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Uganda Diagnostic Report 1/4

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**REDUCING
RELOCATION
RISK**
IN URBAN AREAS



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Cover picture: David McEwen. Kampala, Uganda. 2016

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Introduction

“You tell me this place is better for me...it’s not better for me.” Lubega Edris, speaking on behalf of the National Slum Dwellers Federation of Uganda.

This report looks at issues surrounding resettlement and relocation from urban areas exposed to disaster risk in the context of Uganda, and more specifically in the context of Uganda’s capital city, Kampala. This diagnostic report is based on the early phases of research, including a review of relevant literature, policies and media reports, site visits, and a workshop to discuss resettlement and relocation procedures and challenges, held June 2015 in Kampala with stakeholders from government, civil society and academia. We also present findings from five site visits to neighborhoods in Mbale and Kampala to assess resettlement and relocation issues at the sites.

The research project, Reducing Relocation Risk in Urban Areas, which this report forms a part of, looks at resettlement and relocation as a policy, or programmatic response, to reducing people’s exposure to climate-related risks in urban areas, such as people living on sites exposed to flooding or landslides. However, in urban areas in Uganda, while there are many people living in places that are regularly exposed to flooding and landslide, there are few cases of resettlement or relocation as a policy response to these urban risks. Thus, for the purposes of this research, we looked at resettlement in Uganda in a wider context while still looking at the relationship to disaster risk management. This approach allows

us to consider why it is almost impossible to think of government-led resettlement from disaster risk areas as a viable strategy in Uganda at this time (and possibly other low-income countries) and to consider what the real risk reduction options are in situations such as Kampala. For example, we found that while there are no government interventions that aim to move people out of the flooding areas, there is a large amount of “autonomous relocation,” happening — people (individuals, families) decide to move from flooding areas, and do so without assistance from the government. The ultimate reasons for the decision to relocate may vary (threat of loss of life, things getting “unbearable,” ability to move somewhere else, etc.), and therefore issues of “tolerable levels of risk” and “land markets” and the relations between these two are key themes that we can examine more closely in this project.

We also found that resettlement and forced evictions are frequently happening as a result of urban development or urban infrastructure projects. Some of these urban infrastructure projects, such as drainage channel widening projects in Kampala are meant to reduce urban flooding, and in order to build the channel, the people living in the area must move. Thus, looking at the process of resettlement and the outcomes for these people who have moved is another theme we can examine. We also found that development projects in urban areas in Uganda are often causing forced evictions, and these evictions mean that people often end up in more vulnerable situations, and in areas of the city that expose them to many risks, including flooding.

Literature review on resettlement in Uganda

As mentioned in the introduction, the main drivers of resettlement in Uganda are development projects followed by autonomous relocation from disasters-affected areas. Development pressures from rapid urbanization and increasing land values, as well as climate change related disasters such as flooding and landslides, have exacerbated the planning challenges resulting from a complex and insecure tenure system. In the Ugandan context, implemented resettlement activities have been largely linked to development projects, while disaster-related resettlement has been planned but not implemented, except in one rural situation. As this report will detail, while there are government procedures for resettlement in place, these do not appear to be applied consistently, fairly or evenly by local and/or state authorities.

Resettlement, relocation and eviction

As defined for this project, and related to international definitions, *resettlement* is considered as the entire process of moving, removing, and relocating people from one place to another. Resettlement is an integrated, comprehensive movement of people and families, and may involve significant distance between the origin and new location. It involves not only new housing and services but also may involve new social and economic relations, and new challenges such as access to work and social cohesion. Resettlement programs are usually designed to ensure the rehabilitation and reconstruction of socio-economic livelihoods at the resettlement location.

Relocation, meanwhile, refers to non-systematic movements of families or individuals from hazard-prone locations to nearby areas. Relocation therefore involves less upheaval in terms of access to work and social networks.

Eviction refers to households that are moved forcibly without an alternate location planned for the move.

Evictions are frequently driven by development initiatives, often in the form of a project activity that leads to land acquisition, whereby land for resettlement is needed and people may be affected (e.g. Baland et al, 2007; Byerley, 2013; Goodfellow, 2010). Evictions are frequently carried out without proper communication to the affected persons. Further, in most cases, evictions happen forcefully and violently before full compensation is offered, with short notice. For example, there have been eviction threats and actual evictions by developers in urban settlements, including the Kisenyi slum in Kampala city, as well as in Naguru and Nakawa Housing Estates in Kampala. The latter case mobilised resistance in the form of a court battle against the State, by a joint tenants' association which sought compensation for what it deemed an unlawful eviction to make way for a "modern satellite suburb" (Byerley, 2013: 558). Similarly, in Mbale town, land acquisition for the expansion of the Islamic University in Uganda led to forced eviction of a community in Nkoma.

Although attempts exist by the state to implement effective resettlement policies in Uganda, both development and disaster driven resettlement schemes have led to inconsistent practices and standards by planning authorities and individuals across the country. One such example is the approved new Land Policy. A review by the Ministry of Lands, Housing and Urban Development identified several gaps which are affecting the efficacy of resettlement, for example: many land transactions are still informal or extra-legal; multiple interests on the same piece of land and conflicting land interest between the registered owners and tenants; inadequate dispute resolution mechanisms; and inadequacies in providing guidance on processes and procedures of resettlement either as a result of disaster or of development.

