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Planning and development regulation amid rapid urban growth: Explaining divergent trajectories in Africa

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Abstract

Why are urban plans, land use regulations and construction codes implemented effectively in some African states but not others? This constitutes an increasingly urgent development concern with major implications for the environment and the urban poor. Rather than being explained by economic factors, bureaucratic capacity or the nature of the urban policies and regulations in place, this paper argues that divergent outcomes are largely rooted in differing political bargaining environments. Comparing Uganda and Rwanda, it presents an empirical study that analyses contrasting planning and regulation trajectories in contexts of similarly low levels of socioeconomic development and soaring rates of urban growth. It argues that the divergent outcomes can be explained in relation to the political resources and incentives confronted by governing elites, which in Rwanda impel state actors to implement plans and regulations while in Uganda incentivize overriding them in the interests of political or economic gain. In highlighting political bargaining contexts and how these change over time, the paper illustrates the critical importance of historically informed city-level political economy analysis for understanding divergent urban development outcomes.

1. Introduction

‘The emerging picture is shocking. The power to change and alter land use has been grossly abused by officials who wantonly approve structures to be built over, or close to, sewerage lines, road reserves, wetlands, high voltage power lines, recreation grounds, and traffic islands meant for road safety. The scramble for the remaining open spaces is similar to the gold rush and Wild West in the United States of America, and the unscrupulous methods used are no different.’ (*Report on the Commission of Inquiry into the Sale, Lease and Purchase of Land by Kampala City Council, 2006*).

‘When you go into African cities what you see is the hustle, the dust, the chaos...[the President’s] message was: can’t we do this differently?...We have to be orderly, we have to be clean, we have to be modern. It is a new idea, a new identity.’ (*Interview with city official, Kigali, 26 November 2009*).

For decades now, scholars have emphasized the pace at which cities are growing in Africa and the implications of this for development (Davis, 2006; Rakodi, 1997; Silva, 2012; Stren and White, 1989). Even if *urbanization* (the increase in the proportion of the population living in urban as opposed to rural areas) is less rapid in Africa than sometimes claimed

(Cohen, 2004; Potts, 2009, 2012), urban *growth* (the increase in absolute number of people living in cities) has generally been extremely high in recent decades (Bryceson, 2006; Fox, 2012). In this context, the problem of how to plan for urban expansion and implement regulations over the use of scarce, valuable and environmentally strained urban land is increasingly urgent. Without some degree of state control over urban physical development, the prospects for alleviating the well-documented problems faced by the poorest urban-dwellers are slim (Davis, 2006; Graham and Marvin, 2001; Gubler, 1998; Hardoy et al., 2001; Oosterveer, 2009; Satterthwaite, 2003).

The history of attempts to plan and regulate urban spaces in Africa since independence has for the most part constituted a litany of failure (Mabogunje, 1990; Okpala, 2008; Silva, 2012; Watson, 2009). Despite major shifts in development thinking in this period, the varying menu of proposed policy remedies did little to stem the ultimately ‘laissez-faire’ nature of urban growth, particularly after the 1970s (Beall and Fox, 2009). It is, however, important to recognize that wide disparities exist within the continent. The former settler colonies of Southern Africa exhibit relatively strong legacies of planning that have to some degree been carried through to the present: in Zimbabwe, for example, under 18% of urban-dwellers were considered to be living in slum conditions in 2005, compared to an African average of 63% (Fox, 2013). Apartheid South Africa, meanwhile, was associated with a particularly strict planning regime which has fed into both relatively developed infrastructure coverage and an enduring legacy of social division and segregation (Harrison et al., 2008; Mabin and Smit, 1997).

These Southern African cases encapsulate the broader paradox of urban planning, whereby planned development in a given city can clearly be associated with both positive and negative socioeconomic outcomes simultaneously. Indeed, whether planning is the solution to Africa’s urban challenge or part of the problem remains much debated. Both colonial and post-colonial planning regimes across the continent have certainly contributed to fragmented (and often racially or ethnically segregated) cities that spatially exclude the poor (Balbo, 1993; Mabogunje, 1990; Myers, 2003; Nkurunziza, 2006). But is planning *per se* the problem? Had those excluded areas been incorporated into infrastructure planning and subject to a regulatory regime appropriate for low-income urban growth, rather than simply excluded or ignored in planning efforts, they would be less vulnerable to public health crises, pollution, environmental risk and infrastructure failure today (Davis, 2006; Nuwagaba, 2006; Pelling and Wisner, 2009). Moreover, urban planning is considered to be rather successful in many Asian late-developing countries (Taylor, 2004). In the face of Africa’s 21st Century urban transition there is therefore a growing recognition ‘that planning is a much-needed integrative mechanism’ (Taylor, 2004) and that the challenge is to develop more inclusive and effective forms of planning rather than to give up on it altogether.

To understand the potential that planning and urban development regulation hold for African cities in the coming decades, we need better explanations of actual cases of relative successes and failures of implementation beyond those associated with the particularities of settler colonies. While the superimposition of Western urban planning and management models onto African contexts has attracted much criticism (Balbo, 1993; Gandy, 2006; Kanyeihamba, 1980; Myers, 2003), the fact is that ‘Western-style’ urban development codes *are* in place across much of Africa. A critical aspect of understanding the variable evolution of African cities in recent years is therefore to analyse empirically why, despite having similar planning and regulatory frameworks in place, some governments in tropical Africa have been more willing and able to implement these than others.

The challenge of managing urban growth is particularly urgent with respect to East and Central Africa. Although still predominantly rural, the rates of urban growth in this region are the highest on the continent and among the highest in the world. Data from the UN Population Division and UN-HABITAT (UN-HABITAT, 2011; UNPD, 2009) which, while flawed, is some of the only aggregated international urban population data available, affirm this regional trend. World Bank figures from recent years likewise place Burundi, the Democratic Republic of Congo, Eritrea, Rwanda, Tanzania and Uganda consistently in the top twenty states with the fastest-growing urban populations globally.¹

Even within this region, however, dramatic differences in effectiveness exist with regard to urban development control. This article compares the Rwandan capital Kigali with the Ugandan capital Kampala, according to comparative case study logic outlined in Section 3. Kampala has become renowned for haphazard development and collapsing buildings (Pelling and Wisner, 2009), shanty settlements prone to fatal flooding and cholera outbreaks (Mabasi, 2009), as well as its pot-holed streets, crumbling infrastructure and crippling traffic congestion worsened by the illegal conversion of parking spaces. Kigali, meanwhile, has become the envy of the region: increasingly strictly planned, orderly and fêted internationally as a ‘model, modern city’ by UN-HABITAT in 2008.² This article aims to explain these sharply diverging outcomes.

