

Land and Equity Movement in Uganda Promoting Responsible Governance of Investments in Land (RGIL)

Good practices and lessons learnt from the establishment of grievance redress mechanisms to resolve community-investor conflicts in Amolatar and Dokolo districts

6th October, 2023



LEMU program Officer Mr Andrew Ewinya facilitating a community-investor mediation meeting in Kangai town council on 27th May, 2023.



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Introduction/background

In line with the Terms of reference for the implementation of the RGIL project in Dokolo and Amolatar districts, one of the tasks performed by LEMU was supporting the establishment of functioning grievance mechanisms and conducting conflict mediation. This task was implemented through; building capacities of grievance redress structures at district and community level for grievance handling and effective mediation; Identifying and documenting conflicts that occur between land users and agriculture investors in the project areas; Providing conflict mediation to affected land users with the aim of ensuring that 70% of the disputes that occur during the processes are managed and results are documented systematically.

The lessons presented in this paper are therefore documented from the project experiences in the implementation of the above activities between January 2022 and September 2023, together with the results of the end line surveys on these activities.

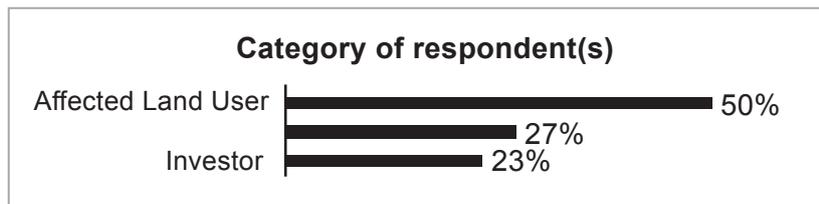
Methodology for documentation of lessons learnt

The lessons presented in this paper were documented at the different stages of establishing the grievance redress structures and conflict resolution stages. At each stage, the lessons were shared with relevant stakeholders for advocacy purposes during community, district, regional and national dialogues throughout the project implementation. Sharing some of the preliminary lessons, such as the non-compliance of some investors prompted relevant district leaders to take up action to ensure that even the most difficult investors and national-level stakeholders that were difficult to reach responded to the call to address existing grievances communities had against investors. Such was the result to sharing lessons learnt during district multi-stakeholder dialogues which pushed the Dokolo district grievance redress committee led by the Resident district commissioner (RDC) and District Police Commander (DPC) to support LEMU in calling up on National Forestry Authority (NFA) to resolve long term boundary grievances between Awer forest reserve and the local community.

Further lessons learnt were documented by conducting an end line survey with relevant stakeholders and also during the project exit meeting with lower local government leaders at the district level. Finally, part of the lessons learnt presented in this paper was documented during the project impact evaluation study by an independent consultant.

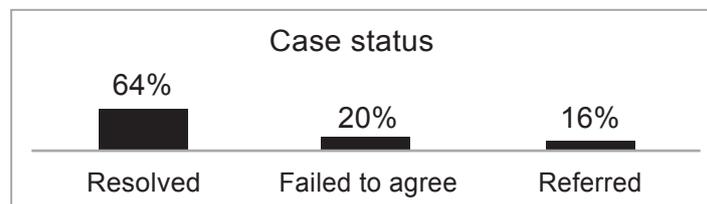
End line data collection techniques for documentation of lessons learnt included key informant interviews with GRC members, FGD with affected community members, interviews with investors, testimony documentation during exit workshop. Data collected was transcribed and analysed thematically to identify common issues. Some of the quantitative data was analysed using excel to generate statistical results for this report. Data was collected from a total of 73 Respondents (22 participated in key informant interviews and 37 participated in FGDs). 3 Focus Group Discussions were conducted (2 with 30 affected community members and 1 with 7 GRC members). Data was collected from a total of 7 sub-counties (Dokolo Town Council, Kangai Town Council, Kwera, Okwongodul Amwoma in Dokolo, Muntu and Akwon sub counties in Amolatar); 8 parishes and 12 villages. For key informant interviews, respondents were composed of affected land users (50%), GRC members (27%) and Investors (23%). The category of respondents reached during the end line documentation of lessons learnt are shown in the graph below.

Graph 1 showing category of respondents reached during end line documentation of lessons learnt



These respondents reached during the documentation of lessons learnt were involved in dispute resolution processes and the types of community-investor dispute cases selected for documentation of lessons were; resolved disputes (64%), referred disputes (16%) and cases where parties failed to agree/unresolved (20%).

