

To:
Compliance Advisor / Ombudsman,
International Finance Corporation,
212 Pennsylvania Avenue NW,
Washington, DC 20433 USA,
Fax:(+1) (202) 522-7400,
e-mail: cao-complaine@ifc.org.

Dear Sir/Madam,

RE: Environmental and Social Complaint against Agilis Partners Limited's Uganda Grain Development Project; IFC Advisory Services Project # 605676.

Witness Radio – Uganda, a representative of communities affected by the Uganda Grain Development Project of Agilis Partners Limited in Uganda, hereby lodge a complaint concerning land, environment, and social impact of Agilis Partners Limited in Ranch 20 and 21 in Kiryandongo District where the project is located.

We have herewith enclosed the authorization letter signed by the affected community representatives for Witness Radio – Uganda to file the complaint on behalf of the community and to support the affected communities in a representative capacity where appropriate, in relation to this complaint.

Details of the community

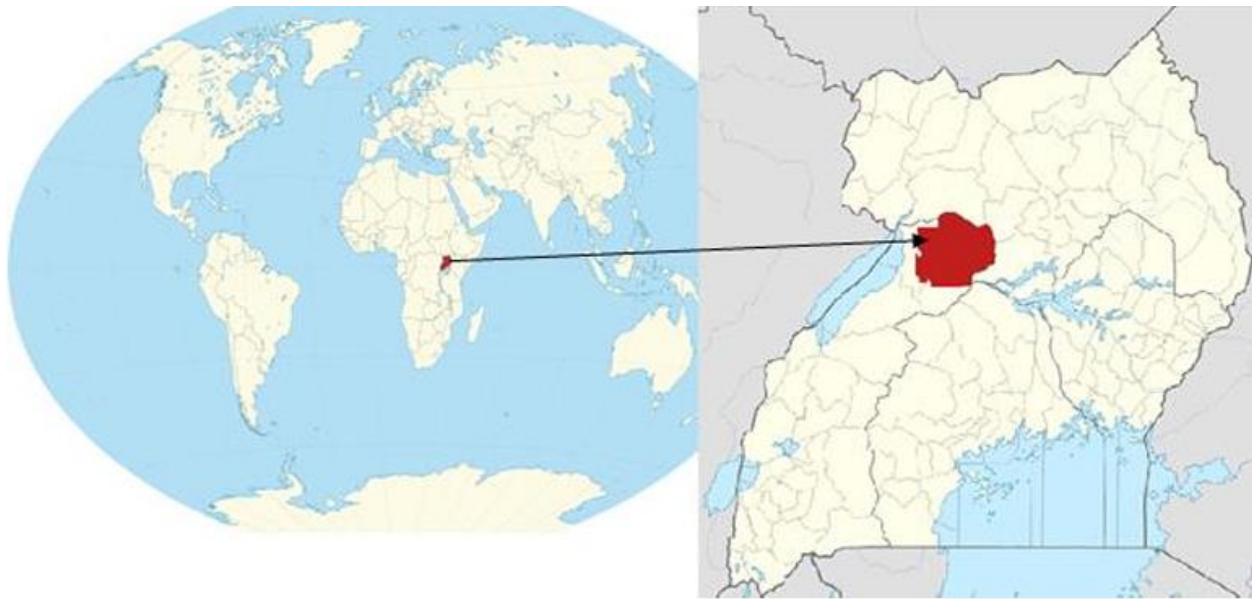
Geography:

The affected communities are found in Ranch 20 and 21 of Kiryandongo district which is located in the Western part of Uganda. Kiryandongo district is bordered by Nwoya district to the north, Oyam to the North East, Apac to the East, Nakasongola to the South-East, Masindi to the South and South-West, and Buliisa to the North. The district headquarters are located about 225 Kilometres (140 miles) Northwest of Kampala, Uganda's capital city. The district has a land of 3,624.1 Sq. Km of which 1,747Sq. Km is arable. Other areas are covered by River Nile, and Murchison falls conservation area which includes Murchison falls national park and the Karuma Wildlife Reserve. These tourist sites occupy the Northern and North Eastern parts of the district. In terms of altitude, the district is generally a plateau land with a sitting of 1,295 meters on average above sea level. Undulating hills with some pronounced high points are located in some localities of the district. One of these high points is Kaduku in Kigumba Sub-county. The land in the Murchison Falls conservation area is flat which provides a good habitat for wildlife.