The article is structured as follows. Section 2 explores some of the debates around urban planning and land use regulation as they have been applied in developing countries, before highlighting the importance of political economy and political ecology analysis for explaining the effectiveness of implementation. Section 3 then turns to case selection and methodological considerations. The empirical material on the two cities is presented in sections 4 and 5. Each case is introduced by briefly highlighting the formal institutions guiding urban planning and regulation, before the divergent reality of their implementation in practice is illustrated with a range of empirical examples and an analytical discussion. Section 6 concludes.

2. Urban development control and the politics of implementation in Africa

2.1. Concepts, challenges and a legacy of failure

Although urban planning and development regulation evolved in tandem, they are distinct aspects of what together can be termed *urban development control*. Plans can be thought of as sets of agendas, policies, designs and strategies for physical development, encapsulated in a ‘two-dimensional layout of the physical form of the city’ (Neuman, 1998); urban development regulations are binding rules concerning ‘what is built, where it is built, and when and how it is built’ (Kaiser et al., 1995). Generally these take the form of land use regulations, zoning ordinances and building codes. Such regulations generally have the force of law, unlike master plans, which city councils consult but are not usually bound by (Birch, 2008: 142).

These tools were used extensively by colonists in relation to the development of cities in colonized territories in the twentieth century (Home, 1990; Kanyeihamba, 1980; King, 1976;

¹ <http://databank.worldbank.org/>, accessed 5 September 2012.

² <http://www.unhabitat.org/content.asp?typeid=19&catid=564&cid=5666>, accessed April 27, 2011.

Okpala, 2008). The post-colonial period, however, presents quite a different story. As Mabogunje notes, ‘the pervading impression is of the failure of governments in most African countries to make any appreciable impact’ through policies and plans on problems of urban degradation (Mabogunje, 1990: 121). Around the time of Africa’s ‘independence decade’ in the 1960s, urban physical planning was actually very popular both among the governments of newly-independent countries and their international sponsors (Conyers and Hills, 1984; Gans, 1963). However, city master planning consistently underestimated the pace of urban growth and also took so long that ‘informal development overwhelmed the assumptions and projections of the plans’ (Taylor, 2004: 4).

Consequently, urban planning fell out of favour with the international development community. Discourses of market-friendly, day-to-day ‘urban management’ and improved ‘urban governance’ evolved in its stead (Lee-Smith and Stren, 1991; Mabogunje, 1992; Mattingly, 1994; McGill, 1998; Stren, 1993). Broader ideological battles between those in favour of state versus market-led development solutions thus played out with great vigour in relation to questions of urban spatial form. When the Urban Management Programme (UMP) – a collaborative programme involving the World Bank, UNDP and UN-HABITAT – emerged in the late 1980s, its reports generally argued for a reduction in the scope of public policies due to failures of top-down master planning and state-run urban development agencies (Bernstein, 1994; Dowall and Clark, 1996; Farvacque and McAuslan, 1992).

In the meantime, unplanned urban development continued in many developing countries amid soaring urban growth. The intense focus on specifying the appropriate limitations on state involvement led to a neglect of critical questions of political economy that were likely to impinge on the effectiveness of urban land policies *regardless* of the precise balance between state and market prescribed by them. Indeed, planning was stigmatized without adequate attention to the nature and causes of the failures of implementation that made it so unsatisfactory (Taylor, 2004). In this sense it is sadly unsurprising that even those closely involved with the UMP retrospectively admitted that the programme, which ended in 2004, had ‘wildly exaggerated perceptions of its own self-importance’ and actually achieved little (Cohen, 2005).

Against this backdrop, in Africa on-going problems of unplanned urban development have often been particularly acute in capital or ‘core’ (economically dominant) cities, given the high degree of urban primacy bequeathed by colonialism (Doan, 1995).³ In the East/Central Africa region, levels of urban primacy are extremely high and in capital cities there is immense pressure on urban land, which often soars in value resulting in the kind of ‘scramble’ highlighted in the opening quote of this paper. The concentration of national elites and the location of government in such cities further raises the stakes, as the city often represents the spatial locus of political and economic power struggles. These considerations highlight the value of both political ecology and political economy approaches when analysing the effectiveness of urban planning and development regulation.

2.2. Urban development control and the political bargaining environment

Two related shortcomings have been apparent in discourses of urban planning and urban management in developing countries, notwithstanding the ideological swings and roundabouts of the past half century. The first was the failure to adequately engage with

³ Urban primacy refers to the demographic and economic dominance of one city in a particular country.

politics in the approaches adopted by the development community. For example, in a UMP report specifically on the factors perpetuating urban land use problems, virtually no reference was made to how political dynamics affect the implementation of plans and regulations (Bernstein, 1994). A second shortcoming has been the tendency to generalize the experience of urbanization in the developing world and the problems associated with it, rather than analysing successes and failures comparatively. Regarding Africa specifically, this has unduly limited the attention paid to the highly differentiated nature of urban development control on the continent.

Thomas and Grindle (1990) propose an approach to policy implementation analysis that is instructive with regard to the first shortcoming, and holds implicit lessons regarding the second. They suggest that different varieties of policy face distinctly different implementation challenges. Some policies, they argue, provoke resistance primarily in the bureaucratic arena because they impose costs mainly on state actors and are administratively complex. In contrast, other policies provoke resistance largely in the public arena because they disperse costs broadly among social actors, are not obstructed by bureaucrats so can be implemented swiftly, and directly implicate and impact on the wider public. Urban plans and development regulations are generally of the latter variety. As policies that evoke strong public reactions, they can easily become highly politicized, generating obstacles to implementation that are political rather than bureaucratic in nature. In other words, implementing plans is far from being the primarily technical exercise that it has often been conceived as in policy circles.

How does this help us when thinking about *comparative* analysis? The Thomas and Grindle framework does not explicitly account for why different states would have such diverse experiences in implementing the same kinds of policies. Nevertheless, the implication for urban planning, which provokes resistance primarily in the public arena, is that differential implementation effectiveness would be due to differences in political (rather than bureaucratic) resources available to each government. Factors such as the sources of state legitimacy, the relative autonomy of government from particular urban social groups and the cohesiveness of elites, for example, constitute important political resource variables. The general tendency of ordinary citizens to comply with laws and rules, which may be influenced by all these factors, also amounts to a significant resource.

Related to such political resources are the incentives for state actors to actually implement the rules in place. This applies both to politicians at all levels and the ‘street-level bureaucrats’ (Lipsky, 1971) tasked with enforcing rules and regulations. Like political resources, implementation incentives are historically and contextually specific and may depend on factors such as the nature of the political party or group in power, their need to establish credibility with certain groups, and the extent of political competition. Such political dynamics are frequently discussed in relation to failures of environmental protection within the field of urban political ecology, which combines cultural geography with political economy in order to understand environmental degradation (Myers, 2005). Emerging work on Africa in this field has stressed the degree to which democratization and especially competitive elections may generate incentives that impede urban environmental protection (Myers, 2002; Njeru, 2010: 341; 2013).