Effective resettlement practice is particularly important

when dealing with vulnerable groups who have limited access to financial and other resources that can aid in rehabilitation post-settlement, and whose livelihoods may depend on their location. Groups are made vulnerable through a variety of risk factors. In Uganda, civil war, corruption and population growth have all contributed to the poverty experienced by the estimated 85% of Kampala's residents living in slum areas (UN-Habitat, 2013). Rapid urbanization has exacerbated both the high poverty rate, and a land shortage leading to intense and often informal development of wetlands, which are more prone to flooding. Further, unlawful evictions often target the most vulnerable groups (Kasozi, 2015). Slum dwellers are thus particularly vulnerable to flood risk, but efforts at resettlement of these areas has met with limited success.

Many times, settlers in Uganda face severe hardship in securing suitable land outside of their areas of origin and exposure to further or new risk where communities are resettled may be increased. When places of resettlement lead to exposure to new risk or increased risk, the resettled people tend to return to lands still held at their homes of origin. For example, in the sole case of post-disaster resettlement, from Mount Elgon in 2011 after landslides, many of the resettled people in Kiryandongo returned to their homes of origin because there was no basic infrastructure to ensure access to public health and safety and establish livelihoods in the new settlement (Vlaeminck et al, 2016).

Tenure policy reform

The current challenges in securing appropriate land for resettlement, and in providing security and protection for vulnerable groups, are partially a result of past tenure laws.

During British colonial rule, land tenure in Uganda was altered from the traditional system of customary needs-based rights, to include public-tenure ("mailo") lands, the latter comprising large tracts of land granted to members of the existing elite. Partition of *mailo* lands for rent led to hereditary, long-term tenancies, with colonial legislation preventing landowners evicting tenants "without due compensation" (Baland et al, 2007: 288). Yet subsequent policies such as the Land Reform Decree in 1975 increasingly shifted control of customary and Crown lands to the state, who granted leaseholds which frequently resulted in squatter occupation and a lack of rights and protection for the families cultivating the land. Thus, by mid-century, four systems of tenure existed: leasehold, freehold, *mailo* and customary. Far from unifying the multiple applications of tenure practice, the Decree actually reduced security for

many tenants, leading to additional reforms – such as the 1998 Land Bill - aimed at instilling "a uniform system of land tenure based on freehold tenure" (Baland et al, 2007: 289). These shifting historical priorities and conflicting interests have resulted in a complex planning and governance framework for land tenure and resettlement in Uganda.

A well-informed range of bodies exists to address these issues through policy. As early as 1965, the Land Acquisition Act required for any resettlement project to prepare a Resettlement Plan Framework (RPF). The purpose of the RPF is to establish resettlement and compensation principles, organizational arrangement and design criteria to be applied to meet the needs of the people who may be affected by various projects. In preparation of a RPF, qualitative methods of data collection to generate the required information are needed. This is to help assess awareness or knowledge of the land acquisition processes and current land acquisition challenges, institutional capabilities to handle land acquisition, suggestions and recommendations. It provides guidance on appropriate recommendations in the preparation of the RPF and other social guidelines. This data can be drawn from data sources like records, self-reports, stakeholders and observations.

The national government has continued to lead on resettlement schemes through a number of policies, laws and mechanisms (the latter will be discussed further in a later section). Depending on their tenure, people undergoing resettlement are expected to be compensated for their loss (of land, property or access) either in kind or cash. According to the Amended Land Act 2010, any decision relating to evictions is to be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice must contain a detailed justification for the decision including: a) absence of a reasonable alternative; b) full details of the proposed alternatives and c) where no alternatives exist all measures taken and foreseen to minimize the adverse effects of evictions. Resettlement and compensation plans must also ideally include measures to ensure that displaced persons are informed about their options and rights pertaining to resettlement and compensation; that they are consulted, offered choices, and provided with technically and economically feasible resettlement and compensation alternatives; and that they are provided with prompt and effective compensation at full replacement cost for loss of assets and access attributable to the project.

However, the 1998 Land Bill and subsequent policies have failed to protect the most vulnerable groups, including customary occupants and informal

settlers, who in practice are not guaranteed the processes of consultation or compensation that exist to protect landowners. Tenants are usually ignored in the compensation requirements, or it is up to the discretion of the owner as to whether the tenant will receive any compensation. Despite the aims of the various reforms and policies, and the increasing awareness of state officials as to the necessity of implementing more uniform and equitable land use practices, the failure of regulatory enforcement has meant breaches of policy are extremely common (Goodfellow, 2013: 8). Thus, while the need for effective resettlement policies is recognised, in practice it is constrained by larger land market dynamics and the impacts of uncontrolled urbanization.

Resettlement policy frameworks in Uganda

Under the current approach to resettlement in Uganda, the lead department or ministry of a particular project is usually in charge of the resettlement processes and procedures. These projects are required to prepare a Resettlement Policy Framework (RPF) in line with national and local legal frameworks that regulate land relations in Uganda. Among the most important legal instruments in this regard are The Constitution of The Republic of Uganda (1995), The Land Act (1998), The Land Regulations (2004), The Local Government Act (1992), and The Land Acquisition Act (1965), The Electricity Act (1999), The National Land Policy Act (2013) and The National Gender Policy Act (1997).

