



## Efforts by the Uganda National Roads Authority to curb the delay in acquisition of the Right of Way

### Overview

The Government of Uganda (GoU), has continued to grapple with the challenge of land acquisition for infrastructure development. The compensation of Project Affected Persons (PAPs) to pave way for government's infrastructure development and investment projects is escalating the costs of the investments, resulting in non-compliance to project timelines and cost.

The GoU through the Uganda National Roads Authority (UNRA) which is responsible for the construction of national roads have made efforts to curb the land acquisition concern in order to meet the Third National Development Plan (NDPIII) target of 7,500km of paved roads by 2024/24. As at the end of FY 2012/22, the total paved network was 5,880km (28% of national road network and 95.4% of NDPIII target for the FY 2021/22).

This briefing paper highlights the efforts by UNRA to curb the land acquisition impediments.

### Background

Land acquisition is the process through which government acquires land and can provide the Right of Way (RoW) to its projects. For the case of road projects, the land on which the road and all its auxiliary works are built and any extra land acquired forms part of the RoW, which is maintained and protected by the entity. In Uganda, the road RoW is also known as the road reserve.

The road RoW is a gazetted corridor through which the road is constructed. The Minister of Works and Transport may declare and gazette different widths of road reserves for different classes of roads and a road authority shall demarcate and mark the boundaries of

### Key Measures

- Creation of a single project code for land acquisition.
- Establishment of a Resettlement Action Plan (RAP) at UNRA.
- Establishment of grievance committees on every UNRA upgrading project.
- Establishment of a UNRA In-house Land Acquisition Department.
- Enforcing compulsory land acquisition using the Land Acquisition Act, Chapter 226.

a road reserve on every public road under its jurisdiction using trees, pegs or any other marking approved by the Minister (Road Act 2019). The UNRA maintains a road reserve of 15 meters and 25 meters from the centre line of any road in the urban and rural areas respectively.

One of the prominent persistent issues that have continued to haunt projects leading to delayed implementation and therefore escalating the time of delivery is the delayed acquisition of the RoW. This has led to the GoU incurring extra costs on projects through claims by contractors for time lost due to stoppage of works or idle time, as they run out of working space.

### The land acquisition process for the Right of Way

Upon approval of the design for a road project, a reconnaissance survey and detailed inspection of the proposed RoW are carried out to identify the project corridor. This is followed by stakeholder engagements to inform and sensitize the PAPs about the government's intentions to acquire their land and property therein for the intended road project. This is followed by the identification of land rights, boundary opening and capturing of data for all items affected by



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the proposed road corridor. A valuation report is drafted which is then submitted to the Chief Government Valuer (CGV) for approval. This report forms the basis for compensation of the affected people for the acquired land.

After the report approval is a process termed as, Identification, Verification and Disclosure (IVD). This involves the identification of the rightful owners of the affected land and properties through Local Council (LC) chairpersons, verification of the ownership documents, and then disclosure of the compensation amounts to the owners.

Preparation of payments then follows which is usually done in batches on approval by UNRA. The process ends with the preparation of the Right of Way Title by the surveyors for the road project. This process is disclosed to the PAPs to avoid doubts about unfair and inadequate compensation.

### Causes of delay

**Existence of multiple property interests on the land leads to land ownership conflicts:** For instance, a given parcel of titled land can have *bibanja* interests for sitting tenants. During payments, landlords are required to give consent that they recognize the interests of the tenants on their land. The process is normally delayed when the landlords fail to recognize the tenants' interests in their land.

**Lengthy bureaucracies:** These are often at various stages of the compensation process, especially in the approval process of the valuation report at the CGV's office; during the payment process where lately for PAPs to get paid, they must have a bank account and a Tax Identification Number (TIN) which majority especially in the rural and hard-to-reach areas do not possess.

**Political influence:** Cases of local leaders especially politicians have been cited in influencing PAPs to dispute the values of the CGV and or block the contractor from carrying on with works in sections that have been valued but not paid until when the funds are received on account.