Meanwhile, political economists have highlighted the extent to which political settlements negotiated among elites and between elites and ordinary citizens impact on incentives to support rather than undermine formal state institutions (Di John and Putzel, 2009; Khan, 2010; North et al., 2009). Factors such as the nature of political competition, the geographical

composition of support for the governing regime and the degree to which the political system is decentralised all influence the kinds of negotiation taking place. Drawing on these insights from political ecology and political economy, this paper therefore suggests that the resources and incentives that comprise the *urban political bargaining environment* influence the degree to which state actors tend to implement policies and regulations, as well as the extent to which urban-dwellers are likely to comply. The nature of the political bargaining environment in a given urban context affects how policy packages that are similar on paper are adopted and used in a given setting. This chimes with the insights of recent scholarship on the dynamics underpinning policy circulation, translation and adoption (Czarniawska and Sevón, 2005; McCann and Ward, 2012).

In contrast with such an approach, many development organisations have considered implementing urban plans as a technical, apolitical exercise. While theories of urban development in the global North have engaged with political bargaining extensively (Elkin, 1985; Stone, 1993; Ward, 1996), until recently Southern cities have been little explored through political economy lenses, being primarily viewed as sites for development intervention rather than political analysis and theorisation (Myers, 2005; Robinson, 2006). There are clearly problems of viewing urban Africa through ethnocentric Western-focused models such as ‘urban regime theory’, with its assumption of the dominance of formal business interests and hermetically sealed spheres of urban governance (Gibbs and Jonas, 2000; Painter, 2001). Yet the intrinsically political nature of processes involving lucrative urban land and property is universal; approach that takes into account urban political bargaining environments is essential for explaining urban development outcomes everywhere.

3. Case selection and research methodology

Several scholars have recently called for a new phase of experimental comparative urban research (Robinson, 2011; Ward, 2010). One proposed aspect of this is to break down the dichotomy between ‘developed’ and ‘developing’ and compare cities with varying socioeconomic characteristics that nevertheless aim to apply similar policy solutions, drawing on the literature on global policy circulation noted above. It is also important, however, to address the parallel neglect of comparison between cities in low-income countries that are often misleadingly assumed to be generally alike. This paper is rooted in the latter agenda. It is precisely because comparable levels of economic development do not necessarily indicate similarity in other dimensions that comparing cities with similar socioeconomic profiles is important, in order to draw out the political and relational factors that account for different outcomes.

This study follows a long tradition in comparative politics of selecting ‘most similar systems’, dating back to John Stuart Mill and expounded famously by Ragin (1987). Gerring (2007) refers to this method of case selection as the ‘diverse case’ method because it aims to select cases on the grounds of their similarity in many critical respects but marked variation regarding the outcome of interest (in this case, effective implementation of urban plans and regulations). Based on this rationale, this article discusses cases that not only exhibit socioeconomic similarities but possess other important commonalities relating to their shared history as part of a distinct geographic region, in line with Abu-Lughod’s proposed ‘embedded regional approach’ to comparative urban research (Abu-Lughod, 1976; Robinson, 2011).

Kampala and Kigali are not only regionally embedded but are in many ways among the most comparable capital cities in Africa. Uganda and Rwanda are similar in terms of their economies (largely agricultural, with little manufacturing industry), levels of poverty and economic growth, population densities, rates of urban growth and levels of urbanisation.⁴ The political regimes in place also have a shared background: the Rwandan Patriotic Front (RPF) in Rwanda literally formed *inside* the Ugandan National Resistance Movement (NRM), and both came to power through protracted guerrilla struggle after devastating periods of civil conflict (Green, 2011; Waugh, 2004).⁵ The cities themselves, too, are similar: Kampala is certainly larger, but by 2010 both were cities of around 1-2 million inhabitants located in infrastructurally-challenging terrain of hills and swamps, sharing tropical climates and having little by way of formal employment.

The specific research methods used in this study were in keeping with common prescriptions about case study research and the need to triangulate findings using multiple data sources (Cresswell, 1998; Gerring, 2007; Yin, 1994). The most important method was semi-structured interviewing, which encompassed over one hundred respondents including local and national politicians, bureaucrats, planners and building inspectors, construction workers, business and donor representatives, investors and property developers, members of civic associations and evictees from urban settlements.⁶ These were undertaken during six months of fieldwork between January 2009 and December 2011. Interviewees were selected through snowballing and purposively, in order to explore a wide range of opinions and perspectives on the issues in question and piece together causal processes. Multiple and dissenting sources were always sought for any evidence that is presented in support of particular facts. Alongside interviewing, some archival research was undertaken in city government and national archives, as well as an extensive review of relevant press coverage on issues relating to urban planning, development regulation, construction and expropriation over a five-year period.

In Sections 4 and 5, the formal institutional framework is briefly outlined in each city followed by an examination of three key areas of urban development control. These are the protection of wetlands and other open spaces, which constitutes an important barometer of urban land-use regulation; the enforcement of building regulations for commercial developments in the city centre (focusing particularly on hotels, which are often linked to elite interests and occupy large plots of prime urban land, making them an interesting reflection of how planning and regulatory regimes function); and general patterns of planning and development regulation in residential areas.

⁴ (UN-HABITAT, 2011; UNPD, 2009) World Bank indicators <http://data.worldbank.org/> (accessed July 31, 2012)

⁵ Important differences do of course exist between the countries: the experience of British versus Belgian colonialism, the unusual scale and trauma of the genocide in Rwanda, and differences in degree of political space being prominent among them. However, perfect similarity on all variables but one is of course impossible in the real world, and it is precisely the significance of these differences for urban development that this research aims to tease out.

⁶ Most identities have been anonymized due to the sensitive nature of certain subjects or at the request of interviewees.

4. Kampala: ‘Everyone does whatever they want’

4.1 Institutional framework for planning and regulation

In Uganda under President Museveni’s NRM, which has held power since 1986, the contemporary framework for urban development control is rooted in various key pieces of national legislation. Some date from the colonial or immediate post-colonial era but most were passed during the NRM’s reorganization and decentralization of state institutions in the 1990s and 2000s. This include the following: the Town and Country Planning Act (1951; revised 1964); the Public Health Act (1969); the Constitution (1995); the National Environment Statute (1995); the Local Government Act (LGA, 1997); the Land Act (1998); the Physical Planning Act (2010) and the Kampala Capital City Act (2010).⁷ At the city level, since 1994 the Canadian-designed Kampala Structure Plan has in theory guided the city’s development; urban development regulations were laid out in annexes to this, but as of 2010 were being repackaged under a forthcoming Building Control Bill. A new Master Plan was also in the pipeline.