Vegetation:

The natural vegetation of Kiryandongo comprises of savannah woodland including dry and humid Savannah with elephant grass in some areas which favors wildlife. Woodland is dominant in Masindi port, Kiryandongo town council, Karuma, Kibeka, Nyamakere and Murchison falls, but with grassland evenly distributed throughout. Grassland Savannah is predominant along the northern border with Nwoya district and a few areas of the Western border with Buliisa and other small grassland areas within parts of Kiryandongo, Murchison falls Karuma and Masindi port. Wetlands are predominant along the South Eastern border with Nakasongola and Apac, and a small

part of Mutunda port where they support a variety of plant, animal and plant species.¹ Shrubs are mainly in Kigumba town council, Bweyale Town Council, and some parts of Masindi port. Open water is found along Masindi port border with Apac and some parts of Mutunda port.² This vegetation is home to birds and animals of different types especially buffalos and baboons. The existing wetlands are well-known for being seasonal which supports the different plant and animal species.³ All these displaced the people from this area, leaving it unoccupied for some time. Therefore, when the government was faced with the problem of refugees, it chose to settle them on some of its ranch land in the area. This was so because the presence of these wetlands and large pieces of virgin lands was ideal for refugee settlement. Furthermore, the availability of woodland was also a probable source of wood fuel for the refugees and internally displaced persons to use for cooking food. All these made Kiryandongo area a suitable place for settlement.



Location of Kiryandongo District

Population:

Kiryandongo district was depopulated by colonial wars in Bunyoro up to 1960s. These wars brought in epidemics like sleeping sickness, Spanish influenza, syphilis, and famine which depopulated the area, leaving a lot of land unoccupied.⁴ Government later began reclaiming all the unoccupied land by eradicating tsetse flies and ranching schemes. The Luo are the dominant migrants and are settling in North and South West whereas the Bantu occupy the South East and the rest of the areas of Kiryandongo. The Luo settled in the area early in the 16th century before crossing to Acholi, and others to Bunyoro where they formed the Babito dynasty. Kiryandongo, being in Bunyoro is mainly inhabited by Banyoro and Alur people. The area of Mutunda sub-county, in parishes of Diima, Kakwokwo and Nyamahasa, are mostly Chope tribe.⁵ Generally, in

¹ Alphonse Mwanamwolho, Charles Lwanga, RMF, Kiryandongo Refugee Settlement, Uganda, June, 4. 2018., p.4.

² Sarah Dryden-Peterson and Lucy Hovil, —A Remaining Hope for Durable Solutions: Local Integration of Refugees and Their Hosts in the Case of Uganda’, 2004, p.31

³ Phionah Nassali, The role of non-state actors in refugee social protection: A case of South Sudanese women in Kiryandongo Refugee settlement, Uganda, The Hague, Netherlands. December 2015., p.28-29.

⁴ Charles Naku Lwanga, RMF, Kiryandongo Refugee Settlement. January 31, 2017., p.2.

⁵ UNHCR, Uganda operational update for the south Sudanese emergency, 21-27 October 2015., p.5.

percentage, Langis are the dominant migrants in the district, with a percentage population of 98.30%; Acholis make 0.44%, Iteso 0.11%, Alur 0.11%, and Banyankole 0.12%. There are also other tribes like Baganda, Bagishu and others who make up 0.92%, of the general populace of the area.⁶ This has promoted cultural integration in Kiryandongo area.

According to the population and housing census of 2014, the district of Kiryandongo was found having a total population of 266,197 of which 133,701 were males and making a percentage of 50.3% and 132,496 females making a percentage of 49.7% and the population density stood at 74 people per square kilometer. The population density stood at 74 persons per square km as per the report released by UBOS at the end of 2015. However, statistics indicate that by January 2018, the population had grown to 270,290 local people and 57,639 refugees. By 2028 Kiryandongo district population is estimated at 317,500 with majority of the households earning a living from subsistence farming. With over 3.6 percent population growth rate per year, the district population keeps on increasing especially with the reunion of the different members of the refugee families, in the camps, increasing number of IDPs who are resettled by government and the self-settled in the district. Kiryandongo district is said to be hosting a total of 54,700 refugee population and 277,444 population of the host community bringing the overall population of Kiryandongo district to 332,144.56. These are made up of 10,376 households, of which 32,569 are males and 35,131 females, and 19,759 are youths between 15-24 years. Regarding settlement patterns, 56,244 are settling in urban areas and 211,944 in rural areas of the district. 58 32,630 of the general population of Kiryandongo district are people with disabilities; 17,494 with disability in seeing, 8,826 in hearing, 10,864 in remembering and 9,972 in walking⁷.

Livelihoods:

Agriculture forms the major economic base of the people, in addition to tourism and fisheries potential. Crops grown include; millet, sorghum, beans, sunflower, simsim, sweet potatoes, Irish potatoes, cassava, maize, cotton, tomatoes, cabbages, tobacco, coffee, onions, soya bean, peas, pineapples, rice, ground nuts and banana. Over 60% of the population in the district is engaged in smallholder agricultural activities although large scale commercial farming is taking root. The people of Kiryandongo participate in growing of maize, selling it to the World Food Programme on several occasions⁸. Majority of the population in Kiryandongo District are majorly farmers growing cassava, sweet potatoes, Maize, beans and ground nuts. Many others also grow simsim, rice and vegetables. Cash crops grown mainly include tobacco, cotton and sunflower which are supplemented by major activities like livestock and fishing. Animals kept include sheep, cattle, and goats. There is also small-scale activities like pit sawing; saw milling, cotton ginning and manufacture of jaggery, furniture and processing of hides and skins, oil and grain milling. The neighboring Budongo Saw Mills and Kinyara Sugar Works offer employment opportunities to many people of Kiryandongo district. This has provided tremendous development potential which provides employment opportunities to the people.

