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Responsible Governance of Investment in Land (RGIL)

From theory to practice: Exploring the implementation of responsible investments on Land in Africa



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Content



- Existing principles/guidelines on responsible investments on land
- Developed knowledge materials
- How communities are engaged in practicing the principles
- Incorporating the principles/guidelines in relevant academic curricula development/reviews

Existing principles/guidelines



The principles/guidelines underlying responsible land-based investments are derived primarily from two international instruments:

- The Voluntary Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests in the Context of National Food Security (VGGT) from 2012
- The Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI) from 2014

Developed knowledge materials



Government

Investors

Communities

Country specific CD material

- **Factsheet** on Respecting FPIC in land acquisition process
- **Manual** land and property rights in Uganda
- **Manual** on promoting, facilitating and regulating land-based investments

- **Guide** on gender sensitive land acquisition
- **Fact sheet** on Respecting FPIC in land acquisition process
- **Manual** on Land and property rights
- **Manual** on incorporating land-based principles into investor policies and practice
- **Posters**

- **Guide** on gender sensitive land acquisition
- **Guide** on how to understand and address land conflicts
- **Factsheet** on FPIC in land acquisition process
- **Manual** Land and property rights
- **Manual** on how communities can prepare, engage, negotiate and decide to support land-based investment

General CD material on responsible land-based investments

- **General Guide**, manual

- **General Guide** and manual

- **General Guide** and manual

Developed knowledge materials



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AN INTRODUCTORY GUIDE TO RESPONSIBLE LAND-BASED INVESTMENT FOR COMMUNITIES, GOVERNMENT AND INVESTORS

Implementer: giz

ACHIEVING RESPONSIBLE INVESTMENT AND COMMUNITY COOPERATION

PROMOTING, FACILITATING AND REGULATING RESPONSIBLE LAND-BASED INVESTMENT: A MANUAL FOR GOVERNMENTS

Implementer: giz

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SAFEGUARDING LAND TENURE RIGHTS IN THE CONTEXT OF RESPONSIBLE GOVERNANCE OF INVESTMENTS IN UGANDA

Implementer: giz

FACT SHEET: RESPECTING FREE, PRIOR, AND INFORMED CONSENT IN ACQUISITION OF LAND FOR INVESTMENTS IN UGANDA

Background and Objective

This Fact Sheet aims to provide guidance on Free, Prior and Informed Consent (FPIC) and its application in Uganda in the context of the Responsible Governance of Investments in Land (RGI) Project. The specific objective of the RGI project is to foster investments in land that are productive, contribute to sustainable land management and respect the rights and needs of the local population, including vulnerable groups and women. In this context, the concept of FPIC is important in protecting the rights of women, men and vulnerable groups and to ensure that investments are carried out after meaningful consultations with communities that may be affected by the investments.

Land Acquisition in Uganda

Land acquisitions in Uganda have increased substantially over the years, largely driven by government and private investments in infrastructure development projects and agriculture, respectively. Land acquisitions are either carried out compulsorily by the government and its agencies or voluntarily by individuals. Compulsory land acquisitions are governed by the 1995 Constitution of Uganda, the Land Acquisition Act, Cap. 226 and the Land Act Cap. 227 while voluntary land acquisitions are carried out by individuals on a willing-seller-willing-buyer basis. For such acquisitions, the Draft and Acquisition, Development and Rehabilitation Policy (DARD) calls for responsible land investment which does not threaten agricultural livelihoods, can offer sustainable livelihood opportunities to the rural population, recognizes and respects customary land rights, including community land rights, and respects human rights, especially the right to food, housing and water. This calls for the incorporation of the FPIC principles below, during and after an investment to ensure meaningful community participation.

