



UNRA – Connecting Uganda!

Presentation on Challenges Affecting Land Acquisition for Infrastructure Projects in Uganda

9th December 2016

Presented by:

Norah Njangali, Head Land Acquisition

William Matovu, Senior Land Surveyor

Introduction:

- **Definition:**

Land Acquisition refers to the process by which the government or government institutions acquire private land for the purpose of Industrialization, Development of infrastructural facilities or Urbanization of the private land, and provides compensation to the affected land owners and their rehabilitation and resettlement.

Legal framework:

- **Article 237(1) of the Constitution** vests all land of Uganda in the citizens of Uganda. However under **Article 237(2) (a)**, the Government or Local Government can acquire land in the public interest. Such acquisition is subject to the provisions of **Article 26 of the Constitution**, which gives every person in Uganda a right to own property as against any deprivation save for compulsory acquisition in public interest on condition there is prompt payment of fair and adequate compensation.

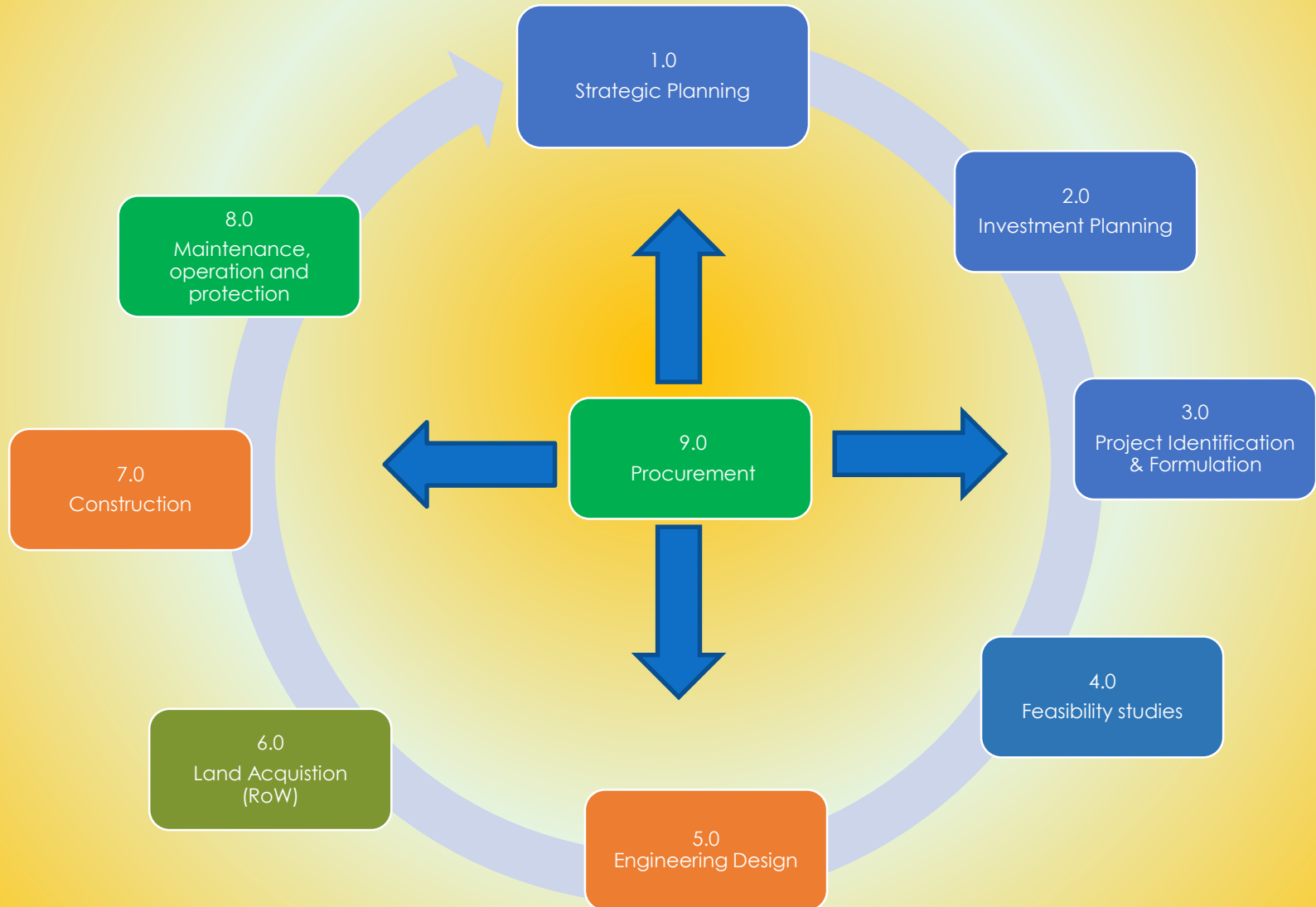
Legal framework cont'd:

