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Dualism in Kampala: Squalid Slums in a Royal Realm

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Different land-tenure regimes have left their mark on the evolution and growth of urban dualism in Kampala. In 1894, when Captain Lugard established Uganda as a British protectorate, the *Kabaka* (king) of Buganda had his headquarters in the vicinity of the current city. Kampala then, as now, was characterized by undulating hills affording majestic hilltop views of Lake Victoria eight kilometres away. The Buganda region was highly politically organized with administrative institutions that the colonial state sought to preserve and use to spread their control throughout Uganda. Kampala thus became the colony's capital.

The signing of the 1900 Buganda Agreement marked the beginning of the structural transformation of land management, cadastration and titling of land parcels in Uganda. With the stroke of a pen, a class structure was entrenched. It comprised a propertied class, those who were given 'ownership' of land, and the landless whose use of the land was circumscribed and vested in the hands of the *Kabaka* and his notables (Kisamba-Mugerwa 1991). For all intents and purposes, the former became landlords and the latter their tenants. Land became a commodity but one that still embodied aspects of former usufruct land rights. Nonetheless, land markets surfaced, especially on *mailo*-cum-freehold.

Approximately 60 per cent of the land in Kampala is currently held under *mailo* or what may be called 'freehold land tenure'. The most important outcome of the land management and tenure system is dualism whereby the land held under private *mailo* has not been subjected to urban planning, whereas the land held under public lease has been developed in accordance with standardized plans. Dualism in land management has become a major impediment to urban development for Kampala City.

This chapter examines how this constraint has evolved. The next section theoretically contextualizes the significance of land tenure, before tracing the various changes in land tenure in Kampala over time. The power relations vested in land-tenure arrangements are explored and their impact on the urban management of housing and the informal economy is considered.

The chapter concludes with observations on the urgent need for coherent urban planning.

Land tenure

Land-tenure systems define the rights one has over the use of land resources in relation to the community. Rights do not represent the relationship between a person and an object but are rather the relationship between the holder and others with respect to the object (Bruce 1986). Natural resources are managed under four categories: a private property regime, a state property regime, a common property regime and a non-property regime called 'open access'.

Under private property regimes, land rights accrue to an individual. All the improvements and investments in the resources are made with the clear understanding that the long-term benefits will be enjoyed by the property owners with control over their resources. However, the decisions taken under a private property regime may not be in the interests of the community with respect to natural resources.

Under state property regimes, the rights of ownership and management are vested in the state. In some circumstances, the state may manage its natural resources through its agents. Under common property regimes, rights accrue to specified groups or communities of people and they have a right to exclude non-members. The implications of this resource management regime are that the permissible activities and the benefit stream will only accrue to members commonly known to each other.

The members of a household subject to a common property regime attain access to natural resources by virtue of their household being a member of the social group that governs the resources. The household has the duty to recognize the source of authority in that group and share similar interests with the whole group for sustainable utilization of the resource.

Open access is essentially 'non-property' in the sense that no property rights are recognized. The resource consists of unlimited access to users and it is this aspect that tends to create undue pressure on the resource under an open-access regime.

The land-management regimes are operationalized in various tenure systems that seek to define the terms of holding and use of such resources as land. Interestingly, Kampala has witnessed all four forms of land-tenure system over the past century. They have combined or been layered in ways that make an analysis of land tenure in Kampala extremely complex, as outlined below.

The evolution of land-tenure regimes in Uganda

During the pre-colonial period, land tenure and management were invariably customary. Land resources were possessed by members of clans and lineages