For projects that include World Bank funds the RPF may also adhere to the World Bank's safeguard policy on Involuntary Resettlement, OP 4.12. In comparison to Ugandan law that defines rights to land ownership and ownership of property, the World Bank policy on Involuntary Resettlement goes further to highlight the important relationship between property rights, human settlement and the need to maintain people's source of livelihood. It complements existing law in Uganda related to property rights and land ownership by recognizing the socio-economic value this presents to persons affected.

Some examples of projects in Uganda that have involved, or will involve, resettlement include:

- The Energy for Rural Transformation Phase III (ERTIII) by the Ministry of Energy and Mineral Development, aimed at increasing access to electricity in rural areas. RPF dated June 2014¹. This project will lead to land acquisition and/or denial and restriction or loss of access to economic assets and resources,

¹ Available from: <http://www.rea.or.ug/index.php/policies-and-legislation?download...ert-iii>

resulting in a need for resettlement planning and implementation.

- The Uganda Skills Development project by the Ministry of Education aimed to enhance the capacity of institutions to deliver quality and relevant skills training programs in agriculture, construction and the manufacturing sector. RPF dated September 2014². Project activities would lead to permanent effects of loss or use of property, vegetation or land by affected persons through construction of new buildings and workshops, thus the need for a resettlement policy framework.
- The Regional Pastoral Livelihoods Resilience Project by the Ministry of Agriculture, Animal Industry and Fisheries aimed at enhancing livelihoods resilience of pastoral and agro-pastoral communities in drought prone areas through regional approaches. RPF dated October 2013³. Project activities will lead to either loss of property, land or access to services or socio-economic resources, thus the need for resettlement planning and implementation.
- The Kampala Institution and Infrastructure Development Project II (KIIDP II), is planned to be implemented by the Kampala Capital City Authority to improve urban mobility and foster economic development through infrastructure and institutional development. RPF dated December 2013. The project activities will likely lead to loss of property, land and sources of income, thus raising the need for establishment of a resettlement policy.

As further research in our project will be looking at people resettled by this project, it is worthwhile to quote a part of this RPF here. The World Bank website states:

Some of the negative impacts and mitigation measures [of the KIIDP II project] include: i) compensation will be at replacement cost meaning that replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. Replacement cost for agricultural land implies the market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of preparing the land to levels similar to those of the affected land; and any registration and transfer taxes; ii) compensation for structures shall include the full market cost of materials and labor required for reconstructing a building of similar surface and standing. In other words, the affected person must be able to have their structure rebuilt

² Available from: http://www.education.go.ug/files/downloads/Final%20Report_RPF_USDP_2014.pdf

³ Available from: <http://www.agriculture.go.ug/userfiles/RPLRP-UGANDA%20RESETTLEMENT%20POLICY%20FRAMEWORK.pdf>

in a different location using the compensation paid for the old building. Depreciation will not be taken into account while calculating the cost of affected structures. The compensation package will also include cost of moving, such as transport costs as well as any associated land titling or transfer fees; iii) compensation shall be paid prior to acquisition or displacement; and iv) compensation shall be extended

to all Project Affected Persons (PAPs) irrespective of tenure status.

Part of our research will look at how the actual process of compensation happens for people affected by the drainage channel widening project which is part of KIIDP II and to see how it plays out in comparison to the above legal framework.

Urban risks in Uganda

Urbanization in Uganda

Uganda is one of Africa's most rapidly urbanizing countries, with a population base of 35 million, a high population growth rate of 3.2 percent and a high rate of urban growth estimated at 5.1 percent per annum (Uganda Bureau of Statistics, 2014). While Kampala is the dominant city with a population of 1.8 million, there has been a clear growth of secondary towns; 50 percent of the urban population now lives in the 13 designated municipalities. It is projected that by the year 2035 Uganda's population will have grown to 68.4 million, of which 30 percent will be in urban areas (Uganda Bureau of Statistics, 2014).

There are a number of reasons for this urbanization trend including population dynamics, industrialization, rural to urban migration and economic growth leading to labor shifts. Urbanization should not be viewed as a problem only but also as an opportunity involving transformation of the human resource. However, the challenges that come with the high growth rate are overwhelming, especially in the context of climate risk, where extreme weather events are increasing in frequency and intensity, thereby destabilizing pre-existing mechanisms which may be in place to address weather conditions and changes that have historically presented themselves over a longer time-frame. There is an urgent need to re-engineer the urban governance system, infrastructure and social fabric to respond both to inherent problems and the emerging impacts of climate change. The high rates of urbanization growth pose a challenging task of ensuring environmental sustainability, especially in the metropolitan area of Kampala (Lwasa, 2009).

There is inadequate capacity to plan, manage and guide urban growth and developments due to lack of capacity by many urban local governments to undertake physical planning development plans that would facilitate implementation of structural

plans. As a result, unplanned developments have emerged within the planning areas (Uganda National Urban Profile, 2012). For example, many houses and industries in Kampala are built on former wetlands and/or swampy ground which make flooding an issue for the residents, mostly the urban poor who live in flood prone areas. The location of Kampala and geographical factors will most likely increase climate risk in the city. This rapid urbanization happens amidst poverty, shrinking peasant economies and inadequate resources for the local authorities. This leads to low incomes and increased poverty, the urban poor lacking supportive social networks and infrastructure, safe water, sanitation, little security to tenure and high rates of unemployment, all of which interplay to increase urban vulnerability and risk.

