

Mandates of the Special Rapporteur on the right to food; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation

REFERENCE:
AL OTH 217/2021

30 September 2021

Dear Mr. Wycliffe,

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 32/8, 46/7, 42/16, 43/14, 43/16, 41/15, 44/13, 43/20, 45/17 and 42/5.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 56 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing

Great Season SMC Limited

legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning the **allegations of the persistent long-standing issue of forced evictions affecting more than 35,000 residents of the Kiryandongo district, Uganda, and the resulting impact on the affected population's access to adequate food.** Reports of forced evictions began in 2017 and have persisted as three multinational companies—Agilis Partners Limited, Kiryandongo Sugar Limited, Great Season SMC Limited—have allegedly acquired and converted national ranchland into plantations without obtaining consent from, or providing fair compensation to, residents who had occupied and cultivated the land for decades.

The alleged acquisition and conversion of the land in question has purportedly caused serious violations of human rights for affected residents of the Kiryandongo district, many of whom are indigenous to the region or have migrated to the area as refugees and internally displaced persons. This communication is intended to draw your attention to alleged violations of the rights to food, water and sanitation, health, adequate housing, and other human rights of those individuals who have been forcibly evicted and displaced from their land in the Kiryandongo district.

We also wish to call your attention to information concerning human rights violations against landowners and human rights defenders who have sought to address the alleged violations. Over the last months, at least seven members of the community including two human rights defenders, Mr. **David Otyaluk** and Mr. **James Olupoti** and a farmer namely, Ms. **Batumbya Charles**, have reportedly been subjected to a range of human rights violations including intimidation, harassment, abduction or alleged arbitrary detention.

Concerns related to similar allegations were transmitted in communication UGA 3/2020 in December 2020¹, which concerned Mr. **Fred Mwawula**, Mr. **Ramu Ndahimana**, Mr. **Samuel Kusiima**, Mr. **Martin Munyansia**, Mr. **Martin Haweka**, Mr. **Amos Wafula**, Mr. **Eliot Talemwa**, Mr. **Erias Wanjala**, Mr. **Godfrey Ssebisolo**, Mr. **George Rwakabisha** and Ms. **Pamela Mulongo**, land rights defenders and local leaders who have led and organized the peaceful actions of their communities against alleged forced evictions, land grabbing and arbitrary displacement by private companies working on sugar cane, coffee and grain growing in the district of Kiryandongo. It also concerned Mr. **Venex Watebawa** and Mr. **Joshua Mutale**, environmental rights defenders and journalists working for the Water and Environment Media Network (WEMNET) - Uganda, a platform that promotes environmental awareness through informing, educating citizens, highlighting environmental rights violations and demanding accountability and good governance from national and local authorities.

¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25712>

According to the information received:

Background

The Kiryandongo district covers 3,642 km² of land, of which 1,747 km² is considered arable,² and has been used for small-scale, subsistence farming and livestock since the 1930s. The Kiryandongo district is also known for providing refuge to those who were internally displaced by conflict and natural disaster elsewhere in Uganda, as well as those migrating from neighboring countries. Despite the continued land occupation and use by residents, in the 1970s the Government purportedly declared control of, partitioned, and leased about 3,800 hectares of the district's land to a private Ugandan company. While some residents were displaced as a result of the transaction, others were unaware of the acquisition until after the company's operations folded in 1979.

Kiryandongo residents reportedly resettled the abandoned ranches in the mid-to late-1990s as part of the Ranches Restructuring Scheme,³ and have since sought to formalize ownership. In 2013, the Umoja Famers' Association, representing the interests of many who resettled the ranches, began this formalization process, seeking approval and recognition from relevant authorities. In this context, the Government of Uganda reportedly issued a written determination confirming that residents were lawfully occupying the ranchland in the Kiryandongo district.

Land acquisition and forced eviction of ranchland

In early 2017, Kiryandongo residents discovered that the government had leased a significant expanse of ranchland to three privately-owned companies: Kiryandongo Sugar Limited, which acquired 2,400 hectares for conversion into a sugar plantation; Great Season SMC Limited, which acquired 1,165 hectares for a coffee plantation; and Agilis Partners,⁴ is reportedly converting around 3,850 hectares for a large-scale grain farm. Kiryandongo residents lawfully living on the affected ranchland reportedly were not informed of, or consulted, about the transactions, but only learned of the acquisitions through informal communication channels or at the moment of eviction.

