

# BAD URBAN LAWS

PART TWO  
**Administrative Policy**



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## THE FUTURE OF DEVELOPMENT

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# 1

## Sierra Leone Land Ownership/Tenure

WEST AFRICA — COLONIAL LEGACY

Sierra Leone has one of Africa's most restrictive and complex land-ownership systems, stemming from both customary laws and its years as a colony of the United Kingdom. Though Sierra Leone gained its independence in 1961, many of these laws and regulations are still in place throughout its four provinces. While land is abundant, these policies have severely limited access to land ownership, thus leading to the creation of informal settlements across the country.

One principal policy governing Sierra Leone's land-ownership system is the Protectorate Land Ordinance of 1927, which is still in effect. According to the ordinance, all land in Sierra Leone's provinces is vested in tribal authorities (comprised of familial chiefs and their councilors), who manage the land on behalf of the local communities. When investors seek to develop land in the provinces, they must navigate a complex system in which they have to obtain approval from both the tribal authorities and the national government. Investors are often rejected so that the land remains among chiefs' family members.

The Protectorate Land Ordinance, as well as other customary laws, have slowly created high levels of rural poverty throughout the country, forcing many people to migrate to informal settlements in semi-urban areas—such as the slums on the outskirts of Freetown, where many residents live in hazardous conditions. It is estimated that nearly 75 percent of all urban residents in Sierra Leone live in slums or informal settlements.



**Image 1:** Landscape degradation in Sierra Leone (Julia Wesely/University College London)

While land-tenure laws make it harder for anyone in Sierra Leone to own property, they most drastically affect women and non-native residents. Though women have the right to own property, few do, meaning they lack income-generation opportunities and decisionmaking positions. The Protectorate Land Ordinance also specifies that people not native to a particular province cannot occupy any land in that province without obtaining clearance from the tribal authority and paying a settler's fee. These practices have resulted in lower standards of living for most citizens, monopolistic land ownership, and less economic production.

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# 2

## Angola Customary Laws Dictate Urban Occupation

CENTRAL AFRICA — POSTCOLONIAL LAWS

During the Angolan colonial era, land was regarded as a common resource, and the government encouraged Portuguese settlers to start plantations there. After Angola gained independence in 1975, there was a massive exodus of Portuguese residents, who abandoned their possessions—including almost half of the country’s arable land. The government issued a policy through which abandoned private land could be appropriated if left vacant for more than 45 days. However, the legal framework guiding this appropriation was unclear, and most of the land was taken over through local customary law. This practice was unsustainable, so the government introduced the Land Law of 1992 to govern land rights in the country. Yet this law remained unclear about the legal status of communal land and failed to acknowledge customary land rights and practices, as well as the role of the village elders (sobas) in adjudicating land disputes.

The state made a series of amendments to the 1992 legal framework but did not establish a robust strategy to “legalize” irregular settlements. In December 2004, the updated Land Act and the Law of Territorial and Urban Management were introduced, according to which all Angolans had to complete the official process of registering their land and securing a title within three years. The law places the responsibility of registration upon the local populace and stipulates that irregularly occupied land can be subject to forced evictions after the three years. The regularization process has been heavily criticized because more than a quarter of Angolans are illiterate, and some do not even have identification documents, let alone a customary title to their land. This compounds the bureaucracy’s lack of administrative capacity and inefficiency in regularizing land under customary titles.



**Image 1:** Recognition of customary land rights (Orani 2017)

After the 2004 Land Law, the government initiated a massive crackdown on irregular settlements in and around the capital city of Luanda. Human Rights Watch noted that the modus operandi of conducting evictions was in “clear violation of its obligations under both international and Angolan law,” and the UN Special Rapporteur on the Right to Adequate Housing noted that law enforcement agencies evicted thousands of families from their homes using excessive force. Most evictions in Luanda occur without the government providing alternative shelters, conducting prior consultations, or ensuring due process. The evictions also target poor residents who do not have the means to secure their tenure or find alternative accommodation.

From 2002 to 2006, 18 mass evictions destroyed over 3000 houses, affecting 20,000 people. Despite calls from human rights organizations and civil society organizations, the government continued to conduct forced evictions and use aggressive force without due process. Although the number of evictees needing urgent humanitarian assistance was relatively small, this was not because the government compensated them but because they rushed to find (often inadequate) solutions to continue their lives and seek shelter elsewhere.

