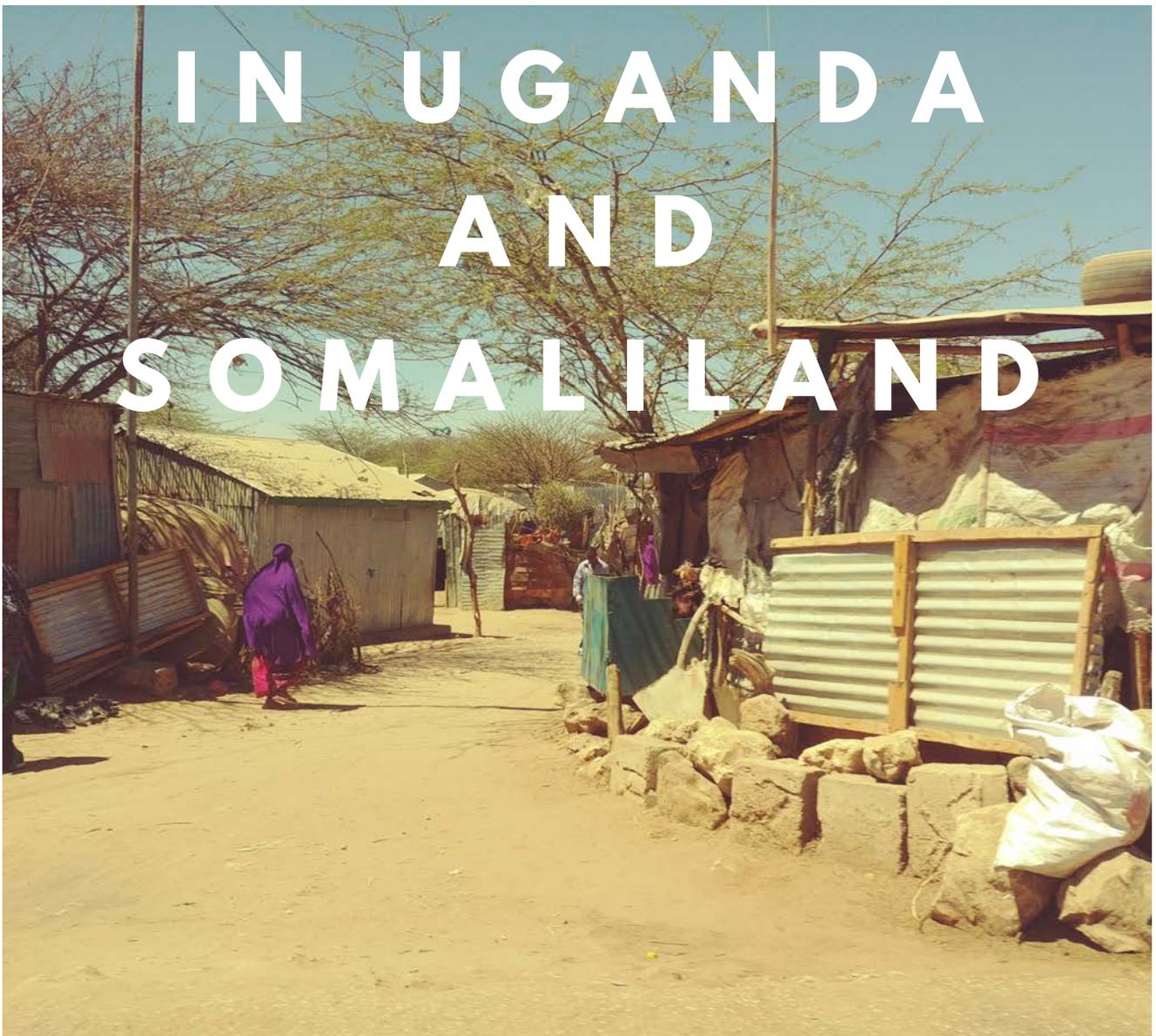


# COMPLEX LAND MARKETS

## IN UGANDA AND SOMALILAND



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## **Complex land markets in Uganda and Somaliland**

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### **DISCLAIMER**

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# SPATIAL INEQUALITY IN TIMES OF URBAN TRANSITION

## EXECUTIVE SUMMARY

Urbanisation is the result of the active engagement from a multitude of stakeholders, both formal and informal, who each play a role in organizing the flows within the city as a system. Central to that engagement is the role played by land markets in determining access to urban space. Emergent, uncontrolled land markets frequently support rapid, unplanned expansion in which substantial slum areas are characterised by the scarcity of urban services. Which in turn impacts on economic productivity and human development. Research has often focused on the impact of formal and informal institutions on those processes, but little research has focused on how those institutions interact and overlap. The dynamic and rapid nature of urbanisation

in East African cities, coupled with a scarcity of planning resources, limits the value of formal institutions in steering urban change and expansion, thus highlighting the importance of a holistic understanding of both formal and informal institutions. We understand these interrelated institutional arrangements, with specific reference to market transactions in urban land, as 'complex land markets' (CLM).

In our research, we investigated complex land markets and urban transition in four East African cities in two countries - Kampala and Arua in Uganda and Hargeysa and Berbera in Somaliland.

This report synthesizes the main issues, findings and recommendations from the analysis of our research on “Spatial Inequalities in Times of Urban Transitions” that was executed from December 2017 to September 2019. Based on a systemic view of land markets and integrated with a political settlement analysis, this report helps in understanding and eventually overcoming constraints to the ways that land markets can contribute to spatial justice.

Our analysis builds on three key points:

**Firstly**, that the four cities are different in terms of the land market systems and hence, their relationship to (national) political settlements work through different processes. This means that the possibilities for supportive interventions need to be considered on a city-by-city basis.

**Secondly**, actors, transactions or property rights can have multiple roles simultaneously across different sub-systems of land markets. This means that any intervention can have both progressive and regressive implications, and this can simultaneously occur at different scales. Consequently, it is very difficult to relate land markets to encompassing notions of spatial justice.

**Thirdly**, contrary to popular opinion that markets are autonomous economic phenomena beyond the operations and control of the state, state actors are deeply engaged in land markets. They are also deeply intertwined with ‘informal’ land markets.