According to information received, since 2017, these three companies have independently commenced campaigns to systematically and violently evict Kiryandongo residents occupying the leased ranchland. The displaced families have described the eviction process as brutal and inhumane, often involving threats or acts of violence. Employees of Kiryandongo Sugar Limited, for example, threatened families with children at gunpoint to convince them to abandon their homes. Soldiers from the Uganda People Defense Forces (UPDF) and Kiryandongo police personnel have allegedly violently removed people from their land at the direction of these private companies.

² UGANDA INVESTMENT AGENCY, KIRYANDONGO DISTRICT INVESTMENT PROFILE 3 (2019), https://www.ugandainvest.go.ug/wp-content/uploads/2019/06/UNDPUG1720-DistrictProfile_Kiryandongo.pdf

³ Nyangabyaki Bazaara, *Land Policy and the Evolving Forms of Land Tenure in Masindi District, Uganda* (CTR. BASIC RESEARCH Working Paper No.28, 1992).

See Nelson Mandela, *Agilis on Mission to Transform Agriculture in Kiryandongo*, PARLIAMENT OF THE REPUBLIC OF UGANDA PML DAILY (Oct. 1, 2019), <https://www.pmldaily.com/features/2019/10/agilis-on-mission-to-transform-agriculture-in-kiryandongo.html>.

Access to food and an adequate standard of living

For generations, the affected residents had access to adequate food, cultivating beans, maize, sweet potatoes, bananas, groundnuts, cassava, and mangoes, and raising pigs, goats, and cows for subsistence and sale in local markets.⁵ Those who were forcibly evicted from their land, however, had to leave this primary source of subsistence behind. While the companies implied or even promised fair compensation for property, it is alleged that residents have received little to no monetary payment for their land and did not receive relocation assistance from the companies or the Government. Therefore, many residents were without a guaranteed access to adequate food, housing, water, or means of securing such basic human rights to which they are fundamentally entitled.

Those who have been forcibly evicted from their lands in the Kiryandongo district, as well as those who have maintained possession of property have purportedly experienced a range of challenges from accessing essential services, including health care and education, to enjoying just and favorable working conditions and living free from poverty. While some communities were transferred to other ranches or forest over the years, including the government ranches and Nyamakere and Kibeka forest reserves, some stayed nearby with no specific places to go. For instance, it is alleged that several families sheltered in a closed school, near Agilis Soya's farms. This reported land acquisition and conversion has threatened the habitability of the Kiryandongo district as evictions have destroyed homes, small businesses, maize stores, and crops.

Furthermore, the COVID-19 pandemic has intensified the impacts of evictions and, faced with hunger and malnutrition, evicted residents and those surrounded by the plantations have reportedly sought work in these operations. Previous mandate holders acknowledged that plantation work is especially difficult, consisting of harsh labour conditions and pay that is far below living wage.⁶ Workers in the Kiryandongo plantations have reported slavery-like conditions, poor wages, and health complications arising from prolonged exposure to toxic chemicals (an issue that has also been reported by those living in the vicinity of the plantations). Nevertheless, without lands to farm, local residents have turned to the plantations as the primary source of employment in the district so that they may be able to afford food and other basic necessities. Employment on and proximity to the plantations have reportedly compromised the health and safety of residents as it is alleged that when crops are being sprayed or being burned they are not informed and nothing is done in general to protect the workers. The agrochemicals are especially dangerous for women and children and it has reportedly resulted in visible impacts on some local residents' bodies. Furthermore, these populations may have faced increased harms arising from the alleged evictions.

⁵ THE REPUBLIC OF UGANDA KIRYANDONGO DISTRICT LOCAL GOVERNMENT, *Kiryandongo District Development Plan for FY 2015/2016 – 2019/2020* 35 (July 2015), <https://kiryandongo.go.ug/sites/default/files/2ND%20FIVE%20YEAR%20DISTRICT%20DEVELOPMENT%20PLAN%20FOR%20THE%20FY%202015.2016-2019.2020-KIRYANDONGO%20DLG-min%20%281%29.pdf> A/HRC/34/48

Furthermore, it is alleged that Agilis has seized livestock from local residents living on the land and hired additional livestock belonging to pastoralists, bringing the animals on the land to put further pressure on the population by destroying and damaging crops and gardens. It is also alleged that Kiryandongo Sugar Limited blocked access to water and to the gardens of residents who have not been forcibly removed. In addition, women and young girls reportedly faced threats of rape and sexual assault by security guards having to cross sugar cane plantations to fetch water.