- The **Land Acquisition process** in Uganda is guided by the enactment of Parliament contained in the **Land Acquisition Act 1965**, which stipulates the procedure for acquiring land.
- This is the principal legislation on compulsory land acquisition in Uganda.

Examples of Govt Projects which may require Land Acquisition:

- **Roads**
- **Bridges**
- **Ferry Land sites**
- **Weigh bridges**
- **Power stations**
- **Power dams**
- **Electricity Lines**
- **Valley Dams**
- **Railway lines**
- **Schools**
- **Storm water drains etc**

TYPICAL PROJECT CYCLE



ACTIVITIES undertaken in LA

1. Reconnaissance surveys

Output: Inception Reports, Work plans

2. Stakeholder and Community sensitization

Output: Sensitization reports, Engagement Photos, Record of minutes

3. Survey and Valuation data capture

Output: Pegged right of way, Survey & Valuation reports/Field notes

4. Compilation of detailed strip maps and valuation tables

Output: Strip maps, Lists of both affected properties and persons, Filled & signed assessment forms, Photographs of affected properties, compensation rates, Land values etc

ACTIVITIES in LA cont'd:

5. Preparation of valuation report

Output: CGV's approved Valuation report

6. Identification, Verification & Disclosure

Output: Signed and stamped verification books

7. Preparation of payment batches

Output: Reviewed payment batches

8. Subdivision & Titling

Output: Job Record Jackets (JRJs), Instructions to Survey, Certified deed plans, processed Certificates of titles & residue titles

Challenges in LA:

1. Challenges arising from the legal frame work
2. Challenges arising from Stakeholders
3. Challenges arising from processes in Land Acquisition

Challenges arising from Legal framework:

1. The right to prompt, fair and adequate compensation payment Vs inadequate funds, late release of funds for compensation & rejections by the PAP on the amounts.
2. Redundant, outdated & lengthy process of LA in the Land Acquisition Act: Sections 2, 6 and 14 that require the Attorney General to refer compensation disputes to court Vs Inter-Pleader proceedings under the Civil Procure Act and Rules; silence on the compensation percentage of Kibanja & Land owner interests on land
3. Lack of clear guidance on Market Rates/National Valuation Guidelines/standards.
4. No law establishing the Office of the Chief Government Valuer and/or guidelines for the CGV processes

Challenges arising from Stakeholders:

1. No stipulated time for approval of Valuation Reports by CGV thus delayed processes
2. Understaffing and lack of resources for external offices like CGV, Min. of Lands, District Land Boards etc
3. Outdated cadastral data & delays in provision of Cadastral Sheets and Survey data Min. of Lands
4. Limited coordination between Gov't Institutions on LA projects.
5. Delays in obtaining search statements/mutation consents from Land Registries
6. Physical planning requirements: e.g KCCA
7. Bureaucratic tendencies that may lead to corruption
8. Lack of updated District compensation rates

