



Planning the city from the bottom up: The case of Kibugambata community in Jinja City

Experiences of participatory planning in Uganda

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Introduction

Kibugambata is a small informal settlement in the city of Jinja, which is located on the north shore of Lake Victoria in eastern Uganda. Its inhabitants have lived on the land and fished and conducted businesses on the shore of the lake for decades. But as the city of Jinja grew, its residents and private investors started to buy up land in peri-urban areas, including Kibugambata. This drastically changed the way that land in this settlement has been valued and governed. Residents of Kibugambata, who do not hold official land titles, are increasingly facing tenure insecurity and risk losing their land to potential investors. This motivated them to devise and implement a community development plan. This working paper, which is based on in-depth qualitative research conducted in 2019 and 2020, explores the experiences of people living in Kibugambata and documents their efforts to protect and secure their land for the future. The case shows the importance and challenges of participatory planning of urban areas

Box 1: Key lessons

- Data collection and/or community mapping can ensure that vulnerable groups are included in participatory planning processes.
- Good community organisation in such a way that diverse community interests are represented, is vital for inclusive planning processes.
- A jointly designed community development plan that is agreed upon by the community and the municipal authorities is crucial to keep parties accountable when implementing plans.
- Initiating the process of implementing pertinent community development priorities in the proposed development plan would not have been possible without strong collaboration with the government and civil society organisations on local and international levels (ACTogether Uganda/SDI and Cities Alliance).
- Funding land registration processes remains a challenge for the most vulnerable households. Bureaucracy and the high cost of land titles continue to exclude the poorest from tenure security.

Background

The Kibugambata community derives its name from the ducks that inhabited Lake Victoria's shores and were reared by the first people living in the area. In the 1930s, when Jinja was already a growing industrial town, the land on which the community is now located was marked as industrial land by the British colonial authorities. The land was located right next to the Walukuba estate, which was one of the largest housing estates in the country, intended to accommodate industrial workers and their families in a 'pleasing style and should not be cramped' (Jinja Township Authority, 1943, as cited in Beyerley, 2013). The aim of the estate was to counter the numerous structures popping up in the area and to develop a modern residential city. However, in the ensuing decades, the estate slowly informalised and, following political instability and administrative decay (there were no funds to maintain the estate), it turned into a slum area (Beyerley, 2013). In 2009,



organised. It has a land area committee consisting of 6 elected members (4 men & 2 women), who are local, religious or cultural leaders, prominent land holders or elderly people. Although it is an informal committee, it is directly linked to the JMC, with which it communicates, negotiates and lobbies for service delivery and land-related issues on behalf of the community.

The settlement is home to about 273 landowners and 3000 tenants (ACTogether, 2020). The residents have low incomes, and most depend on casual labour, fishing, vending and transport for their livelihoods. For decades, the community's 26 acres of land was governed through customary tenure systems and demarcated by marlstones (*emilamula*) and wooden logs. The occupants and tenants did not have official land titles nor did they know the exact boundaries of their land. However, their interest in and rights to the land have now been recognised by their fellow community members.

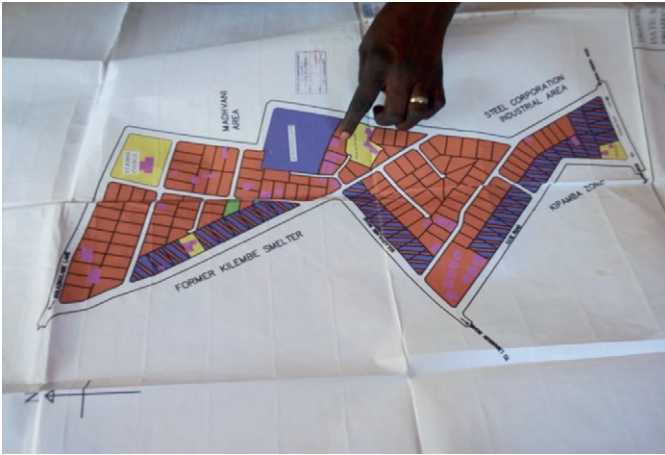
the Jinja Municipal Council (JMC) decided to privatise the land and offered to sell residents of the eastern part of the Walukuba estate their plots in the form of 49-year leaseholds, despite opposition from politicians and those residents who could not afford to buy their land. As a compromise, the JMC set aside residential plots for bona fide tenants (Beverley, 2013). The current Kibugambata area is one of the settlements on the eastern border of the Walukuba estate set aside for the same purpose.

