

UGANDA NEEDS A SPECIFIC LEGAL FRAMEWORK ON GOVERNING LAND BASED INVESTMENTS

The prevalence and prominence of large-scale land acquisitions have rapidly increased throughout Uganda in the past years. Vast tracts of land are being bought by or given away as concessions to private investors, both local elites and foreign investors, more often than not, displacing and evicting local communities from their traditional lands without due regard to their rights nor safeguards to their wellbeing. These deals are extremely detrimental to the livelihood of the local communities, especially the farmers whose main survival is drawn from the land.

More contentious still, is the fact that the locals displaced in many instances receive inadequate or no compensation for their lands. In addition, land based investment deals lack transparency and there is no participation of local communities in the land acquisition processes despite the existing and internationally recognized principles of Free Prior Informed Consent. While steps have been taken at the Africa Union to develop Guiding principles of Large Scale Land based Investments in Africa and by the United Nations to put in place Guiding principles for Business and Human rights, there have been no concrete steps taken at the national level to ameliorate the situation through law and policy.

The imperative to regulate Land Based Investments today cannot be over emphasized. This will help to unravel the contentious issues associated with land grabbing, land and environment degradation and the increasing violation of people's land rights—including their long-term impacts. Notably, we wish to call upon the Government of Uganda to ensure that:

- Decisions on the desirability and feasibility of land based investments are made based on independent, holistic assessment of the economic, financial, social, human rights and environmental costs and benefits associated with the proposed investment, throughout its lifetime.
- Decisions on land based investments are guided by a national development strategy for sustainable development which recognizes the strategic and yet multiple importance of the country's land i.e. as a source of tourism resources, agricultural land and its role in achieving food security, poverty reduction and economic growth.
- Decisions on land based investments and their implementation are based on good governance, including transparency, subsidiarity, inclusiveness, prior informed participation and social acceptance by the communities.
- Land based investments respect human rights of communities, contribute to the responsible good governance of land and land-based resources development, including respecting customary land rights and are conducted in compliance with the rule of law.
- Land based investments respect the land rights of women, recognize their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalization of women.

We therefore strongly recommend that:

- ❖ ***A specific policy and legal framework should be developed to govern the operations of land based investments in Uganda***

Land based investments in mineral exploration and extraction, infrastructure development, large scale agriculture and industrial development are peculiar in nature. They in many ways unlike other investments, adversely impact on a wide range of people's economic, social, environment and cultural rights. Therefore they require a higher level of regulation of the establishment and ongoing operations of such investments. They also require unique and custom made Environment, Human Rights and Social Impact Assessment guidelines given that they are often set up within communities and directly impact their livelihood and ultimately, their sustainable development.