During the election periods, road projects are often used by politicians to lure the electorate. Upgrading

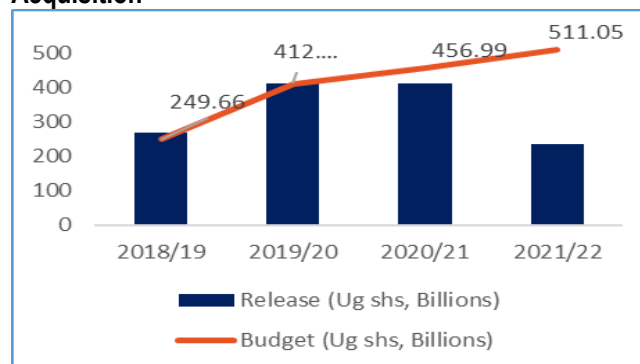
road projects are often commissioned to start works when the RoW corridor has not been acquired. A case in point was the Najjanankumbi-Busabala Road (11km) and Kira-Matugga Road (21km) which were commissioned during the election campaigns in January 2021 and are now grappling with slow progress due to compensation issues.

**Mode of the release of funds:** Despite the GoU's effort to release over 90% of the land acquisition budget in the previous financial years (see figure 1) with the exception since the FY 2020/21 when less than 50% was released, the funds are released quarterly and this affects the timeliness of payments.

**Inadequate budget ceilings:** Despite the good release seen in figure 1, the budgets are inadequate due to the number of upgrading projects undertaken (26 as at end of the FY 2021/22, exclusive of bridges). This has resulted in the full absorption of land acquisition funds, even when the budget is front-loaded by the end of Q2. There are however a few incidents where unspent funds are registered due to disputes on ownership and cases of design reviews.

**Redesign of project sections:** Several realignments lead to re-assessments that are done during the execution of the project at times slowing down or hindering the progress of land acquisition. This arises during the process of the design review or in cases where PAPs go to court and succeed in blocking the project from going through their land. The implemented design reviews along the project road require reassessment and re-submission of valuation reports to the CGV.

**Figure 1: Budget Performance of Project 1506: Land Acquisition**





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**Lack of land ownership documents:** This is a major challenge in the acquisition process. Many PAPs lack proper documents as proof of ownership of the land they occupy especially those that have inherited the land. The process of verifying the ownership documents by the land compensation teams causes delays.

PAPs especially the squatters, do not usually have documentation and in cases where documents are available, they cannot be administered for a transaction. There are cases, especially in the rural areas, where when the registered land owner has passed on and the families did not process documents to give them the rightful land ownership and thus cannot benefit from the compensation. Further to this are the family disagreements on sharing of the deceased's property.

**Absentee landlords:** This usually comes up when the landowners do not show up to claim the compensation package. This creates a window for fraudulent claimants and time is wasted when the land compensation team has to prove or verify the ownership.

**Relocation of utilities:** Utilities like water pipelines, electricity lines (both transmission and distribution) and fibre optic lines are often laid in the road corridor. This is often done by the service providers to avoid compensating the owners of land next to the road. At the time of upgrading these roads, these utilities have to be relocated into the road reserve, further away from the road to be constructed. When the reserve is not available for substantial implementation of this activity, then delays arise.

### Efforts taken by the Government to address the delays

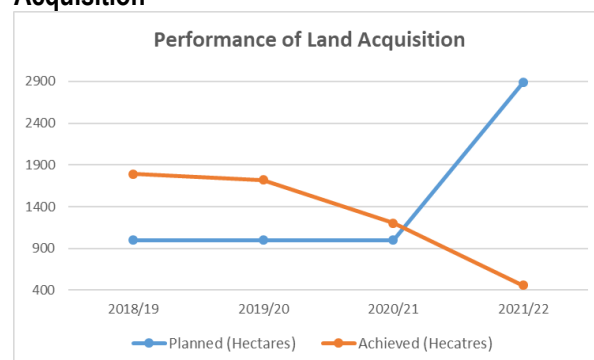
**Creation of a single project code for land acquisition** which has enabled UNRA to fast-track the compensation of PAPs and thus improved project implementation as seen in figure 2. However, funds allocated (annual budget) for land acquisition are usually absorbed by the end of Quarter Three (Q3) even when 100% of the budget is released by the end of Q2 in the FY. This

is attributed to over-commitment by UNRA which arises from political influence as some projects are usually commissioned when the RoW has not been acquired.