Urban land and economy

Trade, commercial services, construction activities, wholesale and retail trade; service industry and agriculture are the major sectors that make up the urban economy. These sectors provide 50 percent of the Gross Domestic Product (GDP) thus they are important in the urban economy. Uganda's economy is still facing the effects of the Global Financial Crisis, thus negatively impacting on the urban activities and the quality of life of the urban residents (Uganda National Urban Profile, 2012). The informal sector is important since it contributes significantly to the employment and income of the urban poor. Most urban slum dwellers do not have a stable secure income despite a good record of economic growth.

Land is central to people's livelihoods and development since it is a basis for all activities in the country. With the growing population of Uganda there are greater demands for socio-economic activities leading to increased competition between land use needs for urban agriculture, industry, nature conservation, environmental protection and many

others (Uganda National Urban Profile, 2012).

With sources of well-located developable land running out, wetlands are facing a number of threats of degradation mostly as they are being encroached upon and reclaimed for agriculture and human settlement a result of population pressure and economic development. In Uganda, mostly in urban communities, land markets are extremely competitive to the point where even the most minimal standard of informal sector housing is unaffordable to the poor. Limited access to land and poor articulation of tenure systems has led to increasing illegal settlements in the form of slums mostly in poorly drained areas, since for most poor people in urban areas this is the only option they can afford.

The existence of industries in the wetlands is explained by the Industrial Location Policy 1994 when wetlands were gazetted for industrial activities (Lwasa, 2009). For instance industries occupying the Kinawataka wetland, Namuyongo and Namanve wetlands in Kampala have caused serious environmental consequences including wetland degradation, deposition of solid and toxic wastes in the wetlands and drainage channels, water pollution and land use change which reduces the ecological services from the natural environment much as the growth of industrial activity leads to economic development.

Climate risk and disasters in Uganda

There is an urgent need for increased adaptation and resilience planning in the face of climate change-induced disasters. Temperature rise favors the proliferation and breeding of mosquitoes, increasing malaria prevalence and reducing labor and agricultural productivity. Heavy rains cause too much precipitation, which can lead to disease infestation in crops, especially legumes; while too little rain can be detrimental to crop yields, especially if dry spells occur during critical development stages; for example, severe drought on a maize field in Masaka in 2005 (NAPA, 2007). Similarly, livestock are affected by both weather extremes: on one hand, shortage of water escalates infertility and lowers growth and milk production. On the other, the prolonged drought of 1999/2000 caused severe water shortage leading to loss of animals, low production of milk, food insecurity, increased food prices and a generally negative effect on the economy.

Climate change will increase the frequency and intensity of extreme weather events such as droughts, floods, landslides and heat waves which will impact severely the urban population, livelihoods and production systems due to increased pressure from

high population (National Urban Profile, 2012). The main drivers of climate change related disaster in Uganda being the Indian dipole (shift of monsoon systems), El Niño and La Niña, associated with extreme climatic conditions like droughts, floods, landslides, windstorms and hailstorms. These bring suffering, distress and misery to the lives of those being affected (National Urban Profile, 2012).

Uganda has witnessed a number of natural and human-induced disasters that have culminated in loss of life and property and displacements (OPM, 2010). The natural hazards in urban areas are floods, drought, landslides, and heavy storms. Some of the hazards linked to climate change manifest in the form of increased rainfall intensity, frequency and variability in the patterns of hazards such as floods, landslides, water logging and droughts. Areas that are affected by climatic hazards are Bwaise and Kisenyi in Kampala by floods, Bududa by landslides and the cattle corridor (Karamoja) by drought.

Further environmental degradation in Kampala is largely characterized by reclaiming of wetlands, clearing vegetation and dumping rubbish in water channels, all of which interfere with water flow and make neighboring communities vulnerable to both flash flooding and water logging (NEMA, 2009). Flooding in Bwaise and Kisenyi renders people vulnerable to waterborne diseases like dysentery, cholera and malaria.

Adaptation and urban resilience

Disaster is a product of a hazard event in conjunction with exposure and vulnerability factors that give rise to damages to or loss of property, infrastructure, essential services or means of livelihoods. Vulnerability of a community to climate change is measured by the degree to which the community is unable to cope with the adverse effects of climate change including climate variability and extreme weather conditions. Vulnerability is determined by the function of the character, adaptive capacity, and exposure to risk (IPCC, 2001). Kampala City and Uganda as a whole are highly vulnerable to climate change for various reasons such as low levels of awareness of weather and climate issues, inadequate determination by relevant policy makers of adaptation and mitigation options to mitigate greenhouse gas emissions, a rapid rate of urbanization and inadequate urban planning that increases or creates risk. This is also associated with little eco-housing guidelines and widespread wetland degradation, weak institutional capacity, lack of skills in disaster management, lack of equipment for disaster management, limited financial resources, weak and inadequate infrastructure (weak buildings, seasonal roads), inadequate supply of clean water

and sanitation facilities, inadequate provision of health and medical services, low level of income reflected in per capita income (about US \$300) and above all an economy which depends entirely on exploitation of its natural resources (Lwasa, 2009).