Challenges arising from processes in Land Acquisition

1. None/delayed gazettelement of Government projects.
2. Lack of proper datum controls for Land Surveyors
3. Lack of a 'cut off' date for compensation.
4. Limited capacity building for persons handling LA.
5. The multiple tenure systems in the country: Private mailo, Leasehold, Freehold & customary
6. Resistance from PAPs
7. Land ownership wrangles
8. Lack of proper documentation by PAPs
9. Decision making on Injuriuously affected properties

Challenges arising from processes in Land Acquisition cont'd:

10. Issue of marginal affection of buildings
11. General practice of applying blanket disturbance allowance of 15% or 30% tied to notice to vacate
12. Planning standards Vs Valuation assessment
13. Salvaging of compensated property
14. How to handle resettlement as an option in compensation
15. Accounting for Livelihood restoration in calculating values for compensation
16. Apportionment of value where there are multiple interests on land i.e. mailo/kibanja, existing road

Impact of Delays:

Forced eviction/encroachment on road reserves



IMPACT OF DELAYS:- increased costs of infrastructure development.



Km 47+650 LHS



Km 47+650 LHS

We hereby request the Employer to expedite the process of compensation payments in order to avoid/mitigate Contractual Claims (extension of time and additional cost) and to complete the project within the allocated time frame.

Looking forward to your cooperation, we remain.

- Lengthy process of land acquisition
↓
- overall project delays, cost overruns,
↓
- increase costs of infrastructure devt

IMPACT OF DELAYS: Impoverishment of PAPs



IMPACT OF DELAYS: Dent in UNRA's Public Image

UNRA UNDER THE LENS



No.	Media House	Title
1.	New Vision	\$2.5b lost to costly road transport annually

No.	Media House	Title
1.	Daily Monitor	Tororo-Soroti road in state of disrepair after completion
2.	Red Pepper	UNRA to fire lazy contractors

Governance Failure, Oversight Failure, Limited Continuous Control, Monitoring, Project Management Oversight, Quality Assurance, Event Management Reporting and Escalation

Are we alone in the struggle?

INDONESIA:

- Due to the slow land acquisition process, 20 of the 24 toll road projects for which concessions agreements have been signed are stalled or experiencing significant delays, some dating as far back as 1996.

