at a national level by separation of incompatible land uses. In the City of Surrey, British Columbia, for example, when a developer embarks on the process of developing a parcel of land, the applicant is expected to know the current zoning and the NCP designation for his/her project site. Information regarding to the land development processes is readily available, either in

print or online. The applicant's development proposal plan must conform to both of these Land Use designations. If there is a conflict, a rezoning or a Rezone/General Plan Amendment may be necessary. The cost of developing will vary greatly, depending on the client's needs and the site characteristics. The rule of thumb for the developers is first to prepare a feasibility study for the proposal to make sure that at the end of the project, the proposed development is financially, socially and environmentally sustainable.

The applicant in Surrey is expected to be familiar with the development process, or he/she can hire a consultant to undertake the development matters. The developer or the consultant is expected to understand the general regulation of the development and how the development application process works. In the application process, the developer submits an application form, complete with preliminary lot layout detailing lot sizes, setback, lot frontage and depth, development data sheet, environmental review sheet, current land title search, and rationale for the proposal. Planning technicians will review the application and determine compliance with the NCP and zoning requirements. They also make sure that proposals for development are appropriate in terms of scale, design and the setting of the site. Development proposals should not adversely affect the character and appearance of the nearby area or the living conditions of the occupiers of neighboring properties through poor design, unreasonable shadowing and/or unreasonable loss of daylight and sunlight, for example. Once satisfied, the proposal is referred to the engineering department to review the preliminary servicing requirement. The approval process takes about six months to take it to council, and until council approves, nothing is guaranteed.

In Kampala, on the other hand, a subdivision approval process goes through the following process: The applicant completes an application and submits the sub-division proposal to the office of the Chief Town Planner. The applicant or property owner may be assisted by a private practicing

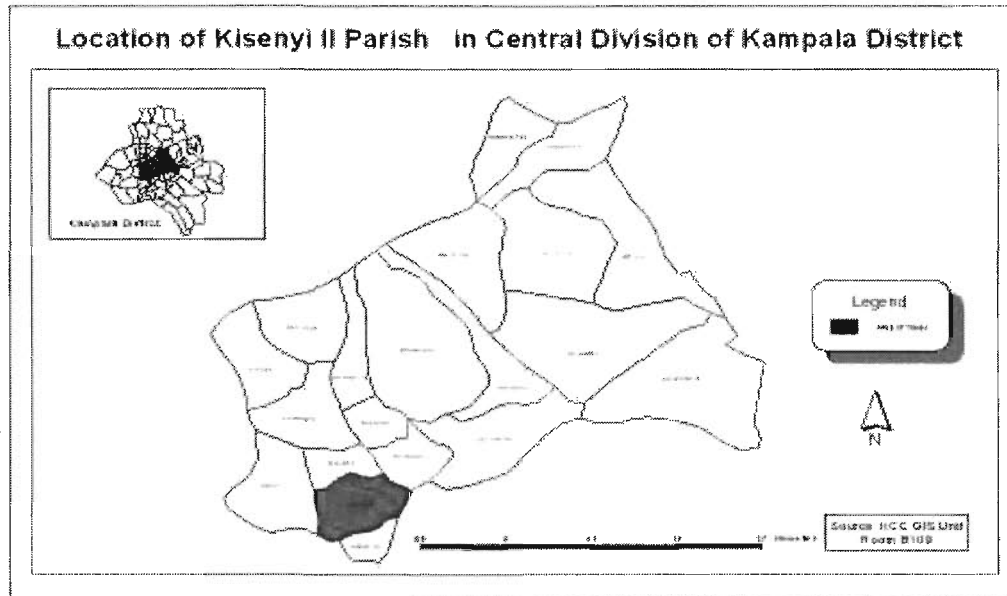
consultant. The consultant prepares a subdivision layout showing both topographical data and existing realities on the ground. This must be accompanied by a subdivision form and an approved land title from the Registrar of Titles. Land title on Mailo land⁷ within the boundaries of Kampala City Council is governed by the Kampala City Council Land Management Policy, Town and Country Planning Act 1964, Cap 30, the Kampala District Structure Plan 1994 plus the accompanying guidelines, and the NEMA Statute 1995. The process is preceded by planning approval of subdivision out of Mailo title. A proposal for land subdivisions is submitted to the Planning and Land Management Department for consideration in line with the areas Local Development Plans.

According to the Kampala land development guidelines, land subdivision application is supposed to ensure the following:

- That all the city, physical plans arising out of the subdivision process are within the Framework of the national land use policy;
- That all subdivision applications conform to the requirements spelt out in the Land Act, 1998 Section 44, 45 (4) and 46, and any other law;
- Council in consultation with other lead agencies incorporate environmental matters as specified in the NEMA Statute 1995 Section 49 (1 - 4);
- Coordinate the City Council Physical plans with those of the neighboring urban centers;
- Deal with issues of rezoning and/or change of user;
- Presentation of all cases involving issues of rezoning and change of user to The Town and Country Planning Board.

