

# Preventive Legal Empowerment: Early Alert and Action to Strengthen Rights in the Context of Land-Based Investments in Uganda

## Main findings and policy recommendations



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## Introduction

The Preventive Legal Empowerment: Early Alert and Action to Strengthen Rights in the Context of Land-Based Investments in Uganda (registration number SS1115ES 2002–2025) project sought to preventively address conflicts related to land-based investments and elite capture of community lands. Rather than providing legal support after a land-based injustice has occurred. This project was designed to support communities to 1) proactively identify where investment-driven land conflicts may occur; 2) seek legal support as soon as they perceive this may be needed; and 3) engage with the potential conflict from a place of agency and legal empowerment—thereby ensuring that the conflict is avoided, the communities' land rights are not transgressed, and harm does not occur.

The project explored how preventive legal empowerment support and conflict resolution strategies can help rural communities in Uganda to ensure that their land rights are respected, that communities do not suffer the negative impacts of land-based investments (in particular increased displacement, injustice, environmental degradation, impoverishment, and human rights abuses). It also sought to

understand how preventive legal empowerment approaches can play a more proactive role in democratic, inclusive governance of land and land-based investments.

The project was implemented by Land and Equity Movement in Uganda (LEMU) between January 2022 to May 2025, in collaboration with International Institute for Environment and Development (IIED) in the United Kingdom and with funding from International Development Research Center (IDRC). This action research study conducted fieldwork and advocacy initiatives to preemptively address conflicts between communities and investors over land. It utilized early warning hotlines and rapid response mechanisms, conflict hotspot mapping, and participatory monitoring of investor compliance. The study was conducted in 4 sub-regions of Uganda including Acholi, Karamoja, Lango and Teso covering over 15 districts. LEMU received over 48 land-based investment cases and over 1,000 related grievances and reached over 3,673 (2,045 males and 1,628 female) direct beneficiaries. This policy brief presents key findings of the project and their implications for policy.

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## Main findings

### 1. The critical role of institutions that govern land and investments.

The study found that the success, failure, or degree of social acceptance or resistance to land-based investments in Uganda is closely tied to the quality, competence, and integrity of the country's political and economic institutions. Strong, transparent institutions have the capacity to guide investment processes in ways that are equitable and just, while weak or compromised institutions can further community exploitation, repression, and conflict. Institutions play a critical role in the de-escalation or escalation of grievances, disputes or conflicts between communities and investors.

### 2. The individualization of natural/common resources:

There is a growing practice of private individuals and enterprises controlling the access and use of natural and common resources for their personal benefit at the expense of the entire community. Across the study areas, private agricultural investors were found to be enclosing and gatekeeping communal wetlands, hot springs, forests, and wells. For example, an investor in Kapujan village in Katakwi district fenced off and excluded hundreds of community members from the use of a community valley dam built by the local government.

### 3. The role of security organs in land-based investments.

The research encountered a huge presence of security organs that manned, guarded and protected investments even in cases where communities still contested land allocations to those investments. This was witnessed in regions that were endowed with minerals and large tracts of fertile land, notably Karamoja and

Acholi sub-regions respectively. In Karamoja (Tapac, Rupa, Lokales sub-counties) the army/soldiers guarding such investments denied community access to previously communal grazing lands, and closed off community access roads to grazing lands. The presence of security personnel both created fear and anger within the communities as well as escalated conflicts between communities and investors.

### 4. The correct procedures for acquiring land by investors are not followed.

The research indicates that investors are arriving in communities without prior information or communication from the authorities: communities complained about investors arriving and beginning operations out of the blue, and of investors showing communities what land they own instead of the reverse. For example, in Amudat district, some investors were nearly lynched in Nakasiepan village in Amudat sub-county when they by-passed the district leaders and went straight to begin mining gold, which sparked a violent community resistance.

### 5. The importance of involving local governments in investment decisions.

Well as the study showed a critical need to include local governments (officials) in land-based investment processes, these were negated. The national institutions/structures wield a lot of power and influence how land-based investments turn out at the local level. The study found most investors who obtained their licenses from central government ministries and agencies undermined the local government

leadership structures which disempowers them.

#### **6. Communities divided between those pro and against the investment.**

Land-based investments contribute to fractured community solidarity. They divide communities into those that support the investment because they derive some benefits; and those that oppose because of perceived rights violation or the cost of foregoing their rights does not match with the offer from investors. This division is manifested and further entrenched into how conflicts related to the investment are managed or resolved.

#### **7. Corruption fueling community land rights violation in the face of investment.**

The monetization of service delivery by most national, local, district and sub-county duty bearers has largely contributed to the deprivation of community land rights during land-based investment. During meetings and dialogues, community members claimed that government officials received bribes in order to incline towards the interests of the investors vis-a-vis the community. Some duty bearers have to be paid big allowances to perform their mandates without which they disregarded calls to address community-investor conflicts.