Taken together, the report can identify some of the ways in which land markets relate to spatial justice. However, obstructive implications cannot be ruled out.

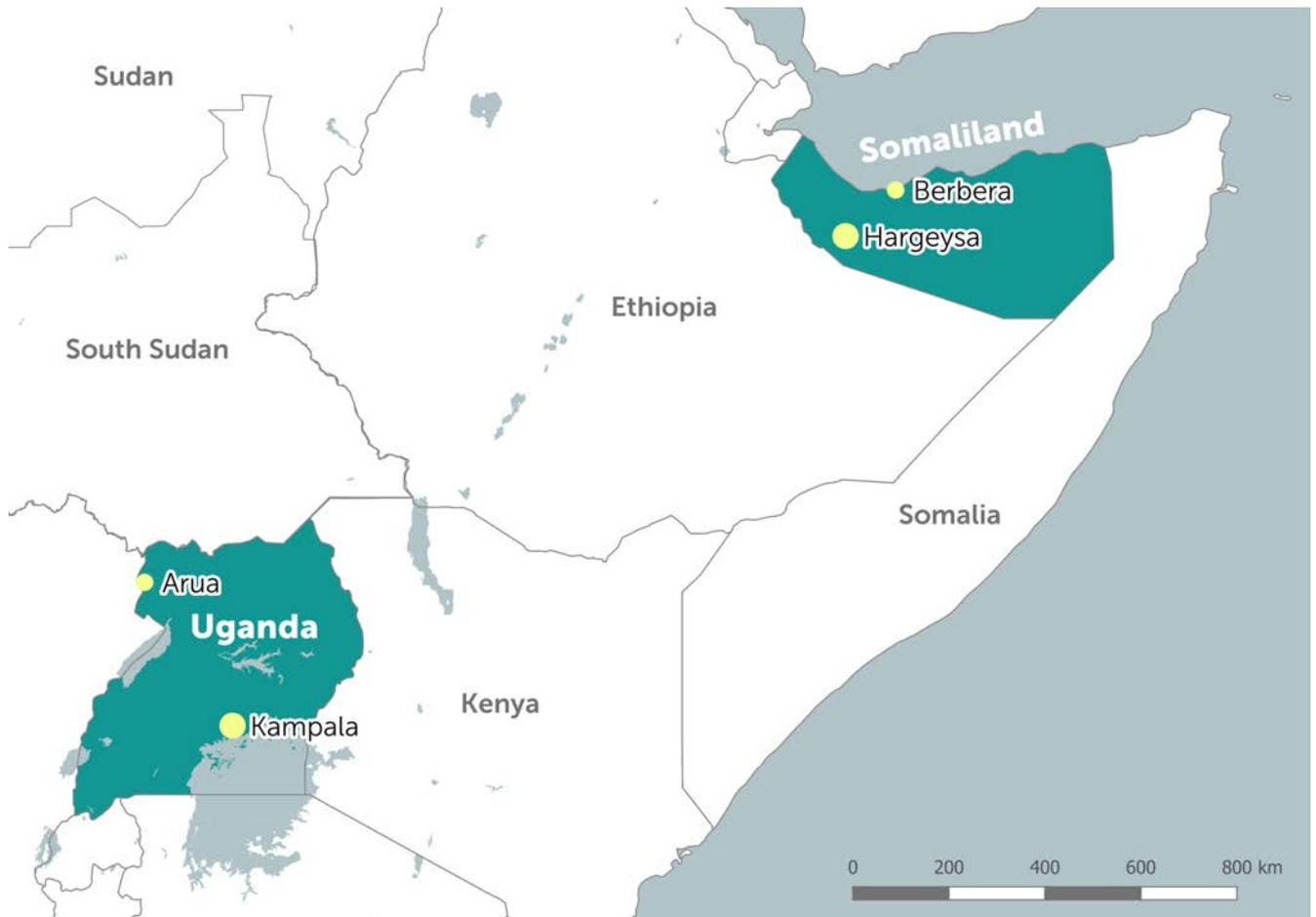
The aim of this report is to suggest forms of support to assist policy development and policy interventions that can enable East African cities to offer greater opportunities to poor and marginalised urban groups. It presents findings on overarching issues in each city from all the research components and associated policy recommendations.

Although we can see that markets ‘work’ for some, they do not work for all. Therefore our recommendations centre around increasing transparency of the market. This is done through; knowledge creation, planning and policy measures and monitoring the spatial development trends and dynamics. These categories support and feed into each other by providing accurate data on land transactions. This evidence can be used to improve the design of pro-poor housing/land policies. Furthermore, they increase visibility (the first step in addressing injustices) by tackling information asymmetries and acknowledging the diversity of land/housing transactions. By making the markets more transparent we tackle injustices by addressing underlying assumptions which perpetuate inequalities.



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## BACKGROUND AND LOCATION

East Africa is experiencing urban transition in its social, spatial and economic spheres. The land and land markets have been influenced by this urban transition, and also by population growth, urbanisation and housing and infrastructure provision. The provision of housing and infrastructure directly relates to land tenure but also the way land transactions occur. This is set against a background in which land is both a scarce commodity and in high demand.

This research was conducted over four cities. Two cities in Uganda; **Kampala** and **Arua**, and two cities in Somaliland; **Hargeysa** and **Berbera**. These locations were chosen as they help to give an overview of the interesting and rapid urban transition currently occurring in East Africa

# RESEARCH PURPOSE AND HYPOTHESIS

The objectives of this research are to understand and explain the complex land markets (CLM) in each of the selected cities, and to provide policy recommendations regarding land governance and equitable, sustainable urban development.

This research identified how the urban transition in four East African cities works as, and within, integrated systems within a given political economy in which CLM play a key role. These combine the influence of informal practices with partially dysfunctional land governance institutions. The research also investigated ways in

which institutions influence inequality and how CLM impacts on spatial justice.

We started from the hypothesis that negative impacts on spatial justice, which are produced by transitory institutions, can best be addressed by improving these institutions themselves. We understand interventions into the ongoing institutionalisation of CLM as the entry point for changing conditions.

The research question which guided this work is: 'How do complex land markets influence spatial justice within the current urban transition in East Africa?'