⁷ See Appendix C Uganda Land Tenure System

Figure 13: Location of Kisenyi II Parish in Central Division of Kampala District



When the Approving officer is satisfied with the proposal, then it is referred to council for final approval. But what happens in reality is completely different from the standards described above. Firstly, there are no local area plans that guide the development of a particular parcel of land. Local area planning seeks to provide a framework for how a geographic area can develop. It provides guidance on how development of particular land can be achieved, what road networks are required and where public and private resources are located. In the absence of a local plan, there is no way to tell what kind of development takes place in that location. Secondly, the division planners and the District planners are not always in sync with the type of development that takes place in their jurisdiction. Most of the time, plans are approved without due diligence.

A case in point is a proposal to subdivide and develop a parcel of land in Kisenyi parish, one of the largest and the fastest growing parishes in the Central Division. Kisenyi is located in the South

Western part of the Central Division of Kampala District (See Figure 12). It is within 2 Km west of the civic center. It is by definition a slum parish. The current development is dominated by old dilapidated buildings of which the majority are residential, and small scale cottage industries. The housing conditions in Kisenyi are quite appalling. Some people reside in makeshift houses and poor structures made of temporary materials like mud and wattle. The roofing materials include old iron sheets, tins and grass. The common design of houses is the Muzigo (tenements), which forms the biggest percentage of the housing stock. There is a problem of haphazard construction leading to lack of space for compounds for relaxation, and lack of view and privacy. Most roads have potholes and there are no clearly demarcated pedestrian walkways. Some of the tarmac roads are too narrow and dusty during the dry season, and too muddy during the wet season. The Kampala Structural Plan of 1994 made reference to the need for improving roads by widening them.

In one instance, when a developer submitted an application to develop a parcel of land in Kisenyi, the approving officer of the Central Division approved the application and made a recommendation to the district town planner to grant a development permit for the construction of mixed use building - commercial at the bottom and residential on top. The Kampala Structural Plan (KSP) in 1994 had dedicated part of this parcel of land as a local urban road reserve. The width of the local road is supposed to be a minimum of 10 meters and up to 15 meters, for a two-way single traffic lane, according to the Ministry of Works and Transportation road design guidelines. Each traffic lane is supposed to 3.25meters, plus a minimum of 2 meters each side for sidewalk – giving a total width of 10 meters. The guidelines also make provisions for an additional 2.5 meters on each side for service connections – storm, sewer and lighting.

