

Social licence could solve land conflicts

The prevalence and prominence of large-scale land acquisitions have rapidly increased in the country. Vast tracts of land are being bought by or given away as concessions to private investors. The local elite and foreign investors, more often than not, evict communities from their traditional lands without due regard to their rights and safeguards for their wellbeing. These deals are extremely detrimental to the livelihood of the affected communities, whose survival is drawn from the land.

More contentious still is that the people displaced in many cases, receive inadequate or no compensation for their land. Besides, land-based investment deals often lack transparency despite the existing and internationally recognised principles of Free Prior Informed Consent (FPIC).

Instead, operationalisation of the FPIC to obtain approval from the community before the allocations are made has been ignored. Even existing laws such as the Investment Code, which is rarely referred to, only seeks to protect the interests of investors at the expense of community and environment rights.

Amid this current "corporate capture", the imperative to regulate land-based investments cannot be over emphasised. Now more than ever, the need to promote inclusive approaches in dealing with and regulating private investments is critical. Uganda could adopt approaches such as the Social Licence 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 Licence has been defined as the level of acceptance or approval of an investment and its operations by 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 the community members. Therefore, a community will give their social licence to a private investor if the investment and its activities meet their expectations.



However, while a company may obtain a social licence 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 difficulties.

Nonetheless, obtaining a social licence 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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