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4 February 2021

To:

Beatriz Balbin
Chief
Special Procedures Branch
OHCHR
registry@ohchr.org

From:

Philipp Prinz
Managing Partner
Agilis Partners

REF:

AL OTH 75/2020

Pages:

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Subject:

Response to Joint Communication from Special Procedures

Reference: AL OTH 75/2020

Philipp Prinz
Plot 20 Kampala Road
Kampala, Uganda

4 February 2021

Ms. Mary Lawlor
Mr. David R. Boyd
Mr. Clement Nyaletsossi Voule
Palais des Nations
1211 Geneva 10
Switzerland

Dear Ms. Mary Lawlor, Mr. David R. Boyd and Mr. Clement Nyaletsossi Voule:

I write on behalf of Agilis Partners in response to your letter dated 8 December 2020 concerning Agilis Partners' investments and business activities in Kiryandongo District, Uganda.

Agilis Partners takes such concerns seriously and as such has thoroughly reviewed the allegations and its operations in Kiryandongo District. Agilis Partners categorically denies the allegations that it has harassed human rights defenders, forcefully evicted legal and illegal occupants, and grabbed land as described in your letter. Please find our replies to your specific queries enclosed below.

As a social enterprise with an inclusive mission to empower Ugandans to feed Africa, Agilis is committed to adhering to UN Standards for Business and Human Rights and has implemented policies and systems to ensure company-wide compliance with the standards.

1. Please provide any additional information and/or comments(s) you may have on the above-mentioned allegations.

Agilis has never evicted anyone from Ranch 20 & 21. Agilis reached consensual and voluntary resettlement agreements with illegal occupants of the land. Pursuant to these agreements, illegal occupants departed the land in exchange for humanitarian cash grants. Agilis followed international best practices in the resettlement of various households from Ranch 20 & 21 in Kiryandongo District.

In consultation with legal advisers, local government, and the local community, we determined that the occupants of Ranch 20 & 21 were illegal occupants. None of the illegal occupants have since claimed to be legal occupants. Rather than forcibly evicting the households, Agilis compensated illegal occupants who were willing to depart the land on the following basis:

Type	Eligibility Criteria	Settlement Basis
Residential Property	<ul style="list-style-type: none">• Included in the census prior to cut-off date• Confirmed resident prior to the cut-off date by community and LC1	<ul style="list-style-type: none">• Full replacement cost of structures• Livelihood restoration support

Long maturing crops	<ul style="list-style-type: none"> • Included in the census prior to cut-off date • Confirmed resident prior to the cut-off date by community and LC1 	<ul style="list-style-type: none"> • Compensation for crops as estimated by third party surveyor (using current market value) for crops and trees that could not be harvested before departure. • Livelihood restoration support
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Anyone who was unwilling to depart the land has to-date been permitted to remain on the land.

2. Please provide information about the human rights due diligence policies and processes in place by your company to identify, prevent, mitigate and remedy adverse human rights impacts of your activities, in line with the UN Guiding Principles on Business and Human Rights.

Agilis has adopted and seeks to uphold the applicable IFC performance standards in all of its projects. Agilis maintains a high regard for managing environmental and social performance throughout the life of its investments. Effective environmental and social management is a dynamic and continuous process initiated and supported by management, and involves engagement between staff, local communities directly affected by the project and, where appropriate, other stakeholders. Agilis believes that this engagement leads to improved financial, social, and environmental outcomes. Agilis respects human rights—this means avoiding infringing on the human rights of others and addressing adverse human rights impacts its business may cause or contribute to.

3. Please provide information about specific due diligence or impact assessment measures taken by your company in Kiryandongo. In particular, please highlight how you company conducted meaningful consultation with affected stakeholders before and after the establishment of the farming projects. Please indicate whether any steps were taken to engage in dialogue with affected communities to avoid negative social, cultural and environmental impacts including by seeking their free, prior and informed consent for the project on their lands.

Agilis undertook extensive, meaningful consultation with affected stakeholders before and after the establishment of its farming activities on Ranch 20 & 21. Agilis hosted and facilitated multiple meetings with national government, local government, local leaders and residents beginning in 2017. This dialogue has led to free and consensual departure of more than 99% of the population the formally illegally occupied Ranch 20 & 21. The remaining 1% of the effected population resides on the land peacefully. Agilis continues to seek consensual settlements with these individuals on a monthly basis.