# APPLIED METHODS

A number of interrelated research methods were used throughout the study. Data collection and analysis was done through:

**Contextual analysis** → literature review, consultation of legal and other secondary data sources on the history, current economic and political situation and status and conditions of land markets in the four cities, two countries.

**Spatial assessment** → GIS mapping identifying spatial patterns of the urban transition, housing conditions and morphological analysis of the cities.

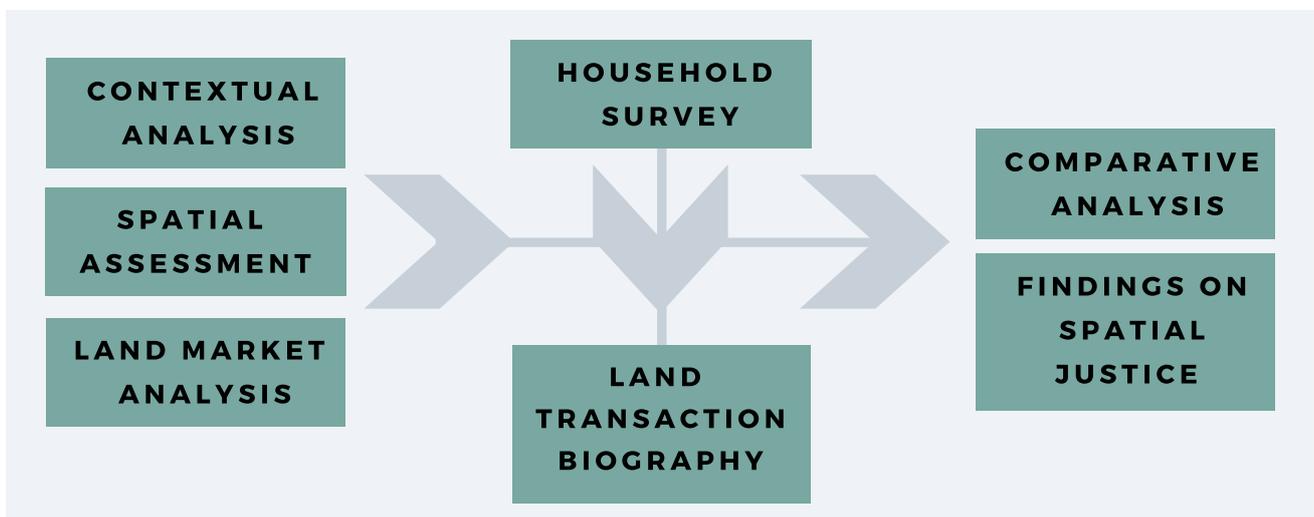
**Land market analysis** → 44 in-depth interviews conducted with institutional land market actors.

**Household survey** → approximately 8,000 households were interviewed in order to understand their engagement in complex land markets, how spatial qualities are distributed, and the household's choice of residential location.

**Land transaction biography** → 54 in-depth interviews were conducted with buyers and sellers to understand the experience of transacting in land markets.

**Comparative Analysis** → cross-cities comparing findings (inter-city, intra-national, overall) to establish similarities and differences.

**Findings on spatial justice** → indications on correlation and causal relations of land transactions and the level of distributive and procedural justice experienced by the individual household.



# KEY CONTEXTUAL ISSUES

The cities under research are experiencing rapid urbanisation and population growth, which influence land market activity, drive land transactions, urban expansion, and infrastructure development. The increase in population growth coupled with rapid urbanisation has also resulted in land fragmentation to meet the growing demand for land. It has resulted in the emergence of a multiple layered land market emanating from pluralistic legal tenure systems, with complex inter-relationships between statutorily regulated and customary authority regulated land. This results in socially constructed procedures that not only govern the process of acquisition but also produce both equality and inequality regarding access to land.

The expansion of the four cities is evidenced through the dynamics of increased land consumption. This can be largely explained by: i) the desire to own land and that people prefer (or can afford only) to buy vacant unserviced land to build houses on the urban periphery; ii) buying land and constructing houses as an investment that could be rented out; iii) those migrating to the city from elsewhere may find the urban periphery geographically convenient.

Evidence of land speculation was also found in all four study cities. The scale and intensity of this is clearly reflected in the extensive demarcation of land in Hargeysa and Berbera driven either by diasporic investment or locals looking for a safe place to invest their money. In Hargeysa,

over 60 km<sup>2</sup> of land was found to have been 'prepared' for development, with street blocks or plots marked out and enclosed with low boundary walls. The regular form of this extension implies that the state (or some other socio-cultural institution) is cognisant and engaged in different ways. The same may be true of Ugandan cities, though the irregular, organic pattern of development and topography in these cities, particularly on the urban periphery, gives the impression that extension and expansion was less 'coordinated'.

In the secondary cities of Arua and Berbera, although both local governments hold some tight regulation of land markets, informal and covert land acquisition processes are emergent. This also creates an enabling environment for land speculation as these cities exhibit potential for future development and expansion. The imminent expansion of Arua's municipal boundary has influenced infrastructure development and city growth which has increased interest in property with 30% of landowners having acquired property in the past 5 years. Additionally, to support the widely held perception that land speculation is increasing, our results show that 23% of current land owners in Berbera and 30% in Arua have acquired vacant land without developing it.

The influence of land markets on fragmentation of cities is evidenced over the past decade. This is prominently in the primary cities of Kampala and Hargeysa through the subdivision of plots/land

parcels to accommodate a growing population and various forms of land market activity. The intensification of land use may in part be driven by out-dated, unresponsive regulations. For example, in Kampala large minimum plot sizes for residential use required by city planning regulations lend themselves towards lower density, villa-style housing. This pushed many to seek other forms of housing resulting in the sub-division of larger plots over time to accommodate many smaller plots, with housing built at a higher density.

A discernible driver of land market activity in all cities is speculative investment in

land. Land ownership appears as a good investment, particularly in Uganda where a significant number of landowners (more than 80% in both cities) believe the value of their property has increased two-fold. In Somaliland, more than half of landowners are of the opinion that the value (price) of land has doubled since the initial purchase. In addition, given the extensive rates of tenancy prevalent across all four cities, it is conceivable that a fair proportion of land transactions relate to investments for rental housing. The prevalence of this form of accessing land could reflect that land markets are exclusionary - putting land ownership beyond the reach of many people.