The interactions between population and urban development in Kampala have manifested positive and negative environmental changes (Isolo, 2004). The magnitudes of the changes are influenced by the level of urban development planning and implementation of the plans as intervening factors. Where planning is visible, there is a tendency for balance between urban development and environmental conservation (Lwasa, 2004). Urban risk adaptation measures aimed at making human settlements, capital, and productivity

more resilient in the face of climate change may include:

- Relocation to alternative settlement areas;
- Disaster planning to enable more effective evacuation based on improved early warning systems for storm events;
- Improved enforcement of critical building and land use regulations;
- Hardening of infrastructure to make it more resilient to extreme weather;
- Improving housing quality to make it more resistant to storm events (Lwasa, 2009).

Review of legislations, policies, norms, governance and institutions

In Uganda, good governance has been called for by the government to ensure development but also to address high-frequency but low impact disasters. This is pursued through decentralization which has transferred powers and responsibility to lower administrative units, with powers to plan for development but also reduce risk. In 1992, the Government of Uganda started implementing the decentralization policy that led to the enacting of the Local Government Act of 1997. This provided for the transfer of powers and resources to Local Governments. The 1995 constitution and the 1997 Local Government Act further elaborated and entrenched the principles of decentralization in Uganda. All these policy reforms changed the relationship between the Local Government and the Central Government. The Lead Agency is the Ministry of Local Government (MoLG) which is mandated to guide, harmonize, mentor, and advocate for all Local Governments in support of the Movement's Government's Vision to bring socio-economic transformation of the country.

The Local Government Act (1997) provides for the system of local governments. Administratively, Uganda is divided into five levels of local government, whereby each level has statutory functions with respect to participatory development planning. The District Councils, City Councils, Municipal Councils, Sub-county Councils, and Municipal Division Councils and Town Councils are all local governments. The County Councils, Parish Councils and Village Councils are administrative units. This is intended to create democratic and accountable local authorities capable of delivering efficient and sustainable services to the people, thereby bringing about socio-economic transformation and development and ensuring full public participation. However, this is not seen; public participation is inadequate as the community is not fully involved in decision-making but rather informed about the decisions made for them.

The KCCA Act 2010 was passed that enabled Kampala city to transform from the local government to a corporate entity for a good service delivery system. The Act changed the status of Kampala in terms of identity, governance, jurisdiction and many others. According to the Act, Kampala ceased to be a local government entity and instead became part of the central government. Kampala Capital City Authority (KCCA) has however faced challenges in governance, like poor appreciation of the city governance; low levels of citizen participation in the transformation programs and low appreciation and ownership of public assets and infrastructure (KCCA, 2014). To strengthen city governance, KCCA under the Urban Governance and Accountability project is centered to encourage citizens' participation, putting in place structures that support citizens' accountability, institutionalizing the rule of law (Kampala City Council Authority Strategic Plan 2014/15-2018/19).

The Constitution of the Republic of Uganda (1995) creates for government and local authorities a statutory power of compulsory acquisition of land in public interest, and makes provision, inter alia, for the prompt payment of fair and adequate compensation prior to the taking of possession of any privately-owned property. The constitution is however silent on resettlement and compensation which causes a lot of challenges for people affected by any project.

The Land Act 1998 principally addresses four issues, namely holding, control, management and land disputes. As regards tenure, the Act repeats, in Section 3, provisions of Article 237 of the Constitution, which vests land ownership in the citizens of Uganda, to be held under customary, freehold, *mailo* or leasehold tenure systems. However, the Land Act provides for acquisition of land, or rights to use land for public works. Compensation is assessed in accordance with the valuation principles

laid out as follows:

- The value for customary land is the open market value of unimproved land;
- The value of buildings on the land is taken at open market value for urban areas, and depreciated replacement cost for rural areas;
- The value of standing crops on the land is determined in accordance with the district compensation rates established by the respective District Land Board. Annual crops which could be harvested during the period of notice to vacate given to the landowner/ occupier of the land are excluded in determining compensation values;
- In addition to the total compensation assessed, there is a disturbance allowance paid of 15% or, if less than six months' notice to vacate is given, 30% of the total sum assessed.

Regarding control of land use, the Act reaffirms statutory power of compulsory acquisition conferred on the government and local authorities under the Constitution. The revised edition (2000) of the Land Act 1998 provides for a disturbance allowance on top of the calculated compensation amount as shown below:

- 30% of compensation amount if quit notice is given within 6 months;
- 15% of compensation amount if quit notice is given after 6 months.

However in most cases these disturbance allowances are given to the affected persons. For example, it appears the evicted people in Kisenyi III Kiti zone in Kampala were never given the said compensation because the eviction notice was served late and the residents and landowner and structure owners did not have time to ask for it. The people affected by Islamic University in Uganda of Mbale were not given the privilege of this kind of compensation either.