Fishing is done on river Nile and Lake Albert, where some parts of the lake form landing sites in the district. Fish farming is also an important economic activity carried out in the low rainfall zones of the district mainly in the Port of Masindi County. There is also small scale but promising fish farming mainly done by men. Bee keeping for honey production is increasing by being an

⁶ Taga Kirungi, 86 years, Interviewed at Kiryandongo refugee settlement, OPM Headquarters on 21st May 2019.

⁷ Kiryandongo District Development Plan for FY 2015/2016 – 2019/2020, p.195-196.

⁸ Charles Naku Lwanga, RMF, Kiryandongo Refugee Settlement, July 31, 2015.

important and practiced atleast everywhere in the district.⁹ These economic activities supplement other forms of production in Kiryandongo District.

Tourism in Kiryandongo is increasing with a steady stream of visitors to Murchison Falls National Park, Karuma Wildlife reserve, Nyamakebe and Kibeka forest reserve, Kaduku hill, Titi wetlands, Kyoga Nile and Karuma hydro power project.¹⁰ Murchison falls National Park is managed by Uganda Wildlife Authority. The Park extends inland from L. Albert, around Victoria Nile up to Karuma falls. It stretches to Bugungu wildlife reserve and Karuma wildlife reserve. The location of Kiryandongo in an area surrounded by wildlife reserves, make it a suitable place for habitation, thus, the resettling of both refugees and Internally Displaced Persons (IDPs). This is good in providing natural protection to them and boosting population growth in the area as a whole.

Ranch Schemes:

Range lands in Uganda were primarily governed by customary rules. During colonial times, they were viewed as unproductive lands which led to their individualization through schemes that leased them out to those who met certain criteria set by the government¹¹. Large tracts of lands were allocated in this way in an attempt to make more effective use of these range lands by creating individual ranching schemes. Ranches were expected to promote the adoption of sustainable resource management practices. The government conceptualized that commercial ranching would simulate cultural and social transformation of pastoral communities and that ‘modernized’ animal husbandry practices of pastoral communities would facilitate their integration to the “developing sector of the Ugandan economy”¹². It was hoped that ranches would facilitate the effective utilization of land, which, coupled with improved animal husbandry practices would increase beef and milk production to satisfy local and foreign demand. Private ownership of the ranches also meant that the government could levy fees and taxes.

Initially, five regional ranching schemes were established for the central, western and Ankole regions. The process of allocating ranches favored political elites and wealthy pastoralists while poor pastoralists and cultivators received little or no land¹³. They were often unaware of the process for applying and advertisements were run in English national newspapers which had limited circulation in rural areas¹⁴. This created widespread land inequality, concentrating large extents of lands in the hands of a wealthy few while deepening the marginalization of the poorer communities. Limited access to grazing land for pastoralists led to conflicts with commercial ranchers. It also led to landless pastoralists with large herds of cattle to migrate to forest reserves, game parks and other private ranches in search of pasture and water¹⁵. As pastoralists continued to struggle with limited access to graze lands, some were forced to take up crop farming. In an attempt to address increasing conflicts, the government introduced a ranching reform agenda and

⁹ Dominic Atari Odwa, Kevin McKagueb, Using livelihoods to support primary health care for South Sudanese refugees in Kiryandongo, Uganda, Nipissing University, North Bay, ON, Canada May 2019.

¹⁰ Pauline Giramiya, 45 years, interviewed at Panyadoli health centre II, Kiryandongo Refugee Settlement on 30th May 2019.

¹¹ Patrick Byakagaba and others, ‘Uganda’s Rangeland Policy: Intentions, Consequences and Opportunities’ (2018) 8 Pastoralism.

¹² Kisamba-Mugerwa, ‘Rangeland Tenure and Resource Management: An Overview of Pastoralism in Uganda’ (n 64).

¹³ Patrick Byakagaba and others (n 70).

¹⁴ Kisamba-Mugerwa, ‘Rangeland Tenure and Resource Management: An Overview of Pastoralism in Uganda’ (n 64). p.21

¹⁵ *ibid.*

established the Ranches Restructuring Board in 1990¹⁶. The aim was to ensure orderly and harmonious resettlement of squatters within the areas covered by ranches. The Board was mandated with wide powers to revoke leaseholds of ranches which have not been developed as per the conditions of allocation, restructuring and sub-division of ranches as well as resettlement of squatters within areas covered by ranches. This led to the take-over of lands belonging to ranch owners and redistributing it to landless pastoralists. However, it provided only a short-term solution as the Board was accused of operating arbitrarily and some of the conflicts led to threats of violence and legal action against the government¹⁷.