Formal procedures for gaining permission to build were decentralized to Kampala City Council (KCC) and its five city Divisions. Urban development control was specified as taking place through six detailed steps, which involved obtaining clearance regarding the registered ownership of the land and getting approval for plans at the level of the Division and City Council from various political, technical and environmental committees.⁸ Yet despite a rigorous institutional framework, planning was barely implemented and regulations constantly undermined in the late twentieth and early twenty-first century. Some observers suggest that this is due to the preponderance of private land ownership in the city (MoLG, 2006; RoU, 1992). However, while it was true that in the colonial period privately-owned areas were largely ignored by British planning efforts, to attribute a lack of contemporary urban development control to the prevalence of private land is unsatisfactory. The implementation of urban plans on private land is amply facilitated by provisions in the Constitution, Town and Country Planning Act, Land Acquisition Act, and Kampala Capital City Act, which allow government to expropriate land in the interests of public safety and development. Moreover, urban development regulations apply to all land, regardless of ownership or tenure system, and regulatory breaches are extremely common on *public* land, as demonstrated below.

The problem in contemporary Kampala is therefore a failure of regulatory enforcement on all land, private and public. In the words of one former local politician, ‘the land issue is not a problem, but the problem is lack of enforcement of policies...everybody does whatever he wants...the city is just developing.’⁹ A government official likewise affirmed that ‘we have adequate laws in this country to help proper planning...the problem is enforcement and lack of will’.¹⁰ To get to the root of the interests at play and why the ‘will’ is not there, we need to examine what caused specific failures of urban development control. These are not in short supply.

⁷ This latter bill, which ushered in some important changes to local governance in Kampala (see Goodfellow and Titeca, 2012), was passed just after the period of research so will not be discussed here.

⁸ Interview with senior government official, Kampala, January 20, 2010; interview with urban planner, Kampala, October 5, 2009.

⁹ Interview with former local politician, Kampala, September 29, 2009.

¹⁰ Interview with local government official, Kampala, October 8, 2009.

4.2. *The impotence of regulations in the 'scramble' for urban land*

Some of the most striking examples of regulatory failure from 2005-10 took place in the city's few open green spaces. One particularly striking example was that of Centenary Park, Kampala's only public park which by the middle of the 2000s had long been neglected and was considered a hideout for criminals. In 2005, Sarah Kizito – wife of an NRM city Councillor, Godfrey Nyakana – was given a ten-year lease by KCC to manage the park, with the specific remit to plant trees and preserve the environmental ecosystem. The beautification of the park was supposed to take place in accordance with strict regulations, one of which was that no permanent buildings were to be erected other than washrooms.¹¹ In marked contrast to the approved plans, Kizito fenced off the park and proceeded to construct permanent buildings. 'All those structures on Centenary Park were built contrary to our consent', one local planning source affirmed.¹² Several attempts were made to halt construction, but 'intimidation was used', and KCC found itself unsupported by central government. In the end, the Council attempted to take Kizito to court, but the case was withdrawn 'on instruction from His Excellency the President.'¹³ Others confirmed that Nyakana directed that the court case be halted, with Museveni's support.¹⁴ After the construction work finished it was no longer a park at all but a complex of restaurants and bars popular with the elite and middle class.

The sole children's playground in the city centre was also sold off, and without passing through any of the planning or regulatory channels was by 2009 being developed into shops. The developers in this case were mostly veteran soldiers. More generally, veterans were said to have 'taken most of the open spaces. They come and sit on them, construct their makeshift buildings ...without any guided development control whatever'. As former soldiers, these people are 'untouchable', with 'blessing from high authorities'.¹⁵ The bond between army veterans and top NRM cadres was very strong, even after years of peace and demobilization: veterans claimed to be 'strange squatters of the ruling party.' Were it not for the blessing from above, one interviewee noted, 'it would be easy' to remove them.¹⁶

Meanwhile wetland areas, gazetted as 'inalienable environmental zones' in 1995 (Nkurunziza, 2006: 178), were also being built on illegally. Kampala's Nakivubo channel, an artery running through the city performing a vital drainage function and carrying stormwater and wastewater towards Lake Victoria, was progressively encroached upon by hotels and industrial enterprises. The city planning committee tried to stop the construction of a roofing factory on the channel, for example, but failed: 'they are a big organization with big personnel...so they just went ahead and continued', noted one member. Even industries not actually in wetlands were said to 'break all the rules' on waste, often discharging it illegally into the wetland areas. The problem of polluting industries sited too close to housing was also widespread.¹⁷

¹¹ 'Centenary Park Fenced Off', *The New Vision*, July 29, 2005; Interview with planning official, Kampala, October 5, 2009.

¹² Interview with local politician, Kampala, January 6, 2010.

¹³ Ibid.

¹⁴ Interview with building inspector, Kampala, January 19, 2010.

¹⁵ Interview with local politician, Kampala, January 6, 2010.

¹⁶ Ibid.

¹⁷ Ibid; interview with independent planning consultant, Kampala, September 18, 2009.

Even more prevalent than contravention of land use laws has been the construction of buildings flouting other basic regulations such as those concerning height, distance from the road, connection to drainage, provision of parking, fire escapes, and disability access. Upmarket hotels have been major culprits: for example the construction of the Imperial Royale Hotel, one of a chain of hotels owned by property mogul Karim Hirji, a key NRM supporter,¹⁸ commenced despite its plans being flatly rejected by KCC. Hirji's architects 'had proposed...several extensions protruding and going straight into the road'. Although not approved by the committee, 'the developer was adamant' because the high authorities 'bless him whatever he is doing'. Consequently he just 'started building without approval', resulting in a hotel that 'is more or less in the middle of the road.'¹⁹ While this illegal construction was going on, inspectors' access to the site was extremely difficult. An inspector confirmed that the developer's armed guards were under strict instruction not to 'allow anyone to access the site without the client present', which he almost never was.²⁰

The role of politicians looms large in many of these failures of regulatory enforcement. In early 2009 the Minister of Local Government, Kahinda Otafiire, performed an extraordinary U-turn that aptly illustrates the likely informal bargaining at play. In December 2008 he had publicly condemned KCC for allowing the construction of shopping arcades in breach of regulations, announcing that he was giving them until January to ensure the necessary alterations were made, or would dismiss senior KCC staff.²¹ In response, on January 2nd KCC produced a list of 48 commercial buildings they discovered were contravening basic regulations, including on parking. The Council then demanded that all these developers convert the relevant areas back into parking spaces or face closure, giving them a 28 day ultimatum. However, shortly after this announcement was made, Otafiire ordered that all action against these buildings be halted until a 'harmonized position' between the developers and KCC was reached. 'Even before fourteen days had elapsed [he] came in and said "stop"', recalls a KCC source. 'That's what I call political interference.'²²

No further public explanation was made and as of a year later there was no progress towards a 'harmonized position'; the subject appeared to be closed. When asked why this complete U-turn had come about, city planning officials responded in euphemisms, stating that the developers had 'persuaded Otafiire to change his mind', or that the developers managed to 'get sympathy' from central government politicians. One added that 'once [politicians] defend those private developers they expect something in return'.²³ As if the regulatory enforcement situation was not already bad enough, this event set a new precedent, one official explained, rendering it even harder to enforce regulations thereafter.²⁴

In all, around 50% of the buildings in Kampala's CBD were in breach of basic regulations, with more appearing all the time. According to virtually all sources interviewed, this was emphatically not because of a weak legal and regulatory framework or overriding lack of bureaucratic capacity. The primary reason lay in the blockage of implementation by politicians. As a former Chief Town Planner for Kampala explained:

¹⁸ 'Ugandan Asians Key To NRM Occupation of Buganda', *Buganda Post*, November 28, 2009.