According to information received, several pharmacy shops, schools and nurseries have been closed or demolished in the area. This destruction imposes additional burdens on women as the primary caregivers and who are often responsible for producing and purchasing food for families. Education is also a critical factor in promoting food security and breaking intergenerational cycles of poverty.

Violent intimidation of human rights defenders

In February 2020, community members wrote an open letter to the ambassadors of the United Kingdom, United States and the Netherlands in Uganda, in an attempt to stop the forced evictions and abuses of those who do not comply with such action.⁷

However, as highlighted in UGA 3/2020, several alleged human rights violations against land rights defenders and local leaders who have led and organized the peaceful action of their communities against forced evictions, land grabbing by private companies working on sugar cane, coffee and grain growing in the district of Kiryandongo reportedly took place in 2020. Over the same period, further incidents occurred. For instance, on 25 March 2020 agents from Kiryandongo Sugar, accompanied by members of the UPDF, trespassed on the property of Richard David Otyaluk, ploughing over his maize crops, and then beat him when he protested. Reportedly, Mr. Otyaluk and another human rights defender, James Olupoti, who was documenting the event, were subsequently taken to a camp housing workers and UPDF soldiers where they were allegedly tortured. They were then transferred to Kiryandongo police station and were reportedly held in detention for seven days. At the end of this period, Kiryandongo police then released them on bond, after charging both of them with criminal trespassing.

In 2021, further intimidation, harassment and human rights violations have been reported by the community. For example, on 7 February 2021, Mr. Charles Batumbya was attacked at his home by two unidentified plain-clothed persons who were armed with pangas and batons. The attackers cut part of his body using pangas and Mr. Batumbya has, as a result, lost four fingers and has been hospitalized.

On 12 March 2021, David Richard Atyaluk was allegedly abducted from his home at gunpoint by three armed soldiers guarding the Kiryandongo Sugar Limited's sugarcane plantation. Reportedly, he was then taken to a military camp where he was beaten. On the same day, eight police officers picked him

⁷ *Open letter to halt land evictions by agribusiness companies in Kiryandongo District* (18 Feb. 2020), <https://www.farmlandgrab.org/post/view/29484>.

up and took him to Kiryandongo police station where he was allegedly put in detention from 12 to 17 March 2021. At first, the community did not know where he was, before he was found at Kiryandongo Central Police Station. The police supposedly reported that he was arrested in connection with a fire that destroyed crops on the sugarcane plantation owned by Kiryandongo Sugar Limited. Although released on bail, he has been charged with destroying the crops of Kiryandongo Sugar limited.

Shortly after, on 18 March 2021, four more village members were reportedly abducted by Kiryandongo police and workers of the company Great Seasons SMC limited. A few hours later, the company descended on people's gardens with tractors under the protection of anti-riot police and plowed people's crops before planting their maize. Fearing to be abducted or shot, families are reportedly hiding.

On 23 March 2021, a group of mothers together with their children went to Kiryandongo district police to bring criminal charges of criminal trespass and destruction of property against police personnel and the company's workers. However, the mothers were blocked by the district police from bringing charges on grounds that they did not have proof of land ownership.

Community members fear that the police and workers still patrol the area looking to arrest additional village members and to provoke a rise in violence.

Recognition of the obligation to address alleged forced evictions

The Uganda courts have acknowledged the fundamental duty of the State to respect, protect and fulfil the rights guaranteed under the Constitution,⁸ and international human rights law before, during, and after land eviction and resettlement proceedings.⁹ The Ugandan High Court recognized that the State retains these obligations even in circumstances where the eviction is being carried out by a private developer.¹⁰ The Court also highlighted that “(...)specific legislation or measures need to be adopted to ensure that private actors-such as landlords, property developers, landowners and various types of business enterprises-are compliant with human rights”. Judge Ssekaana Musa has noted“that the absence of Eviction guidelines is a threat to possible violation of rights enshrined in the Constitution”¹¹ including those that guarantee access to education, health services, clean and safe water, work, decent shelter and food security.¹²

In the absence of such guidelines or other safeguards, affected communities in the Kiryandongo district have sought judicial recourse for evictions, filing several cases in the Masindi High Court. According to information received, these cases remain pending. Moreover, the evictions have allegedly continued, despite the onset of the COVID-19 pandemic. In June 2020, Betty Namisango

⁸ CONSTITUTION OF UGANDA, National Objective and Directives of State Policy XIV. Such rights include those to food security, decent shelter, clean and safe water, health services, and education services.