In Kiryandongo District, the Bunyoro Ranching Scheme was established by the government in 1970s. It comprises of 37 ranches allocated to individuals while the government retained power to levy fees and reallocate land where the conditions of the lease were not met. However, in the 1980's the development of the ranches was hindered by political instability in Uganda and internally displaced persons (IDPs) squatting on ranch land. In 1986, the President of Uganda allowed internally displaced persons to settle in ranches in Karuma, Bweyale and Kigumba situated in the Kiryandongo District and to cultivate on them. This led to many conflicts between the ranchers and squatters.

The Bunyoro Ranches Restructuring Board (BRRB) was established in 1995 by a Presidential Directive and was tasked to restructure the Bunyoro Ranching Scheme by allocating part of the ranch lands to squatters living on them. In 1997, the Bunyoro Ranch Restructuring Board allocated land to landless people in two central reserves of Nyamakere (3,898ha) and Kibeka (9,570ha). The BRRB identified 8 ranches situated within these reserves as being more suitable for human settlement than for ranching. The Ministry of Lands also approved this process and took steps to issue the gazettes that enabled the settlement process. A total of 13 ranches was allocated to squatters while 14 ranches were subdivided between ranch owners and squatters. Some ranches were not subdivided at all while others have been recently allocated to three companies, namely; Agilis Partners, Great Seasons SMC Limited and Kiryandongo Sugar Limited for agribusiness.

Allocation of Ranches to ranch owners, squatters and companies

- Entire ranch allocated to squatters (Ranches 5, 6, 7, 12, 14, 16, 22, 24, 26, 27, 32, 33 and 36)
- Ranches subdivided between ranch owners and squatters (A and B) (Ranches 2, 3, 4, 8, 9, 10, 13, 17, 19, 25, 31, 34 and 35)
- Ranches not restructured and still unallocated (Ranch 11)
- Ranches allocated to Agilis Partners (Ranches 20 and 21)
- Ranches allocated Kiryandongo Sugar Limited (Ranches 23, 28, 29, 30)
- Ranches allocated to Great Seasons (Ranch 15)
- Ranches allocated to the Office of the Prime Minister (Ranches 1 and 37 for Refugee Settlement and Ranch 18 for Bududa IDP's and Refugee Settlement)

Although the Board sought to recognize the people's rights considering their length of occupation of the land and the developments they have made, cases of forced evictions have been reported on seven ranches occupied by the three investment companies. The squatters in all these ranches have

¹⁶ General Notice No. 180 of 1990

¹⁷ Ssemujju Ibrahim Nganda, 'MY STORY: I Lost UN Job to Serve as Katikkiro' The Observer (Kampala, 2009)

since been evicted although the companies deny their involvement in the evictions and claim that the government was responsible for compensating the squatters.

Details of the Entity lodging the Complaint

Name: Witness Radio – Uganda

Brief description: Witness Radio is a non-partisan and a not-for-profit indigenous organization legally registered in Uganda since 2016 to engineer the role of media approaches and legal aid support to mobilize, connect, and empower small-holder farmers to speak with a united voice against injustices and push for equitable access to opportunities and resources.

Contact Information:

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Email: info@witnessradio.org or executive@witnessradio.org

Identity and Nature of the IFC Advisory Services to Agilis Partners' Project

The International Finance Corporation (IFC) is exposed to Agilis Partners Limited through the \$999,900.00 Advisory Services Project # 605676 under the Ugandan Grain Development Project (UGDP). The primary goal of the UGDP is to create a sustainable business model for 6,000 smallholder farmers to get access to knowledge, inputs, and a market for their maize production, and thus maximize both quality and volume currently being supplied to Agilis over three years. The UGDP's objectives are four-fold; 1. Enable smallholders to expand maize production, increase quality, and access pre-financing to buy quality inputs while providing a ready market for their maize. 2. Provide farmers with an organized digital marketplace where they can sell agricultural produce and buy quality inputs. 3. Improve and streamline processes in Agilis' commercial farm to accelerate growth and expand production of maize, soybean, and sunflower. 4. Advise Agilis on IFC's Performance Standard 5 on Land Acquisition and Involuntary Resettlement.

According to the Advisory Services Project Information (ASPI) prepared by IFC, the preliminary due diligence findings on the IFC's Performance Standard 5 on Land Acquisition and Involuntary Resettlement reveals as follows:

“In 2017, Agilis acquired land in Kiryandongo District, Uganda from private individuals. Agilis Partners compensated and resettled an estimated 785 households between 2017 and 2020 to make way for agricultural activities at Ranch 20 and 21. Agilis Partners legal advisers, in consultation with local government and national government, determined that the occupants of the land were living on it illegally (without legal tenure). Nevertheless, Agilis Partners endeavored to compensate these occupants for their lost assets. As of March 2021, Agilis Partners had reached an agreement and compensated 785 households settlements with nine households remaining outstanding. These households continue to live on and cultivate the land uninhibited. In early 2021, Environmental Resource Management (ERM), conducted an independent audit of Agilis' resettlement and compensation activities to date. Key findings concluded that the process had been done in accordance with local legislative requirements, however, some compliance gaps were identified in relation to the application of Good International Industry Practice, including IFC Performance Standard 5.”