The Land (Amendment) Act 2010 provides for obtaining an order of eviction issued by a court in respect to the administration of land including transfers, exchange, alienation and use. Court shall state in the order, the date being not less than six months after the date of order by which the person to be evicted shall vacate the land and may grant any other as to expenses, damages, compensation or any other matter as the court. However, it appears the evicted people in Kisenyi III Kiti zone Kampala were given an eviction notice only a few days before eviction, while the residents of Kisenyi, Busaja and

Hygiene in Mbale were evicted without compensation for damages and compensation value for the land. Although the Lands Act also makes provision for compensation, some of the people affected by IUIU were never compensated for the damages and losses caused by the University at the time of eviction whereby they lost their crops, trees and many other valuable assets. For a few who were compensated, they feel that the value was not to the market value of their property and assets. This apparent disregard of the law has potential to further expose the affected people to risk.

According to the Land Acquisition Act (1965), there is provision for procedures and methods of compulsory acquisition of land for public purposes, whether for temporary or permanent use. The authority (such as a ministry) responsible for the land may authorize any person to enter upon the land, survey the land, dig or bore the subsoil or any other actions necessary for ascertaining whether the land is suitable for a given public purpose. However, compensation should be paid to any person who suffers damage as a result of such actions. The Land Acquisition Act stops at payment of compensation to affected people. In Uganda, it is not a legal requirement for a project to purchase alternative land for affected people. Once affected people are deemed promptly and adequately compensated, the project proponents' obligations stop at compensation. Therefore, in the Ugandan legal context of government acquired land, once people are compensated they are expected to vacate affected properties without further claim and no alternative land is provided. However, this is a challenge because most projects do not compensate the affected persons at the market rates that can enable them to purchase alternative land. For example, for the evicted persons in Kisenyi III Kiti zone where over 600 people were evicted in February 2015, the compensation was less than what the value of the land was and it would not enable them to purchase any plot of land anywhere else in the city. On 6th July 2011, 1,750 families were evicted from the Nakawa and Naguru estates to pave way for the redevelopment of a satellite town by OPEC Prime Property Ltd, a UK based firm. However, the tenants were not compensated at all for two reasons: a) the tenants had not paid their rent for seven years from the time of eviction so there was no need to compensate them (according to the project manager Andrew Kizza); and b) no need to compensate people who would get better houses at a subsidized price after the completion of the project although the project has never kicked off to date. Both of these projects were government initiated and thus the acquisition was classed as being in the public interest, where valuation was accomplished for IUIU land and condemnation of structures was used for Naguru estate.

According to the Uganda National Land Policy (2013), the State shall exercise the power of public regulation of land use in the interest of socio-economic welfare and development. This led to the declaration of the entire country as a planning area in all aspects by the Physical Development Act 2010; this applies to planning areas that are facing resettlement and relocation by either a development or a physical disaster. In this context resettlement areas have to be planned and any pending land disputes resolved by the Land Tribunals. However, they are not adequately resourced, which renders them dysfunctional. For example, the land tribunal in Mbale was seen to be helpful to the residents of Hygiene, Busaja and Kisenyi over the land acquired by the Islamic University in Uganda. The implication of the Land Policy is that future disaster related resettlement will have to be preceded by spatial planning of the resettlement area, though it's not clear whether alternative land would be identified or affected persons would be compensated

based on market value such that they search for land to resettle.

According to the Kampala City Council Authority Strategic Plan 2014, KCCA believes that implementation, planning and mitigation measures before a disaster or emergency occurs should be implemented proactively by local communities, neighborhood organizations or by individual owners of properties. KCCA foresees the activities related to making Kampala resilient to disaster as an opportunity to improve local governance, increase participation, and foster a culture of safety and sustainable urbanization. KCCA has never had a properly functioning disaster management system in place; this causes gaps in city management and mostly in planning risk and disaster management. Therefore KCCA should work in collaboration with all the actors involved in risk and disaster management in Kampala by helping the communities to be more resilient to disaster work with organizations.

Case studies of resettlement and relocation: Kampala and Mbale

We conducted reconnaissance studies of five sites in two districts with five cases, in Kampala and Mbale district which is in the east of the country. In Kampala we visited administrative wards of Kisenyi III Kiti zone Central Division, Bwaise III Kalimali zone Kawempe Division and Nakawa-Naguru Estate Nakawa Division. In Mbale we visited Buyonjo Cell (Kisenyi, Hygiene and Busaja affected persons) Nkoma West and Malukhu Development Association. The synthesis of the interviews and transect walks around these sites is presented below.

In Kisenyi III Kiti zone we observed that the type of settlement is both for resettlement and relocation where part of the settlement has been resettled and the people had relocated. This settlement has an affiliate of the National Slum Dwellers Federation of Uganda (NSDFU) which constructed a block of low cost housing and a community center which also has a public toilet facility. This affiliate constructed three residential housing blocks with capacity to add floors for a high rise residential block. These were constructed with external support and a total 1 of 7 beneficiary households are currently housed in the residential blocks. The loans from the beneficiary households have been repaid and the savings are being collected to benefit other slum dwellers on a rotation basis. The affiliate of NSDFU runs a public toilet on a commercial basis with households close by paying a monthly fee while other users are charged on every visit. The residential blocks and affiliate members are located in a flood prone zone and the residential blocks occasionally are flooded from flow back of a nearby major secondary drainage channel. In the same locality there is also a cluster of households, some of whom still live in the area that they were forcefully evicted from and their houses and land appropriated and fenced off by a private owner who bought it from an absentee landlord. These households were never compensated adequately and were forcefully evicted with their small houses

demolished. In February 2015, over 600 people were evicted by law enforcers and developers from Kisenyi III Kiti zone.