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# 3

## Nigeria Ban on Okada in Lagos

WEST AFRICA — MODERN LAWS

Sustainable growth in any developing city worldwide requires a solid and effective transportation plan, whether public or private. Poor transportation plans can lead to high congestion, a smaller labor pool, and more accidents. This is a very evident problem in Lagos, Nigeria. In Lagos State, the authorities and Governor Babajide Sanwo-Olu have recognized the need to resolve transportation issues in the rapidly growing city. To overhaul its transportation network, they enacted the Transport Sector Reform Law of 2018, a set of policies prohibiting certain types of vehicles and encouraging others. (A similar reform was attempted in 2012 but failed due to poor enforcement.)

Perhaps the most controversial and vital part of this legislation was banning and phasing out okada (motorcycle taxis) on certain highways and business corridors in Lagos because they cause massive congestion. According to the Lagos state government, motorcycles and tricycles were also responsible for 10,000 accidents and 600 deaths between 2016 and 2019. However, because okada are incredibly cheap and readily available, they are the number-one form of transportation for the working-class and poor populations of Lagos. Despite pushback from the general population, the state government decided to expand the ban across more areas around the city in 2021.



**Image 1:** Impounded okada are collected before being destroyed (Illuminaija 2020)

Although policies banning okada trace back to 2012, this new wave of laws has had a significant impact on Lagos residents. More than 800,000 private okada taxi drivers have found themselves unemployed as a result, and the Lagos state government has not even worked to find them new jobs. The ban has also hindered the expansion of the ride-hailing and ride-sharing industry, as many companies ceased operations in the city due to fear of losing profits. Meanwhile, danfos (minibuses) have been hiking up their prices due to the influx of passengers, rapidly raising transportation costs for commuters in Lagos despite the limited availability of seats. Lagos citizens now often wait up to an hour in the hot sun to get a seat on a bus.

Okada drivers and Lagos citizens have taken to the streets to oppose the new law. These protests have often devolved into violent clashes and fights between the police and motorbike drivers. Many Lagos citizens feel that the ban was a “rushed decision” and that there are alternative approaches to reducing congestion that would not completely alter their way of life. For example, ride-hailing companies have pushed the idea of more properly formalizing okada with proper permitting and registration, which is a more practical approach. However, it seems that the Lagos state government has no intention of repealing the ban.



**Image 2:** Danfo drivers in Lagos (Oniyo, 2019)



**Image 3:** The Lagos State Rapid Response Squad clears okada from the road after an accident (Lagos State Rapid Response Squad)



**Image 4:** Okada drivers protest the ban and demand regulations instead (Omoike 2020)

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## 4

# Egypt Inadequate Building Laws

NORTH AFRICA — POSTCOLONIAL LAWS

According to the World Bank, Egypt's population is growing at an annual rate of 1.9 percent, adding 2 million people a year. At this rate, the overall population will increase from 102 million in 2019 to 160 million by 2050. To house the burgeoning population, the Egyptian government has made a series of efforts, including constructing new cities. However, these steps have not been well-received by the masses. The new cities have low occupation rates—partly because these remote, expensive areas lack easy access to healthcare, education, and food—and grave violations of building laws remain rampant in overcrowded urban and rural areas.

Egypt's building regulations are mainly derived from European systems, which have produced an urban fabric that does not emanate from local customs and traditions. The Unified Building Law no. 119/2008, for example, is an amalgamation of existing urban-planning and building laws. It lays down several guidelines on design and construction-related activities ranging from the height of buildings and width of streets to setbacks from the street and architectural designs. The *raison d'être* of the Unified Building Law was to address the issue of informal construction. However, inadequate implementation means many have continued to disregard the regulations with impunity—there were 2.8 million violations between 2008 and 2018, according to one estimate by the Ministry of Housing. The Built Environment Observatory has estimated this figure is more accurately 8.2 million over the same period.



**Image 1:** Some buildings in Alexandria are taller than they should be given the width of the street (Samir et al. 2019)

Almost a decade after passing the Unified Building Law, the government decided to regularize the “illegal” buildings that have engulfed large swathes of agricultural and urban squatted land through the Construction Violations Reconciliation Law no. 17/2019 (Amended by Law no. 1/2020). However, there were only 32,000 building regularization applications as of November 2019. Although this figure rose to 688,000 by August 2020, it is still a drop in the bucket compared to the 8.2 million building-code violations. The inadequate response is partly due to hefty fines, red tape, and an extremely technical regularization process.

The January 2020 amendments to the law increased the fines for building on farmland to up to \$280,000 and five years in prison. When its six-month grace period for the regularization process ended in July 2020, the government initiated a crackdown against illegal buildings, removing 10,844 structures on 2.7 million square meters of urban land and 3,885 structures on 209,414 feddans (340 square miles) of agricultural land between July 8 and August 28, 2020. The government also temporarily stopped issuing construction permits for private housing in Alexandria and Cairo owing to continued building-code violations.