Graph 2 showing status of cases selected for documentation of lessons learnt



The lessons documented from the establishment of grievance redress mechanisms to resolve community-investor conflicts are categorized into three; lessons for community members and investors, lessons for civil society actors carrying out community-investor dispute resolution; and lessons for improving the design of future interventions on promoting responsible investments.



An affected land user in Okwongodul Sub County showing to the Dokolo District CLO and NFA surveyor how far the forest reserve and the investors encroached into her land and even displaced her family

Lessons from the community

- **Lessons and experiences related to community participation in the grievance redress processes as affected community members, GRC members and investors**

How the community participated: The community members explained that they participated in the dispute resolution process in the following ways; by attending mediation meetings as members of the GRCs, as investors who had complained against neighbouring community members who leave animals to eat his crops from his farm, as affected community members complaining against investors, as respondents to grievances registered by a community member or investor.

Some community members were both complainants (against investors) but also members of the GRC and they had to balance this role, for example a complainant who was a member of the GRC had to step down during the “hearing” of his dispute and leave his fellow GRC members to carry out the mediation.

For most of the community members (GRC members, investors and affected community members), the most important and confidence building participation was the community dialogue meetings which enabled them to openly articulate their grievances in the presence of their village, parish, sub-county and district leaders. Participation in the community dialogue meetings created a platform for transparency and made it easier for the community to approach leaders who had been ignoring their grievances for years. It also created a platform for public accountability of investors to ensure they address the complainants against them. Above all, the community dialogue meeting “cleared the way” and made mediation meetings carried out by GRC members more transparent and easier.

Motivation for participating in the dispute resolution processes.

Investors, affected land users and members of the GRC explained that they were motivated to participate in the grievance redress processes because of; the prolonged complaints community members had against investors and nothing been done about it for years, the project had brought an opportunity for these grievances to be addressed. Other investors were motivated by the need to “clear their names” and restore harmonious relationships with neighbours because the existing grievances had strained relationships and made some of the investments unproductive, it was time to resolve the conflicts. Some people were motivated by the need to bring the environmental degradation (such as use of dangerous chemicals by the investor) which posed health risks to their families to an end, it was a matter of life and death. The role of community volunteers, project paralegals and community champions who mobilized all affected community members and local leaders to attend community dialogue meetings and mediation meetings also motivated many people to participate.

The creation of neutral GRC structures also motivated many people to participate. Some of the participants said they heeded to the awareness raising issues created by LEMU during community-wide meetings, and specifically the presence of LEMU as a neutral NGO facilitator made them confident that their grievances or complaints against them would be objectively heard and mediated without bias which had been faced in the hands of some local leaders and law enforcers in the past. Besides being a neutral facilitator, some members also said the good logistical facilitation and welfare provided by LEMU (such as soft drinks, snacks and transport refund for participants) motivated more and more people (especially women who were relieved of the duty of cooking lunch) to attend the grievance redress processes.

Local civil servants (parish chief, community development officers, sub-county chief) and local political leaders (LC1-3) said they were motivated to fulfil their mandate as government leaders charged with the responsibility of law enforcement, ensuring community development and promoting the rule of law.

Why some people were discouraged from participating in the dispute resolution process.

While there were high motivations for people to participate in the grievance redress process throughout the project period, there were incidences that frustrated participation. Frustration came from both sides of the community members, GRC leaders and the investors. On the side of community members, some of the affected community members and GRC leaders said they were frustrated by the act of the investor insisting to defend himself even when he was in the wrong,

and only accepted his fault when LEMU staff came to the mediation meeting, they felt the investor was undermining the role of the GRC.

Community members also said participation was frustrated by investors who could not be available to mediate in person, or attend the community dialogue meetings, they always sent their wives or farm managers who could not answer to all the grievances or even make final decisions during the negotiation. Some investors were said to be arrogant and proud and only came to brag about his achievements whenever called for a meeting. Some of the investors frustrated the process by causing misunderstandings that the project had come to incite community members into violence against them.

Some community members (especially those without complaints) acted as “spies” of the investors and kept misinforming the investors who lived out of the village about the activities of the community members.

One outstanding frustration for the community and leaders around Awer Forest Reserve in Dokolo district was the failure of the NFA surveyor to turn up during a meeting scheduled to demarcate the boundary of the forest reserve and confirm the level of forest encroachment into people’s customary land, the NFA authorities continued to withhold the survey report and left all the affected community members who were eagerly waiting for the outcome of this process on suspense.

