

HOUSING, URBANIZATION AND LAND RIGHTS



Although Uganda received no recommendation on the right to adequate housing during its first Universal Periodic Review in 2011, this issue is of increasing importance in light of the country's rapid unplanned urbanization and growing concerns about forced evictions and land grabbing.

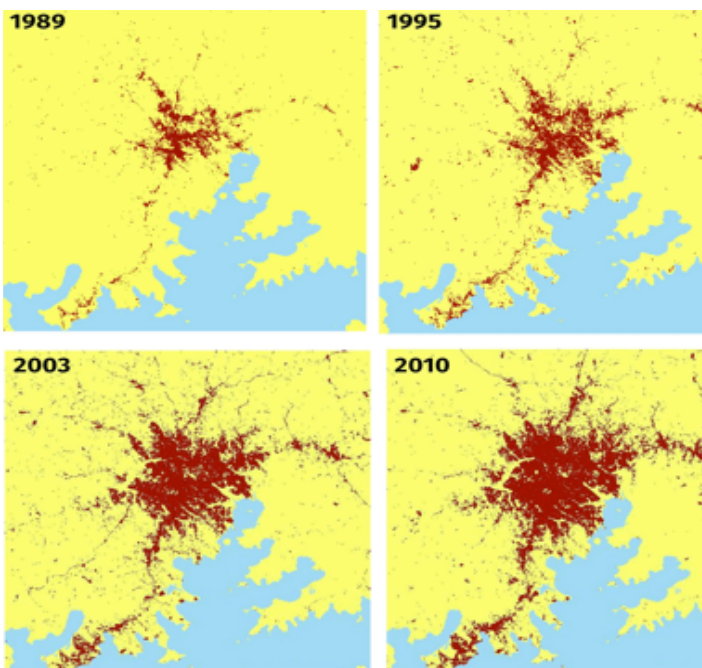
THE COUNTRY IS FACING A GROWING HOUSING CHALLENGE.

The population is growing much faster than the rate of housing supply. The country's population increased from 24.2 million in 2002 to 34.9 million in 2015 (UBOS, 2015). Uganda's annual population growth rate is among the highest in the world, standing at 3.25% in 2014 (World Bank, 2015a). The Second National Development Plan (NDP II) projects Uganda will need roughly 12.6 million new housing units in the next thirty years and estimates a deficit of roughly 4 million over that time (GoUa, 2015).

RAPID UNPLANNED URBANIZATION IS LEADING TO THE GROWTH OF SLUMS AND INFORMAL SETTLEMENTS.

The percentage of the population living in urban areas increased from 12.3% in 2002 to 18.6% in 2014. This reflects an annual urban growth rate of 5.2%; again, among the highest in the world (GoU, 2015a). Rates of unplanned urbanization are also high, ranging from 85.5% to 93% across the country. As a result, 85% of the low income population in the country's capital, Kampala, lives in informal settlements—a much higher level than other East African countries (World Bank, 2015a). The government estimates that 60% of the urban population still lacks basic amenities such as sanitation and a safe water supply, which leads to a high disease and morbidity burden (GoU, 2015a).

Build-up in Kampala, 1989 – 2010

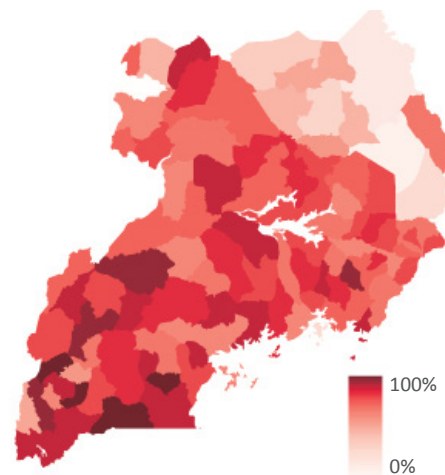


Source: Abebe, 2013

HOUSING CONDITIONS IN RURAL AREAS ALSO REMAIN POOR, ESPECIALLY IN NORTHERN UGANDA.

Only 10.3% of households in rural areas and 51.4% in urban areas use electricity for lighting (UBOS, 2014). Over half the population of Northern Uganda lives in huts with thatched roofs and dirt floors. Overcrowding is a concern in the north too; 13% have more than five people sharing a room—almost double the national average (WFP, 2013). Sanitation coverage is also much lower than anywhere else in the country.

Pit latrine coverage in households (percent), 2013/14



Source: UBOS, 2014

POLICY EFFORTS ON HOUSING AND URBANIZATION HAVE BEEN POORLY COORDINATED.

As the government has identified, the legal and policy framework governing housing is fragmented and inadequately regulates the private sector, while institutional coordination among various ministries, departments and local governments is poor (MLHUD, 2016a). Local programs to construct public housing or to provide subsidies or tax deductions for construction of affordable housing are extremely ad hoc (GHI, 2009). A National Housing Policy was adopted in May 2016; this is a positive development, but only if it is properly implemented. Other laws and policies like the Landlord and Tenants Bill, the Solid Waste Management Strategy, and the National Urban Policy currently before Cabinet still need to be adopted.