As a mitigation measure to the identified compliance gaps, it was recommended that the IFC Advisory Services Project works closely with Agilis Partners to ensure compliance with the IFC's Performance Standard 5.

Owing to the foregoing role of the IFC Advisory Project Services, the complaint wishes to seek the IFC's CAO accountability mechanism to redress the deleterious social and environmental effects of the Agilis' UGDP and its likely irreparable causes and irreversible damages to fundamental human rights, food security and livelihoods, and pollution of water, air, and soil in the project area.

Nature of Complaint and Breach of IFC Performance Standards

It is our conviction that, as part of the assessment of this complaint, the CAO Ombudsman will consult with stakeholders (including the affected communities) to clarify on the scope of the issues to be considered under this complaint.

However, guided by the CAO's Operational Guidelines which provides that complaints may relate to any aspect of the planning, implementation, or impact of IFC projects that fall within the CAO's mandate to address environmental and social impacts of IFC investments, we wish to draw your attention to the following non-exhaustive adverse environmental and social impacts that local communities have suffered from Agilis' operations under the auspices of the UGDP:

a) Land acquisition process infringing on fundamental rights

Although compulsory land acquisition falls within government powers in Uganda, Agilis Partners Limited and its agents have been allocated responsibility to manage much of the process, and Agilis Partners Limited and its agents were responsible for setting the compensation values. Members of the project-affected communities have reported serious problems with how the land acquisition process was being conducted, resulting in severe impacts on affected communities, which have infringed on the rights to property, housing, earning a livelihood, food, private and family life, and trading and disposing of natural wealth and resources.¹⁸ Reports from the affected communities reveal that the land acquisition process did not comply with the IFC Performance Standard 5 (IFC PS5) on land acquisition and involuntary resettlement, which provides that developers should design projects to minimize displacement, provide compensation (either monetary or land-based compensation) at full replacement cost, conduct stakeholder engagement (in line with IFC PS1) and establish grievance mechanisms.

In particular, Agilis Partners Limited's land acquisition process is marred by the following:

- i) Deception of Agilis Partners legal advisers, in consultation with local government and national government, that the 2,500 occupants of the 2,590 hectares of land were living on it illegally (without legal tenure). Section 29 (2) of The Land Act, Cap 227 as amended stipulates that¹⁹: "Bona fide Occupant" means a person who before the coming into force of the Constitution: (a) Had occupied and utilized or developed any land unchallenged by

¹⁸ <https://witnessradio.org/download/reports/UN-Special-RapporteurE28099s-report-on-the-situation-of-kiryandongo-community-land-rights-defenders..pdf>

¹⁹ Abdullah & Others Vs. Collector for City Council of Kampala (1958) EA

the registered owner or agent of the registered owner for twelve (12) years or more before coming into force of the 1995 Constitution. (b) Had been settled on land by the Government or an agent of the Government which may include a local authority. In this regard, the victims of the affected communities had inherited the land from their fore parents while others had provisional authorization from the Ministry of Lands, Housing and Urban Development to stay on the land while government makes arrangements for their resettlement.

- ii) In order to sustain the above deception, there was the use of politically and militarily connected people with connections, either as politicians and some members of the security establishment, including private security guards, the Uganda Police Force (UPF) and the Uganda People's Defense Forces (UPDF) to demolish community dwellings, water sources, farms and service institutions including schools, churches and health facilities, and to torture, sexual assault²⁰, kidnap and criminalize victims and community land rights defenders in order to facilitate land grabbing. Using this strategy, project-affected community members were dispersed, some were forced to sign compensation agreements while others were freed to save their lives without any compensation. Other community members who resisted displacements without adequate compensation were detained, charged with criminal trespass and their lands grabbed during their stay in arbitrary detention²¹.
- iii) Over 10,000 residents in Jerusalem, Kisalanda, Canan, Kololo, Kamisoni, and, Kapapula villages in both Kiryandongo and Kitwaala Sub counties in Kiryandongo district affected by the heavy use of agrochemicals on the company's plantations, burning crops of residents who resisted displacement, compromising health of the children and women and contaminating sources of water for livestock and domestic use. Consequently, residents migrated leaving behind their land which they tilled for food and household income.
- iv) Residents of 10 households who resisted illegal evictions are being restricted by the company security guards and workers from accessing their farms and homes by establishing barriers in access roads, cattle being confiscated as they graze near the company plantations with unaffordable conditions that lead to loss of both cattle and land upon failure to meet the conditions. Their crops are harvested by the company workers and produce is taken forcefully. They have been frequently arbitrarily arrested and SLAPPED with criminal charges and approached by the company agents to surrender their lands if they want peace.
- v) The process never provided sufficient regard to the period of notice for eviction and relocation. According to the compensation agreements, the affected community members were given 3 days' notice to vacate the land.
- vi) The process provided inadequate compensation rates, which limited replacement of land of the same value for those that accepted compensation which has resulted into deprivation of livelihoods and adequate production of subsistence farming that the affected communities have depended on for generations. The process adopted by Agilis Partners