Finally, some community members also complained they were discouraged to participate because LEMU’s project intervention came late, after too much damage had been caused and they were not sure if they could get full justice for the losses (including lives) they had incurred. On the side of investors, some said they stayed away from the process because community members threatened to hurt them either physically or spiritually and not allowing them to defend themselves in certain reported scenarios.

Lessons learnt by community members (investors, GRC members and affected land users) from participating in the dispute resolution process



One affected land user presenting her case story during the mediation meeting involving investor Okellos investment in Aci sub county Amolatar District as the LEMU team, GRCs, and the community members present keenly listen.

Community members stated that they learnt to solve disputes before taking action on the “offender”. Leant that community dialogues improves the situation of conflict and people learn when given a chance, for example one community stated that from the time they raised complaints in a community dialogue meeting, the investor begun informing neighbours when he is going to spray so that the bad smell and domestic birds are kept not to freely move and eat dangerous chemicals

that killed them in the past.

- Learnt the art of dialogues where a group of people sit and discuss their disagreement for a common understanding. Besides, the community meeting was participatory and many people learnt how to express themselves to bring out burning issues than keeping it and hating a person.
- Learnt that the investor is approachable and social though quarrelsome and uneasy when provoked. Because of this, the community learnt to always approach the investor in person and express their dissatisfaction and he always responded positively after the community dialogues. Some people said they learnt during awareness raising the benefits of investments and they too can become investors if they choose so.
- Learnt that in some instances (such as demarcation forest reserve boundary) the investor is not bad and that some issues are beyond their control and thus communities should be more patient and wait for actions from the relevant authorities.
- Affected women said they learnt that their rights are valid and that they can be heard as women and their involvement in the GRC committee work paved way for them to talk about things that affect them as women.
- GRC members said they acquired knowledge on land laws through manuals provided by LEMU, also learnt processes and steps of dispute resolution. They also learnt other grievance redress skills such as; case management and peace building, mediation skills, promoting tolerance among disputing parties, learnt that there are protocols and structures to be followed for effective grievance redress. They learnt to always refer to guiding principles and laws whenever resolving disputes, for example the use of customary law books such as the PPRR to handle conflicts.

Learnt that grievances resolution cannot be handled in a day, but rather it is a process that takes time and GRC members had to go back several checks especially on fact finding for some cases to be resolved. They also learnt that grievance resolution is a process that requires a lot of commitment and open communication between stakeholders

- Some investors said they learnt what community members think about them and how to relate with them better, this knowledge made them prevent actions that would further antagonize the community in the future. Learnt that communities have voices and rights and whenever pressed with issues they can stand up and demand for their rights.
- Generally, all stakeholders said they learnt that the role of neutral facilitators/NGOs such as LEMU brings about transparency and open communication even in situations where a lot of damage has already been done, the neutral intervention can still restore the situation to normal if both parties and responsible stakeholders are willing to do their part.

Lessons learnt by LEMU

During the course of facilitating the grievance redress mechanisms to resolve disputes between communities and investors, and also during the end line survey, LEMU documented several lessons as presented below.

- Some investors were too arrogant and did not want to cooperate and reconcile with the affected communities, but with time, they heeded to the trainings, awareness raising messages by LEMU.

- The training of the GRCs enabled them to exercise neutrality during mediations because they constantly referred to the training/IEC materials distributed to them such as ADR toolkits, roles and responsibilities of investors, communities and leaders.
- Some of the grievances registered by the affected community members were false accusations and these were 9 (5%) of the total cases registered by the project. When these cases were investigated, there was no evidence found after investigating. It appeared that these were “opportunists” who thought the arrival of LEMU as an external party would enable them to get undue compensation from investors around them. Such cases were not subjected to mediation but rather just left since the complainants in most cases withdrew by themselves. This shows that even vulnerable people can try to manipulate grievance redress systems to their advantage and any sound system should be able to detect this.
- Even when the investor is non-cooperative, the process can actually proceed if community members are committed to demanding their rights and relevant local, district and national stakeholders rally to support their cause. This happened in Okwongodul sub-county where the investor in Awer forest reserve did not participate in the grievance redress process from the start to end of the project (only delegated his forest manager) but the platform created by LEMU and community dialogues enabled the grievances of the community to reach the relevant district leaders and NFA, leading to the re-demarcation of the forest boundary since many community members had complained that the forest had encroached into their land.