The first settlers in Kibugambata were mostly migrants from other parts of Uganda. Most of them were vendors, trading fish, charcoal or crafts near the lake, particularly targeting companies and travellers passing through the docks of Masese I Parish in Jinja. The traders were organised in a small committee, represented by counsellors who negotiated with the JMC for a small piece of land on which to reside temporarily. The first occupants started with temporary houses, but over time, their livelihoods increasingly depended on their location beside the lake. Among the settlers were many fishers who go to the lake, catch fish and take it to the market for sale. This was considered good business at the time, as they could get a good price for their fish. Those with enough money and strong power relations with local leaders and council officials, started to acquire some land titles and had the confidence to develop permanent houses. Thus, the community expanded slowly but steadily. Since the 1970s, the Kibugambata community has been well

Growing tenure insecurity in Kibugambata

Over the years, industries and investors have settled in and around the community. These investments include real estate investments by elites, a sugar factory (Kakira Sugar) and the National Water Cooperation's pumping facility. In Kibugambata, community members have seen these investments materialise nearby. Neighbouring communities have faced eviction threats from private investors to make way for companies, for example food wholesaler BIDCO, a steel company and a fish factory (ACTogether, 2020).

The tenure insecurity in Kibugambata was further increased for many community members by national land governance measures, including conflicting laws and policies. For instance, in 2000, the government wanted to limit fishing activities and protect the lake shore across the country. Soon after, the National Environmental Management Authority (NEMA) imposed a border zone extending 200 metres inland from all lake shores for the purpose of environmental protection. Within this buffer zone, no human activities – including settlements and fishing – are allowed.³ This measure caused a lot of insecurity among the people of Kibugambata. The community is now prohibited from building permanent houses, to avoid the high costs of compensation (ACTogether, 2020). At the same time, the 1995 Constitution of the Republic of Uganda and other related laws (such as the 1998 Land Act)



Picture 1: The Kibugambata community development plan.

Source: Researcher December 2019.

named the informal settlers (along with the lawful settlers with titles) bona fide occupants who are entitled to be the rightful owners of their land if they have occupied it for more than 12 years. However, the high cost of land registration (2.2 million Ugandan shillings – approximately 500 euros) prevents most residents from claiming their formal rights.

Kibugambata’s community development plan

As a result of the growing insecurity in Kibugambata, community members expressed an urgent need to address the situation and design a plan for the settlement. Since Jinja was growing into a city (it obtained city status in 2020), it was feared that a potential development plan by the government would displace many households and overrule the community’s development aspirations and rights. In the following decade, the community’s plan was developed incrementally.

In 2010, ACTogether (see box 2) – a grassroots organisation and affiliate of Slum Dwellers International and the Ugandan National Slum Dwellers Federation (NSDFU) – collected data in the Kibugambata community as part of a wider exercise to empower slum communities with data about their neighbourhood. The data enabled community leaders to leverage improved security of land tenure, livelihoods and complementary social services. In collaboration with NGO

Land Purse, ACTogether Uganda assisted residents to map the community structure and plots. This resulted in the mapping of 173 plots within the community.⁴ Although there were an initial 290 settler families, a plot of land can only be registered if it measures at least 15 by 30 metres (50 by 100 feet), according to the plot standards of the Ministry of Land, Housing and Urban Development (which are also called ‘standardised plots’). These requirements for minimum plot size have forced some residents to merge or pool their plots and register (or propose to register) their land as joint title holders.

The community therefore elected a committee of 11 members to lead the development campaign. Students and urban planners from Makerere University assisted the committee with the physical planning of the future settlement. Together, they kept inconveniences for the community to a minimum. For example, in line with national planning standards, a tarred road through the community had to be 12 metres wide, which would have led to the displacement of many households. Instead, the team agreed on a road 7 metres wide at the most, based on a pre-existing road, which is just wide enough for motorised vehicles. However, because of slow administrative processes and a lack of funding parties, it was several years before the plan was implemented.