⁹ *Muhindo & 3 Ors v. Attorney General* (Miscellaneous Cause-2016/127) [2019] UGHCCD 3 (25 January 2019), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2019/3>.

¹⁰ *Muhindo & 3 Ors v. Attorney General* (Miscellaneous Cause-2016/127) [2019] UGHCCD 3 (25 January 2019), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2019/3>.

¹¹ *Muhindo & 3 Ors v. Attorney General* (Miscellaneous Cause-2016/127) [2019] UGHCCD 3 (25 January 2019), <https://ulii.org/ug/judgment/hc-civil-division-uganda/2019/3>.

¹² CONSTITUTION OF UGANDA, National Objective and Directives of State Policy XIV.

Kamya—the Cabinet Minister of the Lands, Housing, and Urban Development in Uganda—ordered Kiryandongo Sugar Limited to halt all evictions until a final decision could be made for the “sitting tenants who don’t have [any]where to go.” Despite this directive, evictions have allegedly continued.

Without prejudging the accuracy of these allegations, we wish to express our serious concerns about the persistent and long-standing nature of the alleged forced evictions and displacement of more than 35,000 residents of the Kiryandongo district, who have relied on their land, including for the enjoyment of their rights to food, housing, water and sanitation, and livelihoods, as a result of land acquisition deals involving Agilis Partners Limited, Kiryandongo Sugar Limited, and Great Season SMC Limited. Without access to the land that has been long used for subsistence farming and raising livestock, residents who are forcibly evicted encounter diminished availability of adequate food and may be more likely to experience hunger, food insecurity, and poverty. We are particularly concerned also for those who have been able to maintain possession, amidst the alleged land grabs, who may still suffer a similar fate, as locally-produced food may be less available and more expensive due to farm loss, consolidation, and conversion into plantations. The severity of such claims has only increased since the outbreak of the COVID-19 pandemic, which has exacerbated issues of hunger and food insecurity worldwide.¹³

During a public health emergency, access to adequate and available food is a fundamental human right, the obstruction of which constitutes a violation of international human rights obligations. As human rights are indivisible, interdependent and interrelated, violations of the right to food must be considered within the broader context of the right to an adequate standard of living, including the rights to housing, water, and health. We are also concerned about the fact that many Kiryandongo residents were allegedly not informed of the transactions, did not have an opportunity to participate in the decision-making process, and did not receive fair compensation for confiscated land. In this regard, we wish to further recall that the principles of transparency and accountability are based on the condition of freedom of expression, and note grave concern about the alleged human rights abuses of those who have voiced opposition to the aforementioned violations.

In particular, we are gravely concerned not only by the aforementioned allegations, but also of reports that those who have spoken out against evictions face arrest, detention, and even torture. We are concerned over the allegations that local human rights defenders and community leaders have been targeted, intimidated, attacked, arrested and beaten as a result of their legitimate work in defending the land rights of their communities against violent land grabbing and the forced evictions by private companies in the district of Kiryandongo. We are concerned that this will have a chilling effect on the exercise of human rights in the area, and will deter other human rights defenders from carrying out their peaceful and legitimate activities. We are issuing this appeal in order to safeguard the rights of those detained from irreparable harm and without prejudging any eventual legal determination.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

¹³ *COVID-19 will double number of people facing food crises unless swift action is taken*, WFP (April 21, 2020), <https://www.wfp.org/news/covid-19-will-double-number-people-facing-food-crises-unless-swift-action-taken>.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to what human rights due diligence policies and processes have been put in place by the company to identify, prevent, mitigate and account for how you address adverse human rights impacts throughout your business operations, in line with the UN Guiding Principles on Business and Human Rights and para. 101 of the UN Guiding Principles on extreme poverty and human rights, endorsed respectively in resolutions 17/4 (2011) 21/11 (2012) of the Human Rights Council.
3. Please provide information on the legal basis of the land acquisitions by your company in the Kiryandongo district.
4. Please provide information on whether human rights impact assessments were undertaken prior to the land acquisition and if so, please provide information on their results and the measures adopted to prevent, avoid and mitigate any adverse impacts. Please also provide a copy of these impact assessments and information about how informed participation, including by those potentially affected, was ensured.
5. Please confirm whether the evictions in the Kiryandongo district have halted. Please provide information on the steps taken, in consultation with the people affected, to explore all alternatives to evictions, and address the steps taken by your company to relocate those who have already been evicted.
6. Please describe the measures that your company has taken, or is planning to take, to prevent recurrence of such situations in the future.
7. Please provide information on whether your company has established, or participated in an effective operational-level grievance mechanism to address adverse human rights impacts caused by its operations, in line with the UN Guiding Principles on Business and Human Rights. Please also provide any information as to whether such a mechanism has been used to address any concerns or impacts arising out of your company's operations on the land it exploits, as well as information on any outcomes or remedies provided as a result.
8. Please indicate what measures have been taken to ensure that persons who have lost their land, housing, possessions or livelihoods, or suffered any other human rights or economic impacts, as a result of the land acquisition deals, have access to effective remedy and reparation.
9. Please also provide information on the nature of compensation provided to evicted residents, the amount and type of compensation