**Dokolo District Police
Commander Patience Baganzi
(Right) deliberating during the
community dialogue meeting
in Okwongodul Sub County
involving Awer Forest Reserve
Conflict meeting together with
the CLO.**



- A combination of factors made it possible for LEMU and the grievance redress structures created on the ground to resolve more than half of the disputes reported to LEMU. For example, the composition of GRCs made up of clan leaders, women representatives, youth leaders who had influence in their communities, LEMU during the awareness raising asked the community to provide names of men of integrity and women of virtue whom they trusted be able to defend their rights.
- The continuous support and backstopping from the LEMU project team during mediation of cases to create the necessary synergies with relevant departments at the district broadened the network of GRCs to enable them perform their duties. GRC trainings by LEMU were a big game changer where GRCs were taken through a step by step mediation training and provision of ADR and awareness raising materials such as the PPRR, LEMU investment ADR toolkit and the NIRAS guide materials.
- The mentorship approach of LEMU staff as a means of building the capacity of GRC members, at the beginning of the mediation work the LEMU project team facilitated the mediation meetings together with the GRC members to give them a practical approach on how to approach the mediation engagement and explained their roles and tasks.

Prior identification of existing grievances and providing the GRC with the list of grievances made it easier for them to follow up on the reported cases, investigate for facts and collectively summon disputing parties for mediation meetings.

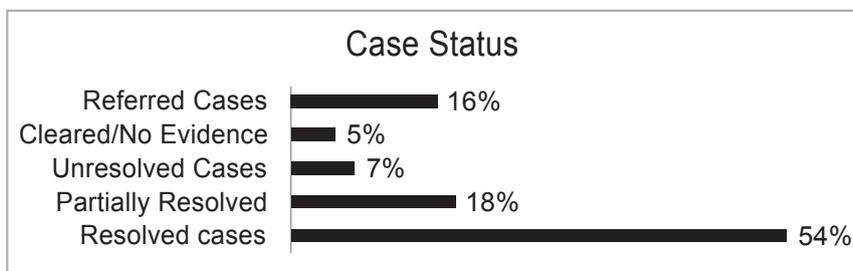
- Creating a GRC system with a referral pathway from the village, parish, sub-county up to the district level created a collaborative approach and assurance to the GRC that they were not working in isolation and could count on the support of the higher level GRC structure and LEMU in case they felt undermined. Because of these combination of factors, LEMU registered high success in the grievance redress established during the period of project implementation as described below.

LEMU statistical data showed that all together, out of the 177 investor - community grievances profiled, 96 (54%) were successfully resolved, 31 (18%) partially resolved, 13 (7%) unresolved, 9 (5%) cleared for lack of evidence and 28 (16%) were referred to the district ADR committees of Dokolo and Amolatar as shown in the chart below.

Table 1: Number of cases registered and managed by LEMU

Number of Cases	Status
96	Resolved cases
31	Partially Resolved
13	Unresolved Cases
9	Cleared/No evidence
28	Referred Cases
177	Total

Graph 3 showing percentage status of how LEMU managed the community-investor grievances in Dokolo and Amolatar between during project implementation in 2023.



In total therefore, LEMU managed a total percentage of 93% of the community-investor conflicts through grievance redress mechanisms including mediation, referral and investigation, while only 7% of the cases remained unresolved. This achievement has surpassed the RGIL project performance requirement stating that 70% of the cases documented should be managed by the implementing partner. In this respect therefore, the project has successfully performed above the expectation.

- Some parties to the conflict did not want the conflict to end. Even when the opportunity was created by the project, they still rejected the approach of ADR and wanted to pursue litigation. Such cases ended up being unresolved (7%) or being referred (16%). For example in Acii sub-County (Amolatar district) and Kanagi town council (Dokolo district), the investors harassed both members of the GRC and the complainants during mediation and the case had to be referred to the LC3s courts of those respective sub-counties.

- Large scale investments (specifically forest reserves) generated more grievances more than small-scale investments. The grievances were not only on land but other issues such as abuse of labour rights, sexual offences, environmental degradation, unfulfilled promises, e.t.c. Out of the 177 grievances registered by the project, 31 (18%) were grievances against Awer Forest Reserve in Okwongodul sub-county, while 38 (21%) were grievances against Green Resources in Adok sub-county both in Dokolo district. Out of 17 investment projects supported by the RGIL project therefore, the two large-scale investments alone generated 39% of the grievances registered by the project.
- The grievance redress process has restored harmony between investors and communities, contributed to increase of productivity of investments and increased satisfaction of investments compared to the period prior to the RGIL project interventions as shown in the table below;

Qn. Were you more satisfied with the investment at the start of the LEMU/RGIL project or more satisfied as the project is coming to an end?

