

# 1. The challenges of finding land for development

Everyone knows that the development of public infrastructure is essential for the development of Uganda, and that this can only happen if land is made available. Equally, everyone accepts that people need land in order to develop themselves and the economy of the country. If people's land rights are not respected, then they can fall into destitution; and where people fear their land can be taken at any time, they will not invest in developing their land. The days when a Colonial Administration could simply take any land which it felt it needed are fortunately over. Everyone recognises the rights of both sides – but it is not so simple to reconcile their competing needs.

## the challenges faced by the government

- The process to be followed is very complicated and few local governments, particularly at sub-county level, know what the procedure is. There is little support given to local authorities
- Local governments do not have a great deal of funds to pay for land, either for buying land under a formal procedure of compulsory acquisition or for paying negotiated 'compensation'.
- Local governments come under pressure to provide land. They want to bring investment into their communities, but do not have a lot of land.

## the challenges faced by land owners

- They are often pressured into giving land for public services by their communities.
- Land is sometimes taken without their consent.
- They do not know their legal rights and so cannot ask for fair treatment or make a challenge if they are not happy with what is happening.
- Under customary system, there is an assumption that land is given as a loan, not permanently and that in future it reverts to the original owners.

It will never be possible to satisfy all competing interests, since resources (including land) are always limited. It is possible, though, to avoid unpleasant conflicts, mistrust, or situations where individuals lose everything and become destitute. It is the responsibility of Parliament to set the rules which will be followed when there are competing interests. Where all sides treat each other openly, honestly and with good-will, it should also be possible in most situations to find solutions which all sides can accept as fair. The law gives people and institutions a lot of freedom to make their own agreements as long as all parties agree, and as long as no laws are broken. This pack on compulsory acquisition is intended to give people creative ways of finding solutions to these kinds of problems.

## Inside this pack

2. Development, Land and Rights
3. Understanding customary law
4. How can a district acquire land when the owner refuses to sell?
5. How can a local authority can acquire land for public services?
6. How can local authorities promote urban development?
7. How can a district help support private leases/rentals?
8. Pressure from development actors and private developers.
9. Checklist for Districts looking for land for public services.
10. Checklist for donors and NGOs looking for land for public services.
11. An example of a Tenancy/Rental agreement.