In Bwaise III Kalimali Zone the settlement is of temporary resettlement type, though in some areas close to the primary drainage channel, some households would have to be relocated. This settlement has been earmarked for several years by KCCA for resettlement and one of the projects of Kampala integrated infrastructure and Environment Management project (2009–2012) had a component of resettlement of households affected by frequent floods in the areas of Bwaise. This project did not implement the resettlement and housing component because of the resistance by community members. There is also an NSDFU affiliate with a community center and toilet block which is also managed in a similar way to that of Kisenyi. During our interaction with the affiliate members, the community expressed ability and willingness to improve the sanitation and hygiene as well as mitigating floods if they can get support. The affiliate through its national body of NSDFU has engaged with KCCA offices to try and initiate an upgrading program of the settlement to mitigate floods. A transect walk through the settlement showed many abandoned houses and different coping methods which are limited to defraying the effects of flooding. There are also several households and people who have temporarily moved back by infilling and reconstructing a new house. Though this process of temporary relocation on a voluntary basis is common in this area, the return and reconstructed houses are not safe from flooding and the effects could still be seen readily during our visit.

In Nakawa-Naguru Estate, we visited two settlements where residents were forcefully evicted after over 60 years of residing in the public housing in the area. The Nakawa-Naguru Estate has taken 8 years from the time of tendering it for development in 2003

when land was allocated to a developer: Opec Prime Properties. This land belongs to KCCA but was transferred to the Ministry of Local Government before being leased out to the developer. Residents, despite several court orders barring evictions, were forcefully evicted in 2011 although the project has just kicked off development. Since the Nakawa and Naguru estates' evictions only two blocks of commercial apartments have been constructed which deviates from the plan that was presented to the residents in which they were allocated apartments after the construction of a "satellite city". The constructed apartments are also clearly up market properties that residents in this settlement would not be able to afford. New risk and further exposure to climate-induced risks have been created as a result of this eviction. Whereas some residents moved close by, others relocated to an area where they are facing eviction again and are also prone to floods in Kasokoso in Kireka town.

In Mbale, we visited Buyonjo cell which is neighboring a settlement that was forcefully evicted due to the expansion of the Islamic University in Uganda. The process leading to relocation and forceful eviction started in 1995 when IUIU identified land in the areas with consultation for expansion. The talks between the community and the university were cordial according to the evictees and a process of valuing the land started. However, things changed in the year 2000 when funds were distributed without proper documentation of the valuation lists. Where some individuals received the money, the funds were generally not in line with the market rates and thus many of the residents refused to accept the money. Several offices got involved in the case and the residents hired a private valuer after being dissatisfied with the government valuation report, which was also not shared transparently. IUIU took 16 years from the time of valuation (1995) of the land to the time of eviction (2011) to pay. In 2014, the police and IUIU officials came and forcefully evicted the residents who numbered 20,000 in 167 families. The evictees have lost their livelihoods, graveyards and perennial crops which can't be accessed because the land was fenced off by IUIU. The nature of planning for resettlement projects is without risk mitigation measures to the affected people, especially in places of resettlement. The evictees are facing new risk in respect to livelihoods, health and flooding as the cell in which they are residing for some is prone to flooding. From the field visit, there were reports of exposure to health complications by the evicted persons in Mbale.

Another site visited was the Malukhu upgrading settlement in Mbale. This settlement was upgraded by the Malukhu Development Association as an in situ upgrade. Malukhu housing project took 17 years from

the initiation of the project in 1991 to the construction of the last house in 2008. The project started in 1997 to transform a slum into a better neighborhood with planned housing, roads and infrastructure. The project also had livelihood components. The project was initiated by the Government of Uganda with support from DANIDA and the Danish Embassy in Uganda. Capacities of the residents were built in brick laying, masonry, wood joinery and each house was allocated a kiosk at the commercial center for trade and business. After 15 years, housing construction was complete. The association is now in preparation to transfer the savings to another slum for upgrading.

To synthesize the five sites visited, it is important to note that risk management from the perspective of these case studies is usually corrective. That is, aimed at designing strategies to manage the risk to which a community is exposed. For instance, the development and implementation of a storm-water drainage master plan for Kampala city's eight major water catchment areas (one of which is Bwaise area); having long-term strategies and/ or mitigation measures to be implemented to reduce communities' vulnerability to adversity; and increasing the capacity of communities to respond effectively to and cope with hazard impacts.

The planned resettlement in Bwaise was abandoned, but the time between decision and implementation usually depends on how fast the decision makers are and how the residents welcome the projects. In this case, the residents did not welcome the resettlement and have resorted to coping methods and temporary relocation to neighboring settlements like Kawempe. The natures of risk leading to resettlement differ from case to case. For Bwaise III Kalimali zone the risk is post climatic events like floods; in Kisenyi III Kiti zone the risk is unforeseen development; in Buyonjo the risk is development of a University; and in Nakawa Naguru estate it is the development of a satellite city. We also observed that there is a high increase in the frequency and intensity of weather extremes, which is leading to erratic rainfall patterns leading in turn to an increase in disaster related climatic hazards like floods and hailstorms. These threaten human security and strongly manifest in Bwaise and Kisenyi settlements.