1. Consultations with government officials at the national, district, sub county and parish levels
2. Discussions and information interviews with local communities, community leaders and community elders to explain and discuss the activities and proposed resettlement plans
3. Field survey conducted to open boundaries of Ranch 20 & 21 to clearly indicate who the affected people and assets would be
4. Detailed questionnaires were used to interview affected persons residing (men and women) to collect information on their livelihood source, claims to the land and other socio-economic aspects of the local community.

5. The valuation team surveyed and valued all the affected assets and crops as per the established methodology. Valuation was done in the presence of the affected person, LC1 and Agilis.
6. Agilis provided embedded grievance redress mechanisms throughout each phase of the project. Affected persons could access the project office, local government and Agilis legal counsel at each stage in the process. Some of have sought judicial redress.

Our process can be summarized as follows:

1. *Community engagement and sensitization (June 2017 to-date)*
 - National and Local Government engagement
 - Occupant leadership
 - Consultative meetings with general occupant population on the farm
 - Boundary determination and cut-off dates
2. *Primary census and legal opinion (December 2017)*
 - Biographic and socio-economic data
 - Survey of land claim
 - Witnessed by local government officials
3. *Valuation of assets (January 2017 – March 2018)*
 - Valuation of assets according to Kiryandongo District valuation guidelines
 - Witnessed by illegal occupant, Agilis management and local government officials
 - Transparent redress mechanism
4. *Compensation and departure (January 2018 – March 2018)*
 - Signed compensation agreement by occupant
 - Witnessed by local government, Agilis legal counsel and Agilis management
 - Payment of compensation amount
 - Voluntary departure after receipt of payments on mutually agreed timelines

4. Please provide information about measures taken by your company so far to provide effective remedy (including compensation) to the villagers who might have been impacted by your farming projects.

Agilis has entered into mutually-agreed, consensual monetary settlements with all individuals that have freely and willingly agreed to depart the project land. The compensation was assessed and valued by a third-party surveyor according to the Kiryandongo District government valuation rates. This valuation was done in compliance with Ugandan laws, with appropriate controls, with local government engagement and with adequate redress and grievance mechanisms.

Agilis has provided the following livelihood restoration support to the affected communities:

Agilis Intervention	Description
Cash compensation	Agilis entered into mutually agreed compensation agreements with any willing person who occupied the land before the cut-off date. Any person who was/is not willing to enter into an agreement remains on the land today. 785 households were compensated and willingly departed the land. 9 households remain on the land as of today.

Local Employment	Agilis pays above average wages for skilled and unskilled labor. With a focus on hiring locally, hundreds of local community members have built an improved source of livelihoods. Approximately 200 individuals are employed seasonally from the local community.
Agronomic Training	Agilis conducts two farmer days per years, during which Agilis promotes conservation agriculture practices with the local community. 2018: we trained 2,200 farmers in the local community 2019: we trained 3,400 farmers in the local community. In 2020: training has been put on-hold due to COVID-19
Joseph Center Ecosystem	Agilis established a JC which supplies inputs and access to markets for smallholder farmers in the community in 2017. Agilis re-opened its Joseph Center in the community in January 2021. This center captures maize produced by many of the individuals who previously occupied Ranch 20 & 21.
Food Production	Actively producing 12,000MT of white maize, 5,000 MT of soybeans and 300 MT of sunflower per annum
Community Gleaning	Agilis permits community members to glean Agilis's fields after mechanical harvesting has been completed. This creates opportunities for community members to obtain free crop for at-home consumption and commercial sale.

5. Please provide information on steps take by your company to establish operational-level grievance mechanisms to address adverse human rights impacts caused by your company throughout your operations.

Agilis has built various grievance mechanisms into its business to monitor and respond to any adverse human rights impacts. Throughout the resettlement process, Agilis considered and addressed stakeholder concerns, complaints and grievances through a formal grievance mechanism to ensure an open and transparent dialogue between the community and Agilis—the communication channel continue to be open today. Community participation was important in resolving disputes and helping management to address such issues. In general, most grievances were settled with additional explanation efforts and through adequate mediation using customary dispute settlement mechanisms as appropriate. Project level grievance mechanisms did not impede access to judicial or administrative remediation.

During the resettlement of Ranch 20 & 21, Agilis captured details of the aggrieved person, nature of grievance, actions taken in response and timeframes, responsibilities, and any supporting communications and documentation.

I trust that our response clarifies the company's activities in Kiryandongo District.

Sincerely,



Agilis Partners