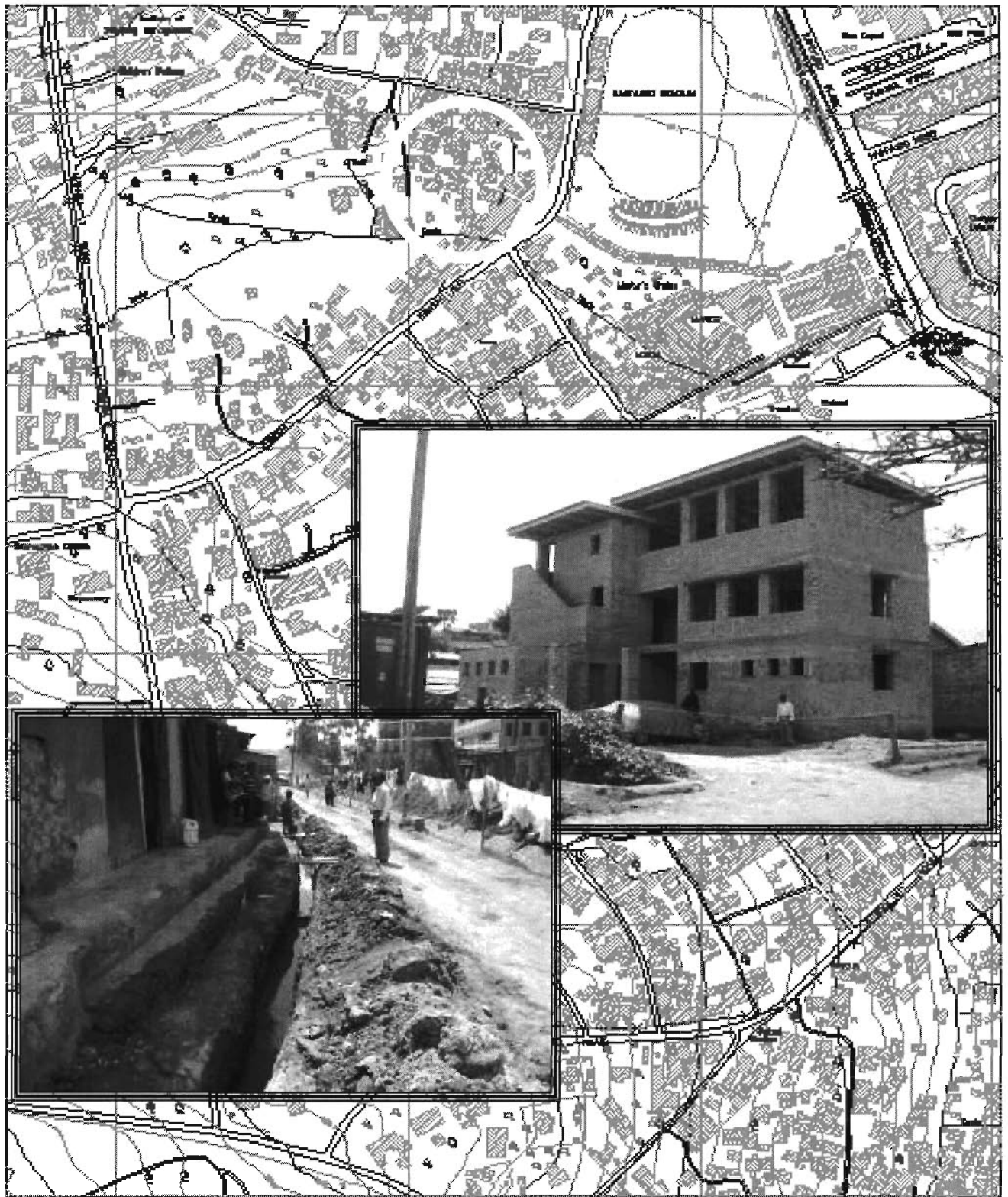


Figure 14: An Arial Map of Kisenyi Parish Showing the Location of a Recently Approved Mixed Use Building on Road Reserve. 70

Considering the provisions in the standards of the application process, the planner should have taken into consideration the land required for the road-widening purpose. As a planner, he should have advised the developer that part of the parcel is reserved for the widening of the road to meet the local urban road standard as per the design guidelines. Or the planner should have made recommendations to the Ministry of Works to purchase part of the land that was identified as a road reserve. Furthermore, at the district level, the district town planner should have verified the consistency of the proposal with the existing policies and regulations, i.e., the KSP. After all, the district town planner is responsible for ensuring the orderly development of Kampala.

This is an example of the main challenge faced by Kampala. Little attention is paid to development planning and in this as in so many cases, the responsible departments failed to perform their duties. There has not been an effective way of enforcing the existing law that governs the land development process of Kampala. Approved plans are changed during construction, and consequently, garages in the basements are turned into shops while green and open spaces are leased to individuals. Important decisions are made without public consultation.

The Local Government Act, 1997, gives the city council and the divisions the responsibility for planning, but does not hold accountable those who fail to execute the orderly development of their locality. On the other hand, the Town and Country Planning Act, 1964, is elaborate (though obsolete in many respects), and provides for how planning should be effected. It stipulates the Town and Country Planning Board as the apex planning body; however, no link exists between the city as a planning authority and the Town and Country Planning Board. In the end, each of these authorities operates independently, giving rise to the chaotic situation.

Another key weakness of the existing urban planning system in Kampala is the absence of manpower necessary for appropriate program design, development of appropriate guidelines, interactions, manuals and information systems critical to the urban planning processes. On the national level, the government is preoccupied with the macroeconomic policy that attracts foreign investments into the country; and with the regulation of foreign currency markets to promote exports, while ignoring other important issues such as urbanization. An urban-based development policy is important because modern economies are built, organized, and managed in cities, not in villages. Another benefit of an urban-based development policy is that the urban centers can serve as domestic markets for industrial and agricultural products. However, there is a lack of a clear policy that would facilitate and guide urban development in Kampala. Urban interventions are made largely on an ad hoc basis. Is this the result of globalization?

6.0 GLOBALIZATION AS A CHALLENGE TO URBAN PLANNING

The present growth of Kampala has followed quickly on the heels of globalization and become the driving force behind its economic growth and development. From a broad viewpoint, globalization refers to the free movement of capital, otherwise known as Foreign Direct Investment (FDI), whereby multinational companies invest assets either directly in a foreign country, or indirectly by investment in such fields as commercial real estate development, manufacturing plant or utility management. Investors in these sectors would look for, among other things, the availability of land and “efficient, reliable and affordable infrastructure services, such as water and sanitation, power, transport and telecommunications. The theory of globalization presupposes the creation of a unique global area of interdependence which leads to an increased interaction and trade through the rapid development of information, communication and transport technology (Sassen, 2001).

But Kampala’s experience with globalization re-enforces the common challenges observed by other researches on this subject, namely, urbanization and the crisis of governance. As pointed out by Zetter and Hamza (2004), economic reforms and market enablement policies have propelled the process of rapid urbanization in the developing countries. Others point to the tough conditions that come with policies of globalization imposes on developing countries - conditions that many developing countries find unable to meet. It forces them to adopt decentralization in a context of weak financial and legal institutional framework as observed by Leaf (2002), in China and Vietnam, and ultimately changing the nature of urban politics and policy, (Jun & Wright, 1996). Since the mid 1980s, many of the welfare institution which depended on the central government have been progressively dismantled. Consequently, local or municipal governments have been made

increasingly responsible for the provision of social services. Unfortunately, this process of decentralization merely transfers of responsibilities from the central administration to the local levels, which lack the financial resources necessary to carry them out. Even though decentralization has brought decision making close to the people, both cities and districts are saddled with more responsibilities than they are willing or able to accept. Therefore, questions remain as to whether the globalization helps or hinders the process of urban planning in the developing countries.

Furthermore, the economic aspect of globalization, as put forward by Alassane D. Ouattara, the Deputy Managing Director of the International Monetary Fund for Africa, is a valid argument. The argument is based on the assumption that by freeing up the constraints on markets through privatization, institutional reform and decentralization, poor countries would become more productive and the opportunities of the poor would be improved. Local governments are expected to decentralize services by way of privatization, private sector and NGOs involvement in service delivery, regulatory reforms and initiatives to encourage community groups to invest in their own development initiatives. However, such arguments often do not take into account the economic and socio-political circumstance of the society. More importantly the impacts on those policies create in the urban areas, as proportion of the people living in cities continues to increase, with significant social, economic and environmental consequences---is overwhelming urban planning system and governance. Kampala's economy is heavily dependent on the informal sector with a widespread informal housing area, hence adding force to poverty and environmental degradation. The key problem is that the urban economy can't keep pace with the growth of the people. There are high birth rates and continued migration from the countryside, produces a high rate of urbanization.