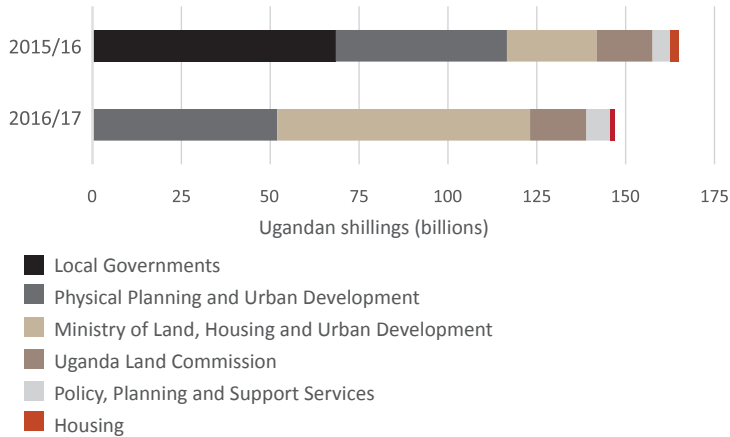
FUNDING FOR HOUSING IS GROSSLY INADEQUATE. Without a substantial increase in government funding, plans for making adequate housing more available, affordable and habitable are unlikely to succeed. Lands, Housing and Urban Development was allocated 1.44% of the national budget in 2015/16 and only 0.6% in 2016/17 (GoU, 2015b, 2016). Of this, a tiny fraction goes to housing. In 2016/17, for example, the housing sub-sector was allocated UGX 138 million (USD 41,000), with which it is



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expected to implement the National Housing Policy, low cost housing initiatives and slum re-development housing projects, among other activities (MLHUD, 2016b).

Approved Estimates of Expenditure, Lands, Housing and Urban Development, 2015/16 – 2016/17, (UGX billions)



Source: GoU, 2015b, 2016

THE HOUSING CHALLENGE IS EXACERBATED BY A COMPLEX LAND TENURE SYSTEM. Four land tenure regimes are recognized by the 1995 Constitution and the 1998 Land Act: Customary, Freehold, Mailo and leasehold. Customary tenure is the most common, accounting for about 80% of total land (GoU, 2015a). Customary land is largely untitled and is often not demarcated or surveyed (MoLHUD, 2013). This makes ownership harder to prove, which exposes communities to land grabbing and forced evictions.

Attempts to formalise customary tenure, including through the issuance of certificates of ownership, have proved problematic. Civil society groups have reported that government officials and politically connected local elites are fraudulently registering customary land in the oil-rich Albertine Region, for example (CRED, 2015).

WOMEN IN UGANDA FACE DISCRIMINATION IN LAND RIGHTS. Only 27% of registered land is owned by women (GoU, 2015a). Spouses are guaranteed occupancy rights and spousal consent is required prior to entering into land transaction. However, there is no legal presumption that spouses have ownership rights over the land of the family's principle place of residence. As the Land Policy recognizes, portions of the Succession Law also curtail women's land rights. Given that inheritance is the most common form of land acquisition, reform in this area is urgently needed (World Bank, 2015b).

LACK OF COMPREHENSIVE GUIDELINES ON EVICTIONS AFFECTS THE RIGHT TO HOUSING. The Land Act protects tenants by occupancy, who cannot be evicted without compensation. Nevertheless, there is no National Resettlement Policy and the Housing Policy is silent on evictions. The government is forcefully evicting occupants without verifying if they have rights to the land or have alternative accommodation. For example, in 2014, a case was filed in the Nakawa High Court on behalf of more than 40,000 residents described

as encroachers on public land living close to the railway line between Port Bell and Kampala and between Kyengera and Namanve. The case, which is still ongoing, accuses the government of carrying out the evictions at night without adequate notice. Instead of seeking to strengthen security of tenure, the government has proposed a constitutional amendment to allow for the compulsory acquisition of land without compensation being paid prior (Nakayi, 2016).

RECOMMENDATIONS

Enact and implement a comprehensive national urban policy addressing the human rights problems arising from the rapidly increasing rate of urbanization.

Accelerate process of registration of land and ensure processes are transparent, cost efficient, and easily accessible.

Devote an adequate share of the national budget to the housing sector, prioritizing programs that will increase access to affordable housing.

Strengthen legal protections that protect women's rights to own and inherit land.

End the practice of carrying out evictions from public land without ensuring procedural safeguards and alternative accommodation.

ABOUT THIS FACTSHEET SERIES

This factsheet was prepared by the Initiative for Social and Economic Rights (ISER) and the Center for Economic and Social Rights (CESR) in light of Uganda's appearance before the Human Rights Council's Universal Periodic Review in 2016. The six factsheets in this series accompany the joint submission on economic, social and cultural rights endorsed by 41 non-governmental organizations.

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