²⁰ <https://witnessradio.org/rape-and-sexual-assault-new-tools-in-kiryandongo-forced-land-eviction/>

²¹ <https://uganda.oxfam.org/latest/press-release/civil-society-organizations-call-robust-quick-response-government-ugajnda>

included documentary evidence of people who have been compensated, valuation of their properties, recorded amounts of compensation paid for each property and five witnesses for every transaction including the village chairperson. They claimed that those who accepted the amounts offered, were paid their compensation at a public place, upon which they vacated the lands. Some families who claimed that the compensation offered were inadequate, refused to accept the amounts offered continued to remain on the ranch. They have made counter claims by obtaining private valuations from the Kiryandongo District Agricultural Officer which have been approved by the District Land Board. However, Agilis Partners disregarded their counter claims. There are reports of mistreatment of people remaining on the land and cases of forced evictions by the security agencies using tear gas and gun shots.²² The compensation rates were inaccurate and incomplete and the rates were insufficient, falling below the market value for their property.

- vii) The process never allowed for meaningful consultations (in accordance with human rights requirements) and has not provided adequate information on the compensation process, and there are reports that people have been forced to sign consent forms for land acquisition.
- viii) The process did not give sufficient regard for local customs, including relocating and moving sacred sites and graves.

b) Significant risks to water sources, the environment, and food security

The main plantations of the company are situated around the Nile River. The contamination from the agrochemicals applied by the company poses a significant threat to the water resources, the environment, and food security in the region. In particular;

- i) The plantations of the company extend to the shores of the River Nile water body relied upon by the local communities including drinking water and watering of animals, which put at risk of pollution from the agrochemicals carried by the rains. The affected water body, the Nile River is the largest contributor to Uganda's fishing industry estimated at 43% of the country's fisheries²³.
- ii) The communities around the project are pastoralists and dependent on subsistence agriculture which depend upon this critical water source. The risk of pollution to small watercourses also needs special attention because these watercourses are frequently important as a source for drinking water and watering animals as majority of the affected community members are pastoralists.
- iii) The project is located in a drought-prone region, which makes the potential impact of contamination of water supplies even more severe given that droughts are likely to increase in severity due to climate change.
- iv) Notwithstanding the reported cases of skin diseases and health complications of affected community members and their animals being attributed to the agrochemicals that have contaminated the critical water sources, the project poses several foreseeable risks to the health and safety of community members, and does not conform with the

²² <https://www.frontlinedefenders.org/en/statement-report/front-line-defenders-condemns-continued-harassment-land-rights-defenders>

²³ <https://library.health.go.ug/download/file/fid/2727>

IFC PS3 on Resources Efficiency and Pollution Prevention, and IFC PS4 on Community Health, Safety and Security.

Impact on affected people and/or Communities:

We respectfully submit that the Agilis Partners Limited's UGDP interferes with several human rights and fundamental freedoms binding on the project operations, and have resulted into the following effects among the affected communities:

- **Food shortages:** The loss of land and the loss of gardens and crops in the land conflict translated into a lack of food, causing malnutrition in the entire region²⁴. There is a serious risk of food insecurity and of driving families further into poverty.
- **Strained livelihoods:** The locals who farmed on the lands neighbouring the Agilis Partners limited plantations, were denied the opportunity to continue with their livelihoods on account of the agrochemicals being used to spray the large-scale farms of the company leading to crops being burned and garden workers' health threatened²⁵.
- **Deprivation of the right to culture and region** as the land acquisition process never provided time for relocating sacred sites, graves and worship centers.
- **Inadequate compensation led to replacement of land of lower value among those who were compensated, disrupting the livelihoods of the affected community members.** The limited number of community members who opted for the given monetary compensation, report that the valuation forms were signed under duress and already have found that they have not been able to buy equivalent land for decent livelihoods.
- **Community members from the 10 households that resisted evictions are unable to improve or develop their land resource or property** because they have been discouraged by the Agilis agents to do so and also would not be compensated for any improvements.
- **The company uses agrochemicals to spray their plantations.** The chemicals cause water and air pollution. The chemicals sprayed infiltrate the water sources during the rainy season which surrounding communities use for animals and domestic purposes. The communities are pastoralists, and their animals (feed) from these water bodies, when the water is polluted, the animals cannot drink from such water bodies.
- **Change in Climate:** During evictions, all trees were cut down that used to help in rain formation and having a clam terrain. Still, apparently, the environment has been tampered with in a way that has made it unsuitable and unfavorable for Agriculture and food production. The communities now receive more sunny seasons in a year than at the beginning. The rainy seasons have since changed and are also shorter. This has had an impact on food production causing food shortages due to low harvests in the affected communities which was never a problem before.