Yes, at the end of the project	86%
No, at the start of the project	14%

Qn. would you rate that your satisfaction has increased or decreased?

It has increased	80%
It has decreased	20%

The above statistics is extracted from the September 2023 end line report on satisfaction with selected investments in Dokolo and Amolatar. Participants explained that their satisfaction with investments increased because; long standing cases of conflicts had been resolved and harmony restored within the community, no more arrests in the forest, there are warning signs in the forest barring animals from entering the forest, women were no longer chased from fetching firewood.

There was evidence of employment opportunities and assured payments, the investor supplies the community with tree seedlings, health centers, schools and boreholes were being constructed, schools and boreholes, community members have knowledge on forestry and mediation processes.

LEMU bridged the gap between the investors and the community, we now have access to water points, people are held accountable for destruction when their animals encroach investor farms, leaders are more involved and concerned, reduced domestic violence and child labour, reduced land conflicts due to mediation strategies, increased knowledge on customary land, families now earn a decent income which has improved family's livelihood, investor attitudes have changed from negative to positive, "now that LEMU has intervened, One affected land user Mrs Rhoda Akello said *"we are optimistic that the investor will have mercy on us", with LEMU's intervention, our voices are being heard during community meetings, animals are no longer being sold and we can now cultivate near the forest, there is now peace and security, I have more land to cultivate on, LEMU's intervention has brought peace and calmed situations, now there is no more land grabbing, and confiscating animals"*

There will be need for continuous GRC support to conflict resolution beyond the life of the project. This is because as the project came to an end, 28 (16%) cases had been referred, 13 (7%) remained unresolved and a total of 19 new cases had been documented and handed over to the District GRC during the exit meetings.



The LC 1 chairperson (standing) giving his submission during the mediation meeting in Kangai village, Kangai Town council in Dokolo District in the case involving investor Eilu Matayo

Recommendations



A team of GRCs, community paralegals and project volunteers converge to profile reported community – investor grievances/ cases and refine them for mediation in Amwoma sub county Dokolo District.

The recommendations presented below are for improving grievance redress and dispute resolution between investors and the affected community members and informing future project designs.

- i. Since communities are always faced with several categories of disputes, the grievance redress committee should be given more training not only on issues of grievances generated by investments but also critical issues such as land disputes within families, child labour, access and user rights conflicts etc.
- ii. The GRC structures be instituted at all the levels from parish, sub-county and district, and should be strengthened to have sufficient competence to handle the grievances referred to them.
- iii. There should be sufficient remuneration of the GRC members (not only transport refund as was the case in the RGIL project) to motivate the GRC members to attend to all the numerous cases

Otherwise members could easily be compromised by those who have money to bribe the process

- iv. Each GRC should constitute men, clan leaders, women, the youth and PWDs
- v. LEMU should continue to handle the pending cases and even ensure the NFA survey report of Awer forest reserve is disseminated to the community, after the RGIL project has ended. If communities are left on their own in the middle of nowhere, some of the settled grievances may re-occur.
- vi. In some of the context, LEMU will need to promote land registration as means of securing rights of neighbouring communities against powerful investors who are likely to encroach on their land.
- vii. Integrate the GRC in conflict assessment at inception in order to provide an in depth understanding of the causes of conflict and parties involved. It is recommended that the conflict resolution Process remains a core subject to review in case of emerging learning and strategies. Investigating the cases and ensuring that both parties are heard is an important part of land dispute resolution because 9 of the cases reported were cleared for lack of evidence meaning the project applied principles of natural justice, therefore need to adapt practices that best suit their context and GRC way of work.

Where there are none, it is important to operationalize a community based monitoring and evaluation system in order to ensure implementation and follow up of agreed improvement plans and ensure that both leaders and investors fulfil their obligations towards communities, hence improving accountability and responsiveness. This will ensure that communities remain open to dialogue and will provide a forum for all to air out their issues and seek solutions, agree on actions and follow up on their implementations.



A team of District leaders, NFA Team, LEMU RGIL project team together with the affected community members walk round Awer forest reserve to verify the boundary encroachment claims in Okwongodul sub county Dokolo District



The LC 1 chairperson (standing) giving his submission during the mediation meeting in Kangai village, Kangai Town council in Dokolo District in the case involving investor Eilu Matayo



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