

9. You are a district looking for land for public services – your checklist of what you should do.

- Don't ignore the problems. Make sure that land issues are considered fully before undertaking any activity or programme.
- Make sure that your staff know the law relating to land.
- Seek information, support and advice. You can get this from the District Land Office, from legal aid providers or private lawyers.
- If a development facility is temporary, consider leasing the land from those with land rights.
- Make sure you include the costs of the land in the budget for any development purpose. This will usually only add a very small fraction to the overall cost of the development. Most donors should accept that the cost of the land on which to build a school is just as valid an expense item as the cost of cement.
- If no-one wants to sell you the land you have identified, see if you can use a different piece of land instead.
- If you are looking for a willing seller of a large piece of land, speak to the clan leaders and elders. They may be able to assist in finding a seller, or they may be able to provide communal land. You may still have to pay, but this could be cheaper, simpler and less confrontational than trying to acquire a lot of land from several individual landowners through compulsory purchase.
- Remember that respecting land rights is the law.
- Negotiate for land as a first step. It will be easier if you can come to a mutual arrangement. Some landowners may be willing to give you the land you need in exchange for some other land, if the District has land elsewhere.
- If developers or NGOs want District land, check that you really are the legal owner before you give away or sell any land. Don't be afraid to explain to them the challenges you face. NGOs and donors should be willing to contribute to the cost of purchasing other land if this is necessary.
- Remember that customary land is private land, but one person does not always have all the rights to the land. Compensation for compulsory purchase does not only go to a single owner, but to anyone with an interest in the land. The same principle should be applied if you are buying land from willing sellers. Find out all the people who have rights in that land. (You may need help from someone who understands how customary rights are shared and managed.) The compensation should then be divided between all the people. You will have to negotiate this process. You will need to be clear that you are negotiating to see how the value of the land is being shared out and you are not prepared simply to add more money to anyone claiming some additional rights.
- If you are buying land which a family is living on or using, remember that the sale of land is not valid if the wife (or husband) does not sign her (or his) consent to the sale.

