

## Press Statement

**On Constitution (Amendment) Bill No. 13/2017**

**Wednesday 25<sup>th</sup> July 2018 | Uganda Land Alliance Secretariat | 10:00am**

**“Take land, forget votes,” Civil society tells MPs**

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Today, dozens of civil society organisations gathered to demand that parliament halt the amendment of Article 26 of the Constitution. The article guarantees the right to property and requires that when government compulsorily acquires land in public interest, it compensates affected people before taking over their land. The amendments that government has tabled before parliament would take away the requirement of prompt and prior compensation and enable government to compulsorily acquire land even before owners have received payment. The proposed Constitution (Amendment) Bill, CSOs say, threatens people’s right to land- a fundamental source of livelihood on which 80 percent of Ugandans, most of them poor women, rely.

Under the Constitution, government has power to compulsorily acquire land for public good. Article 26 contains strong safeguards of the right to property even as government can compulsorily acquire land. These safeguards are a recognition of the unbalanced power relations between government and big investors on one hand and communities and individuals on the other. Government says the Bill will enable it solve the problem of delays that arise when displaced people dispute compensation. It is, however, important that government recognizes that some of its unscrupulous officials, big investors and other powerful people will take advantage of the lack of safeguards to abuse human rights.

Already, there have been complaints of people being displaced from their land with little or no compensation in spite of the existing constitutional safeguards. Amending Article 26 would legitimize this abuse and leave displaced people economically and socially worse off. The poor and vulnerable, 55 percent of whom are in the agricultural sector, risk losing the little they have if MPs decide to sacrifice property rights in favor of big investors.

“The inequality gap is growing and poverty has increased from 19 percent in 2013 to 27 percent today. If we amend Article 26, we shall take away people’s land rights and leave the already poor and vulnerable poorer. A poor and disempowered population will not enjoy the development that government displaced them for. What use is a road when you have no food to eat or transport to the market?” Stella Lutalo, a CSO representative, said.

The Bill also suggests that where the amount is disputed, government should deposit this disputed amount in court and then carry on with the project whether or not the land owner eventually accepts the money. CSOs are concerned that in addition to violating land rights, this particular provision undermines judicial independence and, without access to their land, poor displaced people will become desperate and have no choice but to accept the contested amount

CSOs have described the Bill as an abuse of power and violation of human rights. They warn that MPs risk losing their seats if they go through with it and that Ugandans have a special relationship with their land. It is not only a source of livelihood but the seat of cultural identity and heritage. Taking away their land rights would be a betrayal of the people.

“The inevitable consequence of abusing power and exercising it in disregard of the constitution and the people’s will is discontent from the people who entrusted you with power. To take away the lives and livelihoods of your people is to betray them. If you take away land, then forget votes. If you amend article 26, you will be compromising the livelihoods of those who elected you and this will erode their faith in you. This loss of legitimacy might have adverse political implications especially considering the attrition rate in parliament is over 60%,” Ms. Lutalo said.

Instead of legitimizing existing abuse through a constitutional amendment, CSOs want government to deal with what they say are the real issues standing in the way of government projects- corruption that has led to inflated project costs and speculation by government insiders that inflates the cost of land and makes it more expensive to compensate displaced people. They demand that MPs use their power to make laws that conform with the constitution and protect the right to own property and to be compensated fairly and promptly in situations when government has to take over the property.

They add that the court system is clogged and this has led to delays in resolving land disputes. Instead of a regressive amendment, MPs should demand that more resources are invested in the judiciary so that they are able to speedily and effectively handle land cases. They should demand that government operationalizes land tribunals to create effective and specialized avenues for handling land matters. This way, government would be able to pursue development without taking away people’s land rights and projects would be more likely to translate into a better quality of life for all Ugandans.