²⁴ <https://nilepost.co.ug/health/203882/high-cases-of-malnutrition-worry-kiryandongo>

²⁵ <https://witnessradio.org/starvation-is-rooming-in-kiryandongo-district-as-families-count-losses-after-missing-the-seventh-planting-season-consecutively-to-a-multinational/>

- **Continued restriction of communities to access their property through the establishment:** Agilis Partners Limited and its agents have gone ahead to seize the cattle of community members who are still living on the land accusing them of “trespassing” on the company land. From interactions with members of the affected communities, this is done to extort the already impoverished members of the community. When your cattle have been seized, you are required to pay an amount equivalent to 13 dollars per head of cattle, and this money is paid daily until the cattle is released by the company. This is a way of extorting from the already impoverished community.



Community members' cows in Jerusalem seized and guarded by Agilis Limited partners private security guard. This was after residents refused their land, that Agilis claims ownership.

- **Deprivation of children’s access to education, safety and welfare:** During the evictions, several primary schools were destroyed, violating the children's right to education and leading to job losses for many teachers and increased school dropouts. This has resulted in less educated children and unemployment for community teachers thus destroying their livelihoods. Additionally, the evictions have raised serious concerns about children's safety and welfare, especially for school-going girls, who face increased risks of physical and emotional harm, including threats of rape and sexual abuse by workers from Agilis since they have to move long distances to go to school and, end up moving late yet the maize plantations tend to grow too long and men with bad intentions hide in their waiting for these girls so that they can assault them. Forced resettlement without adequate compensation exacerbates these risks, forcing parents to restrict their children’s activities for fear of harm, thereby impacting their overall well-being

- **Family Separation:** Due to the illegal evictions caused by the project, most families have since lost touch as many people went missing from their families, and parents have abandoned their children and excluded themselves from parental duties. Some children have taken up the role of taking care of their siblings and yet they are underage to handle such responsibilities. In addition, the landlessness of the community members due to the illegal evictions has caused much unrest among the dead. That is to say, most families have nowhere to bury their loved ones.



A man washes clothes near his makeshift structure in Kiryandongo District. Land evictions in the district have made many children to drop out of school. PHOTO/BILL OKETCH

- **Sexual Transactions by Community-women and Girl Children.** Some women have been compelled to engage in transactional sexual relationships to ensure that their children's basic needs are met ever since the project started. This is indicative of the limited options and resources available to community members who lost their homes and cropland to Agilis Partners Limited. Requesters fear that this pattern will be intensified if community members are not provided with fair and complete compensation to address the full extent of the economic impacts of illegal evictions.

Stories from the affected community

"One day after we'd been evicted, I went to collect firewood. There, I had gone with other women. The other women run away and left me behind. That's when that soldier raped me."

Dina was not the only one. There were others who experienced the same fate. One of them was a young girl named Tara* who was raped by a male stranger. "My daughter had gone to collect firewood. After the other girls had left, he forced her under a broken tractor and raped her," said the mother of Tara. The impact of the tragic incident left Tara with a mental illness. As for Dina, her family suffered when rumors of the rape spread in their village.

"After my husband got back home and heard these rumors, he left me, with all our six children," said Dina. She was left alone to feed her kids, be their father and at the same time face what happened to her.

*Her name was changed for her protection.

"I was shot while running away and I fell down. I was then taken to Mulango hospital, in so much pain," said Peter. He was shot in the leg, affecting a major artery. His leg was amputated, he has to rely on crutches.



Today, he is struggling to fend for his family. The loss of his leg is one of the reasons, but more than that is the loss of the land that they have been living on for generations. The land where they cultivate crops in the old days is no longer possible.

Meanwhile, Kazasa David, an old man, got a fractured arm while trying to save his maize plants:

"The cows strayed into my garden and fed on my maize crops. So, while I chased the cows out of my garden, one of the herdsman lifted me from the back and plunged me to the ground," said Kazasa.

Kazasa said, "He intended to hit me down first but by God's grace, I landed on my arm instead. I got a compound fracture." Peter and Kazasa were not the only torture victims of the eviction.

But much more than the loss of Peter's leg and Kazasa's fractured arm were the struggles that their communities face as their living condition becomes worse - increased rape cases, the lack of access to social services like medical treatment, education and safe drinking water among others and no land to call their own.

Measures taken by affected Communities to solve the dispute

The community has taken several measures to amicably resolve the disputes that have arisen as a result of the Uganda grain development project by Agilis Partners Limited. These have included the following:

- Correspondences to Agilis Partners Limited: The affected communities through elected leadership have written various correspondences to Agilis Partners in the past years

however, none of the correspondences have been responded to or given attention by Agilis, the project implementor.