#### **8. Poverty aiding land dispossession in communities.**

Most of the natural resources and valuable minerals in Uganda are found in the poorest regions of the country, for example, the northern and north-eastern regions. While poverty has contributed to communities' limited ability to control or exploit their land-based resources, the powerful (the rich, multinational corporation, state etc) are exploiting and dispossessing poor and vulnerable communities of their lands and natural resources. It is important to note that dispossession does not end with land, but extends to food and social desperation.

In one case in Moroto district (Tapac sub-subcounty), an investor grabbed vast community lands, exploited labour and mined limestone – and yet was seen as a “savior” by the poor community members that sometimes went for weeks without food, because the investor always brought posho for people after several labourers were reported to have died of hunger. In this case food ratios superseded land rights because of poverty.

#### **9. The multifaceted impacts of land-based investments.**

The immediate effect of land-based investment is the violation of or contestation over community land rights. However, as the investments are implemented, they create other grievances and negative effects, including economic marginalization, social injustices, human rights abuses, labour rights violations, environmental degradation and gender-based inequalities.

#### **10. Community resistance makes investment projects unproductive.**

The research found that in cases where investors acted with impunity and failed or refused to cooperate with the community, the investments often stalled, were destroyed by community members, or become unproductive. For example, an investor in Olio sub-county in Serere district disregarded technical advice from the district natural resources officer as well as community complaints about starting fish farming in a community wetland. Instead, the investor sought protection from political leaders and dug fish ponds in the middle of a community wetland. The community retaliated by occasionally destroying the fish ponds, thereby making the business venture unproductive. Thus,

seeking for community buy-in is very important for successful land-based investments.

### 11. Low levels of compliance by investors.

This action research project designed a tool for participatory monitoring of investor compliance that focused on 1) compliance with land boundary agreements, 2) compliance with land-use agreements and compliance with promised investment benefits such as employment and infrastructural developments, 3) compliance with environmental standards, and 4) compliance with labor and safety obligations. The data showed that no investment fully adhered to the compliance checklist. Most of the promises made both oral and written in contractual agreements were hardly delivered on by investors.

### 12. Some investment cases are too big for CSOs.

There are some land-based investment cases that cannot be handled by a single Civil Society Organization and other means or approaches must be employed to resolve them or wittingly give up on them. These include cases where the state or security organs are heavily involved, as well as 'historical' or old cases that had been handled by numerous different actors but had failed to be resolved, for example the Apaa land conflict in Amuru district, State farms/ranches, conservation areas/projects, the Balaalo case in northern Uganda, and the case of marble extraction in Rupa sub-county in Moroto district which has been ongoing for more than 10 years. Such cases present risks of stepping on the toes of the powerful investors who are highly connected and can do anything to protect their investments including closure of the "prying" CSO.

**13. Prevalence of limited knowledge on land rights by local communities.** Most of the investment cases that were followed in this action research took place on

communal and family customary land. The study found that legitimate customary land rights holders are most affected by investment projects. The majority of people do not know how to or are not empowered to advocate for their rights in the face of violations by investments. This can be attributed to low levels of education, high levels of poverty, and the fact that in the recent past people's tenure security on customary land was more secure, and as such there was no need to prove ownership of land.

### 14. Scanty information on investments.

There is a lot of secrecy in Uganda around land-based investments, which is heightened when they are fronted or backed by government officials or state agencies. The real or actual investors are hardly known to affected communities; comprehensive information is not provided to communities and few efforts are made to ensure that all relevant stakeholders are informed about the investment. Documents are not easily accessed or understood by the community. In investments related to mining, the type of licence (prospective, exploration, mining), the expiry period for the mining license or concessions are always not known. This not only breeds community suspicion, but also renders communities incapable of holding investors accountable to any violations of their rights.

**15. Building community power and strategically providing legal empowerment can lead to positive outcomes.** The action research found that strengthening community power is an effective and expedited means of addressing investment-related grievances. Through LEMU-led awareness campaigns and dialogues,

local artisanal miners and affected community members in some regions exerted significant pressure on local government officials and political leaders, ultimately compelling them to monitor and regulate the practices of a mining company.

**16. There is a growing commitment to ethical investment practices by investors.** Dialogues and community empowerment to demand for their land rights have created some investor accountability and changes in practice by investors. For example, a cement company in Tapac sub-county in Moroto upon expiry of its mining lease in 2023, the company actively engaged with community leaders and an NGO that facilitated the formation of Communal Land Associations in Tapac sub-county to ensure the comprehensive documentation of land rights holders in the area. This collaborative effort aimed at compensating rightful landowners before initiating a new mining lease.