**Image 2:** Crops growing on the outskirts of Fayoume in Egypt (Food and Agriculture Organization of the United Nations, 2015)

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# 5

## Sierra Leone Local Councils versus Chiefdoms

WEST AFRICA — POSTCOLONIAL LAWS

Sierra Leone has had its fair share of administrative governance issues since its independence in 1961. Between 1991 and 2002, Sierra Leone dealt with civil war caused in part by corruption scandals and inefficient distribution of public resources. Twenty years later, Sierra Leone still ranks 181 out of 191 countries on the [UN Human Development Index](#).

The people of Sierra Leone have made it abundantly clear that decentralization is desperately needed to move forward. To help achieve this goal, the government has heavily focused on reestablishing state capacity and legitimacy. The Local Government Act (LGA) of 2004, for example, aimed to strengthen local councils by streamlining delivery systems and responsibilities, improving democratic functions, and delegating more authority over permits and approval processes. It established 19 local councils (13 district councils and 6 city councils) that have made significant efforts to increase spending on primary services, especially education, healthcare, and agriculture.



**Image 1:** A local council meeting in Sierra Leone (The Commonwealth 2015)



While the LGA initially enjoyed widespread approval and support, it has demonstrated gaps and failures in recent years. One major issue is the conflicts between local councils and the chieftaincy system. Despite the LGA handing over some decisionmaking powers to local governments, these authorities lack adequate funding for the public-works projects they wish to carry out because much of the tax levying powers remain with tribal chiefs. This results in local councils having to ask the central government for grants and funding, thus handing decisionmaking power back to the central government. Furthermore, chieftains have also retained control over land management and local courts. This has put the local councils in competition with them, taking up resources and time and causing more conflicts.

In addition, the Ministry of Local Government and Community Development (MLGCD) has favored policies that highly support chiefdoms. MLGCD, which is responsible for overseeing Sierra Leone's decentralization per laws such as the National Decentralization Policy of 2010, should remain impartial. However, its displays of favoritism have undermined a planned chiefdom reform process.



**Image 2:** A Sierra Leonean woman in a polling station (Carol Sahley/USAID, 2018)

The local councils created by the LGA are underpaid, underfunded, understaffed, and undereducated. When they fail to hold public meetings to address local issues—such as floods or power outages in Freetown—they blame the lack of funding. The LGA is behind schedule on decentralization, and many Sierra Leoneans feel the country should move in a different direction if this is not addressed.

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# Uganda

## Administrative Recentralization

EAST AFRICA — MODERN LAWS

Article 176 2(B) of the 1995 Constitution of Uganda devolves fiscal and administrative functions from the central to the local government to enhance service delivery. This was further consolidated in the Local Government Act of 1997, which laid out the local government's functions and gave it greater autonomy in conducting its duties. Because of these laws, Uganda was seen as a role model for decentralization as a mode of government throughout Africa.

However, the Uganda Central government started backtracking on decentralization and local autonomy. In 2009, the parliament—dominated by President Yoweri Museveni's National Resistance Movement—passed the Kampala City Act, which stripped the city council of some of its powers, granting them to the new Kampala Capital City Authority (KCCA), formed through an Act of Parliament in 2010. The elected office of mayor has now become a ceremonial position, while the executive director of the KCCA, appointed directly by the president, has authority in Kampala. This move was a way for Museveni to limit the political and fiscal powers of the local government, which is dominated by the opposition Democratic Party.

Some of the provisions of the Kampala City Act are not explicit, resulting in overlapping functions between the KCCA and the City Council. The City Council no longer has responsibility for providing key services that could increase its popularity—and thus the popularity of the opposition—but it still is in charge of unpopular functions such as enforcing building codes.

In Kampala, the Central Government built a new wastewater-treatment plant in a wetland area, undermining the City Council's writ and responsibility in preventing illegal construction. This also encouraged residents to illegally construct houses in the city's wetlands. In response, a 2021 crackdown on illegal structures targeted 504 buildings to be demolished. Uganda is a typical example of how partisan politics can affect local government structures and urban service delivery.