¹⁹ Interview with local politician, Kampala, January 6, 2010.

²⁰ Interview with building inspector, Kampala, January 19, 2010.

²¹ 'Demolish illegal structures, Gen Otafiire tells KCC', *Daily Monitor*, December 16, 2008.

²² Interview with local politician, Kampala, January 6, 2010.

²³ Interview with planning official, Kampala, October 5, 2009; interview with town planner, Kampala, February 11, 2009; interview with ex-planning official, Kampala, February 11, 2009.

²⁴ Interview with planning official, Kampala, October 13, 2009.

‘We have building codes, we have many regulations and urban bylaws, but they are flouted with impunity. Somewhere some politician, a councillor will come and say ‘you leave that to me, I’ll handle it...and that’s the end of it...you’ll never get to stop it now. It gets worse and worse. You can go and stop construction on a building site, but the next day you’ll go back, you’ll find guards there, with guns.’²⁵

Political interference was ‘like a tradition’ in Kampala,²⁶ one local opposition politician explained, often rendering the work of local officials virtually impossible. This is not to deny that corruption among KCC officials was also a problem; it clearly was, often leading to the converse situation whereby developers connived with senior officials to block planning efforts by local *political* actors. However, this mostly affected local politicians who were members of opposition parties. KCC officials with authority bestowed on them by central government (for example the Town Clerk) could easily override local opposition politicians.²⁷ Essentially, whether being made by politicians or bureaucrats, most interventions that impeded urban development control were linked to the political and economic interests of the NRM and individuals associated with it.

4.3 Slums, anti-planning and Uganda’s ‘untouchables’

The failure to enforce construction and land use regulations was also a feature of residential areas, both in poor neighbourhoods and wealthy ones. Regarding the latter, a neighbourhood called Muyenga, long favoured by elites, became known as the ‘rich man’s slum’ due to grand houses built with virtually no planning, often over previously-existing roads.²⁸ Steep slopes had combined with heavy erosion from poor drainage and excavations for further construction, resulting in ‘toppling’: the falling away of the hill’s earth, which given a major environmental shock would probably cause catastrophic building collapses.²⁹ The absence of planning in the city’s many and vast low-income settlements was predictably even more severe. In part, this was due the local state’s paucity of financial and technical resources. For example in Kawempe Division, which houses some of Kampala’s worst slums, there were just two people working on issues of planning and building control in 2010 for an area housing some 300,000 people. The Division Chairman, a member of the opposition Democratic Party, reported ‘huge problems of illegal construction of all kinds’ that he was powerless to control, which also made infrastructure provision extremely challenging.³⁰

Notwithstanding these capacity problems, political negotiation of a sort was also at play regarding planning and regulatory failures in slum areas. This was different from the behind-the-scenes arrangements between politicians and economic elites discussed above, reflecting more diffuse, longer-term and sometimes unspoken pacts between politicians and the urban poor. A KCC planner noted that the council was not lacking the technical capacity to demolish and upgrade many slum settlements, but that ‘these dilapidated housing structures belong to people you may find difficult to touch’ because they are ‘powerful in their own way’ (quoted in Nawangwe and Nuwagaba, 2002: 109). Whether the ethnic kin of political elites, former soldiers or just large groups of potential voters, it was possible for the poor as well as the wealthy to be ‘untouchable’ – a term often used in Uganda to describe groups of people who are effectively exempt from regulations.

²⁵ Interview with ex-planning official, Kampala, February 11, 2009.

²⁶ Interview with local politician, Kampala, January 6, 2010.

²⁷ Interview with Kampala Deputy Mayor, February 2, 2009.

²⁸ Interview with senior government official, Kampala, January 20, 2010.

²⁹ ‘Posh Muyenga Hill in Danger of Slope Failure’, *Daily Monitor*, April 10, 2010.

³⁰ Interview with Kawempe Division Chairman, Kampala, January 15, 2010.

This ‘power’ of ordinary people to provoke interventions shielding them from efforts to shape urban space is also well-illustrated by the case of a dilapidated Kampala housing estate (Nakawa-Naguru), where for almost a decade 300 residents resisted eviction and stalled a major proposed residential development through petitioning politicians, despite the fact that the land in question was state-owned.³¹ Reflecting on this saga, one political commentator noted that when it comes to issues such as eviction, Museveni ‘becomes jittery’ because of his fear of actively antagonising any constituency.³² Under these conditions, for better or worse many urban plans simply never get off the ground.

The manifest interest on the part of many state actors in *not* implementing particular projects or enforcing development regulations can be understood as a feature of the political bargaining environment in the city. Crucial in this regard is the fact that since Uganda’s decentralisation programme in the 1990s and the opening of multiparty politics in 2005, an opposition party (the Democratic Party) had come to dominate the City Council. This fundamentally shaped the bargaining environment in two critical ways. On the one hand, it exacerbated permissiveness on the part of the central government regarding the contravention of planning and regulation by economic elites. This can be understood both in terms of keeping NRM allies content through allowing them to pursue lucrative developments but also, in the view of some, deliberately creating a situation that would discredit the opposition-run city council as useless and corrupt.³³

Equally important, however, was the way in which opposition popularity in the city, combined with a highly decentralised system in which central government was jealous of powers it had ceded to KCC, led central government politicians to engage with the urban poor by ‘protecting’ them from the local state and thereby securing their support as a political resource. This reflects quite different processes from the economic corruption among elites that also impeded planning. Yet while ‘anti-planning’ interventions by politicians and bureaucrats may have had varying motivations, they combined to have a powerful aggregate effect on the incentives both to enforce and comply with formal rules. Ultimately, each instance of an overruled regulation or disregarded plan reminded the urban population that the government was happy to waive formal rules in their favour. This affected the credibility of the whole framework for urban development control, to the extent that even major developers in the city made little attempt to disguise their flagrant disregard for it. It also meant that politicians were increasingly seeking legitimacy with social groups through ‘anti-planning’ interventions, creating a self-reinforcing dynamic of ineffective urban development control.