determined, and the process for distributing the compensation to the affected community members.

10. Please share the detail of the steps that your company is taking to ensure that food in the Kiryandongo district remains available, and that this right is respected in its operations ensuring food is accessible, and nutritionally-adequate in light of the destruction of farms on land that has been converted into plantations.
11. Please confirm whether residents working on or living near the plantations and who are exposed to agrochemicals have access to protective equipment and adequate healthcare.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from you will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that a letter on this subject matter has also been sent to the Government of the Republic of Uganda as well as the other companies involved in the abovementioned allegations.

Please accept, Mr. Wycliffe, the assurances of our highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

David R. Boyd
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Balakrishnan Rajagopal
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Cecilia Jimenez-Damary
Special Rapporteur on the human rights of internally displaced persons

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Nils Melzer
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Marcos A. Orellana
Special Rapporteur on the implications for human rights of the environmentally sound
management and disposal of hazardous substances and wastes

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your company's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw your attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, and which are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights;
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached."

According to the Guiding Principles, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principle 13 has identified two main components to the business responsibility to respect human rights, which require that "business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts".

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when "business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes".

The Guiding Principles on extreme poverty and human rights were adopted by the Human Rights Council by consensus on 27 September 2012, in resolution 21/11. The Guiding Principles recommend in particular that business enterprises "avoid causing or contributing to adverse human rights impacts through their activities,

products or services, and to deal with such impacts when they occur", and that they "undertake a human rights due diligence process to identify and assess any actual or potential impacts on human rights posed by the company's own activities and by business partners associated with those activities" (paras. 100-101).

We would also like to refer to the 1998 Guiding Principles on Internal Displacement, which establish in Principle 1 that "internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country". Principle 2 states that "these Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction". Principle 5 sets out that "all authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to the displacement of persons". Principle 6 states that "Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence". The Principles set out that internally displaced persons shall be protected, including their protection from human rights violations (Principles 10 to 13). Principles 18 state that "All internally displaced persons have the right to an adequate standard of living" that includes essential foods and potable water, basic shelter and housing, and essential medical services and sanitation. Principle 21 establishes that "No one shall be arbitrarily deprived of property and possessions".

Principle 28 establishes that "Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons." Principle 29.2 states that "Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation." We furthermore refer to the IASC Framework on Durable Solutions for Internally Displaced Persons and the Principles on Housing and Property Restitution for Refugees and Displaced Persons.

We would also like to refer to you to the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention), that was ratified by Uganda on 29 January 2010. Article III states "1. States Parties undertake to respect and ensure respect for the present Convention. In particular, States Parties shall: a) Refrain from, prohibit and prevent arbitrary displacement of populations" and "h) Ensure the accountability of non-State actors concerned, including multinational companies and private military or security companies, for acts of arbitrary displacement or complicity in such acts; "and" i) Ensure the accountability of non-State actors involved in the exploration and exploitation of economic and natural resources leading to displacement". Article IV of the Kampala Convention provides that "States Parties shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, so as to prevent and avoid conditions that might lead to the arbitrary displacement of persons." Article X highlights that "1. States Parties, as much as possible, shall

prevent displacement caused by projects carried out by public or private actors; 2. States Parties shall ensure that the stakeholders concerned will explore feasible alternatives, with full information and consultation of persons likely to be displaced by projects; 3. States parties shall carry out a socio-economic and environmental impact assessment of a proposed development project prior to undertaking such a project.” Article XI mentions that “States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity.” The Convention also sets out the obligation of States Parties to “provide persons affected by displacement with effective remedies”. In paragraph 2, it adds that “State Parties shall establish an effective legal framework to provide just and fair compensation and other forms of reparations, where appropriate, to internally displaced persons for damage incurred as a result of displacement, in accordance with international standards.”