**Image 1:** Officials from the National Building Review Board halt construction at a site where workers are building a different structure than indicated in approved plans (NBRB 2021)

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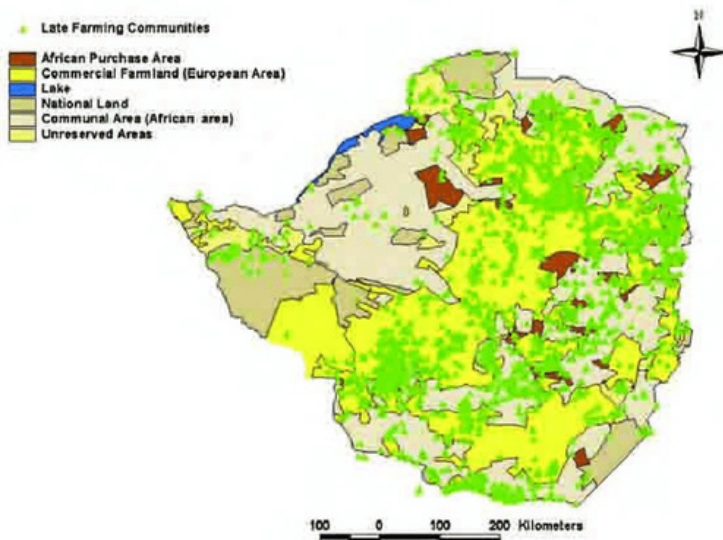
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# 7

## Zimbabwe Land Expropriation

SOUTHERN AFRICA — MODERN LAWS

When Zimbabwe gained independence from the United Kingdom in 1980, the new constitutional republic was poverty-stricken—with significant inequality between the White population, which owned most of the farmlands, and the native Black population, which had few resources to sustain itself. The first Prime Minister of Zimbabwe, Robert Mugabe, pursued a land-reform program, starting with the 1980 Lancaster House Agreement, to distribute property more equitably between Black subsistence farmers and Zimbabweans of European or Asian ancestry.



**Image 1:** Distribution of farming communities in the British colonial era (Ndoro 2005)

Additional efforts included the Zimbabwe Land Acquisition Act of 1992, according to which the government was empowered to acquire any land it wanted after distributing a very small payout. White landowners were given a very narrow window to negotiate the amount of financial compensation, but they were not allowed to challenge the acquisition of the land itself.

In the early 2000s, the Zimbabwe National Liberation War Veterans Association—comprised of veterans of the Zimbabwe War of Independence and pro-Mugabe supporters—started the Fast Track Land Reform Program (FTLRP). White commercial farm owners (and their Black workers) were taken off their land, often violently, without compensation. Under this program, about 110,000 square kilometers (42,000 square miles) of farmland were seized and nationalized. The Zimbabwean Parliament unanimously passed legislation barring White commercial farm owners from challenging the government’s decision to expropriate their land in court; although the Supreme Court of Zimbabwe ruled this legislation unconstitutional, it remained in effect in practice.



**Image 2:** Teachers in Harare demand to be paid in stable U.S. dollars (VOA/Columbus Mavhunga)

In addition, there were irregularities and corruption in the land-redistribution process. Mugabe reportedly gave his family 24 farms, and most of the seized lands were distributed to his political allies. Moreover, the new occupants of commercial farmlands often did not have any interest or expertise in large-scale farming. In 2000, Zimbabwe was the breadbasket of Africa; by 2010, it was producing only 40 percent as much food.

The land reforms significantly affected the economy as food production tanked and farm owners defaulted on their loans; Zimbabweans' per capita income fell from \$1640 in 1998 to \$661 in 2008. Many citizens are reliant on humanitarian aid as prices of food have continued to rise, especially in cities like Harare, where there are also few opportunities for formal employment.

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# Ghana

## Customary Laws Generate Conflict

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Land acquisition in Ghana is governed by both customary and statutory legal systems. Customary lands are managed in accordance with local practices, while public lands are governed based on statutes, laws, and acts of Parliament. Because 80 percent of Ghanaian territory is made of up customary lands, most private individuals and the corporate sector have to acquire land using the customary process, which is less complicated and more cost-effective than the public acquisition process.

However, regardless of the type of land acquisition, the sector faces several challenges, including the sale of individual properties to multiple buyers, numerous unofficial fees, and fraudulent transactions. The land acquisition process is also paper-based, which limits access to credible and real-time information on land transactions and records. There are, however, proposals to resolve such issues using blockchain technology.



**Image 1:** Headquarters of Ghana's Lands Commission (Modern Ghana 2020)



Ghana's inefficient land acquisition process has severe implications. In particular, large swathes of land have become unavailable for development because the land title is being contested in court. Indeed, 57 percent of all court cases in Ghana are related to land disputes, which can take 10–20 years on average to resolve. This undermines trust in the judicial system, leading people to rely on violence and political connections to resolve their land-related disputes.



**Image 2:** Violence breaks out over disputed land in Accra (News Ghana 2014)

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