5. Kigali: ‘We are all impaled on the Master Plan’³⁴

5.1. Institutional framework for planning and regulation

On coming to power after the 1994 genocide, the RPF found a virtual vacuum of legislation pertaining to urban development (MININFRA, 2008: 19). Due to overwhelming security concerns, questions of how to manage and plan cities were barely addressed until around 2000, when a raft of policy documents and new legislation appeared in rapid succession.

³¹ ‘Behind the Nakawa-Naguru estates story’, *Sunday Monitor*, February 15, 2009.

³² Interview with political commentator, January 20, 2010.

³³ Interview with opposition MP, October 12 2009.

³⁴ This comment was made by a planning advisor interviewed on 19 February 2009.

Particularly relevant here are the National Decentralisation Policy (2001); the National Land Policy (2004); the Economic Development and Poverty Reduction Strategy (2007); and the National Urban Housing Policy (2008). Central pieces of legislation include the Organic Land Law (2005); the Kigali City Law (2005); and the Expropriation Law (2007). At the city level, the American-Singaporean designed Kigali Conceptual Master Plan was published in 2007, with the Rwanda Building Control Regulations following in 2009. As in Kampala, against this institutional backdrop there was a detailed and similarly decentralized process for obtaining building permits, involving scrutiny by a range of political and bureaucratic actors. On completion it was necessary to obtain an occupation permit, after which no-one was allowed to renovate or change the building's original design or structure without permission (MININFRA, 2009).

Kigali at the turn of the century was described as being 'like Kampala' in terms of its poor planning and unenforced development regulation.³⁵ With the introduction of this new framework, however, there really was a marked change with regard to enforcing urban order, paralleling the broader drive towards the re-engineering of rural society (Ansoms, 2008; Newbury, 2011; Van Leeuwen, 2001). The Master Plan was not taken lightly and was in constant use as a framework for action. This is not to imply that illegal construction ceased entirely, but evidence suggests two major differences from Kampala. First, illegal construction clearly declined very significantly as the decade wore on. Even basic observations around the city underscored the plausibility of the claim that illegal construction had reduced 'radically and abruptly' by 2009.³⁶ Second, corrective state action was the rule, rather than the exception, when illegal construction was discovered. A fixed procedure was in place: the planning office first wrote the developer a letter; if this failed they issued a fine; and if fines were not paid and the contravention was substantial, they asked the developer to destroy the building, backed up by the threat of government demolition.³⁷ As the following sections testify, there was ample evidence that these procedures and the regulations underpinning them were widely implemented.

5.2. Regulatory rule in Kigali: bulldozers and precedents

One of the sharpest contrasts between the two cities in recent years has been the relative protection of wetlands in Kigali vis-à-vis the encroachment experienced in Kampala. In 2006, the Rwandan government commissioned a technical map of city wetlands showing ecologically sensitive zones. Construction of any kind within twenty metres of designated wetlands was prohibited, and government policy was to rehabilitate wetlands previously converted to other uses. In 2008, many houses previously built on them were demolished. Plans were also underway to move the city's entire industrial area from the wetland where it was built in the 1960s and 1970s to a new industrial park on Kigali's outskirts.

New acquisitions of land in wetland areas still took place, and developers still applied to build there; the Rwanda Environmental Management Authority (REMA), however, rejected these plans consistently.³⁸ There were repeated efforts to try to block the rulings of Environmental Impact Assessments (EIAs), with some people going 'to the highest levels', but REMA officials maintained that they had 'not heard of *any* of these that have succeeded.' The relative openness of the urban wetlands is striking, which officials believe reflects

³⁵ Interview with local official, Kigali, November 26, 2009.

³⁶ Interview with infrastructure official, Kigali, December 2, 2009.

³⁷ Interview with building inspector, Kigali, December 9, 2009.

³⁸ Interview with foreign advisers, investors and planning officials, Kigali, February-November 2009.

‘discipline in society’; the importance of orderly development had been emphasized so thoroughly that ‘society is beginning to internalize it...the message has gone through and it has been accepted’.³⁹ Ironically, while REMA legally had very strong powers, those of its equivalent in Uganda (the National Environmental Management Authority, or NEMA) were in some respects even stronger. There were strict regulations and codes of practice for EIA practitioners in Uganda that Rwanda had yet to establish. However, in contrast to NEMA’s failure to act against encroachment or changes of land use whenever wealthy investors (or poor ‘untouchables’) were involved, REMA successfully blocked multi-million dollar developments in Kigali on environmental grounds.⁴⁰

Meanwhile, Kigali’s burgeoning hotel industry tells a very different story from that described in relation to Kampala. Towards the end of the decade, several major new hotels were partially demolished by the authorities due to regulatory breaches. One was the Manor Hotel, which eventually opened in 2010 after a saga of several years. In 2006, the District discovered that the British investor in question was building a commercial property without a permit in a residential area, and stopped the construction. The authorities advised that he undertake an EIA and noise assessment before construction could be resumed, and then eventually allowed construction to continue. The developer, however, then began work on an extension intended as a sauna and massage parlour that would generate increased noise, vehicles and demands on sewerage, which was not approved or even mentioned in the EIA.⁴¹ He made a new application for permission, but continued to build in the meantime. On discovering this, the District Authorities wrote to him in January 2009 requesting, in accordance with the official procedures, that the unapproved extension be destroyed. ‘We gave him the opportunity to destroy it himself’, explained the former mayor, ‘so he could do it carefully and recuperate the materials’.⁴²

When the developer refused to take it down, the District Mayor appeared in April with bulldozers and demolished the entire extension. This was a remarkable turn of events: the hotelier was the single largest British private investor in Rwanda to date, and this was a time where the government was working very hard to attract investors.⁴³ Moreover, his Rwandese wife was very well-connected. The developer ‘tried to use influence’, the District Mayor at the time explained:

‘He went to the office of the Prime Minister – the Prime Minister called me on his behalf but I explained what was happening. The hotel owner tried to use some relationships he had [...] his wife is influential. But here if the law is not respected it is not respected...you cannot say ‘I am friends with the Prime Minister’, or even the Secretary General of the RPF – it doesn’t work.’⁴⁴

Those involved in the hotel project felt that the mayor was inflexible and the delays in granting permission inexcusably long.⁴⁵ Nevertheless, the regulations and procedures had been made explicit and, delays notwithstanding, the investor did contravene them. Some observers suggested that this reflected an underlying arrogance and assumption that when doing business in Africa, laws and regulations are infinitely flexible. One noted that the

³⁹ Interview with REMA official, Kigali, February 10, 2010.

⁴⁰ Interview with foreign investment expert, Kigali, December 11, 2009.

⁴¹ Interview with former District Mayor, Kigali, December 15, 2009.

⁴² Ibid.

⁴³ Interview with foreign investor, Kigali, December 5, 2009.