Decision-making in respect to resettlement and relocation is mainly by the government with very little participation by the community. In cases where the community is involved in decision-making, their views and ideas are not properly taken into consideration. For instance in the case of IUIU and the residents of Buyonjo (Kisenyi, Busaja and Hygiene) they were never involved in any of the processes of valuation and even when they asked for a valuation report it was not given. However, Bwaise III Kalimali zone have

settlement forum meetings made up of the community members that inform decision makers and policy makers on how best to manage settlement. The public is usually involved in the planning process and not the decision making process although the level of involvement is low.

Characteristics of the original settlement

Nature of livelihoods: most of the people work at home and/or within their settlement for the case of Kampala. People are engaged in a number of activities ranging from shop keeping, market vending, food vending, casual labor, small scale industrial activities like welding, street vending, craft works, salons, video library, shoe shining and many others. In Kampala settlements like Bwaise III Kalimali zone and Kisenyi III Kiti zone most people are original residents of the settlement, though there are some migrants from different parts of the country like Hoima, Jinja, Masaka, and even from neighboring communities like Kawampe, Makinyde. The settlements are highly exposed to hazards, mostly floods that affect Bwaise and Kisenyi. This is because these settlements are in former wetlands, thus a high population of the urban poor lives in these flood prone areas.

Social infrastructure exists in the communities of Bwaise III Kalimali zone and Kisenyi III Kiti zone, including primary and secondary schools, community centers and clinics, although they are privately owned and provided, for example the Kiti Moslem primary in Kiti zone. The community centers and community sanitation units in both settlements were provided by NSDFU and ACTogether. In Malukhu Mbale the prison and health center were provided by the government, together with DANDA. Social networking and organization were strong in the original settlements in Kisenyi, Busaja and Hygiene cells in Mbale, before they were relocated by IUIU to Buyonjo cell. This was because the residents had a strong connection to the community and their families were bound together, and living conditions were fair. They were able to rely

on social networks which were no longer available after relocation.

In Kisenyi, Busaja and Hygiene cells in Mbale, the land tenure was customary; in Malukha the tenure is freehold; in Kisenyi III Kiti zone the tenure is *mailo* lease and freehold; and the same applies to Bwaise III Kalimali zone. The age of the settlements of Kisenyi, Busaja and Hygiene was about 101 years, from 1910 to 2011. Kisenyi III traces its existence from the year 1930, making its age 85 years.

Characteristics of the new settlement

This section mostly applies to Malukhu settlement and the Buyonjo cells where the persons were affected by IUIU because these are the sites where actual resettlement and relocations happened and they were the visited sites. Choice of the site of resettlement is dependent on many factors, for example Malukhu project was a slum upgrading, therefore there was no need to find a new location but rather to upgrade the existing one. The choice of Buyonjo cell was because it was next to their original settlements and the residents of Buyonjo cell were welcoming and some offered them their own homes to live in.

Livelihoods in Malukhu have improved with the available incentives like electricity, piped water, a police station, health center with services like antenatal, and income generating activities like charcoal selling, distilling and brewing alcohol. Some residents have managed to get stalls in the market, which the municipal council built. Alternatively, in Buyonjo where the IUIU affected persons are staying, livelihoods are in danger characterized by people not having a safe place to call home; in some cases houses with three bedrooms shelter over 12 people. Further problems include the lack of enough food to feed their families since there is no land to cultivate food, no jobs, children no longer go to school, and they are affected by stress and malnutrition.

Plans for project impact

This research project is expected to influence city authorities like KCCA, city managers like Kampala Institution Infrastructure Development (KIIDP), multi state agencies, ministries like Ministry of Lands Housing and Urban Development, Ministry of Water and the Environment, Ministry of Gender, Labor and Social Development, Office of the Prime Minister, departments like Wetlands Management Department in the MoWE, local governments and civil society organizations like National Slum Dwellers Federation and ACTogether.

Project Activities and Their Specific Timing

WP	Activities	Time Frame
WP1	DIAGNOSTIC <ul style="list-style-type: none"> Analyzing national and local policies on land, resettlement, planning, disaster risk and climate change. Literature reviews Interviews with local experts Site scoping exercises 	April-July 2015
WP2	PRIMARY <ul style="list-style-type: none"> Develop typologies of climate-related resettlement and relocation schemes at country/regional levels Preliminary exploration of risk assessment methods and metrics Survey designing Primary field-based research at site level Interviews with decision-makers and focus group discussions with communities Site level reports and policy briefs Audio-visual material Local level participatory workshops and reports 	June-January 2016
WP3	RISK ASSESSMENT <ul style="list-style-type: none"> Exploration of evaluation methods for risk and avoided risk assessments Assessing quantum of climate induced risk and risks avoided at site level based on field work conducted in WP2, incl. risks to developmental outcomes Risk assessment reports 	September-March 2016
WP4	CROSS-REGIONAL LEARNING <ul style="list-style-type: none"> Cross regional analysis based on site level reports and local consultations in WP2 Academic articles International and national policy brief Working paper 	April-August 2016
WP5	DISSEMINATION <ul style="list-style-type: none"> Local consultations for final discussions and dissemination of results and potential policy directions International convening Building training material for project implementers and policy makers. 	June-August 2016
CLOSING	Project Closure Report	September 2016

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