## OVERALL FINDINGS AND RECOMMENDATIONS

In the absence of state capacity, land markets appear as an important structuring force of East African cities. Land markets are also related to the problems of fragmentation and inefficient land use, congestion, unequal distribution of resources and infrastructure, evident in African cities.

In the light of economic rhetoric that market operations should be only lightly regulated by the state, land market

interventions have to be designed slowly and incrementally in order to incentivise changed behaviour among actors in the land sector.

We identify a series of findings that build up to an overarching analysis of land markets in the four study cities and set out a number of key policy recommendations. We also identify what actions specific actors may undertake to deliver on these recommendations.

# MULTIPLE TYPES OF LAND TRANSACTIONS

In order to understand the actual dynamics shaping the four cities, we should look at land transactions beyond the financial logic of demand and supply. An expanded understanding of land transactions facilitates an analysis of a series of dynamics that can be accommodated by, and incorporated into, market mechanisms.

Land markets are localised systems and with a diverse range of transactions within each city. This diversity goes beyond conventional distinctions of in/formal land

markets. Key elements distinguishing transactions within land markets are i) form of tenure, ii) 'social' factors such as religion (Hargeysa and Berbera), nationality (Kampala and Arua), and ethnicity (Arua), and iii) current and potential land use. Use of land for self-built housing offers a particular low valuation of land that people will engage in the land market for, as the process is likely to be conducted over many years. Use of land for creating rental opportunities, introduces a different logic to the transaction process in comparison with other surrounding land values.

**RECOMMENDATION: IT IS CRUCIAL TO ACKNOWLEDGE THE DIVERSITY OF LAND/HOUSING TRANSACTIONS AND TENURE FORMS WITHIN EACH CITY, AS A WAY TO SUPPORT A WIDER RANGE OF LAND/HOUSING ACCESS MODALITIES FOR THE URBAN POOR.**

The lack of control of state authorities of the urban land market in Kampala, Arua and Hargeysa manifests itself in the lack of information about land transactions (due to inadequate systems and/or fraudulent practices) and in the inability of public institutions to better guide the land market for public benefit.

In order to promote more transparent local markets, it is important to develop an in-depth understanding of the role and

impacts of different actors within land markets and to better understand the valuation of land and housing (ownership and rental) for different land uses.

Advisory organisations, universities and donors can contribute to improving data on land transactions processes and actors, and to build awareness and capacities within the government to design land/housing policies for the poor.

# MARKETS ‘WORK’

Land markets seem to 'work' due to the high volume of transactions. High percentages of respondents in each city reported that they found it easy to obtain property and to find a place to stay. With multiple land markets, we find the ability to transact is tailored to suit the financial/social means of each household. Thus, it emerges that there are certain trade-offs within markets that households must make between benefits and costs.

Although at a household-level there may be some acceptance that land markets work, at the neighbourhood and city-level the aggregate outcome of land markets

in themselves deliver few public benefits. Investment in public infrastructure by the state will likely reward those who own land and who benefit from the appreciation in the value of the land they hold, captured as economic rent.

It is difficult for buyers to compare different land markets across socio-economic classes and their respective offers and outcomes. If they could, they might see the injustice of relatively cheaper land, that is fully serviced, reserved for higher socio-economic groups, whilst the poor pay comparatively more for smaller parcels and lesser services.

## RECOMMENDATION: TACKLE INFORMATION ASYMMETRIES IN DIFFERENT TYPES OF LAND TRANSACTIONS

Increasing the visibility of the costs and benefits of various forms of market activity across multiple markets would be a first step to addressing injustices that arise from land transactions. For this, individuals should have the ability to obtain price information on comparable sales in different parts of the city more easily, and to know about the future development of public infrastructure.

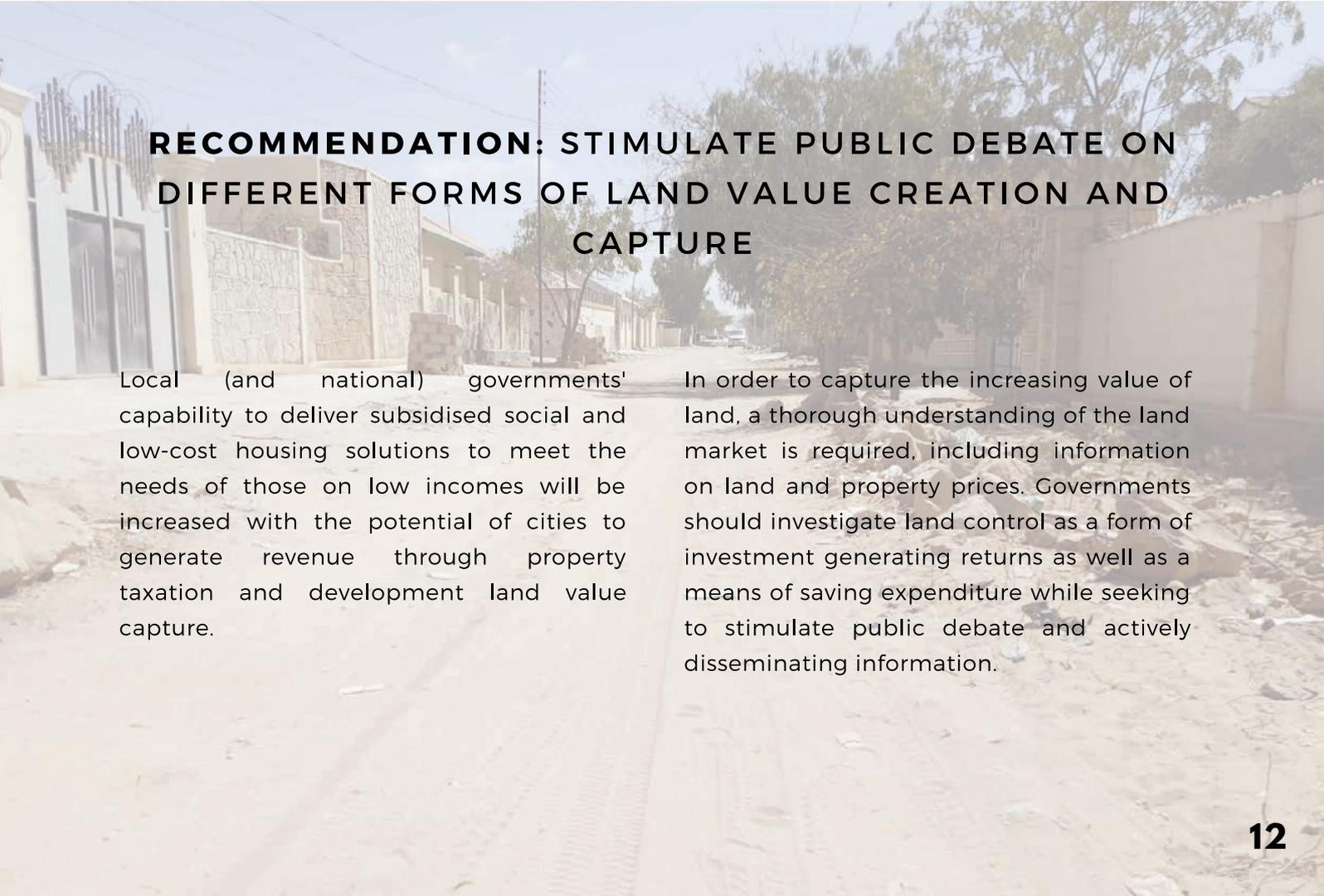
National governments and local authorities can help promote more transparent local markets by developing more robust and reliable land transaction data that is freely available.