⁴⁴ Interview with former District Mayor, Kigali, December 15, 2009.

⁴⁵ Conversations with investors and personnel involved in the project, December 2009.

developers ‘were submitting plans *after* each change was made, building the hotel on an *ad hoc* basis’ as they obtained more funds. Moreover, the District Mayor ‘went down about three times and warned them “we have tolerated this so far, this shouldn’t be here”’.⁴⁶ From her perspective, it was critically important not to create ‘a precedent for people to start to construct and *then* ask for a permit.’⁴⁷

The Mayor’s strictness can partly be explained with respect to powerful mechanisms of upward accountability that remain in place despite Rwanda now having a highly decentralised system on paper (Purdeková, 2011). Unlike in Kampala, both politicians and officials at City and District level believed implementing plans and rigorously enforcing regulations was important not only for the city’s development but for their own survival in office, indicating that a very different set of incentives was at play. The story of another hotel, Golden Hills, confirmed why this belief was well-founded. This hotel was demolished on the grounds that it was built secretly, without inspection; therefore it was impossible for the authorities to know whether or not it had complied with construction regulations. Despite ordering the demolition himself, the Mayor of the relevant District was subsequently forced to resign when it transpired that earlier in the year he had known unapproved developments were happening but turned a blind eye. It was perceived by central government to be suspicious that he did not order the demolition sooner.⁴⁸ This again set an important precedent; local officials explained that people in the city council were ‘training themselves’ to follow the law to the letter, given that ‘slight things can make you out of office’.⁴⁹ Emblematic of the drive against petty corruption for which Rwanda is now well-known, these developments are intrinsically linked to the political bargaining environment, as will be argued below.

5.3. Planning and the politics of Kigali’s transformation

Given the rates of urban growth in Rwanda, there is inevitably some small-scale illegal construction to accommodate the burgeoning urban population. However, it was said that if the urban poor constructed anything illegally it was likely to be made of mud due to awareness of how soon it would be destroyed.⁵⁰ Local construction workers affirmed this trend, with one noting of the regulatory regime that ‘there are people who say it is like Europe’.⁵¹ The strong hand of the state on illegal construction by the poor is not an uncommon phenomenon (Durrand-Lasserve and Royston, 2002; Payne, 2001; Potts, 2006). However, the commitment to a policy of zero tolerance to illegal construction over a sustained period (rather than just sporadic crackdowns), including for wealthy investors, is more unusual.

There are certainly areas of Kigali that have developed without adequate development control since the turn of the millennium; as well as numerous slums, some observers argued that the upmarket neighbourhood of Nyarutarama is heading the same way as Muyenga in Kampala, with ‘monstrous structures’ encroaching on road reserves.⁵² However, most observations

⁴⁶ Interview with foreign investor, Kigali, December 5, 2009.

⁴⁷ Interview with former District Mayor, Kigali, December 15, 2009.

⁴⁸ Interview with infrastructure official, Kigali, December 2, 2009.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Interview with brick manufacturer, December 11 2009.

⁵² ‘Complicated demolition decisions, humungous mansions, unplanned residencies and other problems’, *Focus Media*, 07.05.09

regarding lax regulation in Kigali were based on the unplanned development that characterised the city's growth until the second half of the 2000s. It seems unquestionable that there was a major shift around 2007, and even if not sustained over time, the demolitions, wetland evictions and strictness with investors described above did not occur in Kampala at any point between the NRM taking power and 2010. An international investor who had previously operated businesses elsewhere in Africa commented on his learning curve:

'I've been learning slowly....you can't just go and buy a piece of land anywhere and build on it...now the Master Plan designates that this will be here and this here... [a Rwandese acquaintance from among the elite] is selling [her land] because you can't build there, they won't allow her. She wants to build a small residential house and they are saying no...that area is designated hotels, apartments, high rise.'⁵³

Experiences such as these are commonplace in contemporary Kigali. Moreover, investors emphasize the reputation the government has for renegeing on major deals at the last minute, often because of issues pertaining to land use.⁵⁴ At no point since its inauguration in 1994 had Kampala's Structure Plan been respected to this degree, despite Kampala City Council having greater technical capacity in terms of resources and skills (Goodfellow, 2012). To understand what is often put down to the greater 'political will' of the Rwandan government to implement development control, it is critical to examine how the political calculus facing state actors differed substantially from that in Uganda.

As an organization perceived as being led by a small minority of foreign-born returnees within the already minority Tutsi ethnic group, the RPF has little 'natural' legitimacy to draw on among the wider Rwandan population (Longman, 2011; Reyntjens, 2004). As such, the maintenance of a credible commitment to a tightly-disciplined developmental project is critical to regime survival, and urban development control provides a highly visible way for the government to demonstrate this. Kigali plays a special role in the government's vision, being viewed by the government as somewhere that must 'lead' the rest of the country by example.⁵⁵ Moreover, one resource the government does have to draw on is its reputation for clamping down on corruption (Desrosiers and Thomson, 2011). While there are certainly forms of patronage and patrimonialism in Rwanda (Booth and Golooba-Mutebi, 2012; Green, 2011), the point is that the highly *visible* forms of corruption associated with waiving formal planning rules for elites in exchange for favours would be politically dangerous in Kigali. The importance of the discourse of anti-corruption as a political resource is evident in the attitudes of both high-level politicians and lowly state functionaries towards urban development regulations.⁵⁶

Meanwhile, the greater constraints on opposition parties in Rwanda,⁵⁷ facilitated to a considerable degree by the trauma of genocide and consequent suspicion of organised politics (Straus and Waldorf, 2011), also affect the incentives facing political actors. Unlike in Kampala, where the relatively real presence of political opposition often leads to politicians currying favour by exempting urban poor groups from regulations, the RPF's dominance

⁵³ Interview with foreign investor, Kigali, December 5, 2009.

⁵⁴ Interviews with investors, Kigali, December 2009-December 2011.

⁵⁵ Interview with government official, Kigali, February 9, 2009.

⁵⁶ Interviews with: city official, November 26, 2009; local government ministry official, February 19, 2009; government minister, December 9, 2009.

⁵⁷ While both states are generally considered 'semi-authoritarian' at best, by the late 2000s Rwanda was clearly closer to the authoritarian end of the spectrum than Uganda; see for example Polity IV (<http://www.systemicpeace.org/polity/polity4.htm>; accessed March 24, 2012).

affords urban constituents little by way of an 'exit' option. Thus as well as it being potentially dangerous to engage in visible waiving of formal rules for elites, there is little incentive to visibly waive them for the poor in the interests of political gain. Moreover, the predominantly expatriate RPF did not socially embed itself among the population during wartime as many guerrilla movements (including the NRM) did (Mkandawire, 2002; Prunier, 1998), creating few links with the wider population that feed into petty clientelism of the kind observed in Kampala.