Since Uganda opened up its economy to the world, it has seen a significant increase in the Foreign Direct Investment inflows. It has maintained a GDP growth rate of over 6% since 2001.

Despite the great measures taken by Uganda to meet the conditions for free trade, however, its integration into the global economy is hindered by the very weak condition of the structures that support a more meaningful economic engagement with the world: the condition of its infrastructure, its high population growth, and its lack of national policy on settlement development, among other things. Because globalization is a process of building a world market with the aim of integrating national economies into the world market and the transition from a high volume economy into a high value economy, it will therefore require high level of political commitment, good governance and political and economic stability. Uganda's pre-existing situation does not meet these conditions as it had lost many years of development through civil wars and dictatorships, and continues to be politically unstable as observed in the current civil wars in the North. These conditions do not excite investors and the capital flows to Uganda will remain low.

Furthermore, globalization has brought about a major change in Uganda's policy directions through the adoption of a vigorous decentralization program. This has transformed the administration of the local governments. But as evidence indicated, decentralization is confined to what is permitted within the framework provided by the central government. As Cheru and Rondonelli have pointed out, a potential weakness of the decentralization process can be the unwillingness of national governments to devolve sufficient power and resources for local governments to be effective in implementing local development policies. When this happens, the local governments are poised for failure, giving legitimacy to the national levels to assert authority that they have never in practice surrendered. This creates confusion of responsibilities within local and central government. This is due to the local government's highly dependence on financial allocations from the central government. Therefore, globalization has reduced the local autonomy of

Kampala. The national level of government remains very much involved in urban planning in Kampala through various ministries and agencies.

Consequently, as seen above, decentralization has undermined the ability of Kampala to manage urbanization due to poor management, lack of financial autonomy, poor planning and the absence of coherent urban policies. It contributed the disorderly expansion of its built environment by way of informal developments due to rapid urbanization. Kampala is in an 'urban crisis' that is manifested by the preponderance of informal activities, widespread unemployment, shortage of urban services and facilities and a general decline in the performance of the urban economy. The city does not have the resources and the capabilities required to update the Town and Country Planning Act of 1964. The development planning and implementation process in Kampala can be said to be very weak. The only power that Kampala operates under in the physical planning of the city is premised on the Town and Country Planning Act of 1964. This law is outdated and obsolete, and is therefore inadequate to address the emerging pressures and demands of urbanization. As a consequence of globalization, Kampala operates in a complex and uncertain environment with gaps in regulation and ill-defined urban planning rules. The evidence in Kampala shows contrary to what the experts from the World Bank and other financial institutions prescribed to the developing countries. Yes, macroeconomic stability and the restructuring economy have brought a much needed foreign direct investments in Uganda, but the cost has been much greater. For Kampala, The dynamics of globalization such as demographic growth, urbanization, trade globalization and the spread of advanced technologies, deregulation and decentralization have created the condition where Kampala has grown in a chaotic manner with fragmented governance. The balance between the advantages and drawbacks depends on the pre-existing conditions and degrees of development, the capacities and strategies of the system of local actors to help overcome the drawbacks.

6.1 OPPORTUNITIES AND CHALLENGES

6.1.1 Challenges

The analysis of the land development process in Kampala shows that urban planning, and particularly the planning process, is unorganized, unguided, and unenforced. Like other cities in developing countries, Kampala is encountering an array of physical and institutional constraints to its urban development endeavors. Limitations also exist in management and technical staff. Though the city authority is trying to balance different conflicts and to ensure a sustainable land development process, unfortunately, many chances are allowed to slip away. Some of the major problems associated with urban planning are discussed below.

6.1.2 Population and Development Pressure

The remarkable economic growth in Uganda over the last decade, as well as political stability, have led to the expansion of existing urban centers, especially in Kampala, and to the sprouting up of hundreds of small trading centers in the countryside, particularly along highways and major road junctions. In response to the speed of urbanization, Kampala is undergoing a rapid and ad hoc informal development involving all types of land uses. According to the Uganda Bureau of Statistics, Kampala's urban population grew from 800,000 thousand in 1992 to 1.2 million in 2002. The United Nations (2001) describes the rapid population growth of this city as 'exceptional'. As the city's population is increasing tremendously, demand for land becomes ever greater. Kampala alone accounts for about 41% of the total urban population of Uganda. Perhaps few other cities in the

world have experienced such a high growth rate in population during this period. The growth rate of Kampala City's population will also continue to remain high and it is expected to grow at a 5.6% annual growth rate during 2000-2015 and reach a total population of 5 Million in 2015 (Uganda Bureau of Statistics, 2005).

Understandably, the population increase has placed a tremendous strain on the urban utility services and other amenities of urban life. This has resulted in an adverse effect on the urban environment and on valuable green areas that have been transformed into built-up areas. In many cases, open areas and vegetated areas were taken for development, and not in any planned manner. No serious effort at reclaiming land under a well-planned scheme to confer the city a homogenous and cohesive growth is evidenced. The most alarming scenario is found in the open spaces and wetlands where new shopping centers are developed without any environmental impact assessment. Therefore, it can be said that population pressure is the main constraint in future urban development in Kampala.

