



20th/December/2016

Open letter

Hon. Amongi, drop your proposed land amendments; they will harm Ugandans

Dear Hon. Betty Amongi,

We, at Africa Institute for Energy Governance (AFIEGO), have noted with great concern your attempts to fool Ugandans into thinking that government's insistence on amending the constitution to deprive Ugandans of their right to prior compensation in compulsory land acquisition exercises by government is good for Ugandans.

Last week, you stated that the proposed amendments, which have the support of the NRM caucus in parliament, are meant to curb dangerous speculative behaviour while offering Ugandans the benefits of pursuing development projects prior to compensating speculators who reject government compensation. You noted that Uganda is losing billions owing to speculators who reject low compensation. Forcibly acquiring Ugandans' property before compensation would enable Ugandans to save billions, you reasoned.

Indeed you assured Ugandans that government arrives at compensation rates through a scientific and participatory process in which district land boards, in consultation with the people, and indeed the Chief Government valuer (CGV) set compensation.

Based on your narrative, the impression that compensation processes favour poor Ugandans was given. Indeed you gave examples of countries such as Kenya, Rwanda and Ethiopia where government acquires people's property before compensation and said Uganda was better than them.

We want to point out that you are propagating a wrong narrative. Compensation processes in Uganda do not favour the common man and woman and you very well know that.

We are also very well aware of this owing to our experience in working with communities affected by compulsory land acquisitions. AFIEGO is a public policy research and advocacy non-governmental organisation (NGO) dedicated to influencing energy policies to benefit the poor and vulnerable. For the last ten years, we have defended the rights of local communities against poor compensation and land grabbers.

We are therefore very well aware that compensation processes in Uganda do not favour the ordinary man and woman. Not only does compensation delay, sometimes for over ten years, low compensation is also often given. If we are looking for examples, we need not look further than here in Kampala.

I recently met an Entebbe Expressway affected person who told me that after being assessed in 2014, UNRA recently returned to their home this year to see that two years after they should have been compensated to make way for the Expressway, they had not put up any new developments. This family lives on Salama road and as you can imagine, the value of their land has appreciated yet this value will not be reflected in the final compensation they will receive as their property was assessed in 2014.

This family's experience mirrors that of nearly every household that has been affected by compulsory land acquisitions. Families affected by the Jinja-Kenya transmission line, Mbarara-Rwanda transmission line, the Hoima-Kaiso Tonya road, Karuma power project and the oil refinery all have similar stories. You say that government incurs interest owing to failure to pay project-affected persons using loans; it is these loans that result in loss of over 96b a year. Pray then Madam Minister, if government has money to compensate people, why does it fail to pay even those who have accepted payment?

It needs to be noted that district land boards are dysfunctional owing to lack of training, money and appointment letters for recorders and Area Land Committee (ALC) members. Yet you say that government wants to protect poor customary land owners who are displaced by speculators who thereafter ask for high compensation and delay government projects.

This is suspect not least because despite repeated calls for certificates of customary ownership from people across the country, your ministry and the government has refused to issue these certificates but also because recorders and ALCs are not capacitated to work. They do not have appointment letters and get no salaries.

During a 2015 land rights workshop in Hoima, the chairperson of Area Land Committee members for Buliisa district embarrassingly admitted that he had never seen the materials needed to issue customary land certificates! Based on this, can we sincerely say that government seeks to protect poor customary land owners with the proposed amendments? No, we cannot.

Communities have said that failure to issue customary land certificates is deliberate as government wants land rates in the oil region to remain low to enable cheaper acquisition of land. They also say that government has refused to issue certificates to enable well-connected speculators convert their customary land and get titles! If you want Ugandans to believe that your proposed land amendments are pro-people, you should urgently support district institutions to issue customary land certificates in the oil region and beyond. Short of that, we cannot believe that your amendments are meant to benefit Ugandans.

Madam Minister, you need to note that your government has failed or ignored the need to put in place regulations for the assessment and payment of compensation as required by section 20 of the 1965 Land Acquisition Act for over 50 years. The absence of compensation regulations means that there is no formal framework that can help government and landowners to negotiate and determine what is timely/ prompt, fair and adequate compensation as provided for under Article 26 of the Constitution.

Government uses the absence of regulations to dictate and impose unfair compensation values on affected persons and when the people complain, the same government, using its majority in Parliament wants to use the proposed unjust laws to silence them. This is unfair.

Actions by government continue to cause untold suffering to communities. Indeed, it is government's insensitive actions that have made many families in the country to become landless, children to drop

of out of schools, health services to collapse, marriages to break down and have resulted in several other challenges. We hope that government fully appreciates the impact of her actions on citizens, especially on the lives of children, women and other vulnerable groups. Remember, no country has ever succeeded in achieving her national development agenda and vision amidst developments that are clearly anti-people. Uganda will not be an exception.

Finally, you propose that for households or persons that reject low compensation, payments will be deposited in court. Pray do tell, how will this proposal help the poor people such as those around Lake Albert to access justice when the nearest magistrate’s court is 100 km away while the high court is 200 to 300 km away?

It is noteworthy Madam Minister that following failure to compensate and relocate them since 2012, the Hoima refinery-affected persons filed a case in the High Court of Uganda but for over three years, the court has failed to decide their fate. As you know, justice delayed, is justice denied. Yet these are the same courts that you and government want Ugandans to believe will address injustice associated with compulsory land acquisitions. Surely, government is seeking to coerce poor Ugandans to accept poor compensation by providing that the over-burdened slow court system in Uganda will arbitrate in matters where project-affected persons and government disagree on compensation.

Government has succeeded in turning affected communities across Uganda into destitutes using cut-off dates and other unjust means such as threats and intimidation. NGOs like AFIEGO and others however have been using Article 26 of the Constitution to mitigate the injustices. But now, Madam Minister, you want to take away that last Constitutional protection. God have mercy on this country if you succeed. We reiterate that you should drop your proposed amendments including Clauses 3 and 4 which provide for “deposit[ing] in court or with any other competent authority the value of the property as evaluated by the Chief Government Valuer” and “Government tak[ing] possession of the property where the Government has deposited the evaluated compensation amount referred to in clause (3).” Instead, we call upon you to urgently formulate and operationalize regulations for assessment and payment of compensation. The regulations should provide a formula for determining fairness and adequacy of compensation, and set a time frame within which an affected person should be paid his or her compensation upon assessment. It should also provide for penalties for defaulters.

Thank you,

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Dickens Kamugisha, Chief Executive Officer

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1. Speaker of Parliament
2. Chief Justice of Uganda
3. Attorney General
4. Minister of Justice and Constitutional Affairs
5. Leader of Opposition in Parliament
6. All District Land Board Chairpersons