National Land Policy in Uganda

The 2013 National Land Policy provides the framework for articulating the role of land in national development, land ownership, distribution, utilization, sustainability management and control of land in Uganda. The National Land Policy recognizes that growth in foreign direct investment can lead to alienation of land from small holder farmers and result in tenure insecurity, food insecurity, land conflict and poverty. It calls for mechanisms that can deliver the right balance between improving livelihoods, protecting vulnerable groups and raising opportunities for investments and development. As a way of protecting the land rights of citizens especially in the face of large scale investments, the government undertook to establish clear procedures and standards for wide community consultation before an investment, provide avenues for alternative dispute resolution and equitable access to land by vulnerable groups including women, orphans and small-scale farmers that in many cases are disadvantaged by large scale investments. In terms of FPIC, the 1995 Constitution protects the citizens' right to own property and provides grounds upon which government can compulsorily take possession of privately owned land. The Constitution makes it clear that deprivation

HOW TO ACQUIRE A CERTIFICATE OF CUSTOMARY OWNERSHIP (CCO)

- The Applicant fills the application forms (Form 1), from the offices of the District Land Board (DLB) after paying the prescribed fees.
- The Area Land Committee using Form 23 goes ahead to mark boundaries, rights of way and other forms of easements witnessed by owners of adjacent lands and LCI Chairperson. The committee also makes a sketch map of the area and prepares an inspection report.
- The Area Land Committee puts up a public notice using Form 9 notifying the public of the applicant's intention to acquire a CCO.
- Before the Area Land Committee makes its final decision, it hears and determines claims from any person with any interest in the land or in any adjacent land which may be affected by the application. The committee is guided by customary law, the Land Act and any other applicable laws. The committee may also request an officer from the district land office or any other person to conduct further investigations into any claim.
- The decision of the Area Land Committee is put into writing. Three copies are made. The original is forwarded to the District Land Board together with a sketch map of the area.
- A customary Land Identification Number, instrument number and parcel numbers are given to each certificate of customary ownership issued and the prescribed fees are paid. The applicant is then issued with a certificate subject to land use rights and physical planning regulations.
- The decision of the ALC is a recommendation, which the DLB considers and may either accept or reject with reasons for rejection. When the board accepts, its acceptance is put into writing and it is sent to the Recorder who then issues the certificate at the sub-county.

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PROMOTING RESPONSIBLE GOVERNANCE OF INVESTMENT IN LAND

How communities are engaged to practice these principles



- Community training of trainers (ToT)
- Translation of CD materials to local languages
- Multi-stakeholder dialogues – district, regional & national
- Established and operationalization of Alternative Dispute Resolution (ADR) Committees
- Land management structures at local level operational
- Operational agreements with investors signed
- Translated the developed Investor Compliance monitoring Tool (ICMT) for community use
- Constant investor community engagements

Government & Investors engaged



Government

- Uganda Investment Authority (UIA) and Local Government monitor investments for compliance
- Open & demarcate forests & wetland boundaries with affected communities
- Investment supervision to avert child labor, use of unsafe chemicals, abuse of land users' rights

Investors

- Access and use the ICMT for alignment with the principles
- Ensure Free Prior and Informed Consent (FPIC) of communities
- Consider land lease, out-grower scheme & contract farming instead of land acquisition

Essential Elements of a Responsible Land-based Investment



- Respect Legitimate Tenure Rights
- Equitable Benefit-sharing
- No Harm to Food Security
- Impact Assessments (ESIAs)
- Grievance Mechanisms
- Environmental Sustainability
- Effective Consultation and Participation
- Minimal Large-scale Transfers of Tenure rights
- Respect Human Rights
- Empowerment of Women and Youth
- Transparency and No Corruption
- Monitoring

Incorporating the principles in relevant academic curricula devt/ reviews



- Incorporate CFS-RAI & VGGTs instruments among core units for both land and agricultural related courses with clear learning outcomes at the University.
- Incorporate CFS-RAI & VGGTs principles during students' internship training attachments as a key learning outcome in private & public institutions.
- Organize graduate seminars focusing on CFS-RAI & VGGTs principles application and benefits to society.
- Applied research in relation to CFS-RAI & VGGT principles conducted focusing on private and public investments
- Visiting investments during students' study tours with clear learning outcomes on compliance to CFS-RAI & VGGT principles.



THANK YOU!

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