6.1.3 Lack of Planning, Implementation and Enforcement

While urbanization is a strong and potentially positive force for development throughout the world today, the increasing rate of urbanization, particularly in Kampala, has overtaken the capacity of local authorities to deal with the urban development requirements. These requirements cover a wide range of areas, including: housing, infrastructure services, social and community facilities, local economic development, and environmental improvement and protection. Lack of proper planning, weakness in the existing planning for development, negligence of the authorities in implementing of regulations, and poor motivation and community awareness are major reasons for failure of urban authority to prepare land use planning guidance for Kampala. The same time, the

laws and regulations for planning and development of Kampala are very old and in most cases outdated in terms of present development control and needs.

Development of Kampala is regulated by the Town and Country Planning Act of 1964. Under the Act, the city authority has been empowered to prepare a master plan for the city that should guide all present and future developments. So far, there is one development plan, the Kampala Structure Plan for the city, which was drawn up in 1994 but never adequately followed. Kampala kept growing without proper guidance and a number of national government ministries, directorates and agencies, as well as municipal governments, got involved in the planning and development of Kampala. Their responsibilities were often not clearly defined, and sometimes overlapped. Most activities related to land management (such as town planning) are regulated and implemented by national government ministries and agencies. Kampala City Authority feels that its influence over the development within its borders is limited. As a result, different stakeholders ranging from the government agencies to private developers feel no obligation to adhere to guidelines stated in the Kampala Structure Plan, because it lacks the power of implementation and enforcement.

6.1.4 Financial Constraints

The lack of funds is a serious constraint for urban planning activities. The municipal divisions and parishes are all required to formulate a local area plan, and Kampala as a district is supposed to review and produce one master plan for the district. But neither the municipalities nor the district of Kampala have produced local area plans. The district and the municipalities are facing severe financial difficulties since their revenue collection from local taxes is poor. The Local Government Act of 1997 has given more responsibilities to the lower levels of government without providing for adequate resources and the technical skills to manage urban lands. Municipalities lack powers

required for effective political and economic decision making, particularly in such critical areas as investment in urban infrastructure, service delivery, revenue generation, and promotion of urban economic development. the central government does not allow municipal authorities to tax or borrow, yet hold them responsible for provision of services. Non-delivery is the end result.

6.1.5 Lack of Public Awareness and Capacity Building

Most Ugandans are poor and do not appreciate the concept of urban planning. Land use planning and urban development policy in general are tools that can help bring about the orderly development of a city. There is a serious lack of public awareness about the necessity and the environmental, social and economic benefits of urban planning. Most Ugandans do not hesitate to put up a commercial or residential structure on road reserves, wetlands, or places where development is prohibited. Not only the general public but also the Government Authority sometimes occupies the open spaces to save the cost of land acquisition for development works.

The biggest challenge facing local governments in Uganda today is creating the capacity necessary to deliver decentralized and transferred services effectively, efficiently and at reasonable cost. Most local governments lack, in varying degrees, the required human resource capacity (both technical and political levels) to deliver services to the satisfaction of their local communities. Education and research gaps on urban greening are another problem for future greening activities.

6.2 OPPORTUNITIES

Addressing the above mentioned problems is by no means easy within the existing situation and limited resources. Urban planning and development requires enormous investments in physical

infrastructure. Institutions and policies governing land development, autonomy, funding, and national policies dealing with trade and migration, all affect the nature of urbanization.

Understanding the key aspects of good institutions and policies is fundamental to understanding how to improve Kampala. In addition, inventorying and monitoring, techniques of planning, implementation, funding and responsibilities are crucial. Opportunities do exist, however.

6.2.1 The Need for a Legal and Institutional Framework

Due to over-population, spaces are highly contested in Kampala. Different social groups contend within themselves and with others for access to and control over urban space. The protection and enhancing of green space, either through urban planning or design, does not take place in an all-consensual and apolitical manner. In this regard, legislations have a great importance in the prevention of abuse of the urban green spaces that are a part of the soul of the city. The existing Town and Country Planning Act is not enough for promoting proper urban planning in Uganda. Regulatory frameworks that can improve the quality of life for Ugandans must be established by both central and local governments, and must be enforced both nationally and locally.

Regulatory frameworks essentially set the parameters for development in general, but more specifically for the municipal environment. Regulatory frameworks comprise a wide range of laws, including local government laws, ordinances, legislation and regulations related to town planning, public health, land development and building. There is also a need to maintain political support for the use of urban planning tools at both central and local levels, and for measures to improve public consultation. Most of the people living in Kampala are unable to achieve sustainable livelihoods, largely because there are no adequate policy and regulatory frameworks to deal with settlement issues, employment and the environment.

6.2.2 The Need for Professionalizing Urban Planning Activities

Urban planning should be linked to the social, economic, and environmental setting; therefore, equal importance should be placed on a wide range of other urban development projects, including health and sanitation, drainage, housing, infrastructure, and awareness. What is very important now is to develop a strategy for linking zoning bylaws to local area plans, then to formulate measures to enforce the law. Zoning tools and local area plans need short-term and long-term enforcement mechanisms. The general legal structure and the contradictory regulations that exist within some planning laws will not promote urban planning in Kampala. A complete legal framework for urban planning is urgently needed, followed by properly enforced legislation.