- In 2019, the community filed Civil Suit No. 19 of 2018 at the High Court in Masindi where they prayed for permanent Injunction, interim injunction, restoration to their land, and general and special damages against Agilis. The case has never been determined to date however; the Court Registry indicates that there was a consent judgment signed between the parties. The communities deny ever consenting with the Implementing Company. The consent judgment was defective and therefore the community applied to the court to get the file re-instituted.
- In 2020, the communities through the help of supporting Civil Society Organizations instituted a human-rights cause, Miscellaneous Cause No 011/ 2020 against Agilis Partners Limited. The prayers of the community were an order for prompt, fair, and adequate compensation of community members, a permanent injunction, an order for restitution, and special and general damages. The matter was never determined in favor of the applicants.
- In 2022, a secure environment for mediation for the affected community and Agilis Partners was facilitated by Oxfam International, however, both parties failed to agree on the rules and on a way forward during the mediation.
- The affected communities have also raised their concerns with government authorities, at district and central levels, including the Office of the Prime Minister and the Minister for Lands. The government has at times indicated a willingness to assist the affected communities, but this has not resulted in any form of redress and success.
- In addition, the Community engaged Witness Radio Uganda to support them in October 2023. Witness Radio with permission from the community representatives and members has written several letters (4) to Agilis seeking an amicable solution between the Company and Community members but this has since fallen on deaf ears. Nothing tangible has materialized from these engagements.
- An open letter signed by civil society organizations about the growing forced evictions that are rampantly being meted against the people of the Kiryandongo district by Agilis Partners Limited was published and disseminated to various stakeholders. The letter brought the concerns to the attention of the government, the UN special Rapporteur on Human Rights and Development, as well as the financing institutions of the company. To this end, the IFC's CAO and the USIAD Office of Inspector General have encouraged submission of formal complaints for review and respond accordingly.

Suggestions/Requests/proposals by the affected Communities

- i) The primary concern of the affected communities is their loss of livelihoods and the associated adverse impacts on their standards of health and education. Accordingly, the community makes a request that a comprehensive livelihood restoration plan be developed with the participation of the affected communities and agreed upon by the affected communities. The affected communities consider that the most effective means of redress would be to identify alternative land for resettlement.
- ii) The affected communities also wish to secure meaningful recognition of and redress for their lost property and economic resources, including the opportunities they have been denied since the evictions took place, such as lost income, lost education, and the inability to afford health care, in addition, the affected communities seek recognition and redress for the nature of the evictions and for the abuses they have suffered.

- iii) The communities must be provided with sufficient compensation and resettlement assistance to restore their livelihoods. To accomplish this, Agilis Partners Limited must conduct a new survey consultation that includes all affected people and follows proper protocols.
- iv) An inclusive effective and impartial grievance mechanism should be established to cater to the Project Affected Persons's concerns. This should be established through fair voting of the PAPs. However, it is only prudent that the local governance of the affected be included in the committee.
- v) Where the Project implementor is unable to promptly, fairly, and adequately compensate the affected community, the community should be restored on their land
- vi) Resettlement assistance should be designed in consultation with local people to avoid the mistakes made in past resettlement programs that fell short of restoring livelihoods. The affected community has lived on fertile land and their source of food and income was through agriculture hence the resettlement plan should be to resettle the community on fertile land, unlike the rocky unfertile land they were resettled on.
- vii) Compensation processes should be aimed at ensuring that families are included and able to share in the benefits, rather than being provided to the head of household only, which can contribute to conflicts. For example, the company should encourage both spouses to sign compensation documents and attend related meetings and it should provide compensation funds into jointly owned bank accounts.
- viii) Affected people should be provided with livelihood support during the transition period after they are relocated and until they can establish an alternative livelihood, including scholarships for their children.
- ix) Affected people should be provided with effective compensation at full replacement cost for loss of assets.
- x) The resettlement assistance should include social support programs such as stress management, anger management, and domestic violence sensitization programming to reduce common social problems that can accompany physical displacement.
- xi) Any resettlement assistance should include support to start up a Women's Savings Co-operative which are self-support groups that can be used by the affected community members.
- xii) Leave the 10 households that resisted evictions on their land, restate the land taken forcefully by the company from these families, and should be compensated for the damages and harm caused by the company
- xiii) Respect the environmental guidelines for the sustainable use of the water resources
- xiv) Project to support restoration of livelihoods and education and worship centers in the new resettlement

- xv) Independent investigations in sexual abuse and torture to bring perpetrators to account or to book


Evidence to support review and solving the complaint

Notwithstanding the need for the CAO process to undertake independent investigations into the complaint, the references provided herein and the following evidence may be relied on while reviewing and solving the untenable social and environmental consequences of the Agilis UGDP highlighted above:

- a) Letter from the UN special rapporteur calling on the company to stop illegal evictions
- b) Evidence of measures taken by affected communities to seek local remedy
- c) Sexual Assault cases reported
- d) Evidence of community members' rights and interests on the land in question
- e) Resource links referenced herein

We look forward to your acceptance guidance on the scope of the issues to be considered under this complaint, requests for supporting evidence where due, and further investigations necessary to review and resolve this complaint.

Yours faithfully,


Wokulira Geoffrey Ssebagala
Country Director
Witness Radio