# CAPTURING VALUE FROM LAND USED AS AN INVESTMENT

Land ownership appears as a good investment particularly in Uganda where more than 80% of landowners postulate the value of their property has increased two-fold. Land functions as an investment in cities where formal banking is expensive and where the range of options available are limited. In a context of high rates of population growth, and therefore demand, buying land to rent out is a relatively safe investment. However, the investment approach mostly works in favour of better-

off middle and upper-income households who hold land and benefit from avoiding rising rental costs.

Currently, the historical trend for elites to capture most of the value from urban land persists and the impact on spatial injustice is, in many ways, intensified, as growing numbers of those on low incomes live in poor housing conditions. This can be rebalanced through land value capture to support the supply of affordable housing.



## RECOMMENDATION: STIMULATE PUBLIC DEBATE ON DIFFERENT FORMS OF LAND VALUE CREATION AND CAPTURE

Local (and national) governments' capability to deliver subsidised social and low-cost housing solutions to meet the needs of those on low incomes will be increased with the potential of cities to generate revenue through property taxation and development land value capture.

In order to capture the increasing value of land, a thorough understanding of the land market is required, including information on land and property prices. Governments should investigate land control as a form of investment generating returns as well as a means of saving expenditure while seeking to stimulate public debate and actively disseminating information.

# MARKETS ARE SOCIALLY EMBEDDED

Markets are socially embedded. A person will rely on their social networks (neighbours, communities and families) when conducting land transactions. This is because there is limited public information of markets, and so people use social trust based systems to gather and gain access to information. Consequently, state/public institutions in Kampala, Arua and Hargeysa do not have the ability to guide the land market. Berbera, on the other hand, has an extensive, effective and well-managed land administration system based on existing records.

Trust is a key issue for transactions to occur. All parties in the transaction are required to trust and establish trust in different ways. Institutionally, key actors or procedures create different kinds of trust.

Even when trust seems to be lacking, it appears that people are continually having to take extra steps to try and achieve trust.

It is unclear how much people really 'know' - in the sense of land values, current market developments, existing purchase opportunities - and how much they would be willing to study these aspects. Buying land is mostly considered as a "once in a lifetime action" and then the majority of residents are inexperienced and ignorant of the broader picture and its implications. They might "trust" - as in blindly following others' advice - but they are unlikely to have the time to either build stronger ties (deepen the trust) with stakeholders or acquire accurate information needed to reach an "informed decision".

## RECOMMENDATION: ENSURE LAND POLICY AND REGULATION REFLECT THE SOCIAL AND CULTURAL DIMENSIONS OF LAND MARKETS AND TRANSACTIONS

The existing land use planning system is widely regarded as dysfunctional. However, while the government is in the process of reviewing existing policies and legislation on land use planning and regulation and exploring ways of ensuring that their implementation and regulations are enforced, the longstanding restrictions that existing regulation places on making land supply more pro-poor requires immediate attention along with the existing socio-

cultural influence on the land transaction process.

It is crucial to develop an evidence base on what influences market activity locally (social and cultural dimensions that affects buyer/seller behaviour) and assess the outcomes of land administration (policies, tools) from a socio-cultural perspective (including gender).