**The UNRA established a Resettlement Action Plan** which provides for vulnerable PAPs. These PAPs are assisted with activities like opening up bank accounts where they are either taken to the banks or the bank agents brought to them, and the UNRA partnering with Justice Centre Uganda (JCU) to provide pro bono services to fast track the process of any documentation like acquiring letters of administration.

The UNRA has also prioritized payments to vulnerable families with single mothers, physically incapacitated PAPs and widows. With such a category of PAPs paid, the communities (especially the able-bodied) build trust in the compensation teams and allow the contractor to proceed with works even in sections which are yet to be paid.

Figure 2: Performance of Project 1506: Land Acquisition



**The UNRA established Grievance Management Committees on every project** where land acquisition takes place. These committees have staff to ensure full presence on the project site and are facilitated with an office along the project road so that issues are attended to as and when they are reported to the office.



## BMAU BRIEFING PAPER (35/22) DECEMBER 2022

**The UNRA established an In-house Land Compensation Department** when restructuring in 2016 to boost the office of the CGV which is understaffed. The team from UNRA goes through the land compensation process and submits reports for approval to the CGV. This complements the CGV's office which was overwhelmed.

### **Engagement of communities and local leaders:**

The project teams engage the PAPs and community leaders to allow for the construction works to proceed before compensation once the valuation has been done. This, however, remains a major risk to UNRA and the contractor as they become liable to be sued in the courts of law when there is a delay in payment/inadequate or non-release of funds for this activity.

**Compulsory land acquisition:** Legislation in Uganda gives the Minister responsible for Lands the authority to acquire land compulsorily where the land owner or occupier is not willing to sell by agreement to authorised bodies. "Whenever the Minister is satisfied that any land is required by the Government for a public purpose, he or she may, by statutory instrument, make a declaration to that effect," The Land Acquisition Act Chapter 226, Section 3:1.

The Act has been enforced and helpful in cases where PAPs especially dispute the valuation amounts of their properties and where landowners are not willing to surrender their land or property. The law allows the implementing authority to deposit the CGV-approved report valued amount in the courts of law and proceed with taking possession of the land or property.

### **Conclusion**

The GoU through the UNRA has undertaken various steps and efforts to address the delays in project implementation arising from land acquisition for the RoW. Prominent among these is the creation of a single project code for land acquisition; establishment of a RAP; establishment of Grievance Management Committees on every project with land acquisition; establishment of an In-house Land Compensation Unit in UNRA;

engagement of PAPs to allow works to proceed as they await payment; and compulsory land acquisition with the help of the Land Acquisition Act, Chapter 226. The effectiveness of all these measures however should be reinforced with improved planning and sequencing of the land acquisition project activities.

### **Policy Recommendations**

- The Ministry of Finance, Planning and Economic Development (MFPED), and UNRA should prioritize funding of land acquisition activities before project commencement. It is necessary to effect the acquisition of 40-50% of the RoW for projects before the start of construction works.
- The MFPED should consider frontloading the land acquisition releases in the first half of the financial year to curb the poor performance of project progress and the absorption of funds for construction activities.
- The GoU/Executive should desist from pressuring implementing agencies to commence projects which are not ready as this leads to over-commitment and claims from idle resources of the contractors.

### **References**

- 1) BMAU Annual Performance Reports for the FYs 2018/19, 2019/20, 2020/21.
- 2) The Land Act – Chapter 226.
- 3) Uganda Roads Act, 2019.
- 4) UNRA Annual Performance Reports 2018/19, 2019/20, 2020/21, 2021/22.
- 5) Third National Development Plan (NDPIII)- FY 2020/21-2024/25.

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