In short, the relative lack of both opposition and historic linkages means there are very few 'untouchables' in Kigali. This is well illustrated by the speed and seeming ease with which the state undertook expropriation of low-income settlements in the name of the Master Plan, in marked contrast to Kampala. Evictions were taking place on a large scale in Kigali from around 2007-8, when over three hundred households were removed to make way for the Master Plan's proposed new central business district.⁵⁸ In mid-2009 the government then expropriated an entire 140-hectare informal residential area consisting of 3,600 houses of varying sizes and standards, for the development of a new 'satellite town'. This plan was remarkably similar to that for the Nakawa-Naguru estates in Kampala, but experienced almost none of the politically-motivated obstructions. The relatively effective implementation of plans and regulations in Kigali in recent years certainly does not imply that planning was inclusive and pro-poor. Important gaps in terms of procedure remained in place by 2011: the issue of adequate compensation for expropriated land was an on-going source of controversy and the enforcement of the Expropriation Law without accompanying measures and procedures constituted a continuing problem.⁵⁹

The political bargaining environment in Kigali was therefore conducive to the effective implementation of plans and enforcement of regulations for a number of reasons. First, a key political resource mobilised by the RPF regime was its image as an organisation bringing order to a country marred by devastating violence and rejecting visible corruption, which both incentivised a culture of planning and actively militated against waiving regulatory rules. Relatedly, the government lacked the kind of legitimacy that is associated with ingratiating itself with groups of the poor and allowing them to evade inconvenient official processes; consequently it had neither the option nor the necessity of maintaining clientelistic relations of this variety, in contrast with the NRM. Third, long time horizons, engendered both by constraints on opposition and a political settlement rooted in long-termist 'developmental patrimonialism' (Booth and Golooba-Mutebi, 2012), likely facilitated a degree of tolerance among elites for the short-term sacrifices involved in submitting to urban development controls. Finally, a highly centralised political system streamlined relations between planners, mayors at the city/district level and the central authorities. These various factors tended to feed into one another, creating a self-reinforcing dynamic of relatively effective urban development control whereby the government's commitment to implementation was both credible and linked to its very legitimacy, enhancing public compliance.

⁵⁸ Interview with former city official, Kigali, December 10, 2009.

⁵⁹ Interviews with community leaders and slum-dwellers evicted from the city centre and relocated to peripheral settlements, December 17, 2009.

6. Conclusions

This paper has argued that given similar regulations and formal procedures, as well as similarly constrained resources, the effectiveness of urban development control in Kigali relative to Kampala comes down to their fundamentally different political bargaining environments. Throughout the 2000s, in Kampala both elite and popular groups whose interests were threatened in the short term by urban plans or regulations could find a supporter within a state agency to aid them in exchange for financial or electoral support. As a Ugandan government official working on urban issues noted, with one eye on the comparison with Rwanda:

‘In Kigali if the City Council has decided to do something, that’s it – you’ll have nowhere to run to. But here in Uganda and in Kampala in particular, if a decision is made by Kampala City Council and somebody is implementing the contrary, and you try to stop it, they will run to another place for support. And they will get the support. KCC will be told ‘please wait. Leave that matter. We are investigating’. In the process, the developments are going on – the investigation report by that third party will never come out [...] if it ever comes up, the project will be complete. So it defeats your reasoning and your energies of fighting.’⁶⁰

In this way, the constant political interference with the activities of city planners had not only direct but indirect effects on the effectiveness of planning, sapping the will of even those most committed. In Rwanda, by contrast, failure to address the challenges posed by rapid urban growth in a politically volatile, land-scarce and resource-constrained environment was perceived as posing a ‘big danger’ by governing elites.⁶¹ There was consensus among state actors at both the national and city level that implementation of development controls mattered – both for the country’s future and for their own career prospects. As with Kampala, but in an opposite sense, the willingness of government to enforce its urban plans and codes and its ability to do so become intertwined, as incentives for both enforcement by the state and compliance by urban-dwellers reinforced one another in a virtuous cycle.

The comparison between urban development control in Kampala and Kigali presented in this article might come across as too stark; as unrealistic, even. There were, of course, instances of regulated development in Kampala (as suggested by the 50% of buildings not in breach of regulations) and of haphazard development in Kigali, particularly regarding construction prior to 2007. Yet the comparison appears stark because in the period under consideration – the late 2000s – there really was an *extraordinary* divergence between the two. By 2010, newspaper commentaries in Kampala decried the state of the city virtually on a daily basis, often contrasting it with Kigali, and regular delegations of Kampala’s politicians and bureaucrats made pilgrimages across the border, frequently commenting on their ‘amazement’ at Kigali’s achievements.⁶² Elsewhere in the region city planners also look to Kigali with deep-seated admiration.⁶³ This article deliberately examined various aspects of urban development control rather than one more detailed case study in each city, precisely to emphasize that the contrasts do not relate to isolated incidents but rather to wide-ranging, systemic differences between the two cities in terms of how urban plans and development regulations fared.

⁶⁰ Interview with government official, October 8, 2009.

⁶¹ Interview with government minister, December 9, 2009.

⁶² Conversations with members of Ugandan delegation to Kigali, December 2011.

⁶³ Conversation with Kenyan urban planner, February 9 2013.

None of this is to suggest that the extreme nature of the divergence observed here will be sustained. In 2011, sweeping institutional changes were introduced in Kampala whereby the President empowered a new cadre of bureaucrats led by an appointed 'Executive Director' to manage the city, substantially disempowering the opposition-led democratic arm of City Council (Gore and Muwanga, 2013). This amounts to a fundamental reconfiguring of the political bargaining environment, the long-term effects of which are too early to judge. The fact that the president has demonstrated this new commitment to the urban problem, and is highly supportive of the Executive Director, itself constitutes a major political resource.⁶⁴ However, the incentives of frontline state actors to enforce regulations and of urban citizens to comply are likely to demonstrate considerable inertia. Meanwhile, for the Rwandan regime to realize its urban vision requires both maintaining its existing political resources and securing an increasing inflow of financial resources to bring its Master Plan to life, neither of which is guaranteed.

Nevertheless, the comparison presented here yields important lessons for the many African states in which cities loom increasingly large in the development equation. Critically, it is not through foreign expertise, technical capacity-building or rigorous planning and regulatory rules on paper that effective urban development control is likely to be achieved. These features were present in both cities examined here, and tell us little about the difference in outcomes. Rather it is through changes to the political bargaining environment. This is more difficult to manipulate than formal policies or technical capacities, and there are important normative questions regarding whether and how such manipulation should be attempted. Yet the question of how governments, civil society organisations and international donors should engage with these politically-driven determinants of urban development outcomes is unavoidable for anyone concerned to promote a more effectively managed urban future.

⁶⁴ Interview with Jennifer Musisi, Executive Director of Kampala City, December 12 2011.

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