In 2014, ACTogether Uganda, supported by the Association of African Planning Schools, took the initiative to redevelop the Physical Development Plan and to move it forward using a participatory approach. After a review of the initial plan, the development committee pointed out that security of tenure and access to the community was still limited. In addition, there were insufficient public toilets and they were expensive to maintain. Furthermore, in the initial plan, residential areas were separated from the open public spaces, while trading was key to most people in the settlement. Thus, the planning team opted for mixed commercial and residential areas. The revised plan (see figure 1) included a community centre, a health centre, a market and various open public spaces to bring these services closer to the community. The team planned to bring solar energy and street lighting to the community, and public toilets were installed closer to the market and docks where people trade.

Box 2. About ACTogether



ACTogether Uganda was established in 2006 as an independent Ugandan organisation affiliated to the international network of Shack/Slum Dwellers International (SDI). It is registered as an NGO in Uganda and aspires to have fair and inclusive Ugandan cities with united and empowered poor urban communities, who have the capacity to voice, promote and effectively negotiate for their collective interests and priorities.



Picture 2: Trained NSDFU teams installing street solar lights along Kulazikulabye road (left and centre) and NSDFU coordinators inspecting the Mwangu road during the process of widening and opening new roads in the Kibugambata settlement in 2017 (right). Source: researcher, 2019/2020.

By the end of 2014, the plan had been approved by both the community and the JMC, which made available a small budget for the redevelopment of the settlement. Together with budgets provided by ACTogether and Slum Dwellers International, small parts of the plan have been implemented with technical support from the JMC, starting with the installation of street and household solar lighting along three roads, the creation of new roads and the widening of existing roads, the construction of the public toilets and the trade centres. While the solar project encountered various challenges and cases of cable theft (cables to houses were cut off), 20 solar street lights were added in 2018 to increase security in the settlement. The JMC subsidised 10 per cent of the cost of the 350 solar packs provided to beneficiary households as way of contributing joint efforts to transform the Kibugambata community.

The challenges of implementation

Participatory planning comes with its own challenges. For example, because of the diverse population groups within the community, building consensus takes a lot of time and effort. However, implementing the plan was the biggest challenge. Land tenure security remained one of the main priorities and issues for the implementation of the development plan. Community members without land titles were liable to be evicted from their land to make way for private investors. This was the result of two underlying and structural issues: the high cost of land registration and the issue of substandard plots. Below, we elaborate on these issues and discuss how the community and supporting organisations addressed them.

High cost of land registration

As mentioned, when the community development plan was approved by the JMC, it was agreed that settlers could register their interest in and right to the land for approximately 500 euros. However, it soon became clear that with an average annual household income of less than 100 euros (ACTogether, 2020), this is an impossible investment for most residents of Kibugambata. The high registration cost was first addressed through negotiations with the JMC by ACTogether Uganda,

the NSDFU and the Kibugambata Land Area Committee. Together, they agreed on a price of roughly 250 euros for the registration of a standard plot (i.e. a plot measuring at least 15 by 30 metres). Although this substantially decreased the financial burden, this amount was still unaffordable for many settlers, thus delaying the joint land titling process. In a final effort to lower the threshold for community members, ACTogether Uganda and the NSDFU contributed 50 per cent of the registration fee for eligible plots.⁵ At the time of writing, bona fide settlers in Kibugambata are still required to pay roughly 125 euros to claim their land title. A new initiative, based on land value capture methodologies, is currently being developed by Architects without Borders, together with ACTogether Uganda. The project proposes to assist settlers to jointly register land and to later sell a small part of it, assuming the land they acquire will increase in value over time. The sale of the land will help owners to meet the construction debt burden within the repayment period agreed between the owner and investor (developer), as well as cover the costs of any related incremental developments on their land, such as housing development or community infrastructure. After consultations with the community, it was decided to postpone the project for some time: the community prioritised their tenure security above investing in housing development and infrastructure under the land value capture project.