INDIA

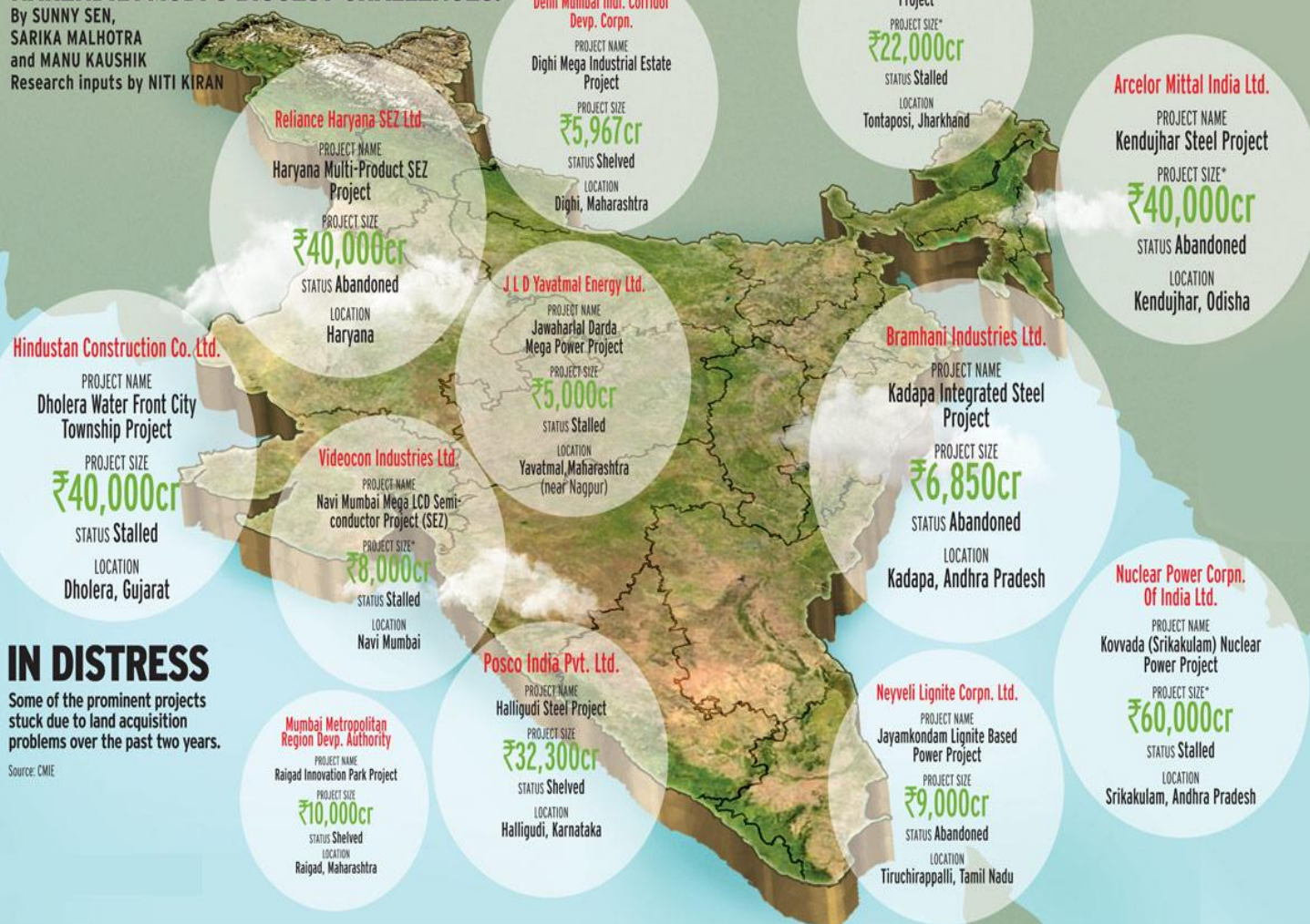
Land acquisition is at present the single-largest roadblock for development of infrastructure. Several projects have been stalled or delayed due to land acquisition issues. The primary reason is resistance from local communities.

“Our requests to state authorities were neglected. We were left helpless,”

NO PROMISED LAND

ACQUIRING LAND FOR THE RAPID DEVELOPMENT HE SEEKS WILL BE ONE OF NARENDRA MODI'S BIGGEST CHALLENGES.

By SUNNY SEN,
SARIKA MALHOTRA
and MANU KAUSHIK
Research inputs by NITI KIRAN



IN DISTRESS

Some of the prominent projects stuck due to land acquisition problems over the past two years.

Source: CMIE

CHINA



Way forward:

1. Gov't to gazette all its projects before commencement of Land Acquisition
2. Need to adopt a communication & Implementation strategy between Govt Institutions prior and/or during LA
3. Need for intensified capacity building programmes for personnel handling LA both at Gov't and Institutional Levels.
4. Intensifying sensitization of the public about the importance of government projects & how they will better their lives.
5. Empowerment & provision of enough facilitation to the District land tribunals including Area land committees
6. We propose a working relationship with other non-government agencies in restoring PAPs livelihoods.

Way forward cont'd:

6. Gov't through the Department of Surveys & Mapping, Entebbe to densify survey datum controls across the country and make them readily accessible to the practicing surveyors
7. Provision of enough facilitation to the District Land Boards to enable timely update of District compensation rates
8. Need to develop and maintain a standard database for market information
9. Open Escrow account / Deposit money in courts of law
10. Create a special/restricted single vote for LA



THANK YOU

UNRA- Connecting Uganda