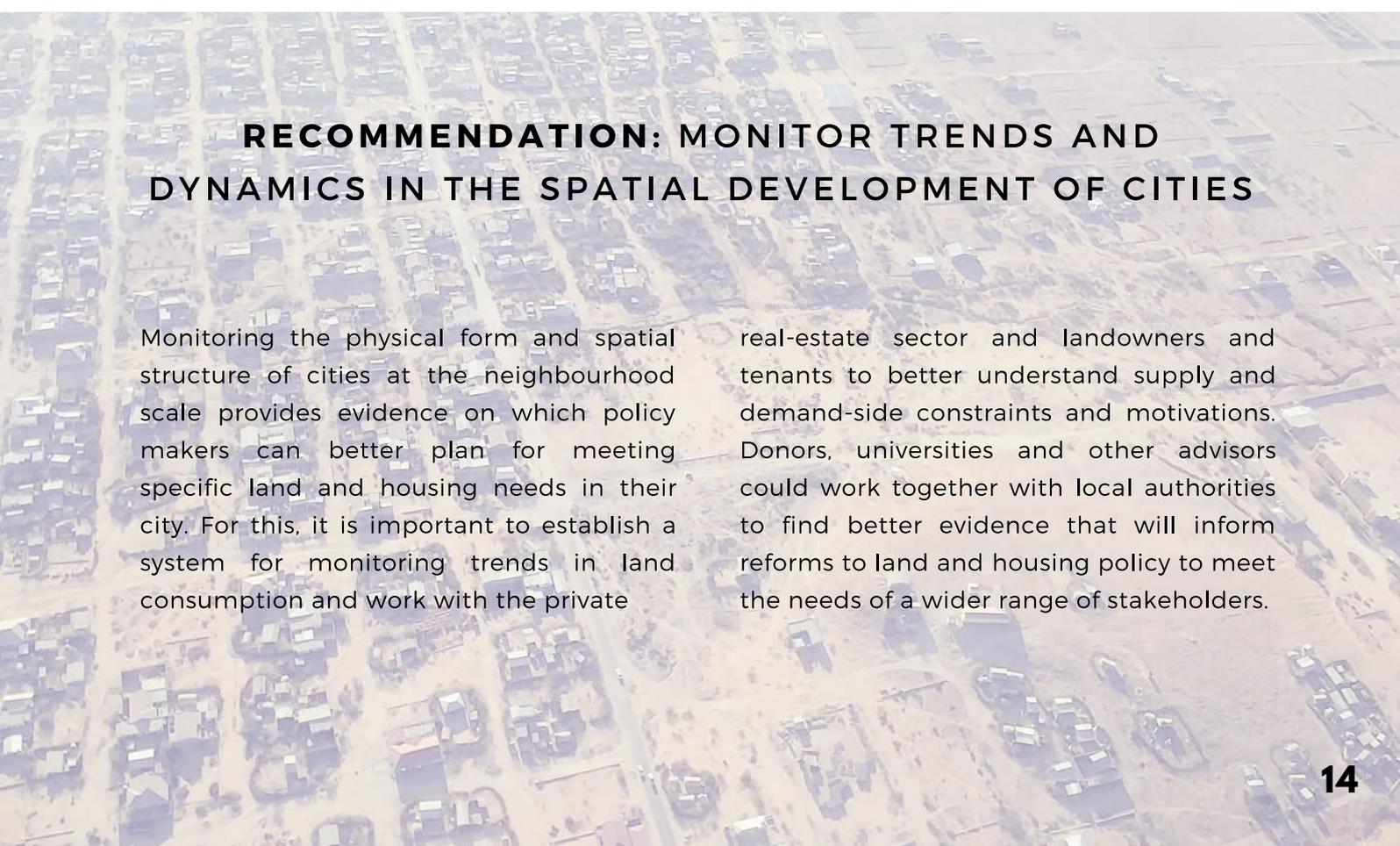
# SPATIAL STRUCTURE OF CITIES

The conventional view of the spatial structure of East African cities is that they are fragmented (no uniform pattern of land use) leading to inefficient use of land and higher costs for people because the costs of moving are high and the costs of providing infrastructure are also inflated.

Fragmentation is probably a reality in the larger cities. This is likely a result of a lack of coordination in infrastructure investment, resulting in ad-hoc development of land parcels/blocks; inadequate or inappropriate regulation in planning and construction that has required the (formal) development of large plots that are unsuited to local demand for land and housing. Therefore leading to subsequent,

informal subdivision; and/or weak enforcement such that land encroachment has occurred. Equally, as urban land becomes scarcer, land prices escalate which result in the average size of the standard plot falling.

The spatial structure of cities is also in part determined by the fragmentation of land markets such that the rich may outbid the poor, consuming more land and securing a greater range of benefits - access to jobs and urban services. The spatial structure may indicate levels of inequality present in cities, and the different housing typologies found in each city could be interpreted as reflecting different sub-markets for land.