6.2.3 Capacity Building

Training and education for urban planning activities should be an ongoing project for local and national governments. Every city should have an adequate staff of planners, engineers, and architects. Their activities should be designed to meet each city's particular circumstances, since all cities and towns share some urban problems whose solutions may be similar. The capacity-building program should focus on the following:

- Develop a complete urban spatial analysis of Kampala;
- Develop GIS products which can be a useful base to develop urban planning and plan generation;
- Conduct urban design exercises in support of the drafting of an urban development plan;
- Identify strategic urban projects, and draft action plans including basic spatial concepts;
- Elaborate draft strategic urban development plans, using participatory design techniques, involving local stakeholders;

- Contribute to basic capacity-building of key technical departments of local/regional authorities;
- Contribute to the formulation of appropriate planning standards and codes with special attention to incremental standards for low-income settlements.

6.2.4 Commitment from the National Government

As indicated above, the government of Uganda is focused on macroeconomic stability and pro-market policies that are designed to attract Foreign Direct Investments (FDI). To some extent, the evidence suggests a marked improvement in the overall economy of the country as a result of the pro-market policies. But this economic growth is taking place against a backdrop of weak infrastructure. Infrastructure services can help expand markets and facilitate trade and production, which is perhaps the ultimate goal of economic growth. However, Kampala, the largest urban centre in Uganda and the location where industry and services are concentrated, lacks adequate infrastructure services. The government needs to focus on improving infrastructure services since industry and commerce use infrastructure services more than agriculture does. Hence, poor infrastructure tilts the comparative advantage away from such activities.

7.0 CONCLUSION

This thesis has examined Kampala's urban planning development policies in the context of the globalization. Drawing from the diverse literature which has accumulated on globalization and decentralization, it has argued that the process of globalization has made Kampala a booming city and, as a result, the city faced with many serious urban development problems. Kampala became an attractive location for many international firms to invest, as evidenced by the increase of FDI investment in the country. The concentration of investments in Kampala has These investments are attracted migrants, mostly from rural areas. Economic growth and development are almost inevitably accompanied by increased urbanization. In Kampala's case, its population grew from 800,000 thousand in 1992, to a daytime population of 2.4 million in 2002.

The thesis has also described the effects of introducing decentralization when municipalities have not properly prepared for the urbanization process due to the lack of adequate political and financial capacity to undertake their new responsibilities. A political consequence of decentralization has been the emergence of many lower-level administrative organizations whose effectiveness is hampered both organizationally and financially. Organizationally, their responsibilities often overlap, causing either direct conflict or disavowal of responsibility, depending of where their interests lie. Financially, their tax base is usually inadequate to provide for the expenditures on infrastructure that they need to make. And to compound the difficulties arising from these situations, the central government has retained control of urban planning by empowering other ministries and agencies, such as the UIA, to exert their own influences on development in Kampala. Neither the national nor local governments have given planning the high priority it needs in order to address

urbanization problems. The most recent urban plan, the Kampala Structure Plan, was prepared in 1994. Its purpose was to guide and manage the growth of the city. But lack of implementation, inefficiency and an acute shortage of technical staff have prevented the city authority from using the KSP as a development guide for Kampala.

Kampala is currently a very good example of what can happen when a city undergoes rapid growth without any effective urban planning mechanisms in place, and where even the weak planning regulations that are in place are simply ignored. Thus, buildings sprout up on land supposedly set aside for roads, privately owned structures appear on government-owned lands, and development takes place on lands set aside as green. All of this is a consequence of ineffective and impecunious administrative bodies being overwhelmed by the nature and pace of the change they are facing. Thus, globalization and the devolution of planning and land use control to Kampala's urban authority have not served well in the process of the orderly development of the city, and the potential contribution of urban planning to economic growth and poverty reduction has not been fully realized in Uganda.

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APPENDICES

APPENDIX A: PERSONAL COMMUNICATIONS AND CONTACTS

Institution	Name
National Level	
Ministry of Local Gov. Ministry of Local Gov. Decentralization Secretariat	Dr. Olum – Program Coordinator for LGDP Mr. Emorut
Local Authority Association	John Bahengana
Ministry of Water and Lands -The Land Office -Director of Lands & Environment Commissioner of Physical Planning Commissioner Land registration Assistant Commissioner for Human Settlements	Vincent Byendaimira PLANNER -Richard Angualia ADMIN Mr. Mubbala Mr. Ssekandi Mr. J. Tibisasa William Walaga
Makarere University	Paul Mukwaya – lecturer Joseph Semambo-lecturer Shuaib Luasa- lecturer
National Housing and Construction Corp.	
Min. of Works, Housing & Communications -Human Settlement Div. Namuwongo Planner	Sarah Ibanda Dave Khayangayanga, Snr. Housing Off. Darmanu
National Environmental Management Authority	Lina Winyi (physical plans)
National Planning Authority	Mr. Charles Kojo
Member of Parliament and former head of national planning authority	Late hon. Dr. Ekulo Epak_
District Level - KCC	
KCC Town Clerk	Charles Kyamanywa
Chief Town Planner	Peter Katebawirle