**17. Government –CSO–Community collaboration is a critical preventive legal empowerment approach.** The action research found that CSOs can help to create space for community-investor dialogue as well as reduce the gap between the state/government and communities as they address or manage disputes and conflicts related to land-based investment. For example, preventive legal empowerment approaches were very impactful where the local government leaders at district, sub-county, parish and village levels agreed to collaborate with the organization (LEMU) to address the grievances raised by the communities against investors.

## Recommendations

**1. Laws governing investments, land allocation and acquisition** by investors should be reformed to provide for clear and proper procedures to be followed; allow for access to information about investments; provide for participation of all stakeholders impacted by land-based investments; emphasise the conditionality of Free Prior Informed Consent and environmental protections and restoration during and after land-based investments.

**2. Recognise, observe and protect community land rights during land-based investments.** In most cases,

the communities are vulnerable in the face of powerful investors. In most cases the laws, leaders and structures all worked to protect the interests of the investors. To address power imbalances, community rights should be protected in order to control dispossession and prevent land rights violations. This can be done for example by making sure that surface rights are well compensated for before extraction of mineral commences.

**3. Prioritize preventative legal empowerment approaches to**



**resolve or manage** land related disputes or conflicts between communities and investors. Dialogues, negotiations and community meetings have proven to be powerful and effective tools for conflict resolution. Preventive legal empowerment approaches can help to anticipate and deal with conflicts before lives are lost and property destroyed.

#### **4. Create accessible, affordable and trusted dispute resolution mechanisms.**

It is necessary to create easily accessible, trusted fora where communities can bring and resolve complaints quickly and effectively. Land conflict resolution responsibilities are best assigned to trusted, long-standing local authorities, many of whom were born and raised in the region and have deep knowledge of the area's social, political, and cultural contexts. Religious and cultural authorities should be trained to play a role in land conflict resolution, as they often have significant legitimacy within communities.

#### **5. Develop and make use of hotspot mapping and investor compliance monitoring tools**

to proactively forecast the likelihood of conflict and to identify high-risk areas. This can create opportunity and room for early engagements between communities and investors and allow space for communities to deal with disputes and conflicts from a point of agency.

#### **6. Leverage strategic alliances with the government and strengthen local leaders' accountability.**

Advocacy efforts are most successful when partnering with government allies to enforce laws and confront investors' illegal practices. It is necessary to leverage the legal power of the state to confront illegal power that may be wielded by investors or other actors in investments.

#### **7. Build capacity of land administrators**

#### **and other government officers mandated with conflict resolution.**

Efforts should be made to educate and train government duty bears and increase their political will to support communities in the peaceful resolution of community-investor conflicts. Such efforts should be implemented at scale. Some land administration officers failed to respond to community disputes or grievances just because they lacked capacity on how to deal with and manage the cases. Building their capacity therefore becomes a sustainable approach of managing investor-community conflicts.

#### **8. Address power asymmetries by leveraging the media and providing information to communities.**

Activists can proactively strengthen communities' ability to advocate for their rights by providing them with access to critical information about both a) their rights under national and international laws; and b) the details of the investment affecting them. The media can be used to report on and bring to the public space land-based investments that violate community rights which would otherwise have gone silent.

#### **9. Ensure marginalized groups are fully represented and create space for their participation.**

Representatives of marginalized groups should be included in all discussions about community-investor conflicts. This is because land-based conflicts affect community members differently depending on their livelihoods, identity, and vulnerability; women often bear the brunt of any negative impacts of investment activities. Yet conflict resolutions tend to reflect only

the interests of powerful groups because they always participate and are represented in conflict resolution processes. This further contributes to marginalizing vulnerable populations, particularly women due to under representation.

**10. Establish or strengthen existing multi-stakeholder platforms in regions where investment violations are rampant.** Communities were found to be suffering violations in isolation and without knowledge of where they could have their grievances sorted. On the other hand, community leaders and law enforcement agencies ignored the violations against the community, as some got co-opted to become agents of the investor. In such contexts, the individual community members or rights defenders who rose up to demand accountability were also persecuted. This left communities without support structures and space to air out their grievances against investors. It was clear that the affected community members lacked a collective voice to speak against investors and speak to power. Multi-stakeholder platforms can effectively provide space for communities to mobilize themselves to address land-based investment related issues.



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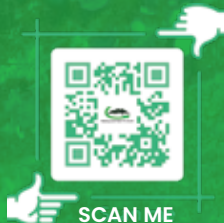
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## **PROJECT PHOTOS**



*Making land work for us all*



**Canada**