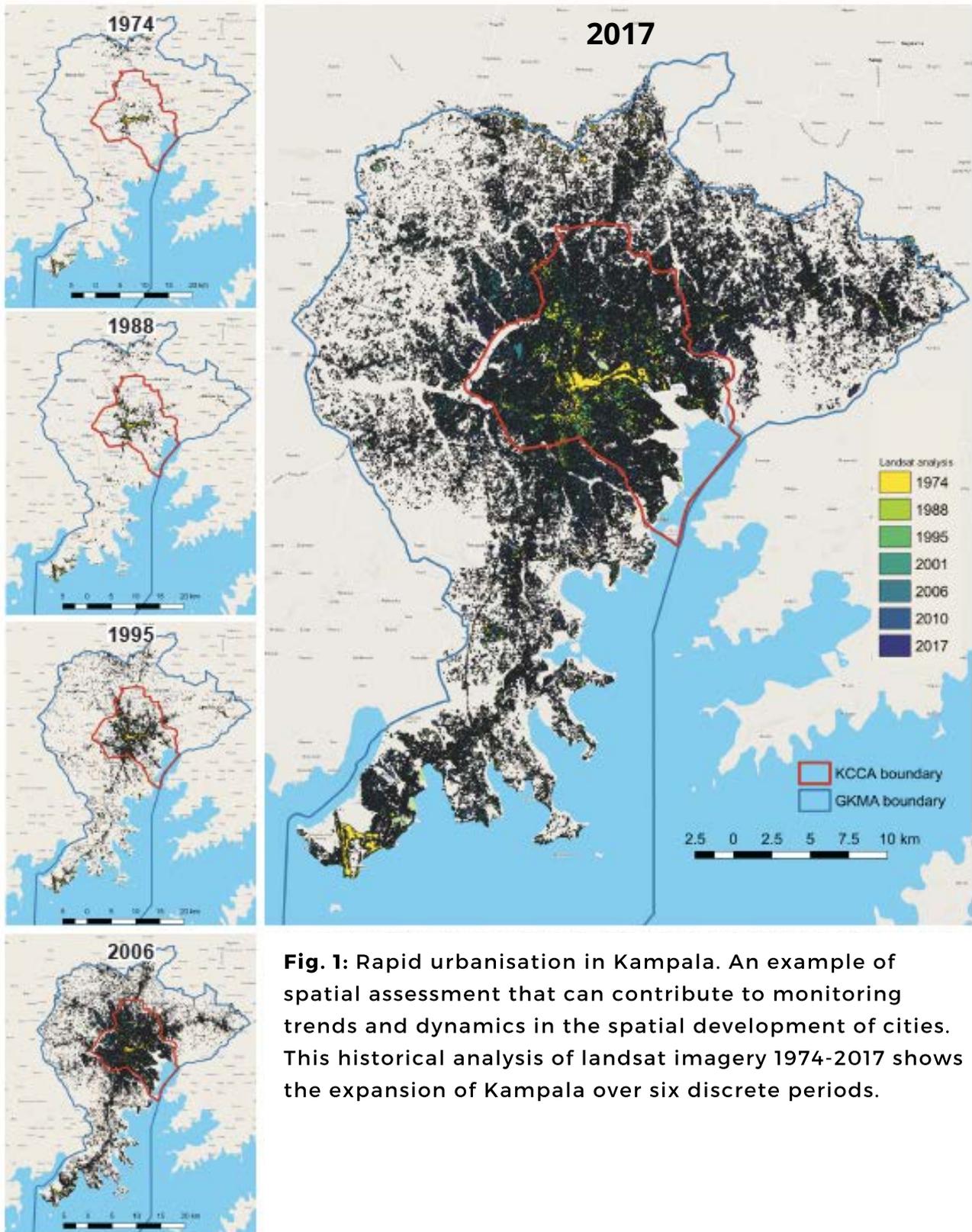


## RECOMMENDATION: MONITOR TRENDS AND DYNAMICS IN THE SPATIAL DEVELOPMENT OF CITIES

Monitoring the physical form and spatial structure of cities at the neighbourhood scale provides evidence on which policy makers can better plan for meeting specific land and housing needs in their city. For this, it is important to establish a system for monitoring trends in land consumption and work with the private

real-estate sector and landowners and tenants to better understand supply and demand-side constraints and motivations. Donors, universities and other advisors could work together with local authorities to find better evidence that will inform reforms to land and housing policy to meet the needs of a wider range of stakeholders.

# SPATIAL STRUCTURE OF CITIES



**Fig. 1:** Rapid urbanisation in Kampala. An example of spatial assessment that can contribute to monitoring trends and dynamics in the spatial development of cities. This historical analysis of landsat imagery 1974-2017 shows the expansion of Kampala over six discrete periods.

# VALUE OF RESIDENTIAL LAND

There are clear differences between potential rental incomes of areas and evidence that higher-income residents have captured more value from the land. Much housing is self-built for owner-occupation with rooms and backyard extensions on properties rented out to help generate additional income and/or pay back loans. Rents that are charged are limited to what tenants with very low incomes can afford to pay. Often in areas where properties are mainly rented out, dwellings are typically rudimentary and investment in infrastructure and services largely absent. Further research is needed to better understand the basis on which owners value their properties, the different factors that can affect the range of rentals that are charged, and whatever

independent evidence that might exist to support such valuations.

Understanding what determines prevailing land market prices is key to policy maker's ability to intervene in the land market. Urban land is largely a finite resource, determined by accessibility to key urban assets and services, with prices determined by demand and supply of land in a given location for a given use. However, in East Africa cities there is a general lack of comprehensive land market information. There is a lack of data on how prices vary between neighbourhoods characterised by different land uses, types of housing, formally and informally developed, and intensity of development and geographical location, particularly proximity to the city centre.



**RECOMMENDATION: DEVELOP AND INTEGRATE LAND MANAGEMENT POLICIES IN ORDER TO MAXIMIZE POTENTIAL VALUE INCREASE AS PART OF A LONGER TERM STRATEGY TO ENSURE SPATIAL JUSTICE BY PROVIDING AFFORDABLE ACCESS TO URBAN LAND AND HOUSING ACROSS THE URBAN AREA.**

# VALUE OF RESIDENTIAL LAND

Currently, governments play a small role and the private sector provides most of the housing supply. Additionally, the disconnect between both formal and informal land markets and government regulations produces challenges in financing public infrastructure and creates more unjust social and environmental consequences through the continuing growth of slum settlements. Inequalities are likely to be further aggravated if public urban development continues to be prioritized in safe and central areas, ultimately benefiting the most privileged.

Strengthening institutions for the efficient management of urban land is crucial to ensure spatial justice. This can be done by introducing more flexible regulatory standards that accommodate the housing

needs of those on low incomes; implementing strategic spatial planning and sustainable development frameworks to meet the SDGs; using urban design as a feasibility tool to explore equitable and innovative solutions to (re)development in socially and environmentally sensitive areas; and also developing and supporting alternative affordable housing modes for low-income dwellers.

In addition, it is necessary to address the need for improved real estate property, land market and socio-economic information and ensure that information is accessible to all. Better evidence can inform reforms to land and housing policy to meet the needs of a wider range of stakeholders.