Technical Committee	Richard Kabuuka
District land Board- Implementation the Land Act, 1998	
The GIS Unitit	Joseph, Luasa, Margaret
Economic Development officer	Vincent Kinawataatk
Chief Technical Officer	Joseph Kaya
Planning Unit Manager	Richard Kabuuka
Division Level	
Division Planner	Geofery Kalaba – Nakawa Division
Principal Town Clerk	Henry Sabagara
Building Inspector	Kimale, K.
Kisenyi – Central Div.	Ruth Natambe
Division Planner	Robert- Division Planner
Charles Serunjogi - LC 3	Central Division Mayor, Kampala
David Ndiwalana	Division Planner for Namuwongo parish
Parish Level	
Hassan Kiberu– Kisenyi Parish	Chairman LC 2
Development Committees	Mohamed Sembatimbe – committee leader
Parish Cheif	Haji Mudenga
City Agents	Musa Muleme
Finance Committee	Chairman Fred
CBO's & NGO's Level	
Buganda Land Board	Paul Ntale - Manager
Catholic Church	
Concern International	Rosemery, Manager
UN Habitat	Peter Wagulu, shelter Program manager
Uganda Local Authorities Association	
Private Companies	
Akright Properties	Alex Kamukama - director
Jomayi Properties	Christopher Sembuya
Hossana Properties	

Appendix B: UGANDA LAND TENURE SYSTEM

Land in Uganda is in various tenure systems under which citizens and foreigners can access it, own and utilize it. The following are the land tenure systems as enshrined in the 1995 Ugandan constitution:

1. Mailo Land System
2. Leasehold System
3. Freehold System
4. Customary land
5. Public Land

1. The Mailo Land Tenure:

Land held under mailo tenure system is mainly in Buganda (Central region) and some parts of Western Uganda. The system confers freehold granted by the colonial government in exchange for political co-operation under the 1900 Buganda Agreement. Essentially feudal in character, the mailo tenure system recognizes occupancy by tenants (locally known as bibanja holders), whose relationship with their overlords is governed and guided by the provisions of the 1998 Land Act. Mailo land, like freehold is registered under the Registration of Titles Act. All transactions must therefore be entered in a register guaranteed by the state. Under this tenure, the holder of a mailo land title has absolute ownership of that land. One only loses such ownership when such land is needed for national interests but still amicable compensations have to be done for a peaceful relocation.

2. Leasehold system:

This is a system of owning land for a particular period of time. In Uganda one can get a lease from and individual, local authority or government for a period usually 49 or 99 years with agreed terms and conditions. The leasehold transactions, being essentially contractual allow parties to define the terms and conditions of access in such a manner that suits their reciprocal land use needs. A grant of land would be made by the owner of freehold, customary or Mailo or by the Crown or Uganda Land Commission to another person for an agreed period of time. The grantee of a lease for an agreed time is entitled to a certificate of title.

3. Freehold Land Tenure:

It's a system of owning land in perpetuity and was set up by agreement between the Kingdoms and the British Government. Grants of land in freehold were made by the Crown and later by the Uganda Land Commission. The grantee of land in freehold was and is entitled to a certificate of title. Most of this land was issued to church missionaries and academic Institutions and some individuals. Freehold is the premier mode of private land ownership under English law. The Land Act recognizes it as one of the four regimes through which access to land rights may be obtained. Its incidents are defined to

include registration of title in perpetuity and conferment of full powers of ownership that is the power of use, abuse and disposition. Transactions involving freehold land are governed by the Registration of Titles Act (Cap. 230). Very little land is held under freehold tenure in Uganda.

Customary Land:

Customary tenure is the first tenure category specified in the 1995 Constitution and the 1998 Land Act. It has two broad classifications; Communal customary tenure predominantly. Under this tenure land is communally owned by a particular group of people in a particular area. Its utilization is usually controlled by elders, clan heads or a group in its own well-defined administrative structures. In Uganda, this land tenure is usually in the north, eastern, north east, North West and some parts of western Uganda. Over 70% of land in Uganda is held on customary tenure system. Customary tenants could be in occupation of mailo-land, Freehold, Leasehold or Public land. They occupied such land by either growing various crops, exercising customary rights to look after animals thereon or by carrying out any other activity thereon as occupiers of such land. The term "Kibanja" became synonymous with occupants of land under customary tenure. In such cases, people own their land, have their rights to it, but don't have land titles. Some tenants on such land allocate specific areas to themselves with known and defined boundaries usually marked by ridges, trenches, trees etc.

Public Land:

Under this type of land tenure, the government owns land and has the right to lease it to any company or individual on specific terms and covenants. In most cases, land under this arrangement is not for settlement; it is basically for business and usually located in urban areas such as Kampala and other big towns in the country.

To understand further about Uganda land policy direction, try, <http://www.mlhud.go.ug>, its an important link about Uganda's Ministry of Lands, Housing and Urban Development (MLHUD) which is responsible for putting in place policies and initiating laws that ensure land management.

Appendix C: KCC GUIDELINES ON HOW TO SECURE A LAND TITLE ON A MAILO HOLDING.