Substandard plots

As in many informal settlements, a lot of settlers in Kibugambata only have small plots – smaller than the minimum size that can be registered, making these settlers particularly vulnerable because their tenure is based on informal written and oral agreements. This situation eventually exposes settlers to a high risk of eviction, especially now that Jinja has attained city status and has become more attractive to investors. To address this problem, ‘land pooling’ was introduced, whereby residents with small plots can combine them to form a plot that is big enough to register. The additional advantage is that the cost of land registration is shared by the landowners. Land Purse assists in the process of land pooling and holds the joint land titles in its database, and before an owner can sell her or his share, the other owners must agree to the sale.

Lessons learned from Kibugambata

In this working paper, we have described the struggles of the community of Kibugambata and its supporting organisations to design and implement a community development plan, as well as the difficulties of such an incremental community engagement approach. We think that certain conditions have contributed to its successes, while other structural problems remain and need to be tackled within the Kibugambata community as well as beyond it. The case shows the importance and advantages of including communities as partners in defining the future of any community and shaping the future of the city. It also shows the power and capacity of a community – no matter how diverse – and grassroots organisations when they jointly set out to plan in an incremental and inclusive way. However, it also shows the difficulties of such a process, as the community engagement has caused many delays and cost a lot of money and time. Even today, many families in Kibugambata face tenure insecurity and forced eviction, which is why continued support and investments are crucial in the coming years. It is also a case from which we can learn a lot, both in the Ugandan context and elsewhere. The following are some of the lessons we learned and the steps we think are vital for successful participatory and incremental planning:

- **Map the community and its members**

We know that communities are highly diverse and host many different groups of people. For example, this case revealed how some groups of community members – such as widows, youths and the elderly – have struggled with the high cost of land titling. Through thorough mapping and profiling in collaboration with the community, the land committee was able to identify the most vulnerable households, the majority of which have substandard plots that are not eligible for registration. Without a vulnerability assessment and efforts to include these households in the process, they would have been excluded.

- **Ensure good community organisation**

From the start, the Kibugambata community has been well organised and represented by elected committees and leaders that act on behalf of the community. This contributed to, for example, a strong position and successful negotiations with the JMC. It also allowed a strong collaboration with supporting grassroots and other organisations, such as ACTogether Uganda and the NSDFU. It proved crucial to develop a joint development plan, to consult members and to disseminate information within the community. Good community organisation also contributed to a smooth and inclusive mapping process, and vice versa: the mapping process strengthened the community organisation.

- **Jointly design a development plan with stakeholders**

The design of the community development plan was based on inputs from both the community and the JMC. For the JMC, approving the plan was beneficial because it knew that

the alternative (a top-down development plan) would lead to high compensation pay-outs and inevitably meet resistance, and might have even created conflict in the community. Most of the community members were reluctant to build any permanent structures because they feared losing their investments. But at the same time, the JMC did not allow them to build permanent structures, because it would lead to higher compensation costs in the case of resettlement. For the community, designing a joint plan provided a chance to have a meaningful voice in the design of its physical environment. The formal approval of the plan document kept all parties (JMC, the community and ACTogether Uganda/SDI) accountable and provides a guide for all future projects and interventions to ensure they comply with the community development plan.

- **Address the high cost of land registration**

This case shows that the cost of registering land is disproportionately high for those living in informal settlements in Uganda. As a result, poor families are excluded from having land tenure security despite their legal status as bona fide landowners. It was only through the assistance of NGOs and the perseverance of the community that the JMC lowered the cost (which is still too high for many). Any future and similar initiatives (at least in Uganda) will face the same challenge, for which there is no structural solution.

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Notes

- 1 LANDac fellow and physical planner at ACTogether Uganda
- 2 Coordinator of the LANDac Professional Learning Network at the Netherlands LAND Academy
- 3 <http://extwprlegs1.fao.org/docs/pdf/uga36500.pdf>
- 4 See https://www.actogetherug.org/wp-content/uploads/2020/07/Jinja_Profile_11.pdf for the full profile of the community of Masese I village, of which Kibuga Mbata is part.
- 5 This funding was secured through the project 'Strengthening of Capacity for Urban Migration Management and Improving Migrants' Livelihoods in Jinja City, Uganda', which is supported by Cities Alliance/ UNOPS.

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