# OVERARCHING RECOMMENDATIONS

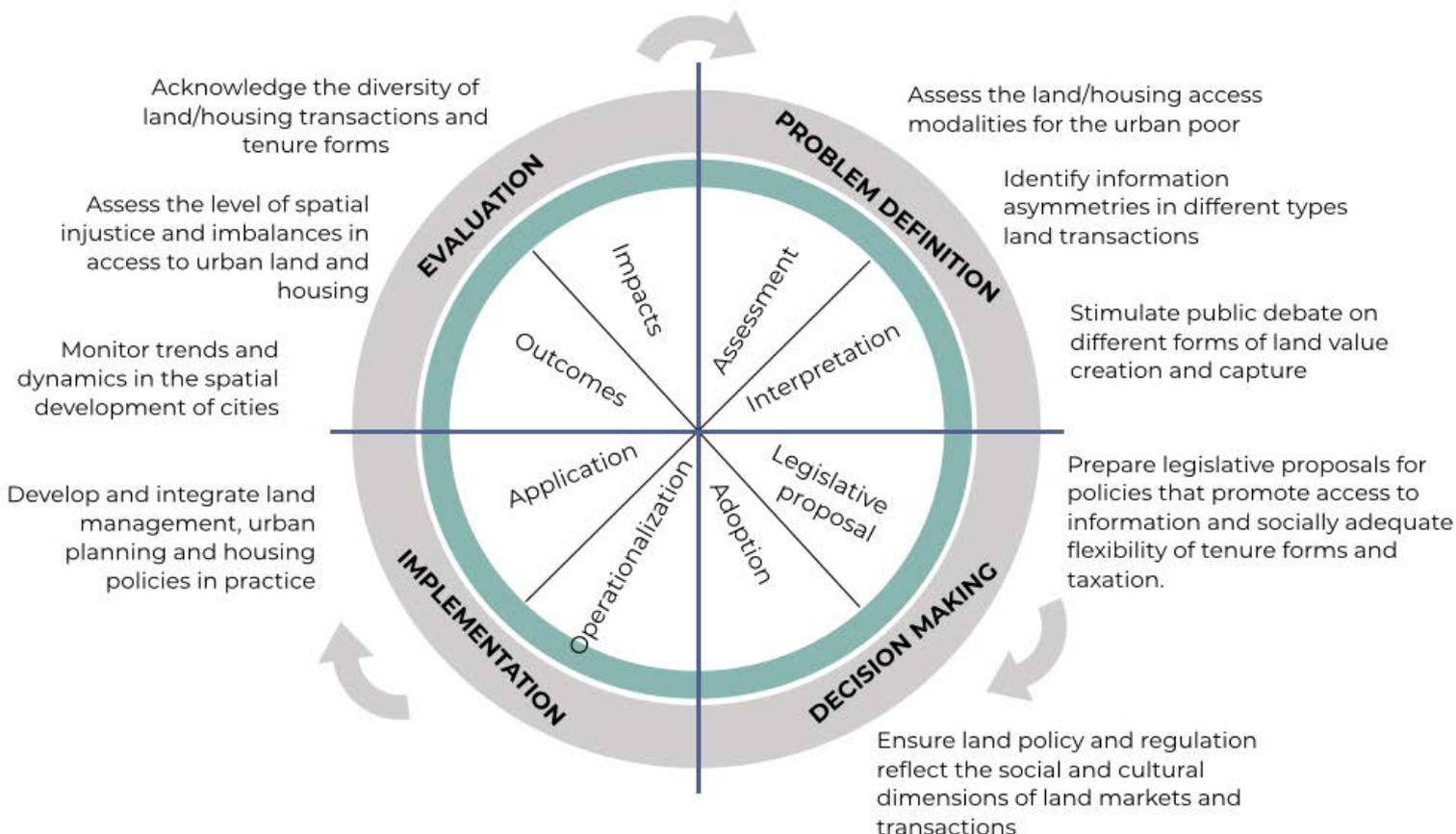
The recommendations presented here can be grouped into three categories: planning and policy, knowledge creation and monitoring. Although these categories can be implemented separately, they interrelate with and influence each other.

By monitoring spatial trends in the city, this will establish a baseline of understanding and can be a reference point for before and after implementation of (new) plans and policies. Monitoring also provides a context within which knowledge is created.

Through tracking information asymmetries, stimulating public debate and acknowledging diversity within land markets this

will generate new knowledge on the complexity on those markets. This knowledge can then provide input for new land policies, regulations, urban planning and housing policies. This new knowledge will also influence the trends and dynamics of spatial development which will be recorded through monitoring.

As highlighted, new plans and policies will be informed from monitoring and knowledge creation recommendations. This is to ensure that new planning and policy recommendations are locally relevant and embedded into the urban society they are created for.





## CONCLUSIONS

As this report has shown, the cities in this study are complex. Not only are they experiencing rapid urbanisation, population growth, urban expansion and infrastructure development, but they also possess highly complex land markets characterized by pluralistic legal tenure systems and multi-layered relationships between formal and informal institutions and actors. In addition, rising incomes amongst some groups lead to increased demand for land and buildings, resulting in continuous price inflation at levels that typically outstrip the growth of average incomes, with the result that land becomes unaffordable for middle-income and

poorer households. Market systems tend to partially compensate for this by expanding the availability of rental contracts to cater for those increasingly unable to front the capital costs required for purchase, with the result that both houses/apartments /rooms are increasingly available for rent, while land itself is increasingly let or sublet as an alternative to purchase. However, for many poorer residents, this shift worsens tenure security and weakens their asset base.

The socially constructed nature of the process of land acquisition, whether through purchase, rental or other means, privileges the roles played by certain

actors. In particular, the lack of essential information on key issues such as land availability and the price of comparable properties creates a potentially lucrative space for brokers, who, when allowed to do so, often seek to keep buyers and sellers apart in order to maximize asymmetries of information. This inflates both risk and prices for other market actors, adding volatility to the market and also further exacerbating the problem of lack of affordability for many. Amongst the case study cities, this phenomenon was most notable in Kampala.

The very complexity of land markets can be instrumental in providing pathways for people of different income and wealth levels to acquire a place to live and to secure a livelihood. However, that complexity is also a problem in that it makes it difficult to achieve coherence and complementarity. That has two effects. **Firstly**, while market incoherence makes it possible for many poorer households to acquire land through networks and their intimate knowledge of a typically small part of that market, it can be extremely difficult for those without such connections to secure a reasonable place to live or work. **Secondly**, market complexity significantly hampers the ability of local (and national) governments to plan for equitable and sustainable urban growth. In a very real sense, the complexity of land markets both protects spatial justice for those sufficiently embedded within key social networks, but also entrenches privilege. More 'efficient' land markets are likely to exacerbate spatial inequality unless they are mitigated

by strongly inclusive spatial planning. Yet improvements in both market efficiency and in the capacity of state agencies to plan in an inclusive manner are needed if existing urban development is to be made more just than it is now.

At least in some respects, land markets underpin the problems evident in East African cities, including fragmented and inefficient patterns of land-use, congestion, unequal resource distribution and poor infrastructure. State intervention in land markets is clearly necessary if policymakers wish to achieve more equal and productive cities. However, the complexity of those markets and the difficulty in balancing the often-competing needs for greater market efficiency and more equitable spatial development mean such interventions likely need to be slow and incremental.

Land-use planning systems, if used effectively and with the genuine participation of communities, business people and other key stakeholders, can play a central role in addressing spatial justice issues by facilitating more intensive and efficient urban land use and increasing housing supply by bringing more land currently targeting the prime residential market within reach of lower income groups. This happens to some degree on its own, but market provision of truly 'affordable' housing typically falls far below the growing needs of expanding urban populations. Pro-poor land and housing policies must play a vital role in mediating market-led land allocation if cities are to be inclusive of their residents.

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