



THE SOCIAL LICENSE COULD SOLVE UGANDA'S CURRENT LAND PROBLEMS

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, including local elites and foreign investors, more often than not, displacing and evicting local communities from their traditional lands without due regard to their rights and safeguards to their wellbeing. These deals are extremely detrimental to the livelihood of the local communities whose main survival is drawn from the land.

More contentious still, is that the locals displaced in many instances receive inadequate or no compensation for their land. In addition, land based investment deals lack transparency in the land acquisition processes despite the existing and internationally recognized principles of Free Prior Informed Consent (FPIC). Instead, operationalization of the FPIC to obtain approval from the community before the allocations are made has been overlooked. Even, existing laws such as the Investment Code, which is rarely referred to under these circumstances, only seek to protect the interests of the private investors at the cost of community and environment rights.

Amidst this current “corporate capture”, the imperative to regulate Land Based Investments cannot be over emphasized. Now more than ever, the need to promote inclusive approaches in dealing with and regulating private investments is critical. Uganda could adopt approaches such the Social License that have been explored in other parts of the world to unravel the contentious issues that obliterated people of their inherent right over land. The Social License has been defined to be the level of acceptance or approval of an investment and its operations by local communities and stakeholders. It's based on the principles of social legitimacy, credibility and trust. The concept is founded on the idea that investment projects do not only need government permission to conduct their business, but also permission from communities. It is granted by all the community members. A community will therefore give their social license to a private investor if the investment and its activities meet their expectations.

However, while a company may obtain a social license for one operation, it's not certain that it will be granted another. This is because, it's usually granted on a site-specific basis. Operations that are more likely to impact the community's social, economic, cultural and environmental rights are likely to face more difficult. Nonetheless, obtaining a social license is essential and should be made a legally binding requirement for all investors. It reduces the risks of public criticism, social conflicts, and in general, damage to a company's reputation. It can surpass approval when the community and other stakeholders incorporate the project into their collective identity. At this level of relationship, the community can even become defenders of the investment since they consider themselves to be co-owners. A social license has been described to be vital for companies operating within certain jurisdictions, especially where resources are communally owned.

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