This is the commonest type of tenure in Kampala District constituting about 49% of the total land holdings. **Mailo** holdings have titles issued to the holder by the state in perpetuity. Usually there are no covenants and conditions attached to the holding and the holder is free to transfer his rights to a second party. Securing a land title on mailo land within the boundaries of Kampala City Council is governed by the Kampala City Council Land Management Policy, Town and Country Planning Act 1964, Cap 30, the Kampala District Structure Plan 1994 plus the accompanying guidelines, and the NEMA Statute 1995. The process is preceded by planning approval of a subdivision out of Mailo title. A proposal for land sub-divisions is submitted to the Planning and Land Management Department for consideration in line with the areas Local Development Plans.

The following rules apply when carrying out subdivision of land within the city;

1) The sub-division must comply with;

- a. An approved sub-division layout or sub division scheme.
- b. An approved zone plan.

2) The subdivision must not contravene the NEMA Statute 1995 Section 49 (1 - 4), The Land Act, 1998 Section 44, 45 (4) and 46, and any other law.

- The Urban Planning and Land Management Department while processing Land Subdivisions applications ensures the following:
- That all the city, physical plans arising out of the subdivision process are within the framework of the national land use policy.
- That all subdivision applications conform to the requirements spelt out in the Land Act, 1998 Section 44, 45 (4) and 46, and any other law.
- Council in consultation with other lead agencies incorporate environmental matters as specified in the NEMA Statute 1995 Section 49 (1 - 4).
- Co-ordinate the City Council Physical plans with those of the neighboring urban centers.
- Deal with issues of rezoning and/or change of user.

Presentation of all cases involving issues of rezoning and change of user to The Town and Country Planning Board.

PROCEDURE ON MAILO SUB-DIVISION APPROVAL AND PREPARATION OF TITLE

Step I - Preparation and Presentation of Sub-division Proposal.

The applicant submits the sub-division proposal to the office of the Chief Town Planner. The applicant or property owner may be assisted by a private practicing and registered Physical Planner or surveyor to prepare a sub-division proposal basing on both topographical data and existing realities on ground. This must be accompanied with a sub division form and an approved mutation by the Registrar of titles.

Here the Physical Planner must consider the following:

- . Long Term proposed Development of the area according to the Kampala structure Plan.
 - . Short term Proposed Development of the area according to the Division plan.
 - . Parish Structure plan proposals if any.
 - . Detailed Layout Scheme if any.
 - . Land use, densities and provision of roads and plot sizes in conformity with physical plans of the area.
-
- The sub-division plan should as much as possible recognize existing property boundaries and existing roads of access or paths/trucks-which should act as guides to new roads reserves.
 - . For every application for sub-division, Council shall charge a fee of 10,000 Uganda Shillings subject to revision from time to time

Step II -Verification of Land Records

The City Land officer and Registrar of Titles provides the Chief Town Planner with information on details of ownership, plots location and availability of land and land use plans plus earlier council planning conditions pertaining to the plot being requested for subdivision.

Step III - Subdivision Planning Approval

The UP&LM department shall consider the application in accordance with Councils planning guidelines of the area in question. If the Chief Town Planner is satisfied with the subdivision proposal he incorporates it into the Local Area Plan and prepares a sub-division plan. If on the other hand he is not satisfied with sub-division Plan, the Chief Town Planner will inform the property owner/applicant on the decision within 60 days. The approved sub-division application will then be forwarded to City Council Drawing office for plotting on District topographical maps and for updating and inclusion on district development plans. The approved subdivision plan will be forwarded to the office of the District Surveyor for issuing of an Instruction to Survey (IS) by a qualified registered Surveyor.

Step IV- Subdivision Survey and Completion of Job Record Jacket (JRJ).

The Registered Surveyor (or his designate) of the applicant carries out a sub-division survey on the ground as per the approved plan by the CTP and compile his field observations into a Job Record Jacket (JRJ) in an acceptable format adhering to the survey methods and regulations and append a copy of the approved plan on the JRJ and submit to the office of the DS. *Note: Surveying services in Council were privatized; the applicant has to meet the costs involved in I and IV:*

Step V - Checking and Computations by District surveyor

A duly compiled JRJ is submitted to the DS. The DS checks the JRJ to ensure at the sub-division survey was done in accordance with the approved plan and he computes checking and deed plan fees (as approved by the Commissioner Surveys and Mapping). A copy of receipt is attached on the JRJ as proof of payment.

Step VI - Cadastral plotting by District Drawing) Office

The DS forwards the JRJ to the Drawing Office Supervisor (DOS) for cadastral plotting.

Notification/provisional prints are prepared/ verified by he DOS. Any unexplained alterations on any document enclosed in the JRJ after cadastral plotting shall be rejected or handed over for investigations.

Step VII - Approval of Cadastre Surveys by District surveyor

Well typed prints clearly showing the created plots edged in red are endorsed by the DOS and sent to the DS attached on the JRJ. The DS then authenticates the prints on behalf of the Commissioner Surveys and Mapping, issues the deed plans and disposes the JRJ.

Step VIII - Assessment for Payment of Stamp Duty to URA

The Deed Plans are submitted to the office the Chief Government valuer for valuation of the required taxes. The applicant will then pay the assessed Stamp Duty to URA offices.

Step IX- Registration of Sub-division and Preparation of Title Certificates.

The approved job is thereafter presented to the Registry for registration of sub-divisions and issuance of separate certificates upon payment of all prescribed fees.